

**As Reported by the House Finance and Appropriations
Committee**

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

Representative Sykes

Cosponsors: Representatives Chandler, Brown, Bolon

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A B I L L

To amend sections 9.06, 9.314, 107.21, 109.572,	1
109.73, 109.742, 109.744, 109.751, 109.761,	2
109.77, 109.802, 109.803, 118.05, 120.04, 120.08,	3
120.52, 120.53, 121.04, 121.07, 121.08, 121.083,	4
121.084, 121.13, 121.31, 121.37, 121.40, 121.401,	5
121.402, 122.05, 122.051, 122.075, 122.151,	6
122.17, 122.171, 122.40, 122.603, 122.71, 122.751,	7
122.76, 122.89, 123.01, 123.152, 124.03, 124.04,	8
124.07, 124.11, 124.134, 124.14, 124.15, 124.152,	9
124.18, 124.181, 124.183, 124.22, 124.23, 124.27,	10
124.321, 124.324, 124.325, 124.34, 124.381,	11
124.382, 124.385, 124.386, 124.392, 124.81,	12
125.081, 125.22, 125.831, 126.05, 126.21, 126.35,	13
127.16, 131.33, 133.06, 135.03, 135.06, 135.08,	14
135.32, 141.04, 145.012, 145.298, 148.02, 148.04,	15
149.43, 150.01, 150.02, 150.03, 150.04, 150.05,	16
150.07, 152.09, 152.10, 152.12, 152.15, 152.33,	17
156.01, 156.02, 156.03, 156.04, 166.07, 169.08,	18
173.08, 173.35, 173.392, 173.40, 173.401, 173.42,	19
173.43, 173.50, 173.99, 174.02, 174.03, 174.06,	20
176.05, 307.626, 307.629, 307.79, 311.17, 319.301,	21
319.302, 319.54, 321.24, 323.156, 323.78, 329.03,	22

329.042, 329.06, 340.033, 343.01, 504.21, 718.04,	23
721.15, 901.20, 901.32, 901.43, 903.082, 903.11,	24
903.25, 905.32, 905.33, 905.331, 905.36, 905.50,	25
905.51, 905.52, 905.56, 907.13, 907.14, 907.30,	26
907.31, 915.24, 918.08, 918.28, 921.02, 921.06,	27
921.09, 921.11, 921.13, 921.16, 921.22, 921.27,	28
921.29, 923.44, 923.46, 927.51, 927.52, 927.53,	29
927.56, 927.69, 927.70, 927.701, 927.71, 942.01,	30
942.02, 942.06, 942.13, 943.01, 943.02, 943.04,	31
943.05, 943.06, 943.07, 943.13, 943.14, 943.16,	32
953.21, 953.22, 953.23, 955.201, 1321.20, 1321.51,	33
1321.52, 1321.53, 1321.54, 1321.55, 1321.551,	34
1321.57, 1321.59, 1321.60, 1321.99, 1322.01,	35
1322.02, 1322.03, 1322.031, 1322.04, 1322.041,	36
1322.05, 1322.051, 1322.052, 1322.06, 1322.061,	37
1322.062, 1322.063, 1322.064, 1322.07, 1322.071,	38
1322.072, 1322.074, 1322.075, 1322.08, 1322.081,	39
1322.09, 1322.10, 1322.11, 1327.46, 1327.50,	40
1327.51, 1327.511, 1327.52, 1327.54, 1327.57,	41
1327.58, 1327.60, 1327.62, 1327.70, 1327.99,	42
1332.24, 1332.25, 1343.011, 1345.01, 1345.05,	43
1345.09, 1347.08, 1349.31, 1349.43, 1501.01,	44
1501.05, 1501.07, 1501.30, 1502.12, 1506.01,	45
1507.01, 1511.01, 1511.02, 1511.021, 1511.022,	46
1511.03, 1511.04, 1511.05, 1511.06, 1511.07,	47
1511.071, 1511.08, 1514.08, 1514.13, 1515.08,	48
1515.14, 1515.183, 1517.02, 1517.10, 1517.11,	49
1517.14, 1517.16, 1517.17, 1517.18, 1519.03,	50
1520.02, 1520.03, 1521.03, 1521.031, 1521.04,	51
1521.05, 1521.06, 1521.061, 1521.062, 1521.063,	52
1521.064, 1521.07, 1521.10, 1521.11, 1521.12,	53
1521.13, 1521.14, 1521.15, 1521.16, 1521.18,	54
1521.19, 1523.01, 1523.02, 1523.03, 1523.04,	55

1523.05, 1523.06, 1523.07, 1523.08, 1523.09,	56
1523.10, 1523.11, 1523.12, 1523.13, 1523.14,	57
1523.15, 1523.16, 1523.17, 1523.18, 1523.19,	58
1523.20, 1531.01, 1533.10, 1533.11, 1541.03,	59
1547.01, 1547.51, 1547.52, 1547.531, 1547.54,	60
1547.542, 1547.73, 1547.99, 1548.10, 1707.17,	61
1707.18, 1707.37, 1710.01, 1710.02, 1710.03,	62
1710.04, 1710.06, 1710.10, 1710.13, 1724.04,	63
1739.05, 1751.03, 1751.04, 1751.05, 1751.14,	64
1751.15, 1751.16, 1751.19, 1751.32, 1751.321,	65
1751.34, 1751.35, 1751.36, 1751.45, 1751.46,	66
1751.48, 1751.831, 1751.84, 1751.85, 1753.09,	67
1901.26, 1901.31, 1907.24, 2101.01, 2151.011,	68
2301.02, 2301.03, 2303.201, 2317.422, 2503.17,	69
2903.13, 2903.21, 2903.211, 2903.22, 2903.33,	70
2911.21, 2913.46, 2921.13, 2937.22, 2949.091,	71
2949.111, 2949.17, 2981.13, 3105.87, 3119.01,	72
3121.037, 3121.0311, 3121.19, 3121.20, 3121.898,	73
3123.952, 3125.25, 3301.07, 3301.073, 3301.079,	74
3301.0710, 3301.0711, 3301.0714, 3301.0715,	75
3301.0716, 3301.12, 3301.16, 3301.42, 3301.55,	76
3301.68, 3302.01, 3302.02, 3302.021, 3302.03,	77
3302.031, 3302.05, 3302.07, 3304.231, 3307.31,	78
3307.64, 3309.41, 3309.48, 3309.51, 3310.03,	79
3310.08, 3310.09, 3310.11, 3310.14, 3310.41,	80
3311.06, 3311.19, 3311.21, 3311.29, 3311.52,	81
3311.76, 3313.174, 3313.41, 3313.48, 3313.481,	82
3313.482, 3313.483, 3313.53, 3313.532, 3313.533,	83
3313.536, 3313.55, 3313.60, 3313.603, 3313.605,	84
3313.607, 3313.608, 3313.61, 3313.611, 3313.612,	85
3313.614, 3313.615, 3313.62, 3313.64, 3313.642,	86
3313.6410, 3313.65, 3313.671, 3313.673, 3313.68,	87
3313.713, 3313.843, 3313.976, 3313.978, 3313.98,	88

3313.981, 3314.012, 3314.015, 3314.016, 3314.02,	89
3314.021, 3314.024, 3314.03, 3314.051, 3314.08,	90
3314.083, 3314.084, 3314.087, 3314.091, 3314.10,	91
3314.19, 3314.21, 3314.25, 3314.26, 3314.35,	92
3314.36, 3315.17, 3315.37, 3316.041, 3316.06,	93
3316.20, 3317.01, 3317.011, 3317.02, 3317.021,	94
3317.022, 3317.023, 3317.024, 3317.025, 3317.0210,	95
3317.0211, 3317.0216, 3317.03, 3317.031, 3317.04,	96
3317.05, 3317.051, 3317.053, 3317.061, 3317.063,	97
3317.08, 3317.081, 3317.082, 3317.12, 3317.16,	98
3317.18, 3317.20, 3317.201, 3318.011, 3318.051,	99
3318.061, 3318.08, 3318.36, 3318.38, 3318.44,	100
3319.073, 3319.08, 3319.081, 3319.088, 3319.11,	101
3319.151, 3319.16, 3319.17, 3319.172, 3319.22,	102
3319.221, 3319.233, 3319.234, 3319.235, 3319.24,	103
3319.25, 3319.26, 3319.261, 3319.28, 3319.291,	104
3319.303, 3319.36, 3319.41, 3319.51, 3319.56,	105
3319.57, 3319.60, 3319.61, 3319.63, 3321.01,	106
3321.05, 3323.05, 3323.091, 3323.14, 3323.142,	107
3324.05, 3325.08, 3326.11, 3326.14, 3326.21,	108
3326.23, 3326.31, 3326.32, 3326.33, 3326.34,	109
3326.36, 3326.37, 3326.38, 3326.51, 3327.02,	110
3327.04, 3327.05, 3329.16, 3333.04, 3333.122,	111
3333.123, 3333.16, 3333.28, 3333.35, 3333.38,	112
3333.61, 3333.62, 3333.66, 3333.73, 3333.83,	113
3334.01, 3334.02, 3334.03, 3334.04, 3334.06,	114
3334.07, 3334.08, 3334.09, 3334.10, 3334.11,	115
3334.12, 3334.16, 3334.17, 3334.18, 3334.19,	116
3334.20, 3334.21, 3345.011, 3345.12, 3345.32,	117
3345.61, 3345.62, 3345.63, 3345.64, 3345.65,	118
3345.66, 3349.242, 3365.01, 3365.04, 3365.041,	119
3365.07, 3365.08, 3365.09, 3365.10, 3501.17,	120
3701.024, 3701.045, 3701.07, 3701.344, 3701.71,	121

3701.72, 3701.78, 3701.84, 3702.51, 3702.52,	122
3702.524, 3702.525, 3702.53, 3702.532, 3702.54,	123
3702.544, 3702.55, 3702.57, 3702.59, 3702.60,	124
3702.61, 3702.87, 3702.89, 3702.90, 3702.91,	125
3702.92, 3702.93, 3702.94, 3703.01, 3703.03,	126
3703.04, 3703.05, 3703.06, 3703.07, 3703.08,	127
3703.10, 3703.21, 3703.99, 3704.14, 3704.144,	128
3705.24, 3706.04, 3706.25, 3709.09, 3710.01,	129
3710.04, 3710.05, 3710.051, 3710.06, 3710.07,	130
3710.08, 3710.12, 3710.13, 3712.01, 3712.03,	131
3713.01, 3713.02, 3713.03, 3713.04, 3713.05,	132
3713.06, 3713.07, 3713.08, 3713.09, 3713.10,	133
3714.07, 3714.073, 3717.07, 3717.23, 3717.25,	134
3717.43, 3717.45, 3718.03, 3718.06, 3721.01,	135
3721.02, 3721.071, 3721.23, 3721.50, 3721.51,	136
3721.53, 3721.55, 3721.56, 3722.01, 3722.011,	137
3722.02, 3722.021, 3722.04, 3722.041, 3722.05,	138
3722.06, 3722.08, 3722.09, 3722.10, 3722.13,	139
3722.14, 3722.15, 3722.16, 3722.17, 3722.18,	140
3722.99, 3727.02, 3729.07, 3733.02, 3733.04,	141
3733.25, 3733.43, 3734.05, 3734.28, 3734.281,	142
3734.53, 3734.57, 3734.573, 3734.82, 3734.901,	143
3734.9010, 3737.71, 3743.04, 3743.25, 3745.015,	144
3745.11, 3748.01, 3748.04, 3748.07, 3748.12,	145
3748.13, 3749.04, 3770.05, 3773.35, 3773.36,	146
3773.43, 3773.45, 3773.53, 3781.03, 3781.10,	147
3781.102, 3781.11, 3781.12, 3781.19, 3783.05,	148
3791.02, 3791.04, 3791.05, 3791.07, 3793.02,	149
3793.04, 3901.38, 3901.383, 3901.3812, 3901.3814,	150
3923.021, 3923.022, 3923.122, 3923.24, 3923.57,	151
3923.58, 3923.581, 3923.66, 3923.67, 3923.68,	152
3923.75, 3923.76, 3923.77, 3924.01, 3924.06,	153
3924.09, 3924.10, 3929.43, 3929.67, 3953.23,	154

3953.231, 4104.01, 4104.02, 4104.06, 4104.07,	155
4104.08, 4104.09, 4104.10, 4104.101, 4104.12,	156
4104.15, 4104.16, 4104.17, 4104.18, 4104.19,	157
4104.21, 4104.33, 4104.42, 4104.43, 4104.44,	158
4104.48, 4105.01, 4105.02, 4105.03, 4105.04,	159
4105.05, 4105.06, 4105.09, 4105.11, 4105.12,	160
4105.13, 4105.15, 4105.16, 4105.17, 4105.191,	161
4105.20, 4105.21, 4112.01, 4112.04, 4112.051,	162
4112.052, 4117.01, 4117.02, 4117.07, 4117.12,	163
4117.24, 4121.125, 4123.442, 4141.08, 4141.11,	164
4141.162, 4169.02, 4169.03, 4169.04, 4171.04,	165
4301.333, 4301.334, 4301.351, 4301.354, 4301.355,	166
4301.356, 4301.361, 4301.364, 4301.365, 4301.366,	167
4301.43, 4303.182, 4303.331, 4501.06, 4501.24,	168
4503.068, 4503.10, 4503.103, 4503.19, 4503.191,	169
4503.235, 4503.40, 4503.42, 4503.44, 4505.01,	170
4505.06, 4505.062, 4505.09, 4505.111, 4505.181,	171
4505.20, 4507.03, 4507.24, 4507.45, 4509.101,	172
4510.22, 4511.191, 4511.81, 4513.021, 4513.03,	173
4513.04, 4513.05, 4513.06, 4513.07, 4513.071,	174
4513.09, 4513.11, 4513.111, 4513.12, 4513.13,	175
4513.14, 4513.15, 4513.16, 4513.17, 4513.171,	176
4513.18, 4513.19, 4513.21, 4513.22, 4513.23,	177
4513.24, 4513.242, 4513.28, 4513.60, 4513.65,	178
4513.99, 4517.01, 4517.02, 4517.03, 4517.30,	179
4517.33, 4517.43, 4519.02, 4519.03, 4519.04,	180
4519.44, 4519.59, 4549.10, 4549.12, 4705.09,	181
4705.10, 4709.12, 4713.28, 4713.32, 4713.63,	182
4713.64, 4731.10, 4731.26, 4731.38, 4733.10,	183
4734.25, 4735.06, 4735.09, 4735.12, 4735.13,	184
4735.15, 4740.03, 4740.11, 4740.14, 4741.41,	185
4741.44, 4741.45, 4741.46, 4755.06, 4755.12,	186
4757.10, 4757.31, 4757.36, 4763.01, 4763.03,	187

4763.04, 4763.05, 4763.07, 4763.09, 4763.11,	188
4763.13, 4763.14, 4763.17, 4766.09, 4767.05,	189
4767.07, 4767.08, 4781.01, 4781.02, 4781.04,	190
4781.05, 4781.06, 4781.07, 4905.06, 4919.79,	191
4923.12, 4923.20, 4928.01, 5101.11, 5101.16,	192
5101.162, 5101.26, 5101.33, 5101.34, 5101.47,	193
5101.50, 5101.5212, 5101.54, 5101.541, 5101.544,	194
5101.571, 5101.573, 5101.60, 5101.61, 5101.83,	195
5101.84, 5104.01, 5104.041, 5104.051, 5104.30,	196
5104.32, 5104.341, 5104.35, 5104.38, 5104.39,	197
5104.42, 5107.05, 5107.16, 5107.17, 5107.58,	198
5111.01, 5111.015, 5111.028, 5111.032, 5111.033,	199
5111.034, 5111.06, 5111.176, 5111.222, 5111.231,	200
5111.232, 5111.24, 5111.25, 5111.261, 5111.65,	201
5111.651, 5111.688, 5111.705, 5111.85, 5111.851,	202
5111.874, 5111.875, 5111.89, 5111.891, 5111.894,	203
5111.971, 5112.30, 5112.31, 5112.37, 5112.371,	204
5115.03, 5119.16, 5119.61, 5120.032, 5120.033,	205
5120.09, 5120.135, 5122.31, 5123.049, 5123.0412,	206
5123.0413, 5126.044, 5126.05, 5126.054, 5126.055,	207
5126.0512, 5126.19, 5126.24, 5139.43, 5501.04,	208
5502.01, 5502.12, 5502.14, 5502.15, 5505.15,	209
5701.11, 5703.05, 5703.37, 5703.80, 5705.214,	210
5705.29, 5705.341, 5705.37, 5709.62, 5709.63,	211
5709.632, 5711.33, 5715.02, 5715.251, 5715.26,	212
5717.03, 5717.04, 5725.18, 5725.98, 5727.84,	213
5728.12, 5729.03, 5729.98, 5733.01, 5733.04,	214
5733.98, 5735.142, 5739.01, 5739.02, 5739.03,	215
5739.033, 5739.09, 5739.131, 5743.15, 5743.61,	216
5747.01, 5747.113, 5747.13, 5747.16, 5747.98,	217
5748.02, 5748.03, 5749.02, 5749.12, 5751.01,	218
5751.011, 5751.012, 5751.013, 5751.03, 5751.04,	219
5751.05, 5751.051, 5751.06, 5751.08, 5751.09,	220

5751.20, 5751.21, 5911.10, 5913.051, 5913.09, 221
6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 222
6117.02, and 6119.011; to amend, for the purpose 223
of adopting new section numbers as indicated in 224
parentheses, sections 173.43 (173.422), 1517.14 225
(1547.81), 1517.16 (1547.82), 1517.17 (1547.83), 226
1517.18 (1547.84), 3313.174 (3313.82), 3319.233 227
(3333.049), 3334.03 (3334.031), 3701.71 (3727.05), 228
3701.72 (3727.051), 3727.04 (3727.053), 3727.05 229
(3727.04), 5101.5110 (5101.5111), 5111.019 230
(5111.0120), and 5111.688 (5111.689); to enact new 231
sections 173.43, 3301.0712, 3319.222, 3334.03, 232
5101.5110, and 5111.688 and sections 9.317, 233
111.26, 111.27, 117.54, 121.16, 121.375, 122.042, 234
122.12, 122.121, 122.85, 123.154, 124.821, 235
124.822, 124.86, 125.20, 125.24, 148.05, 149.308, 236
150.021, 150.051, 153.013, 173.28, 173.402, 237
173.403, 173.421, 173.423, 173.424, 173.425, 238
173.431, 173.432, 173.433, 173.434, 173.501, 239
173.70, 311.32, 737.39, 901.041, 901.91, 927.54, 240
943.031, 1321.521, 1321.531, 1321.532, 1321.533, 241
1321.534, 1321.535, 1321.536, 1321.552, 1321.591, 242
1321.592, 1321.593, 1321.594, 1321.595, 1322.022, 243
1322.023, 1322.024, 1322.065, 1327.501, 1327.71, 244
1513.021, 1547.02, 1547.85, 1547.86, 1547.87, 245
1751.68, 2315.50, 3119.371, 3301.122, 3301.80, 246
3301.81, 3301.82, 3301.83, 3301.90, 3306.01, 247
3306.011, 3306.012, 3306.02, 3306.03, 3306.031, 248
3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 249
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 250
3306.11, 3306.12, 3306.13, 3306.14, 3306.15, 251
3306.16, 3306.17, 3306.18, 3306.19, 3306.191, 252
3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 253

3306.291, 3306.292, 3306.30, 3306.31, 3306.32,	254
3306.321, 3306.33, 3306.34, 3306.35, 3306.40,	255
3306.50, 3306.51, 3306.52, 3306.53, 3306.54,	256
3306.55, 3306.56, 3306.57, 3310.15, 3311.0510,	257
3313.485, 3313.821, 3313.822, 3314.028, 3314.031,	258
3314.052, 3314.075, 3314.102, 3314.191, 3314.192,	259
3314.39, 3314.42, 3314.43, 3314.44, 3317.018,	260
3318.312, 3319.223, 3319.611, 3319.612, 3319.70,	261
3319.71, 3321.041, 3333.048, 3333.39, 3333.391,	262
3333.392, 3333.90, 3333.91, 3334.032, 3334.111,	263
3345.36, 3353.09, 3353.20, 3354.24, 3365.12,	264
3375.79, 3701.0211, 3701.136, 3701.611, 3702.592,	265
3702.593, 3706.35, 3709.092, 3710.141, 3715.041,	266
3721.511, 3721.512, 3721.513, 3722.022, 3727.052,	267
3734.282, 3793.21, 3903.77, 3923.241, 3923.84,	268
3923.90, 3923.91, 4113.11, 4113.81, 4113.82,	269
4113.83, 4113.84, 4113.85, 4113.86, 4123.446,	270
4501.243, 4501.29, 4503.563, 4582.71, 4781.16,	271
4781.17, 4781.18, 4781.19, 4781.20, 4781.21,	272
4781.22, 4781.23, 4781.24, 4781.25, 4781.99,	273
4919.80, 5101.073, 5101.504, 5101.5210, 5101.542,	274
5111.0121, 5111.236, 5111.861, 5111.88, 5111.881,	275
5111.882, 5111.883, 5111.884, 5111.885, 5111.886,	276
5111.887, 5111.888, 5111.889, 5111.8810,	277
5111.8811, 5112.372, 5112.40, 5112.41, 5112.42,	278
5112.43, 5112.44, 5112.45, 5112.451, 5112.46,	279
5112.47, 5112.48, 5119.613, 5119.621, 5119.622,	280
5155.38, 5505.152, 5705.219, 5705.2110, 5725.33,	281
5729.16, 5733.58, 5733.59, 5739.051, 5747.66,	282
5751.014, 5911.11, 5919.20, 5919.36, and 6119.091;	283
to repeal sections 173.71, 173.72, 173.721,	284
173.722, 173.723, 173.724, 173.73, 173.731,	285
173.732, 173.74, 173.741, 173.742, 173.75,	286

173.751, 173.752, 173.753, 173.76, 173.77,	287
173.771, 173.772, 173.773, 173.78, 173.79,	288
173.791, 173.80, 173.801, 173.802, 173.803,	289
173.81, 173.811, 173.812, 173.813, 173.814,	290
173.815, 173.82, 173.83, 173.831, 173.832,	291
173.833, 173.84, 173.85, 173.86, 173.861, 173.87,	292
173.871, 173.872, 173.873, 173.874, 173.875,	293
173.876, 173.88, 173.89, 173.891, 173.892, 173.90,	294
173.91, 905.38, 905.381, 905.66, 907.16, 927.74,	295
1504.01, 1504.02, 1504.03, 1504.04, 1517.15,	296
1521.02, 1711.58, 3301.0712, 3301.0718, 3301.43,	297
3302.032, 3314.026, 3314.085, 3314.13, 3317.10,	298
3319.0810, 3319.222, 3319.23, 3319.302, 3319.304,	299
3333.27, 3701.73, 3701.77, 3701.771, 3701.772,	300
3702.511, 3702.523, 3702.527, 3702.528, 3702.529,	301
3702.542, 3704.143, 3724.01, 3724.02, 3724.021,	302
3724.03, 3724.04, 3724.05, 3724.06, 3724.07,	303
3724.08, 3724.09, 3724.10, 3724.11, 3724.12,	304
3724.13, 3724.99, 4517.052, 4517.27, 4735.22,	305
4735.23, 5101.072, 5111.083, 5111.178, 5145.32,	306
and 5923.141 of the Revised Code; to amend	307
Sections 205.10, 321.10, 325.20, and 327.10 of Am.	308
Sub. H.B. 2 of the 128th General Assembly; to	309
amend Section 269.60.60 of H.B. 119 of the 127th	310
General Assembly and to amend Section 269.60.60 of	311
H.B. 119 of the 127th General Assembly to codify	312
the Section as section 3314.38 of the Revised	313
Code; to amend Section 6 of H.B. 364 of the 124th	314
General Assembly and to amend Section 6 of H.B.	315
364 of the 124th General Assembly to codify the	316
Section as section 3314.027 of the Revised Code;	317
to amend Section 309.10 of Am. Sub. H.B. 2 of the	318
128th General Assembly; to amend Section 317.10 of	319

Am. Sub. H.B. 2 of the 128th General Assembly; to 320
amend Sections 103.80.80, 103.80.90, and 301.10.50 321
of H.B. 496 of the 127th General Assembly; to 322
amend Section 11 of Am. Sub. H.B. 554 of the 127th 323
General Assembly; to amend Sections 233.40.30, 324
233.50.80, and 701.20 of H.B. 562 of the 127th 325
General Assembly; to amend Section 831.06 of H.B. 326
530 of the 126th General Assembly; to amend 327
Section 4 of H.B. 516 of the 125th General 328
Assembly, as subsequently amended; to amend 329
Section 153 of Am. Sub. H.B. 117 of the 121st 330
General Assembly, as subsequently amended; to 331
repeal Section 325.05 of Am. Sub. H.B. 2 of the 332
128th General Assembly; to amend the version of 333
section 2949.111 of the Revised Code that is 334
scheduled to take effect January 1, 2010, to 335
continue the provisions of this act on and after 336
that effective date; to amend the version of 337
section 5739.033 of the Revised Code that is 338
scheduled to take effect January 1, 2010, to 339
continue the provisions of this act on and after 340
that effective date; to amend sections 5104.01 and 341
5104.38 of the Revised Code, effective July 1, 342
2011, to revive the law as it existed prior to 343
this act; to repeal sections 5112.40, 5112.41, 344
5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 345
5112.46, 5112.47, and 5112.48 of the Revised Code, 346
effective October 1, 2011; to make operating 347
appropriations for the biennium beginning July 1, 348
2009, and ending June 30, 2011, and to provide 349
authorization and conditions for the operation of 350
state programs. 351
352

353
354
355
356

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

Section 101.01. That sections 9.06, 9.314, 107.21, 109.572, 357
109.73, 109.742, 109.744, 109.751, 109.761, 109.77, 109.802, 358
109.803, 118.05, 120.04, 120.08, 120.52, 120.53, 121.04, 121.07, 359
121.08, 121.083, 121.084, 121.13, 121.31, 121.37, 121.40, 121.401, 360
121.402, 122.05, 122.051, 122.075, 122.151, 122.17, 122.171, 361
122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 123.152, 362
124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.15, 124.152, 363
124.18, 124.181, 124.183, 124.22, 124.23, 124.27, 124.321, 364
124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 124.386, 365
124.392, 124.81, 125.081, 125.22, 125.831, 126.05, 126.21, 126.35, 366
127.16, 131.33, 133.06, 135.03, 135.06, 135.08, 135.32, 141.04, 367
145.012, 145.298, 148.02, 148.04, 149.43, 150.01, 150.02, 150.03, 368
150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 152.15, 152.33, 369
156.01, 156.02, 156.03, 156.04, 166.07, 169.08, 173.08, 173.35, 370
173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 173.99, 174.02, 371
174.03, 174.06, 176.05, 307.626, 307.629, 307.79, 311.17, 319.301, 372
319.302, 319.54, 321.24, 323.156, 323.78, 329.03, 329.042, 329.06, 373
340.033, 343.01, 504.21, 718.04, 721.15, 901.20, 901.32, 901.43, 374
903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 905.36, 905.50, 375
905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 907.31, 915.24, 376
918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 921.13, 921.16, 377
921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 927.52, 927.53, 378
927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 942.02, 942.06, 379
942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 943.07, 943.13, 380
943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 1321.20, 1321.51, 381
1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 1321.57, 1321.59, 382

1321.60, 1321.99, 1322.01, 1322.02, 1322.03, 1322.031, 1322.04,	383
1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 1322.061,	384
1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 1322.072,	385
1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 1322.11,	386
1327.46, 1327.50, 1327.51, 1327.511, 1327.52, 1327.54, 1327.57,	387
1327.58, 1327.60, 1327.62, 1327.70, 1327.99, 1332.24, 1332.25,	388
1343.011, 1345.01, 1345.05, 1345.09, 1347.08, 1349.31, 1349.43,	389
1501.01, 1501.05, 1501.07, 1501.30, 1502.12, 1506.01, 1507.01,	390
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05,	391
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08,	392
1515.14, 1515.183, 1517.02, 1517.10, 1517.11, 1517.14, 1517.16,	393
1517.17, 1517.18, 1519.03, 1520.02, 1520.03, 1521.03, 1521.031,	394
1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064,	395
1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15,	396
1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 1523.04,	397
1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 1523.11,	398
1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 1523.18,	399
1523.19, 1523.20, 1531.01, 1533.10, 1533.11, 1541.03, 1547.01,	400
1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 1547.99,	401
1548.10, 1707.17, 1707.18, 1707.37, 1710.01, 1710.02, 1710.03,	402
1710.04, 1710.06, 1710.10, 1710.13, 1724.04, 1739.05, 1751.03,	403
1751.04, 1751.05, 1751.14, 1751.15, 1751.16, 1751.19, 1751.32,	404
1751.321, 1751.34, 1751.35, 1751.36, 1751.45, 1751.46, 1751.48,	405
1751.831, 1751.84, 1751.85, 1753.09, 1901.26, 1901.31, 1907.24,	406
2101.01, 2151.011, 2301.02, 2301.03, 2303.201, 2317.422, 2503.17,	407
2903.13, 2903.21, 2903.211, 2903.22, 2903.33, 2911.21, 2913.46,	408
2921.13, 2937.22, 2949.091, 2949.111, 2949.17, 2981.13, 3105.87,	409
3119.01, 3121.037, 3121.0311, 3121.19, 3121.20, 3121.898,	410
3123.952, 3125.25, 3301.07, 3301.073, 3301.079, 3301.0710,	411
3301.0711, 3301.0714, 3301.0715, 3301.0716, 3301.12, 3301.16,	412
3301.42, 3301.55, 3301.68, 3302.01, 3302.02, 3302.021, 3302.03,	413
3302.031, 3302.05, 3302.07, 3304.231, 3307.31, 3307.64, 3309.41,	414

3309.48, 3309.51, 3310.03, 3310.08, 3310.09, 3310.11, 3310.14, 415
3310.41, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 416
3313.174, 3313.41, 3313.48, 3313.481, 3313.482, 3313.483, 3313.53, 417
3313.532, 3313.533, 3313.536, 3313.55, 3313.60, 3313.603, 418
3313.605, 3313.607, 3313.608, 3313.61, 3313.611, 3313.612, 419
3313.614, 3313.615, 3313.62, 3313.64, 3313.642, 3313.6410, 420
3313.65, 3313.671, 3313.673, 3313.68, 3313.713, 3313.843, 421
3313.976, 3313.978, 3313.98, 3313.981, 3314.012, 3314.015, 422
3314.016, 3314.02, 3314.021, 3314.024, 3314.03, 3314.051, 3314.08, 423
3314.083, 3314.084, 3314.087, 3314.091, 3314.10, 3314.19, 3314.21, 424
3314.25, 3314.26, 3314.35, 3314.36, 3315.17, 3315.37, 3316.041, 425
3316.06, 3316.20, 3317.01, 3317.011, 3317.02, 3317.021, 3317.022, 426
3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0216, 427
3317.03, 3317.031, 3317.04, 3317.05, 3317.051, 3317.053, 3317.061, 428
3317.063, 3317.08, 3317.081, 3317.082, 3317.12, 3317.16, 3317.18, 429
3317.20, 3317.201, 3318.011, 3318.051, 3318.061, 3318.08, 3318.36, 430
3318.38, 3318.44, 3319.073, 3319.08, 3319.081, 3319.088, 3319.11, 431
3319.151, 3319.16, 3319.17, 3319.172, 3319.22, 3319.221, 3319.233, 432
3319.234, 3319.235, 3319.24, 3319.25, 3319.26, 3319.261, 3319.28, 433
3319.291, 3319.303, 3319.36, 3319.41, 3319.51, 3319.56, 3319.57, 434
3319.60, 3319.61, 3319.63, 3321.01, 3321.05, 3323.05, 3323.091, 435
3323.14, 3323.142, 3324.05, 3325.08, 3326.11, 3326.14, 3326.21, 436
3326.23, 3326.31, 3326.32, 3326.33, 3326.34, 3326.36, 3326.37, 437
3326.38, 3326.51, 3327.02, 3327.04, 3327.05, 3329.16, 3333.04, 438
3333.122, 3333.123, 3333.16, 3333.28, 3333.35, 3333.38, 3333.61, 439
3333.62, 3333.66, 3333.73, 3333.83, 3334.01, 3334.02, 3334.03, 440
3334.04, 3334.06, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 441
3334.12, 3334.16, 3334.17, 3334.18, 3334.19, 3334.20, 3334.21, 442
3345.011, 3345.12, 3345.32, 3345.61, 3345.62, 3345.63, 3345.64, 443
3345.65, 3345.66, 3349.242, 3365.01, 3365.04, 3365.041, 3365.07, 444
3365.08, 3365.09, 3365.10, 3501.17, 3701.024, 3701.045, 3701.07, 445
3701.344, 3701.71, 3701.72, 3701.78, 3701.84, 3702.51, 3702.52, 446

3702.524, 3702.525, 3702.53, 3702.532, 3702.54, 3702.544, 3702.55, 447
3702.57, 3702.59, 3702.60, 3702.61, 3702.87, 3702.89, 3702.90, 448
3702.91, 3702.92, 3702.93, 3702.94, 3703.01, 3703.03, 3703.04, 449
3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.21, 3703.99, 450
3704.14, 3704.144, 3705.24, 3706.04, 3706.25, 3709.09, 3710.01, 451
3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 452
3710.13, 3712.01, 3712.03, 3713.01, 3713.02, 3713.03, 3713.04, 453
3713.05, 3713.06, 3713.07, 3713.08, 3713.09, 3713.10, 3714.07, 454
3714.073, 3717.07, 3717.23, 3717.25, 3717.43, 3717.45, 3718.03, 455
3718.06, 3721.01, 3721.02, 3721.071, 3721.23, 3721.50, 3721.51, 456
3721.53, 3721.55, 3721.56, 3722.01, 3722.011, 3722.02, 3722.021, 457
3722.04, 3722.041, 3722.05, 3722.06, 3722.08, 3722.09, 3722.10, 458
3722.13, 3722.14, 3722.15, 3722.16, 3722.17, 3722.18, 3722.99, 459
3727.02, 3729.07, 3733.02, 3733.04, 3733.25, 3733.43, 3734.05, 460
3734.28, 3734.281, 3734.53, 3734.57, 3734.573, 3734.82, 3734.901, 461
3734.9010, 3737.71, 3743.04, 3743.25, 3745.015, 3745.11, 3748.01, 462
3748.04, 3748.07, 3748.12, 3748.13, 3749.04, 3770.05, 3773.35, 463
3773.36, 3773.43, 3773.45, 3773.53, 3781.03, 3781.10, 3781.102, 464
3781.11, 3781.12, 3781.19, 3783.05, 3791.02, 3791.04, 3791.05, 465
3791.07, 3793.02, 3793.04, 3901.38, 3901.383, 3901.3812, 466
3901.3814, 3923.021, 3923.022, 3923.122, 3923.24, 3923.57, 467
3923.58, 3923.581, 3923.66, 3923.67, 3923.68, 3923.75, 3923.76, 468
3923.77, 3924.01, 3924.06, 3924.09, 3924.10, 3929.43, 3929.67, 469
3953.23, 3953.231, 4104.01, 4104.02, 4104.06, 4104.07, 4104.08, 470
4104.09, 4104.10, 4104.101, 4104.12, 4104.15, 4104.16, 4104.17, 471
4104.18, 4104.19, 4104.21, 4104.33, 4104.42, 4104.43, 4104.44, 472
4104.48, 4105.01, 4105.02, 4105.03, 4105.04, 4105.05, 4105.06, 473
4105.09, 4105.11, 4105.12, 4105.13, 4105.15, 4105.16, 4105.17, 474
4105.191, 4105.20, 4105.21, 4112.01, 4112.04, 4112.051, 4112.052, 475
4117.01, 4117.02, 4117.07, 4117.12, 4117.24, 4121.125, 4123.442, 476
4141.08, 4141.11, 4141.162, 4169.02, 4169.03, 4169.04, 4171.04, 477
4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 4301.356, 478

4301.361, 4301.364, 4301.365, 4301.366, 4301.43, 4303.182, 479
4303.331, 4501.06, 4501.24, 4503.068, 4503.10, 4503.103, 4503.19, 480
4503.191, 4503.235, 4503.40, 4503.42, 4503.44, 4505.01, 4505.06, 481
4505.062, 4505.09, 4505.111, 4505.181, 4505.20, 4507.03, 4507.24, 482
4507.45, 4509.101, 4510.22, 4511.191, 4511.81, 4513.021, 4513.03, 483
4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 4513.11, 484
4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 485
4513.171, 4513.18, 4513.19, 4513.21, 4513.22, 4513.23, 4513.24, 486
4513.242, 4513.28, 4513.60, 4513.65, 4513.99, 4517.01, 4517.02, 487
4517.03, 4517.30, 4517.33, 4517.43, 4519.02, 4519.03, 4519.04, 488
4519.44, 4519.59, 4549.10, 4549.12, 4705.09, 4705.10, 4709.12, 489
4713.28, 4713.32, 4713.63, 4713.64, 4731.10, 4731.26, 4731.38, 490
4733.10, 4734.25, 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 491
4740.03, 4740.11, 4740.14, 4741.41, 4741.44, 4741.45, 4741.46, 492
4755.06, 4755.12, 4757.10, 4757.31, 4757.36, 4763.01, 4763.03, 493
4763.04, 4763.05, 4763.07, 4763.09, 4763.11, 4763.13, 4763.14, 494
4763.17, 4766.09, 4767.05, 4767.07, 4767.08, 4781.01, 4781.02, 495
4781.04, 4781.05, 4781.06, 4781.07, 4905.06, 4919.79, 4923.12, 496
4923.20, 4928.01, 5101.11, 5101.16, 5101.162, 5101.26, 5101.33, 497
5101.34, 5101.47, 5101.50, 5101.5212, 5101.54, 5101.541, 5101.544, 498
5101.571, 5101.573, 5101.60, 5101.61, 5101.83, 5101.84, 5104.01, 499
5104.041, 5104.051, 5104.30, 5104.32, 5104.341, 5104.35, 5104.38, 500
5104.39, 5104.42, 5107.05, 5107.16, 5107.17, 5107.58, 5111.01, 501
5111.015, 5111.028, 5111.032, 5111.033, 5111.034, 5111.06, 502
5111.176, 5111.222, 5111.231, 5111.232, 5111.24, 5111.25, 503
5111.261, 5111.65, 5111.651, 5111.688, 5111.705, 5111.85, 504
5111.851, 5111.874, 5111.875, 5111.89, 5111.891, 5111.894, 505
5111.971, 5112.30, 5112.31, 5112.37, 5112.371, 5115.03, 5119.16, 506
5119.61, 5120.032, 5120.033, 5120.09, 5120.135, 5122.31, 5123.049, 507
5123.0412, 5123.0413, 5126.044, 5126.05, 5126.054, 5126.055, 508
5126.0512, 5126.19, 5126.24, 5139.43, 5501.04, 5502.01, 5502.12, 509
5502.14, 5502.15, 5505.15, 5701.11, 5703.05, 5703.37, 5703.80, 510

5705.214, 5705.29, 5705.341, 5705.37, 5709.62, 5709.63, 5709.632, 511
5711.33, 5715.02, 5715.251, 5715.26, 5717.03, 5717.04, 5725.18, 512
5725.98, 5727.84, 5728.12, 5729.03, 5729.98, 5733.01, 5733.04, 513
5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 5739.033, 5739.09, 514
5739.131, 5743.15, 5743.61, 5747.01, 5747.113, 5747.13, 5747.16, 515
5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 5751.01, 5751.011, 516
5751.012, 5751.013, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 517
5751.08, 5751.09, 5751.20, 5751.21, 5911.10, 5913.051, 5913.09, 518
6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 6117.02, and 519
6119.011 be amended; sections 173.43 (173.422), 1517.14 (1547.81), 520
1517.16 (1547.82), 1517.17 (1547.83), 1517.18 (1547.84), 3313.174 521
(3313.82), 3319.233 (3333.049), 3334.03 (3334.031), 3701.71 522
(3727.05), 3701.72 (3727.051), 3727.04 (3727.053), 3727.05 523
(3727.04), 5101.5110 (5101.5111), 5111.019 (5111.0120), and 524
5111.688 (5111.689) be amended for the purpose of adopting new 525
section numbers as indicated in parentheses; new sections 173.43, 526
3301.0712, 3319.222, 3334.03, 5101.5110, and 5111.688 and sections 527
9.317, 111.26, 111.27, 117.54, 121.16, 121.375, 122.042, 122.12, 528
122.121, 122.85, 123.154, 124.821, 124.822, 124.86, 125.20, 529
125.24, 148.05, 149.308, 150.021, 150.051, 153.013, 173.28, 530
173.402, 173.403, 173.421, 173.423, 173.424, 173.425, 173.431, 531
173.432, 173.433, 173.434, 173.501, 173.70, 311.32, 737.39, 532
901.041, 901.91, 927.54, 943.031, 1321.521, 1321.531, 1321.532, 533
1321.533, 1321.534, 1321.535, 1321.536, 1321.552, 1321.591, 534
1321.592, 1321.593, 1321.594, 1321.595, 1322.022, 1322.023, 535
1322.024, 1322.065, 1327.501, 1327.71, 1513.021, 1547.02, 1547.85, 536
1547.86, 1547.87, 1751.68, 2315.50, 3119.371, 3301.122, 3301.80, 537
3301.81, 3301.82, 3301.83, 3301.90, 3306.01, 3306.011, 3306.012, 538
3306.02, 3306.03, 3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 539
3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 540
3306.12, 3306.13, 3306.14, 3306.15, 3306.16, 3306.17, 3306.18, 541
3306.19, 3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 542

3306.291, 3306.292, 3306.30, 3306.31, 3306.32, 3306.321, 3306.33, 543
3306.34, 3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 544
3306.54, 3306.55, 3306.56, 3306.57, 3310.15, 3311.0510, 3313.485, 545
3313.821, 3313.822, 3314.028, 3314.031, 3314.052, 3314.075, 546
3314.102, 3314.191, 3314.192, 3314.39, 3314.42, 3314.43, 3314.44, 547
3317.018, 3318.312, 3319.223, 3319.611, 3319.612, 3319.70, 548
3319.71, 3321.041, 3333.048, 3333.39, 3333.391, 3333.392, 3333.90, 549
3333.91, 3334.032, 3334.111, 3345.36, 3353.09, 3353.20, 3354.24, 550
3365.12, 3375.79, 3701.0211, 3701.136, 3701.611, 3702.592, 551
3702.593, 3706.35, 3709.092, 3710.141, 3715.041, 3721.511, 552
3721.512, 3721.513, 3722.022, 3727.052, 3734.282, 3793.21, 553
3903.77, 3923.241, 3923.84, 3923.90, 3923.91, 4113.11, 4113.81, 554
4113.82, 4113.83, 4113.84, 4113.85, 4113.86, 4123.446, 4501.243, 555
4501.29, 4503.563, 4582.71, 4781.16, 4781.17, 4781.18, 4781.19, 556
4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 4781.25, 4781.99, 557
4919.80, 5101.073, 5101.504, 5101.5210, 5101.542, 5111.0121, 558
5111.236, 5111.861, 5111.88, 5111.881, 5111.882, 5111.883, 559
5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 5111.889, 560
5111.8810, 5111.8811, 5112.372, 5112.40, 5112.41, 5112.42, 561
5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 562
5119.613, 5119.621, 5119.622, 5155.38, 5505.152, 5705.219, 563
5705.2110, 5725.33, 5729.16, 5733.58, 5733.59, 5739.051, 5747.66, 564
5751.014, 5911.11, 5919.20, 5919.36, and 6119.091 of the Revised 565
Code be enacted; that Section 6 of H.B. 364 of the 124th General 566
Assembly be amended and Section 6 of H.B. 364 of the 124th General 567
Assembly be amended to codify as section 3314.027 of the Revised 568
Code; and that Section 269.60.60 of H.B. 119 of the 127th General 569
Assembly be amended and Section 269.60.60 of H.B. 119 of the 127th 570
General Assembly be amended to codify as section 3314.38 of the 571
Revised Code to read as follows: 572
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Sec. 9.06. (A)(1) The department of rehabilitation and 582
correction ~~shall~~ may contract for the private operation and 583
management pursuant to this section of the initial intensive 584
program prison established pursuant to section 5120.033 of the 585
Revised Code, if one or more intensive program prisons are 586
established under that section, and may contract for the private 587
operation and management of any other facility under this section. 588
Counties and municipal corporations to the extent authorized in 589
sections 307.93, 341.35, 753.03, and 753.15 of the Revised Code 590
may contract for the private operation and management of a 591
facility under this section. A contract entered into under this 592
section shall be for an initial term of not more than two years 593
with an option to renew for additional periods of two years. 594

(2) The department of rehabilitation and correction, by rule, 595
shall adopt minimum criteria and specifications that a person or 596
entity, other than a person or entity that satisfies the criteria 597
set forth in division (A)(3)(a) of this section and subject to 598
division (I) of this section, must satisfy in order to apply to 599
operate and manage as a contractor pursuant to this section the 600
initial intensive program prison established pursuant to section 601
5120.033 of the Revised Code if one or more intensive program 602
prisons are established under that section. 603

(3) Subject to division (I) of this section, any person or 604
entity that applies to operate and manage a facility as a 605

contractor pursuant to this section shall satisfy one or more of 606
the following criteria: 607

(a) The person or entity is accredited by the American 608
correctional association and, at the time of the application, 609
operates and manages one or more facilities accredited by the 610
American correctional association. 611

(b) The person or entity satisfies all of the minimum 612
criteria and specifications adopted by the department of 613
rehabilitation and correction pursuant to division (A)(2) of this 614
section, provided that this alternative shall be available only in 615
relation to the initial intensive program prison established 616
pursuant to section 5120.033 of the Revised Code, if one or more 617
intensive program prisons are established under that section. 618

(4) Subject to division (I) of this section, before a public 619
entity may enter into a contract under this section, the 620
contractor shall convincingly demonstrate to the public entity 621
that it can operate the facility with the inmate capacity required 622
by the public entity and provide the services required in this 623
section and realize at least a five per cent savings over the 624
projected cost to the public entity of providing these same 625
services to operate the facility that is the subject of the 626
contract. No out-of-state prisoners may be housed in any facility 627
that is the subject of a contract entered into under this section. 628

(B) Subject to division (I) of this section, any contract 629
entered into under this section shall include all of the 630
following: 631

(1) A requirement that the contractor retain the contractor's 632
accreditation from the American correctional association 633
throughout the contract term or, if the contractor applied 634
pursuant to division (A)(3)(b) of this section, continue complying 635
with the applicable criteria and specifications adopted by the 636

department of rehabilitation and correction pursuant to division 637
(A)(2) of this section; 638

(2) A requirement that all of the following conditions be 639
met: 640

(a) The contractor begins the process of accrediting the 641
facility with the American correctional association no later than 642
sixty days after the facility receives its first inmate. 643

(b) The contractor receives accreditation of the facility 644
within twelve months after the date the contractor applies to the 645
American correctional association for accreditation. 646

(c) Once the accreditation is received, the contractor 647
maintains it for the duration of the contract term. 648

(d) If the contractor does not comply with divisions 649
(B)(2)(a) to (c) of this section, the contractor is in violation 650
of the contract, and the public entity may revoke the contract at 651
its discretion. 652

(3) A requirement that the contractor comply with all rules 653
promulgated by the department of rehabilitation and correction 654
that apply to the operation and management of correctional 655
facilities, including the minimum standards for jails in Ohio and 656
policies regarding the use of force and the use of deadly force, 657
although the public entity may require more stringent standards, 658
and comply with any applicable laws, rules, or regulations of the 659
federal, state, and local governments, including, but not limited 660
to, sanitation, food service, safety, and health regulations. The 661
contractor shall be required to send copies of reports of 662
inspections completed by the appropriate authorities regarding 663
compliance with rules and regulations to the director of 664
rehabilitation and correction or the director's designee and, if 665
contracting with a local public entity, to the governing authority 666
of that entity. 667

(4) A requirement that the contractor report for 668
investigation all crimes in connection with the facility to the 669
public entity, to all local law enforcement agencies with 670
jurisdiction over the place at which the facility is located, and, 671
for a crime committed at a state correctional institution, to the 672
state highway patrol; 673

(5) A requirement that the contractor immediately report all 674
escapes from the facility, and the apprehension of all escapees, 675
by telephone and in writing to all local law enforcement agencies 676
with jurisdiction over the place at which the facility is located, 677
to the prosecuting attorney of the county in which the facility is 678
located, to the state highway patrol, to a daily newspaper having 679
general circulation in the county in which the facility is 680
located, and, if the facility is a state correctional institution, 681
to the department of rehabilitation and correction. The written 682
notice may be by either facsimile transmission or mail. A failure 683
to comply with this requirement regarding an escape is a violation 684
of section 2921.22 of the Revised Code. 685

(6) A requirement that, if the facility is a state 686
correctional institution, the contractor provide a written report 687
within specified time limits to the director of rehabilitation and 688
correction or the director's designee of all unusual incidents at 689
the facility as defined in rules promulgated by the department of 690
rehabilitation and correction or, if the facility is a local 691
correctional institution, that the contractor provide a written 692
report of all unusual incidents at the facility to the governing 693
authority of the local public entity; 694

(7) A requirement that the contractor maintain proper control 695
of inmates' personal funds pursuant to rules promulgated by the 696
department of rehabilitation and correction for state correctional 697
institutions or pursuant to the minimum standards for jails along 698
with any additional standards established by the local public 699

entity for local correctional institutions and that records 700
pertaining to these funds be made available to representatives of 701
the public entity for review or audit; 702

(8) A requirement that the contractor prepare and distribute 703
to the director of rehabilitation and correction or, if 704
contracting with a local public entity, to the governing authority 705
of the local entity annual budget income and expenditure 706
statements and funding source financial reports; 707

(9) A requirement that the public entity appoint and 708
supervise a full-time contract monitor, that the contractor 709
provide suitable office space for the contract monitor at the 710
facility, and that the contractor allow the contract monitor 711
unrestricted access to all parts of the facility and all records 712
of the facility except the contractor's financial records; 713

(10) A requirement that if the facility is a state 714
correctional institution designated department of rehabilitation 715
and correction staff members be allowed access to the facility in 716
accordance with rules promulgated by the department; 717

(11) A requirement that the contractor provide internal and 718
perimeter security as agreed upon in the contract; 719

(12) If the facility is a state correctional institution, a 720
requirement that the contractor impose discipline on inmates 721
housed in a state correctional institution only in accordance with 722
rules promulgated by the department of rehabilitation and 723
correction; 724

(13) A requirement that the facility be staffed at all times 725
with a staffing pattern approved by the public entity and adequate 726
both to ensure supervision of inmates and maintenance of security 727
within the facility and to provide for programs, transportation, 728
security, and other operational needs. In determining security 729
needs, the contractor shall be required to consider, among other 730

things, the proximity of the facility to neighborhoods and 731
schools. 732

(14) If the contract is with a local public entity, a 733
requirement that the contractor provide services and programs, 734
consistent with the minimum standards for jails promulgated by the 735
department of rehabilitation and correction under section 5120.10 736
of the Revised Code; 737

(15) A clear statement that no immunity from liability 738
granted to the state, and no immunity from liability granted to 739
political subdivisions under Chapter 2744. of the Revised Code, 740
shall extend to the contractor or any of the contractor's 741
employees; 742

(16) A statement that all documents and records relevant to 743
the facility shall be maintained in the same manner required for, 744
and subject to the same laws, rules, and regulations as apply to, 745
the records of the public entity; 746

(17) Authorization for the public entity to impose a fine on 747
the contractor from a schedule of fines included in the contract 748
for the contractor's failure to perform its contractual duties or 749
to cancel the contract, as the public entity considers 750
appropriate. If a fine is imposed, the public entity may reduce 751
the payment owed to the contractor pursuant to any invoice in the 752
amount of the imposed fine. 753

(18) A statement that all services provided or goods produced 754
at the facility shall be subject to the same regulations, and the 755
same distribution limitations, as apply to goods and services 756
produced at other correctional institutions; 757

(19) Authorization for the department to establish one or 758
more prison industries at a facility operated and managed by a 759
contractor for the department; 760

(20) A requirement that, if the facility is an intensive 761

program prison established pursuant to section 5120.033 of the Revised Code, the facility shall comply with all criteria for intensive program prisons of that type that are set forth in that section;

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

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

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

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

(3) For inmates serving a term imposed for a felony offense 793
committed prior to July 1, 1996, or for a misdemeanor offense, 794
developing or implementing procedures for calculating and awarding 795
good time, approving the good time, if any, that may be awarded to 796
inmates engaging in work, and granting, denying, or revoking good 797
time; 798

(4) Classifying an inmate or placing an inmate in a more or a 799
less restrictive custody than the custody ordered by the public 800
entity; 801

(5) Approving inmates for work release; 802

(6) Contracting for local or long distance telephone services 803
for inmates or receiving commissions from those services at a 804
facility that is owned by or operated under a contract with the 805
department. 806

(D) A contractor that has been approved to operate a facility 807
under this section, and a person or entity that enters into a 808
contract for specialized services, as described in division (I) of 809
this section, relative to an intensive program prison established 810
pursuant to section 5120.033 of the Revised Code to be operated by 811
a contractor that has been approved to operate the prison under 812
this section, shall provide an adequate policy of insurance 813
specifically including, but not limited to, insurance for civil 814
rights claims as determined by a risk management or actuarial firm 815
with demonstrated experience in public liability for state 816
governments. The insurance policy shall provide that the state, 817
including all state agencies, and all political subdivisions of 818
the state with jurisdiction over the facility or in which a 819
facility is located are named as insured, and that the state and 820
its political subdivisions shall be sent any notice of 821
cancellation. The contractor may not self-insure. 822

A contractor that has been approved to operate a facility 823

under this section, and a person or entity that enters into a 824
contract for specialized services, as described in division (I) of 825
this section, relative to an intensive program prison established 826
pursuant to section 5120.033 of the Revised Code to be operated by 827
a contractor that has been approved to operate the prison under 828
this section, shall indemnify and hold harmless the state, its 829
officers, agents, and employees, and any local government entity 830
in the state having jurisdiction over the facility or ownership of 831
the facility, shall reimburse the state for its costs in defending 832
the state or any of its officers, agents, or employees, and shall 833
reimburse any local government entity of that nature for its costs 834
in defending the local government entity, from all of the 835
following: 836

(1) Any claims or losses for services rendered by the 837
contractor, person, or entity performing or supplying services in 838
connection with the performance of the contract; 839

(2) Any failure of the contractor, person, or entity or its 840
officers or employees to adhere to the laws, rules, regulations, 841
or terms agreed to in the contract; 842

(3) Any constitutional, federal, state, or civil rights claim 843
brought against the state related to the facility operated and 844
managed by the contractor; 845

(4) Any claims, losses, demands, or causes of action arising 846
out of the contractor's, person's, or entity's activities in this 847
state; 848

(5) Any attorney's fees or court costs arising from any 849
habeas corpus actions or other inmate suits that may arise from 850
any event that occurred at the facility or was a result of such an 851
event, or arise over the conditions, management, or operation of 852
the facility, which fees and costs shall include, but not be 853
limited to, attorney's fees for the state's representation and for 854

any court-appointed representation of any inmate, and the costs of 855
any special judge who may be appointed to hear those actions or 856
suits. 857

(E) Private correctional officers of a contractor operating 858
and managing a facility pursuant to a contract entered into under 859
this section may carry and use firearms in the course of their 860
employment only after being certified as satisfactorily completing 861
an approved training program as described in division (A) of 862
section 109.78 of the Revised Code. 863

(F) Upon notification by the contractor of an escape from, or 864
of a disturbance at, the facility that is the subject of a 865
contract entered into under this section, the department of 866
rehabilitation and correction and state and local law enforcement 867
agencies shall use all reasonable means to recapture escapees or 868
quell any disturbance. Any cost incurred by the state or its 869
political subdivisions relating to the apprehension of an escapee 870
or the quelling of a disturbance at the facility shall be 871
chargeable to and borne by the contractor. The contractor shall 872
also reimburse the state or its political subdivisions for all 873
reasonable costs incurred relating to the temporary detention of 874
the escapee following recapture. 875

(G) Any offense that would be a crime if committed at a state 876
correctional institution or jail, workhouse, prison, or other 877
correctional facility shall be a crime if committed by or with 878
regard to inmates at facilities operated pursuant to a contract 879
entered into under this section. 880

(H) A contractor operating and managing a facility pursuant 881
to a contract entered into under this section shall pay any inmate 882
workers at the facility at the rate approved by the public entity. 883
Inmates working at the facility shall not be considered employees 884
of the contractor. 885

(I) In contracting for the private operation and management 886
pursuant to division (A) of this section of ~~the initial~~ any 887
intensive program prison established pursuant to section 5120.033 888
of the Revised Code ~~or of any other intensive program prison~~ 889
~~established pursuant to that section~~, the department of 890
rehabilitation and correction may enter into a contract with a 891
contractor for the general operation and management of the prison 892
and may enter into one or more separate contracts with other 893
persons or entities for the provision of specialized services for 894
persons confined in the prison, including, but not limited to, 895
security or training services or medical, counseling, educational, 896
or similar treatment programs. If, pursuant to this division, the 897
department enters into a contract with a contractor for the 898
general operation and management of the prison and also enters 899
into one or more specialized service contracts with other persons 900
or entities, all of the following apply: 901

(1) The contract for the general operation and management 902
shall comply with all requirements and criteria set forth in this 903
section, and all provisions of this section apply in relation to 904
the prison operated and managed pursuant to the contract. 905

(2) Divisions (A)(2), (B), and (C) of this section do not 906
apply in relation to any specialized services contract, except to 907
the extent that the provisions of those divisions clearly are 908
relevant to the specialized services to be provided under the 909
specialized services contract. Division (D) of this section 910
applies in relation to each specialized services contract. 911

(J) As used in this section: 912

(1) "Public entity" means the department of rehabilitation 913
and correction, or a county or municipal corporation or a 914
combination of counties and municipal corporations, that has 915
jurisdiction over a facility that is the subject of a contract 916
entered into under this section. 917

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

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

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

(5) "Facility" means the specific county, multicounty, municipal, municipal-county, or multicounty-municipal jail, workhouse, prison, or other type of correctional institution or facility used only for misdemeanants, or a state correctional institution, that is the subject of a contract entered into under this section.

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

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

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

(2) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and

politic responsible for governmental activities only in geographic 948
areas smaller than that of the state and also includes a 949
contracting authority. 950

(3) "Reverse auction" means a purchasing process in which 951
offerors submit proposals in competing to sell services or 952
supplies in an open environment via the internet. 953

(4) "Services" means the furnishing of labor, time, or effort 954
by a person, not involving the delivery of a specific end product 955
other than a report which, if provided, is merely incidental to 956
the required performance. "Services" does not include services 957
furnished pursuant to employment agreements or collective 958
bargaining agreements. 959

(5) "Supplies" means all property, including, but not limited 960
to, equipment, materials, other tangible assets, and insurance, 961
but excluding real property or interests in real property. 962

(B)(1) Whenever any political subdivision determines that the 963
use of a reverse auction is advantageous to the political 964
subdivision, the political subdivision, in accordance with this 965
section and rules the political subdivision shall adopt, may 966
purchase services or supplies by reverse auction. 967

(2) A political subdivision shall not purchase supplies or 968
services by reverse auction if the contract concerns the design, 969
construction, alteration, repair, reconstruction, or demolition of 970
a building, highway, road, street, alley, drainage system, water 971
system, waterworks, ditch, sewer, sewage disposal plant, or any 972
other structure or works of any kind. 973

(C) A political subdivision shall solicit proposals through a 974
request for proposals. The request for proposals shall state the 975
relative importance of price and other evaluation factors. The 976
political subdivision shall give notice of the request for 977
proposals in accordance with the rules it adopts. 978

(D) As provided in the request for proposals and in the rules 979
a political subdivision adopts, and to ensure full understanding 980
of and responsiveness to solicitation requirements, the political 981
subdivision may conduct discussions with responsible offerors who 982
submit proposals determined to be reasonably susceptible of being 983
selected for award. The political subdivision shall accord 984
offerors fair and equal treatment with respect to any opportunity 985
for discussion regarding any clarification, correction, or 986
revision of their proposals. 987

(E) A political subdivision may award a contract to the 988
offeror whose proposal the political subdivision determines to be 989
the most advantageous to the political subdivision, taking into 990
consideration factors such as price and the evaluation criteria 991
set forth in the request for proposals. The contract file shall 992
contain the basis on which the award is made. 993

(F) The rules that a political subdivision adopts under this 994
section may require the provision of a performance bond, or 995
another similar form of financial security, in the amount and in 996
the form specified in the rules. 997

(G) If a political subdivision is required by law to purchase 998
services or supplies by competitive sealed bidding or competitive 999
sealed proposals, a purchase made by reverse auction satisfies 1000
that requirement. 1001

Sec. 9.317. As used in this section, "reverse auction" has 1002
the meaning defined in section 9.314 of the Revised Code, and 1003
"state agency" has the meaning defined in section 9.23 of the 1004
Revised Code. 1005

A state agency shall not purchase supplies or services by 1006
reverse auction if the contract concerns the design, construction, 1007
alteration, repair, reconstruction, or demolition of a building, 1008
highway, road, street, alley, drainage system, water system, 1009

waterworks, ditch, sewer, sewage disposal plant, or any other 1010
structure or works of any kind. 1011

Sec. 107.21. (A) As used in this section, "Appalachian 1012
region" means the following counties in this state ~~which~~ that have 1013
been designated as part of Appalachia by the federal Appalachian 1014
regional commission and ~~which~~ that have been geographically 1015
isolated and economically depressed: Adams, Ashtabula, Athens, 1016
Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, 1017
Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, 1018
Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, Noble, 1019
Perry, Pike, Ross, Scioto, Trumbull, Tuscarawas, Vinton, and 1020
Washington. 1021

(B) There is hereby created in the department of development 1022
the governor's office of Appalachian Ohio. The governor shall 1023
designate the director of the governor's office of Appalachian 1024
Ohio. The director shall report directly to the office of the 1025
governor. On January 1, 1987, the governor shall designate the 1026
director to represent this state on the federal Appalachian 1027
regional commission. The director may appoint such employees as 1028
are necessary to exercise the powers and duties of this office. 1029
The director shall maintain local development districts as 1030
established within the Appalachian region for the purpose of 1031
regional planning for the distribution of funds from the 1032
Appalachian regional commission within the Appalachian region. 1033

(C) The governor's office of Appalachian Ohio shall represent 1034
the interests of the Appalachian region in the government of this 1035
state. The duties of the director of the office shall include, but 1036
are not limited to, the following: 1037

(1) To identify residents of the Appalachian region qualified 1038
to serve on state boards, commissions, and bodies and in state 1039
offices, and to bring these persons to the attention of the 1040

governor;	1041
(2) To represent the interests of the Appalachian region in the general assembly and before state boards, commissions, bodies, and agencies;	1042 1043 1044
(3) To assist in forming a consensus on public issues and policies among institutions and organizations that serve the Appalachian region;	1045 1046 1047
(4) To act as an ombudsman <u>ombudsperson</u> to assist in resolving differences between state or federal agencies and the officials of political subdivisions or private, nonprofit organizations located within the Appalachian region;	1048 1049 1050 1051
(5) To assist planning commissions, agencies, and organizations within the Appalachian region in distributing planning information and documents to the appropriate state and federal agencies and to assist in focusing attention on any findings and recommendations of these commissions, agencies, and organizations;	1052 1053 1054 1055 1056 1057
(6) To issue reports on the Appalachian region which <u>that</u> describe progress achieved and the needs that still exist in the region;	1058 1059 1060
(7) To assist the governor's office in resolving the problems of residents of the Appalachian region that come to the governor's attention.	1061 1062 1063
<u>(D) The amount of money from appropriated state funds allocated each year to pay administrative costs of a local development district existing on the effective date of this amendment shall not be decreased due to the creation and funding of additional local development districts. The amount of money allocated to each district shall be increased each year by the average percentage of increase in the consumer price index for the prior year.</u>	1064 1065 1066 1067 1068 1069 1070 1071

As used in this division, "consumer price index" means the 1072
consumer price index for all urban consumers (United States city 1073
average, all items), prepared by the United States department of 1074
labor, bureau of labor statistics. 1075

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1076
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1077
a completed form prescribed pursuant to division (C)(1) of this 1078
section, and a set of fingerprint impressions obtained in the 1079
manner described in division (C)(2) of this section, the 1080
superintendent of the bureau of criminal identification and 1081
investigation shall conduct a criminal records check in the manner 1082
described in division (B) of this section to determine whether any 1083
information exists that indicates that the person who is the 1084
subject of the request previously has been convicted of or pleaded 1085
guilty to any of the following: 1086

(a) A violation of section 2903.01, 2903.02, 2903.03, 1087
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1088
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1089
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1090
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1091
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1092
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1093
2925.06, or 3716.11 of the Revised Code, felonious sexual 1094
penetration in violation of former section 2907.12 of the Revised 1095
Code, a violation of section 2905.04 of the Revised Code as it 1096
existed prior to July 1, 1996, a violation of section 2919.23 of 1097
the Revised Code that would have been a violation of section 1098
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1099
had the violation been committed prior to that date, or a 1100
violation of section 2925.11 of the Revised Code that is not a 1101
minor drug possession offense; 1102

(b) A violation of an existing or former law of this state, 1103
any other state, or the United States that is substantially 1104
equivalent to any of the offenses listed in division (A)(1)(a) of 1105
this section. 1106

(2) On receipt of a request pursuant to section 5123.081 of 1107
the Revised Code with respect to an applicant for employment in 1108
any position with the department of mental retardation and 1109
developmental disabilities, pursuant to section 5126.28 of the 1110
Revised Code with respect to an applicant for employment in any 1111
position with a county board of mental retardation and 1112
developmental disabilities, or pursuant to section 5126.281 of the 1113
Revised Code with respect to an applicant for employment in a 1114
direct services position with an entity contracting with a county 1115
board for employment, a completed form prescribed pursuant to 1116
division (C)(1) of this section, and a set of fingerprint 1117
impressions obtained in the manner described in division (C)(2) of 1118
this section, the superintendent of the bureau of criminal 1119
identification and investigation shall conduct a criminal records 1120
check. The superintendent shall conduct the criminal records check 1121
in the manner described in division (B) of this section to 1122
determine whether any information exists that indicates that the 1123
person who is the subject of the request has been convicted of or 1124
pleaded guilty to any of the following: 1125

(a) A violation of section 2903.01, 2903.02, 2903.03, 1126
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1127
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 1128
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 1129
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1130
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1131
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1132
2925.03, or 3716.11 of the Revised Code; 1133

(b) An existing or former municipal ordinance or law of this 1134

state, any other state, or the United States that is substantially 1135
equivalent to any of the offenses listed in division (A)(2)(a) of 1136
this section. 1137

(3) On receipt of a request pursuant to section 173.27, 1138
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 1139
completed form prescribed pursuant to division (C)(1) of this 1140
section, and a set of fingerprint impressions obtained in the 1141
manner described in division (C)(2) of this section, the 1142
superintendent of the bureau of criminal identification and 1143
investigation shall conduct a criminal records check with respect 1144
to any person who has applied for employment in a position for 1145
which a criminal records check is required by those sections. The 1146
superintendent shall conduct the criminal records check in the 1147
manner described in division (B) of this section to determine 1148
whether any information exists that indicates that the person who 1149
is the subject of the request previously has been convicted of or 1150
pleaded guilty to any of the following: 1151

(a) A violation of section 2903.01, 2903.02, 2903.03, 1152
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1153
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1154
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1155
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1156
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1157
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1158
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1159
2925.22, 2925.23, or 3716.11 of the Revised Code; 1160

(b) An existing or former law of this state, any other state, 1161
or the United States that is substantially equivalent to any of 1162
the offenses listed in division (A)(3)(a) of this section. 1163

(4) On receipt of a request pursuant to section 3701.881 of 1164
the Revised Code with respect to an applicant for employment with 1165
a home health agency as a person responsible for the care, 1166

custody, or control of a child, a completed form prescribed 1167
pursuant to division (C)(1) of this section, and a set of 1168
fingerprint impressions obtained in the manner described in 1169
division (C)(2) of this section, the superintendent of the bureau 1170
of criminal identification and investigation shall conduct a 1171
criminal records check. The superintendent shall conduct the 1172
criminal records check in the manner described in division (B) of 1173
this section to determine whether any information exists that 1174
indicates that the person who is the subject of the request 1175
previously has been convicted of or pleaded guilty to any of the 1176
following: 1177

(a) A violation of section 2903.01, 2903.02, 2903.03, 1178
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1179
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1180
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1181
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1182
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1183
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1184
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1185
violation of section 2925.11 of the Revised Code that is not a 1186
minor drug possession offense; 1187

(b) An existing or former law of this state, any other state, 1188
or the United States that is substantially equivalent to any of 1189
the offenses listed in division (A)(4)(a) of this section. 1190

(5) On receipt of a request pursuant to section 5111.032, 1191
5111.033, or 5111.034 of the Revised Code, a completed form 1192
prescribed pursuant to division (C)(1) of this section, and a set 1193
of fingerprint impressions obtained in the manner described in 1194
division (C)(2) of this section, the superintendent of the bureau 1195
of criminal identification and investigation shall conduct a 1196
criminal records check. The superintendent shall conduct the 1197
criminal records check in the manner described in division (B) of 1198

this section to determine whether any information exists that 1199
indicates that the person who is the subject of the request 1200
previously has been convicted of, has pleaded guilty to, or has 1201
been found eligible for intervention in lieu of conviction for any 1202
of the following, regardless of the date of the conviction, the 1203
date of entry of the guilty plea, or the date the person was found 1204
eligible for intervention in lieu of conviction: 1205

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1206
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1207
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1208
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1209
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1210
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1211
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1212
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1213
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1214
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1215
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1216
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1217
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1218
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1219
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1220
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1221
penetration in violation of former section 2907.12 of the Revised 1222
Code, a violation of section 2905.04 of the Revised Code as it 1223
existed prior to July 1, 1996, a violation of section 2919.23 of 1224
the Revised Code that would have been a violation of section 1225
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1226
had the violation been committed prior to that date; 1227

(b) ~~An~~ A violation of an existing or former municipal 1228
ordinance or law of this state, any other state, or the United 1229
States that is substantially equivalent to any of the offenses 1230

listed in division (A)(5)(a) of this section. 1231

(6) On receipt of a request pursuant to section 3701.881 of 1232
the Revised Code with respect to an applicant for employment with 1233
a home health agency in a position that involves providing direct 1234
care to an older adult, a completed form prescribed pursuant to 1235
division (C)(1) of this section, and a set of fingerprint 1236
impressions obtained in the manner described in division (C)(2) of 1237
this section, the superintendent of the bureau of criminal 1238
identification and investigation shall conduct a criminal records 1239
check. The superintendent shall conduct the criminal records check 1240
in the manner described in division (B) of this section to 1241
determine whether any information exists that indicates that the 1242
person who is the subject of the request previously has been 1243
convicted of or pleaded guilty to any of the following: 1244

(a) A violation of section 2903.01, 2903.02, 2903.03, 1245
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1246
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1247
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1248
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1249
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1250
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1251
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1252
2925.22, 2925.23, or 3716.11 of the Revised Code; 1253

(b) An existing or former law of this state, any other state, 1254
or the United States that is substantially equivalent to any of 1255
the offenses listed in division (A)(6)(a) of this section. 1256

(7) When conducting a criminal records check upon a request 1257
pursuant to section 3319.39 of the Revised Code for an applicant 1258
who is a teacher, in addition to the determination made under 1259
division (A)(1) of this section, the superintendent shall 1260
determine whether any information exists that indicates that the 1261
person who is the subject of the request previously has been 1262

convicted of or pleaded guilty to any offense specified in section 1263
3319.31 of the Revised Code. 1264

(8) On receipt of a request pursuant to section 2151.86 of 1265
the Revised Code, a completed form prescribed pursuant to division 1266
(C)(1) of this section, and a set of fingerprint impressions 1267
obtained in the manner described in division (C)(2) of this 1268
section, the superintendent of the bureau of criminal 1269
identification and investigation shall conduct a criminal records 1270
check in the manner described in division (B) of this section to 1271
determine whether any information exists that indicates that the 1272
person who is the subject of the request previously has been 1273
convicted of or pleaded guilty to any of the following: 1274

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1275
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1276
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1277
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1278
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1279
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1280
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1281
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1282
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1283
of the Revised Code, a violation of section 2905.04 of the Revised 1284
Code as it existed prior to July 1, 1996, a violation of section 1285
2919.23 of the Revised Code that would have been a violation of 1286
section 2905.04 of the Revised Code as it existed prior to July 1, 1287
1996, had the violation been committed prior to that date, a 1288
violation of section 2925.11 of the Revised Code that is not a 1289
minor drug possession offense, two or more OVI or OVUAC violations 1290
committed within the three years immediately preceding the 1291
submission of the application or petition that is the basis of the 1292
request, or felonious sexual penetration in violation of former 1293
section 2907.12 of the Revised Code; 1294

(b) A violation of an existing or former law of this state, 1295
any other state, or the United States that is substantially 1296
equivalent to any of the offenses listed in division (A)(8)(a) of 1297
this section. 1298

(9) Upon receipt of a request pursuant to section 5104.012 or 1299
5104.013 of the Revised Code, a completed form prescribed pursuant 1300
to division (C)(1) of this section, and a set of fingerprint 1301
impressions obtained in the manner described in division (C)(2) of 1302
this section, the superintendent of the bureau of criminal 1303
identification and investigation shall conduct a criminal records 1304
check in the manner described in division (B) of this section to 1305
determine whether any information exists that indicates that the 1306
person who is the subject of the request has been convicted of or 1307
pleaded guilty to any of the following: 1308

(a) A violation of section 2903.01, 2903.02, 2903.03, 1309
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 1310
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 1311
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 1312
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1313
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 1314
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 1315
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1316
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 1317
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 1318
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1319
3716.11 of the Revised Code, felonious sexual penetration in 1320
violation of former section 2907.12 of the Revised Code, a 1321
violation of section 2905.04 of the Revised Code as it existed 1322
prior to July 1, 1996, a violation of section 2919.23 of the 1323
Revised Code that would have been a violation of section 2905.04 1324
of the Revised Code as it existed prior to July 1, 1996, had the 1325
violation been committed prior to that date, a violation of 1326

section 2925.11 of the Revised Code that is not a minor drug 1327
possession offense, a violation of section 2923.02 or 2923.03 of 1328
the Revised Code that relates to a crime specified in this 1329
division, or a second violation of section 4511.19 of the Revised 1330
Code within five years of the date of application for licensure or 1331
certification. 1332

(b) A violation of an existing or former law of this state, 1333
any other state, or the United States that is substantially 1334
equivalent to any of the offenses or violations described in 1335
division (A)(9)(a) of this section. 1336

(10) Upon receipt of a request pursuant to section 5153.111 1337
of the Revised Code, a completed form prescribed pursuant to 1338
division (C)(1) of this section, and a set of fingerprint 1339
impressions obtained in the manner described in division (C)(2) of 1340
this section, the superintendent of the bureau of criminal 1341
identification and investigation shall conduct a criminal records 1342
check in the manner described in division (B) of this section to 1343
determine whether any information exists that indicates that the 1344
person who is the subject of the request previously has been 1345
convicted of or pleaded guilty to any of the following: 1346

(a) A violation of section 2903.01, 2903.02, 2903.03, 1347
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1348
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1349
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1350
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1351
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1352
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1353
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1354
felonious sexual penetration in violation of former section 1355
2907.12 of the Revised Code, a violation of section 2905.04 of the 1356
Revised Code as it existed prior to July 1, 1996, a violation of 1357
section 2919.23 of the Revised Code that would have been a 1358

violation of section 2905.04 of the Revised Code as it existed 1359
prior to July 1, 1996, had the violation been committed prior to 1360
that date, or a violation of section 2925.11 of the Revised Code 1361
that is not a minor drug possession offense; 1362

(b) A violation of an existing or former law of this state, 1363
any other state, or the United States that is substantially 1364
equivalent to any of the offenses listed in division (A)(10)(a) of 1365
this section. 1366

(11) On receipt of a request for a criminal records check 1367
from an individual pursuant to section 4749.03 or 4749.06 of the 1368
Revised Code, accompanied by a completed copy of the form 1369
prescribed in division (C)(1) of this section and a set of 1370
fingerprint impressions obtained in a manner described in division 1371
(C)(2) of this section, the superintendent of the bureau of 1372
criminal identification and investigation shall conduct a criminal 1373
records check in the manner described in division (B) of this 1374
section to determine whether any information exists indicating 1375
that the person who is the subject of the request has been 1376
convicted of or pleaded guilty to a felony in this state or in any 1377
other state. If the individual indicates that a firearm will be 1378
carried in the course of business, the superintendent shall 1379
require information from the federal bureau of investigation as 1380
described in division (B)(2) of this section. The superintendent 1381
shall report the findings of the criminal records check and any 1382
information the federal bureau of investigation provides to the 1383
director of public safety. 1384

(12) On receipt of a request pursuant to section 1321.37, 1385
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 1386
Code, a completed form prescribed pursuant to division (C)(1) of 1387
this section, and a set of fingerprint impressions obtained in the 1388
manner described in division (C)(2) of this section, the 1389
superintendent of the bureau of criminal identification and 1390

investigation shall conduct a criminal records check with respect 1391
to any person who has applied for a license, permit, or 1392
certification from the department of commerce or a division in the 1393
department. The superintendent shall conduct the criminal records 1394
check in the manner described in division (B) of this section to 1395
determine whether any information exists that indicates that the 1396
person who is the subject of the request previously has been 1397
convicted of or pleaded guilty to any of the following: a 1398
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 1399
2925.03 of the Revised Code; any other criminal offense involving 1400
theft, receiving stolen property, embezzlement, forgery, fraud, 1401
passing bad checks, money laundering, or drug trafficking, or any 1402
criminal offense involving money or securities, as set forth in 1403
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 1404
the Revised Code; or any existing or former law of this state, any 1405
other state, or the United States that is substantially equivalent 1406
to those offenses. 1407

1408

(13) On receipt of a request for a criminal records check 1409
from the treasurer of state under section 113.041 of the Revised 1410
Code or from an individual under section 4701.08, 4715.101, 1411
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1412
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1413
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1414
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 1415
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 1416
a completed form prescribed under division (C)(1) of this section 1417
and a set of fingerprint impressions obtained in the manner 1418
described in division (C)(2) of this section, the superintendent 1419
of the bureau of criminal identification and investigation shall 1420
conduct a criminal records check in the manner described in 1421
division (B) of this section to determine whether any information 1422
exists that indicates that the person who is the subject of the 1423

request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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

(15) Not later than thirty days after the date the superintendent receives a request of a type described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, the completed form, and the fingerprint impressions, the superintendent shall send the person, board, or entity that made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (14) of this section, as appropriate. The superintendent shall send the person,

board, or entity that made the request a copy of the list of 1456
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 1457
(7), (8), (9), (10), (11), (12), or (14) of this section, as 1458
appropriate. If the request was made under section 3701.881 of the 1459
Revised Code with regard to an applicant who may be both 1460
responsible for the care, custody, or control of a child and 1461
involved in providing direct care to an older adult, the 1462
superintendent shall provide a list of the offenses specified in 1463
divisions (A)(4) and (6) of this section. 1464

Not later than thirty days after the superintendent receives 1465
a request for a criminal records check pursuant to section 113.041 1466
of the Revised Code, the completed form, and the fingerprint 1467
impressions, the superintendent shall send the treasurer of state 1468
any information, other than information the dissemination of which 1469
is prohibited by federal law, the superintendent determines exist 1470
with respect to the person who is the subject of the request that 1471
indicates that the person previously has been convicted of or 1472
pleaded guilty to any criminal offense in this state or any other 1473
state. 1474

(B) The superintendent shall conduct any criminal records 1475
check requested under section 113.041, 121.08, 173.27, 173.394, 1476
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 1477
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 1478
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 1479
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1480
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1481
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1482
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1483
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1484
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1485
5126.281, or 5153.111 of the Revised Code as follows: 1486

(1) The superintendent shall review or cause to be reviewed 1487

any relevant information gathered and compiled by the bureau under 1488
division (A) of section 109.57 of the Revised Code that relates to 1489
the person who is the subject of the request, including, if the 1490
criminal records check was requested under section 113.041, 1491
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1492
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1493
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1494
3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 1495
5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of 1496
the Revised Code, any relevant information contained in records 1497
that have been sealed under section 2953.32 of the Revised Code; 1498

(2) If the request received by the superintendent asks for 1500
information from the federal bureau of investigation, the 1501
superintendent shall request from the federal bureau of 1502
investigation any information it has with respect to the person 1503
who is the subject of the request, including fingerprint-based 1504
checks of national crime information databases as described in 42 1505
U.S.C. 671 if the request is made pursuant to section 2151.86, 1506
5104.012, or 5104.013 of the Revised Code or if any other Revised 1507
Code section requires fingerprint-based checks of that nature, and 1508
shall review or cause to be reviewed any information the 1509
superintendent receives from that bureau. 1510

(3) The superintendent or the superintendent's designee may 1511
request criminal history records from other states or the federal 1512
government pursuant to the national crime prevention and privacy 1513
compact set forth in section 109.571 of the Revised Code. 1514

(C)(1) The superintendent shall prescribe a form to obtain 1515
the information necessary to conduct a criminal records check from 1516
any person for whom a criminal records check is requested under 1517
section 113.041 of the Revised Code or required by section 121.08, 1518
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1519

1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 1520
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 1521
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 1522
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1523
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1524
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1525
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1526
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1527
5126.281, or 5153.111 of the Revised Code. The form that the 1528
superintendent prescribes pursuant to this division may be in a 1529
tangible format, in an electronic format, or in both tangible and 1530
electronic formats. 1531

(2) The superintendent shall prescribe standard impression 1532
sheets to obtain the fingerprint impressions of any person for 1533
whom a criminal records check is requested under section 113.041 1534
of the Revised Code or required by section 121.08, 173.27, 1535
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1536
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 1537
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 1538
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 1539
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1540
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1541
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1542
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 1543
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 1544
5126.281, or 5153.111 of the Revised Code. Any person for whom a 1545
records check is requested under or required by any of those 1546
sections shall obtain the fingerprint impressions at a county 1547
sheriff's office, municipal police department, or any other entity 1548
with the ability to make fingerprint impressions on the standard 1549
impression sheets prescribed by the superintendent. The office, 1550
department, or entity may charge the person a reasonable fee for 1551
making the impressions. The standard impression sheets the 1552

superintendent prescribes pursuant to this division may be in a 1553
tangible format, in an electronic format, or in both tangible and 1554
electronic formats. 1555
1556

(3) Subject to division (D) of this section, the 1557
superintendent shall prescribe and charge a reasonable fee for 1558
providing a criminal records check requested under section 1559
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1560
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 1561
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 1562
3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 1563
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 1564
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 1565
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 1566
4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 1567
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 1568
5126.28, 5126.281, or 5153.111 of the Revised Code. The person 1569
making a criminal records request under any of those sections 1570
shall pay the fee prescribed pursuant to this division. A person 1571
making a request under section 3701.881 of the Revised Code for a 1572
criminal records check for an applicant who may be both 1573
responsible for the care, custody, or control of a child and 1574
involved in providing direct care to an older adult shall pay one 1575
fee for the request. In the case of a request under section 1576
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 1577
of the Revised Code, the fee shall be paid in the manner specified 1578
in that section. 1579
1580

(4) The superintendent of the bureau of criminal 1581
identification and investigation may prescribe methods of 1582
forwarding fingerprint impressions and information necessary to 1583
conduct a criminal records check, which methods shall include, but 1584

not be limited to, an electronic method. 1585

(D) A determination whether any information exists that 1586
indicates that a person previously has been convicted of or 1587
pleaded guilty to any offense listed or described in division 1588
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 1589
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 1590
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 1591
section, or that indicates that a person previously has been 1592
convicted of or pleaded guilty to any criminal offense in this 1593
state or any other state regarding a criminal records check of a 1594
type described in division (A)(13) of this section, and that is 1595
made by the superintendent with respect to information considered 1596
in a criminal records check in accordance with this section is 1597
valid for the person who is the subject of the criminal records 1598
check for a period of one year from the date upon which the 1599
superintendent makes the determination. During the period in which 1600
the determination in regard to a person is valid, if another 1601
request under this section is made for a criminal records check 1602
for that person, the superintendent shall provide the information 1603
that is the basis for the superintendent's initial determination 1604
at a lower fee than the fee prescribed for the initial criminal 1605
records check. 1606

(E) As used in this section: 1607

(1) "Criminal records check" means any criminal records check 1608
conducted by the superintendent of the bureau of criminal 1609
identification and investigation in accordance with division (B) 1610
of this section. 1611

(2) "Minor drug possession offense" has the same meaning as 1612
in section 2925.01 of the Revised Code. 1613

(3) "Older adult" means a person age sixty or older. 1614

(4) "OVI or OVUAC violation" means a violation of section 1615

4511.19 of the Revised Code or a violation of an existing or 1616
former law of this state, any other state, or the United States 1617
that is substantially equivalent to section 4511.19 of the Revised 1618
Code. 1619

Sec. 109.73. (A) The Ohio peace officer training commission 1620
shall recommend rules to the attorney general with respect to all 1621
of the following: 1622

(1) The approval, or revocation of approval, of peace officer 1623
training schools administered by the state, counties, municipal 1624
corporations, public school districts, technical college 1625
districts, and the department of natural resources; 1626

(2) Minimum courses of study, attendance requirements, and 1627
equipment and facilities to be required at approved state, county, 1628
municipal, and department of natural resources peace officer 1629
training schools; 1630

(3) Minimum qualifications for instructors at approved state, 1631
county, municipal, and department of natural resources peace 1632
officer training schools; 1633

(4) The requirements of minimum basic training that peace 1634
officers appointed to probationary terms shall complete before 1635
being eligible for permanent appointment, which requirements shall 1636
include ~~a minimum of fifteen hours of~~ training in the handling of 1637
the offense of domestic violence, other types of domestic 1638
violence-related offenses and incidents, and protection orders and 1639
consent agreements issued or approved under section 2919.26 or 1640
3113.31 of the Revised Code; ~~a minimum of six hours of~~ crisis 1641
intervention training; and ~~a specified amount of~~ training in the 1642
handling of missing children and child abuse and neglect cases; 1643
and the time within which such basic training shall be completed 1644
following appointment to a probationary term; 1645

(5) The requirements of minimum basic training that peace officers not appointed for probationary terms but appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment, which requirements shall include ~~a minimum of fifteen hours of~~ training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, ~~a minimum of six hours of~~ crisis intervention training, and ~~a specified amount of~~ training in the handling of missing children and child abuse and neglect cases, and the time within which such basic training shall be completed following appointment on other than a permanent basis;

(6) Categories or classifications of advanced in-service training programs for peace officers, including programs in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code, in crisis intervention, and in the handling of missing children and child abuse and neglect cases, and minimum courses of study and attendance requirements with respect to such categories or classifications;

(7) Permitting persons, who are employed as members of a campus police department appointed under section 1713.50 of the Revised Code; who are employed as police officers by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code; who are appointed and commissioned as bank, savings and loan association, savings bank, credit union, or association of banks, savings and loan associations, savings banks, or credit unions police officers, as railroad police officers, or as hospital police officers pursuant to sections

4973.17 to 4973.22 of the Revised Code; or who are appointed and 1678
commissioned as amusement park police officers pursuant to section 1679
4973.17 of the Revised Code, to attend approved peace officer 1680
training schools, including the Ohio peace officer training 1681
academy, and to receive certificates of satisfactory completion of 1682
basic training programs, if the private college or university that 1683
established the campus police department; qualified nonprofit 1684
corporation police department; bank, savings and loan association, 1685
savings bank, credit union, or association of banks, savings and 1686
loan associations, savings banks, or credit unions; railroad 1687
company; hospital; or amusement park sponsoring the police 1688
officers pays the entire cost of the training and certification 1689
and if trainee vacancies are available; 1690

(8) Permitting undercover drug agents to attend approved 1691
peace officer training schools, other than the Ohio peace officer 1692
training academy, and to receive certificates of satisfactory 1693
completion of basic training programs, if, for each undercover 1694
drug agent, the county, township, or municipal corporation that 1695
employs that undercover drug agent pays the entire cost of the 1696
training and certification; 1697

(9)(a) The requirements for basic training programs for 1698
bailiffs and deputy bailiffs of courts of record of this state and 1699
for criminal investigators employed by the state public defender 1700
that those persons shall complete before they may carry a firearm 1701
while on duty; 1702

(b) The requirements for any training received by a bailiff 1703
or deputy bailiff of a court of record of this state or by a 1704
criminal investigator employed by the state public defender prior 1705
to June 6, 1986, that is to be considered equivalent to the 1706
training described in division (A)(9)(a) of this section. 1707

(10) Establishing minimum qualifications and requirements for 1708
certification for dogs utilized by law enforcement agencies; 1709

(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;

(12) Establishing requirements for the training of agents of a county humane society under section 1717.06 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.

(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission.

(C) The commission may do all of the following:

(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;

(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;

(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding

the carrying out of the purposes of sections 109.71 to 109.77 of 1741
the Revised Code; 1742

(4) Report to the attorney general from time to time, and to 1743
the governor and the general assembly at least annually, 1744
concerning the activities of the commission; 1745

(5) Establish fees for the services the commission offers 1746
under sections 109.71 to 109.79 of the Revised Code, including, 1747
but not limited to, fees for training, certification, and testing; 1748

(6) Perform such other acts as are necessary or appropriate 1749
to carry out the powers and duties of the commission as set forth 1750
in sections 109.71 to 109.77 of the Revised Code. 1751

(D) In establishing the requirements, under division (A)(12) 1752
of this section, the commission may consider any portions of the 1753
curriculum for instruction on the topic of animal husbandry 1754
practices, if any, of the Ohio state university college of 1755
veterinary medicine. No person or entity that fails to provide 1756
instruction on traditional animal husbandry methods and training 1757
techniques, including customary owner-performed practices, shall 1758
qualify to train a humane agent for appointment under section 1759
1717.06 of the Revised Code. 1760

Sec. 109.742. The attorney general shall adopt, in accordance 1761
with Chapter 119. or pursuant to section 109.74 of the Revised 1762
Code, rules governing the training of peace officers in crisis 1763
intervention. The rules shall specify ~~six or more hours of that~~ 1764
the amount of training necessary for the satisfactory completion 1765
of basic training programs at approved peace officer training 1766
schools, other than the Ohio peace officer training academy. 1767
1768

Sec. 109.744. The attorney general shall adopt, in accordance 1769
with Chapter 119. of the Revised Code or pursuant to section 1770

109.74 of the Revised Code, rules governing the training of peace officers in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code. The provisions of the rules shall include, but shall not be limited to, all of the following:

(A) A ~~specification that fifteen or more hours~~ specified amount of ~~that~~ training that is ~~required~~ necessary for the satisfactory completion of basic training programs at approved peace officer training schools, other than the Ohio peace officer training academy;

(B) A requirement that the training include, but not be limited to, training in all of the following:

(1) All recent amendments to domestic violence-related laws;

(2) Notifying a victim of domestic violence of ~~his~~ the victim's rights;

(3) Processing protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code.

Sec. 109.751. (A) The executive director of the Ohio peace officer training commission shall neither approve nor issue a certificate of approval to a peace officer training school pursuant to section 109.75 of the Revised Code unless the school agrees to permit, in accordance with rules adopted by the attorney general pursuant to division (C) of this section, undercover drug agents to attend its basic training programs. The executive director shall revoke approval, and the certificate of approval of, a peace officer training school that does not permit, in accordance with rules adopted by the attorney general pursuant to

division (C) of this section, undercover drug agents to attend its 1801
basic training programs. 1802

This division does not apply to peace officer training 1803
schools for employees of conservancy districts who are designated 1804
pursuant to section 6101.75 of the Revised Code or for a natural 1805
resources law enforcement staff officer, park officers, forest 1806
officers, preserve officers, wildlife officers, or state 1807
watercraft officers of the department of natural resources. 1808

(B)(1) A peace officer training school is not required to 1809
permit an undercover drug agent, a bailiff or deputy bailiff of a 1810
court of record of this state, or a criminal investigator employed 1811
by the state public defender to attend its basic training programs 1812
if either of the following applies: 1813

(a) In the case of the Ohio peace officer training academy, 1814
the employer county, township, municipal corporation, court, or 1815
state public defender or the particular undercover drug agent, 1816
bailiff, deputy bailiff, or criminal investigator has not paid the 1817
tuition costs of training in accordance with section 109.79 of the 1818
Revised Code; 1819

(b) In the case of other peace officer training schools, the 1820
~~employer~~ employing county, township, municipal corporation, court, 1821
or state public defender fails to pay the entire cost of the 1822
training and certification. 1823

(2) A training school shall not permit a bailiff or deputy 1824
bailiff of a court of record of this state or a criminal 1825
investigator employed by the state public defender to attend its 1826
basic training programs unless the employing court of the bailiff 1827
or deputy bailiff or the state public defender, whichever is 1828
applicable, has authorized the bailiff, deputy bailiff, or 1829
investigator to attend the school. 1830

(C) The attorney general shall adopt, in accordance with 1831

Chapter 119. or pursuant to section 109.74 of the Revised Code, 1832
rules governing the attendance of undercover drug agents at 1833
approved peace officer training schools, other than the Ohio peace 1834
officer training academy, and the certification of the agents upon 1835
their satisfactory completion of basic training programs. 1836

Sec. 109.761. (A)(1) Each agency or entity that appoints or 1837
employs one or more peace officers shall report to the Ohio peace 1838
officer training commission all of the following that occur on or 1839
after February 20, 2002: 1840

(a) The appointment or employment of any person to serve the 1841
agency or entity as a peace officer in any full-time, part-time, 1842
reserve, auxiliary, or other capacity; 1843

(b) The termination, resignation, felony conviction, ~~or~~ 1844
death, or guilty plea as specified in division (F) of section 1845
109.77 of the Revised Code of any person who has been appointed to 1846
or employed by the agency or entity as a peace officer in any 1847
full-time, part-time, reserve, auxiliary, or other capacity and is 1848
serving the agency or entity in any of those peace officer 1849
capacities. 1850

(2) An agency or entity shall make each report required by 1851
this division not later than ten days after the occurrence of the 1852
event being reported. The agency or entity shall make the report 1853
in the manner and format prescribed by the executive director of 1854
the Ohio peace officer training commission. 1855

(B) Each agency or entity that appoints or employs one or 1856
more peace officers or state highway patrol troopers shall 1857
annually provide to the Ohio peace officer training commission a 1858
roster of all persons who have been appointed to or employed by 1859
the agency or entity as peace officers or troopers in any 1860
full-time, part-time, reserve, auxiliary, or other capacity and 1861
are serving, or during the year covered by the report have served, 1862

the agency or entity in any of those peace officer or trooper 1863
capacities. The agency or entity shall provide the roster in the 1864
manner and format, and by the date, prescribed by the executive 1865
director of the Ohio peace officer training commission. 1866

(C) The Ohio peace officer training commission shall 1867
prescribe the manner and format of making reports under division 1868
(A) of this section and providing annual rosters under division 1869
(B) of this section and shall prescribe the date by which the 1870
annual rosters must be provided. 1871

Sec. 109.77. (A) As used in this section, "felony" has the 1872
same meaning as in section 109.511 of the Revised Code. 1873

(B)(1) Notwithstanding any general, special, or local law or 1874
charter to the contrary, and except as otherwise provided in this 1875
section, no person shall receive an original appointment on a 1876
permanent basis as any of the following unless the person 1877
previously has been awarded a certificate by the executive 1878
director of the Ohio peace officer training commission attesting 1879
to the person's satisfactory completion of an approved state, 1880
county, municipal, or department of natural resources peace 1881
officer basic training program: 1882

(a) A peace officer of any county, township, municipal 1883
corporation, regional transit authority, or metropolitan housing 1884
authority; 1885

(b) A natural resources law enforcement staff officer, park 1886
officer, forest officer, preserve officer, wildlife officer, or 1887
state watercraft officer of the department of natural resources; 1888

(c) An employee of a park district under section 511.232 or 1889
1545.13 of the Revised Code; 1890

(d) An employee of a conservancy district who is designated 1891
pursuant to section 6101.75 of the Revised Code; 1892

(e) A state university law enforcement officer;	1893
(f) A special police officer employed by the department of	1894
mental health pursuant to section 5119.14 of the Revised Code or	1895
the department of mental retardation and developmental	1896
disabilities pursuant to section 5123.13 of the Revised Code;	1897
(g) An enforcement agent of the department of public safety	1898
whom the director of public safety designates under section	1899
5502.14 of the Revised Code;	1900
(h) A special police officer employed by a port authority	1901
under section 4582.04 or 4582.28 of the Revised Code;	1902
(i) A special police officer employed by a municipal	1903
corporation at a municipal airport, or other municipal air	1904
navigation facility, that has scheduled operations, as defined in	1905
section 119.3 of Title 14 of the Code of Federal Regulations, 14	1906
C.F.R. 119.3, as amended, and that is required to be under a	1907
security program and is governed by aviation security rules of the	1908
transportation security administration of the United States	1909
department of transportation as provided in Parts 1542. and 1544.	1910
of Title 49 of the Code of Federal Regulations, as amended.	1911
(2) Every person who is appointed on a temporary basis or for	1912
a probationary term or on other than a permanent basis as any of	1913
the following shall forfeit the appointed position unless the	1914
person previously has completed satisfactorily or, within the time	1915
prescribed by rules adopted by the attorney general pursuant to	1916
section 109.74 of the Revised Code, satisfactorily completes a	1917
state, county, municipal, or department of natural resources peace	1918
officer basic training program for temporary or probationary	1919
officers and is awarded a certificate by the director attesting to	1920
the satisfactory completion of the program:	1921
(a) A peace officer of any county, township, municipal	1922
corporation, regional transit authority, or metropolitan housing	1923

authority;	1924
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	1925 1926 1927
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	1928 1929
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	1930 1931
(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;	1932 1933 1934 1935
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	1936 1937 1938
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	1939 1940
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	1941 1942 1943 1944 1945 1946 1947 1948 1949
(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or	1950 1951 1952 1953

temporary, probationary, or other nonpermanent basis, shall 1954
include ~~at least fifteen hours of~~ training in the handling of the 1955
offense of domestic violence, other types of domestic 1956
violence-related offenses and incidents, and protection orders and 1957
consent agreements issued or approved under section 2919.26 or 1958
3113.31 of the Revised Code and ~~at least six hours of~~ crisis 1959
intervention training. The requirement to complete ~~fifteen hours~~ 1960
~~of~~ training in the handling of the offense of domestic violence, 1961
other types of domestic violence-related offenses and incidents, 1962
and protection orders and consent agreements issued or approved 1963
under section 2919.26 or 3113.31 of the Revised Code does not 1964
apply to any person serving as a peace officer on March 27, 1979, 1965
and the requirement to complete ~~six hours of~~ training in crisis 1966
intervention does not apply to any person serving as a peace 1967
officer on April 4, 1985. Any person who is serving as a peace 1968
officer on April 4, 1985, who terminates that employment after 1969
that date, and who subsequently is hired as a peace officer by the 1970
same or another law enforcement agency shall complete ~~the six~~ 1971
~~hours of~~ training in crisis intervention ~~within the time as~~ 1972
prescribed by rules adopted by the attorney general pursuant to 1973
section 109.742 of the Revised Code. No peace officer shall have 1974
employment as a peace officer terminated and then be reinstated 1975
with intent to circumvent this section. 1976

(4) Division (B) of this section does not apply to any person 1977
serving on a permanent basis on March 28, 1985, as a park officer, 1978
forest officer, preserve officer, wildlife officer, or state 1979
watercraft officer of the department of natural resources or as an 1980
employee of a park district under section 511.232 or 1545.13 of 1981
the Revised Code, to any person serving on a permanent basis on 1982
March 6, 1986, as an employee of a conservancy district designated 1983
pursuant to section 6101.75 of the Revised Code, to any person 1984
serving on a permanent basis on January 10, 1991, as a preserve 1985
officer of the department of natural resources, to any person 1986

employed on a permanent basis on July 2, 1992, as a special police officer by the department of mental health pursuant to section 5119.14 of the Revised Code or by the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code, to any person serving on a permanent basis on May 17, 2000, as a special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code, to any person serving on a permanent basis on ~~the effective date of this amendment~~ March 19, 2003, as a special police officer employed by a municipal corporation at a municipal airport or other municipal air navigation facility described in division (A)(19) of section 109.71 of the Revised Code, to any person serving on a permanent basis on June 19, 1978, as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who, immediately prior to June 19, 1978, was serving as a special police officer designated under authority of that section, or to any person serving on a permanent basis on September 20, 1984, as a liquor control investigator, known after June 30, 1999, as an enforcement agent of the department of public safety, engaged in the enforcement of Chapters 4301. and 4303. of the Revised Code.

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

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as a veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

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

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

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

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in

the case of a criminal investigator, by the state public defender 2051
and has received training in the use of firearms that the Ohio 2052
peace officer training commission determines is equivalent to the 2053
training that otherwise is required by division (D) of this 2054
section. 2055

(E)(1) Before a person seeking a certificate completes an 2056
approved peace officer basic training program, the executive 2057
director of the Ohio peace officer training commission shall 2058
request the person to disclose, and the person shall disclose, any 2059
previous criminal conviction of or plea of guilty of that person 2060
to a felony. 2061

(2) Before a person seeking a certificate completes an 2062
approved peace officer basic training program, the executive 2063
director shall request a criminal history records check on the 2064
person. The executive director shall submit the person's 2065
fingerprints to the bureau of criminal identification and 2066
investigation, which shall submit the fingerprints to the federal 2067
bureau of investigation for a national criminal history records 2068
check. 2069

Upon receipt of the executive director's request, the bureau 2070
of criminal identification and investigation and the federal 2071
bureau of investigation shall conduct a criminal history records 2072
check on the person and, upon completion of the check, shall 2073
provide a copy of the criminal history records check to the 2074
executive director. The executive director shall not award any 2075
certificate prescribed in this section unless the executive 2076
director has received a copy of the criminal history records check 2077
on the person to whom the certificate is to be awarded. 2078

(3) The executive director of the commission shall not award 2079
a certificate prescribed in this section to a person who has been 2080
convicted of or has pleaded guilty to a felony or who fails to 2081
disclose any previous criminal conviction of or plea of guilty to 2082

a felony as required under division (E)(1) of this section. 2083

(4) The executive director of the commission shall revoke the 2084
certificate awarded to a person as prescribed in this section, and 2085
that person shall forfeit all of the benefits derived from being 2086
certified as a peace officer under this section, if the person, 2087
before completion of an approved peace officer basic training 2088
program, failed to disclose any previous criminal conviction of or 2089
plea of guilty to a felony as required under division (E)(1) of 2090
this section. 2091

(F)(1) Regardless of whether the person has been awarded the 2092
certificate or has been classified as a peace officer prior to, 2093
on, or after October 16, 1996, the executive director of the Ohio 2094
peace officer training commission shall revoke any certificate 2095
that has been awarded to a person as prescribed in this section if 2096
the person does either of the following: 2097

(a) Pleads guilty to a felony committed on or after January 2098
1, 1997; 2099

(b) Pleads guilty to a misdemeanor committed on or after 2100
January 1, 1997, pursuant to a negotiated plea agreement as 2101
provided in division (D) of section 2929.43 of the Revised Code in 2102
which the person agrees to surrender the certificate awarded to 2103
the person under this section. 2104

(2) The executive director of the commission shall suspend 2105
any certificate that has been awarded to a person as prescribed in 2106
this section if the person is convicted, after trial, of a felony 2107
committed on or after January 1, 1997. The executive director 2108
shall suspend the certificate pursuant to division (F)(2) of this 2109
section pending the outcome of an appeal by the person from that 2110
conviction to the highest court to which the appeal is taken or 2111
until the expiration of the period in which an appeal is required 2112
to be filed. If the person files an appeal that results in that 2113

person's acquittal of the felony or conviction of a misdemeanor, 2114
or in the dismissal of the felony charge against that person, the 2115
executive director shall reinstate the certificate awarded to the 2116
person under this section. If the person files an appeal from that 2117
person's conviction of the felony and the conviction is upheld by 2118
the highest court to which the appeal is taken or if the person 2119
does not file a timely appeal, the executive director shall revoke 2120
the certificate awarded to the person under this section. 2121

(G)(1) If a person is awarded a certificate under this 2122
section and the certificate is revoked pursuant to division (E)(4) 2123
or (F) of this section, the person shall not be eligible to 2124
receive, at any time, a certificate attesting to the person's 2125
satisfactory completion of a peace officer basic training program. 2126

(2) The revocation or suspension of a certificate under 2127
division (E)(4) or (F) of this section shall be in accordance with 2128
Chapter 119. of the Revised Code. 2129

(H)(1) A person who was employed as a peace officer of a 2130
county, township, or municipal corporation of the state on January 2131
1, 1966, and who has completed at least sixteen years of full-time 2132
active service as such a peace officer, or equivalent service as 2133
determined by the executive director of the Ohio peace officer 2134
training commission, may receive an original appointment on a 2135
permanent basis and serve as a peace officer of a county, 2136
township, or municipal corporation, or as a state university law 2137
enforcement officer, without complying with the requirements of 2138
division (B) of this section. 2139

(2) Any person who held an appointment as a state highway 2140
trooper on January 1, 1966, may receive an original appointment on 2141
a permanent basis and serve as a peace officer of a county, 2142
township, or municipal corporation, or as a state university law 2143
enforcement officer, without complying with the requirements of 2144
division (B) of this section. 2145

(I) No person who is appointed as a peace officer of a county, township, or municipal corporation on or after April 9, 1985, shall serve as a peace officer of that county, township, or municipal corporation unless the person has received training in the handling of missing children and child abuse and neglect cases from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

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

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

Sec. 109.802. (A) There is hereby created in the state treasury the law enforcement assistance fund. The ~~fund~~ attorney general shall ~~be used~~ use the fund to pay reimbursements for continuing professional training programs for peace officers and troopers as provided in this section and section 109.803 of the Revised Code, ~~the~~ compensation of any employees of the attorney general required to administer those sections, and any other administrative costs incurred by the attorney general to administer those sections.

(B) The attorney general shall adopt rules in accordance with Chapter 119. of the Revised Code establishing application procedures, standards, and guidelines, and prescribing an application form, for the reimbursement of public appointing authorities for the cost of continuing professional training programs for their peace officers and troopers. The rules shall include, but are not limited to, all of the following:

(1) A requirement that applications for reimbursement be submitted on a calendar-year basis;

(2) The documentation required to substantiate any costs for which the applicant seeks reimbursement;

(3) Procedures for submitting applications for reimbursement for the cost of continuing professional training programs completed by a peace officer or trooper for whom the executive director of the Ohio peace officer training commission granted pursuant to division (A)(2) of section 109.803 of the Revised Code an extension of the time for compliance with the continuing professional training requirement specified in division (A) of that section and who complied with the requirement prior to the date on which the extension ends;

(4) Any other requirements necessary for the proper administration of the reimbursement program.

(C) The Ohio peace officer training commission shall administer a program for reimbursing public appointing authorities for the costs of continuing professional training programs that are successfully completed by the appointing authority's peace officers or troopers. The commission shall administer the reimbursement program in accordance with rules adopted by the attorney general pursuant to division (B) of this section.

(D) Each public appointing authority may apply each calendar year to the peace officer training commission for reimbursement

for the costs of continuing professional training programs that 2208
are successfully completed by the appointing authority's peace 2209
officers or troopers. Each application shall be made in accordance 2210
with, on an application form prescribed in, and be supported by 2211
the documentation required by, the rules adopted by the attorney 2212
general pursuant to division (B) of this section. 2213

(E)(1) The Ohio peace officer training commission, in 2214
accordance with rules of the attorney general adopted under 2215
division (B) of this section, shall review each application for 2216
reimbursement made under division (D) of this section to determine 2217
if the applicant is entitled to reimbursement for the training 2218
programs for which the applicant seeks reimbursement. Except as 2219
provided in division (E)(2) of this section, a public appointing 2220
authority that complies with division (B) of section 109.761 of 2221
the Revised Code and applies under division (D) of this section 2222
for reimbursement is entitled to reimbursement ~~only if all for~~ 2223
each of the appointing authority's peace officers or troopers 2224
~~comply~~ who timely complies with the continuing professional 2225
training requirement specified in division (A)(1) of section 2226
109.803 of the Revised Code by completing the minimum number of 2227
hours of training directed by the Ohio peace officer training 2228
commission under that division and with the other requirements 2229
described in that division. 2230

~~(2) If a public appointing authority applies under division 2231
(D) of this section for reimbursement, if one or more of its peace 2232
officers or troopers have not complied with the continuing 2233
professional training requirement specified in division (A)(1) of 2234
section 109.803 of the Revised Code by completing the minimum 2235
number of hours of training directed by the Ohio peace officer 2236
training commission under that division, and if the executive 2237
director of the commission granted pursuant to division (A)(2) of 2238
section 109.803 of the Revised Code an extension of the time 2239~~

~~within which each of those peace officers or troopers who have not 2240
complied with the continuing professional training requirement 2241
must comply with that requirement, notwithstanding division (E)(1) 2242
of this section, both of the following apply: 2243~~

~~(a) If each peace officer or trooper of the public appointing 2244
authority for whom the executive director of the commission did 2245
not grant an extension pursuant to division (A)(2) of section 2246
109.803 of the Revised Code has complied with the continuing 2247
professional training requirement and with the other requirements 2248
described in division (A)(1) of section 109.803 of the Revised 2249
Code, the public appointing authority is entitled to reimbursement 2250
for the training programs completed by all of its peace officers 2251
or troopers who have so complied with the continuing professional 2252
training requirement and the other specified requirements. 2253~~

~~(b) If a peace officer or trooper of the public appointing 2254
authority for whom the executive director of the commission 2255
granted an extension pursuant to division (A)(2) of section 2256
109.803 of the Revised Code complies prior to the date on which 2257
the extension ends with the continuing professional training 2258
requirement, and if the peace officer or trooper also has complied 2259
with the other requirements described in division (A)(1) of 2260
section 109.803 of the Revised Code, the public appointing 2261
authority is entitled to reimbursement for the training programs 2262
completed by that peace officer or trooper. An application for 2263
reimbursement of the type described in this division shall be made 2264
in accordance with rules adopted by the attorney general pursuant 2265
to division (B) of section 109.802 of the Revised Code. 2266~~

~~(3) If a public appointing authority that applies under 2267
division (D) of this section for reimbursement is entitled to 2268
reimbursement under division (E)(1) or (2) of this section for 2269
each peace officer and trooper who successfully completes a 2270
training program, the commission shall approve reimbursing the 2271~~

appointing authority for the cost of that program. The actual 2272
amount of reimbursement for each authorized training program shall 2273
be determined by rules adopted by the attorney general under 2274
division (B) of this section. 2275

If the public appointing authority is entitled to 2276
reimbursement under division (E)(2)(a) of this section, payment of 2277
the reimbursement shall not be withheld during the period of the 2278
extension granted to the other peace officers or troopers of the 2279
authority pursuant to division (A)(2) of section 109.803 of the 2280
Revised Code, pending their compliance with the requirement. If 2281
the public appointing authority is entitled to reimbursement under 2282
division (E)(2)(a) of this section and if one or more of its peace 2283
officers or troopers who were granted an extension pursuant to 2284
division (A)(2) of section 109.803 of the Revised Code fails to 2285
complete prior to the date on which the extension ends the 2286
required minimum number of hours of continuing professional 2287
training set by the commission under division (A)(1) of section 2288
109.803 of the Revised Code, the failure does not affect the 2289
reimbursement made to the public appointing authority, and the 2290
public appointing authority is not required to return the 2291
reimbursement or any portion of it. 2292

(F) Each public appointing authority that receives funds 2293
under this section shall keep those funds separate from any other 2294
funds of the appointing authority and shall use those funds only 2295
for paying the cost of continuing professional training programs. 2296

(G) As used in this section and section 109.803 of the 2297
Revised Code: 2298

(1) "Peace officer" has the same meaning as in section 109.71 2299
of the Revised Code. 2300

(2) "Trooper" means an individual appointed as a state 2301
highway patrol trooper under section 5503.01 of the Revised Code. 2302

(3) "Appointing authority" means any agency or entity that 2303
appoints a peace officer or trooper. 2304

Sec. 109.803. (A)(1) Subject to division (A)(2) of this 2305
section, every appointing authority shall require each of its 2306
appointed peace officers and troopers to complete up to 2307
twenty-four hours of continuing professional training each 2308
calendar year, as directed by the Ohio peace officer training 2309
commission. The number of hours directed by the commission, up to 2310
twenty-four hours, is intended to be a minimum requirement, and 2311
appointing authorities are encouraged to exceed the number of 2312
hours the commission directs as the minimum. The commission shall 2313
set the required minimum number of hours based upon available 2314
funding for reimbursement as described in this division. If no 2315
funding for the reimbursement is available, no continuing 2316
professional training will be required. 2317

(2) An appointing authority may submit a written request to 2318
the peace officer training commission that requests for a calendar 2319
year because of emergency circumstances an extension of the time 2320
within which one or more of its appointed peace officers or 2321
troopers must complete the required minimum number of hours of 2322
continuing professional training set by the commission, as 2323
described in division (A)(1) of this section. A request made under 2324
this division shall set forth the name of each of the appointing 2325
authority's peace officers or troopers for whom an extension is 2326
requested, identify the emergency circumstances related to that 2327
peace officer or trooper, include documentation of those emergency 2328
circumstances, and set forth the date on which the request is 2329
submitted to the commission. A request shall be made under this 2330
division not later than the fifteenth day of December in the 2331
calendar year for which the extension is requested. 2332

Upon receipt of a written request made under this division, 2333

the executive director of the commission shall review the request 2334
and the submitted documentation. If the executive director of the 2335
commission is satisfied that emergency circumstances exist for any 2336
peace officer or trooper for whom a request was made under this 2337
division, the executive director may approve the request for that 2338
peace officer or trooper and grant an extension of the time within 2339
which that peace officer or trooper must complete the required 2340
minimum number of hours of continuing professional training set by 2341
the commission. An extension granted under this division may be 2342
for any period of time the executive director believes to be 2343
appropriate, and the executive director shall specify in the 2344
notice granting the extension the date on which the extension 2345
ends. Not later than thirty days after the date on which a request 2346
is submitted to the commission, for each peace officer and trooper 2347
for whom an extension is requested, the executive director either 2348
shall approve the request and grant an extension or deny the 2349
request and deny an extension and shall send to the appointing 2350
authority that submitted the request written notice of the 2351
executive director's decision. 2352

If the executive director grants an extension of the time 2353
within which a particular appointed peace officer or trooper of an 2354
appointing authority must complete the required minimum number of 2355
hours of continuing professional training set by the commission, 2356
the appointing authority shall require that peace officer or 2357
trooper to complete the required minimum number of hours of 2358
training not later than the date on which the extension ends. 2359

~~(3)(a) If a public appointing authority complies with the 2360
training requirement specified in division (A)(1) of this section 2361
by requiring each of its appointed peace officers and troopers to 2362
complete the number of hours of training the commission directs as 2363
the minimum and with division (B) of section 109.761 of the 2364
Revised Code and if the appointed peace officers and troopers of 2365~~

~~the public appointing authority comply with section 109.801 of the Revised Code to the extent that they are subject to that section and comply with all other training mandated by the general assembly or the attorney general, the attorney general shall reimburse the public appointing authority for the successful training costs of each of its appointed peace officers and troopers as provided in section 109.802 of the Revised Code.~~

~~(b) If the executive director of the Ohio peace officer training commission grants pursuant to division (A)(2) of this section an extension of the time within which one or more appointed peace officers or troopers of a public appointing authority must complete the required minimum number of hours of continuing professional training set by the commission, and if the criteria set forth in division (A)(3)(a) of this section are satisfied regarding each appointed peace officer or trooper of the public appointing authority for whom such an extension was not granted, the attorney general shall reimburse the public appointing authority for the successful training costs of each of its appointed peace officers and troopers for whom such an extension was not granted, as provided in section 109.802 of the Revised Code.~~

~~If an appointed peace officer or trooper of a public appointing authority for whom the executive director granted such an extension completes prior to the date on which the extension ends the number of hours of training the commission directs as the minimum, if the officer or trooper also has complied with section 109.801 of the Revised Code to the extent that the officer or trooper is subject to that section and has complied with all other training mandated by the general assembly or the attorney general, and if the public appointing authority has complied with division (B) of section 109.761 of the Revised Code, the attorney general shall reimburse the public appointing authority for the successful~~

~~training costs of that peace officer or trooper as provided in 2398
section 109.802 of the Revised Code. 2399~~

~~(B)(1) Subject to division (B)(2) of this section, no 2400
appointed peace officer or trooper of an appointing authority who 2401
fails to complete in any calendar year the required hours of 2402
continuing professional training the Ohio peace officer training 2403
commission directs pursuant to division (A) of this section as the 2404
minimum number of hours or who fails to comply with section 2405
109.801 of the Revised Code or any other required training shall 2406
carry a firearm during the course of official duties or perform 2407
the functions of a peace officer or trooper until evidence of the 2408
peace officer's or trooper's compliance with those requirements is 2409
filed with the executive director of the Ohio peace officer 2410
training commission. 2411~~

~~(2) If the executive director of the Ohio peace officer 2412
training commission grants pursuant to division (A)(2) of this 2413
section an extension of the time within which an appointed peace 2414
officer or trooper of an appointing authority must complete the 2415
required minimum number of hours of continuing professional 2416
training set by the commission, during the period of the extension 2417
division (B)(1) of this section does not apply to a peace officer 2418
or trooper for whom such an extension was granted, provided that 2419
peace officer or trooper has complied with section 109.801 of the 2420
Revised Code to the extent that the officer or trooper is subject 2421
to that section and has complied with all other required training. 2422
If a peace officer or trooper of an appointing authority for whom 2423
such an extension was granted fails to complete prior to the date 2424
on which the extension ends the required minimum number of hours 2425
of continuing professional training set by the commission, 2426
division (B)(1) of this section applies to that officer or trooper 2427
after the date on which the extension ends. 2428~~

~~(C)(B) With the advice of the Ohio peace officer training 2429~~

commission, the attorney general shall adopt in accordance with 2430
Chapter 119. of the Revised Code rules setting forth minimum 2431
standards for continuing professional training for peace officers 2432
and troopers and governing the administration of continuing 2433
professional training programs for peace officers and troopers. 2434
The attorney general shall transmit a certified copy of any rule 2435
adopted under this section to the secretary of state. 2436

Sec. 111.26. (A) It is hereby declared to be a public purpose 2437
and function of the state to facilitate the conduct of elections 2438
by assisting boards of elections in acquiring state capital 2439
facilities consisting of voting machines, marking devices, and 2440
automatic tabulating equipment certified for use in this state 2441
under section 3506.05 of the Revised Code. Those voting machines, 2442
marking devices, and automatic tabulating equipment are designated 2443
as capital facilities under sections 152.09 to 152.33 of the 2444
Revised Code. The Ohio building authority is authorized to issue 2445
revenue obligations under sections 152.09 to 152.33 of the Revised 2446
Code to pay all or part of the cost of those state capital 2447
facilities as are designated by law. 2448

Boards of elections, due to their responsibilities related to 2449
the proper conduct of elections under state law, are designated as 2450
state agencies having jurisdiction over those state capital 2451
facilities financed in part pursuant to this section and Chapter 2452
152. of the Revised Code. It is hereby determined and declared 2453
that voting machines, marking devices, and automatic tabulating 2454
equipment financed in part under this section are for the purpose 2455
of housing agencies of state government, their functions and 2456
equipment. 2457

(B) A county shall contribute to the cost of capital 2458
facilities authorized under this section as provided below. 2459

(C) Any lease of capital facilities authorized by this 2460

section, the rentals of which are payable in whole or in part from 2461
appropriations made by the general assembly, is governed by 2462
division (D) of section 152.24 of the Revised Code. Such rentals 2463
constitute available receipts as defined in section 152.09 of the 2464
Revised Code and may be pledged for the payment of bond service 2465
charges as provided in section 152.10 of the Revised Code. 2466

(D) The county voting machine revolving lease/loan fund is 2467
hereby created in the state treasury. The fund shall consist of 2468
the net proceeds of obligations issued under sections 152.09 to 2469
152.33 of the Revised Code to finance a portion of those state 2470
capital facilities described in division (A) of this section, as 2471
needed to ensure sufficient moneys to support appropriations from 2472
the fund. Lease payments from counties made for those capital 2473
facilities financed in part from the fund and interest earnings on 2474
the balance in the fund shall be credited to the fund. The fund 2475
shall also receive any other authorized transfers of cash. Moneys 2476
in the fund shall be used for the purpose of acquiring a portion 2477
of additional capital facilities described in division (A) of this 2478
section at the request of the applicable board of elections. 2479

Participation in the fund by a board of county commissioners 2481
shall be voluntary. 2482

The secretary of state shall administer the county voting 2483
machine revolving lease/loan fund in accordance with this section 2484
and shall enter into any lease or other agreement with the 2485
department of administrative services, the Ohio building 2486
authority, or any board of elections necessary or appropriate to 2487
accomplish the purposes of this section. 2488

(E) Acquisitions made under this section shall provide not 2489
more than fifty per cent of the estimated total cost of a board of 2490
county commissioners' purchase of voting machines, marking 2491
devices, and automatic tabulating equipment. 2492

The secretary of state shall adopt rules for the 2493
implementation of the acquisition and revolving lease/loan program 2494
established under this section, which rules shall require that the 2495
secretary of state approve any acquisition of voting machines, 2496
marking devices, and automatic tabulating equipment using money 2497
made available under this section. An acquisition for any one 2498
board of county commissioners shall not exceed five million 2499
dollars and shall be made only for equipment purchased on or after 2500
March 31, 2008. Any costs incurred on or after January 1, 2008, 2501
may be considered as the county cost percentage for the purpose of 2502
an acquisition made under this section. 2503

Counties shall lease from the secretary of state the capital 2504
facilities financed in part from the county voting machine 2505
revolving lease/loan fund and may enter into any agreements 2506
required under the applicable bond proceedings. All voting 2507
machines, marking devices, and automatic tabulating equipment 2508
purchased through this fund shall remain the property of the state 2509
until all payments under the applicable county lease have been 2510
made at which time ownership shall transfer to the county. Costs 2511
associated with the maintenance, repair, and operation of the 2512
voting machines, marking devices, and automatic tabulating 2513
equipment purchased under this section shall be the responsibility 2514
of the participating boards of elections and boards of county 2515
commissioners. 2516

Such lease may obligate the counties, as using state agencies 2517
under Chapter 152. of the Revised Code, to operate the capital 2518
facilities for such period of time as may be specified by law and 2519
to pay such rent as the secretary of state determines to be 2520
appropriate. Notwithstanding any other provision of the Revised 2521
Code to the contrary, any county may enter into such a lease, and 2522
any such lease is legally sufficient to obligate the county for 2523
the term stated in the lease. Any such lease constitutes an 2524

agreement described in division (E) of section 152.24 of the 2525
Revised Code. 2526

(F) As used in this section: 2527

(1) "Automatic tabulating equipment," "marking device," and 2528
"voting machine" have the same meanings as in section 3506.01 of 2529
the Revised Code. 2530

(2) "Equipment" has the same meaning as in section 3506.05 of 2531
the Revised Code. 2532

Sec. 111.27. There is hereby established in the state 2533
treasury the board of elections reimbursement and education fund. 2534
The fund shall be used by the secretary of state to reimburse 2535
boards of elections for various purposes, including reimbursements 2536
made under sections 3513.301, 3513.312, 3515.071, and 3521.03 of 2537
the Revised Code, and to provide training and educational programs 2538
for members and employees of boards of elections. The fund shall 2539
receive transfers of cash pursuant to controlling board action and 2540
also shall receive revenues from fees, gifts, grants, donations, 2541
and other similar receipts. 2542

Sec. 117.54. When conducting an audit under section 117.11 of 2543
the Revised Code of a city, local, or exempted village school 2544
district, a community school established under Chapter 3314. of 2545
the Revised Code, or a STEM school established under Chapter 3326. 2546
of the Revised Code, the auditor of state shall determine both of 2547
the following: 2548

(A) Whether the school district, community school, or STEM 2549
school has adopted and submitted a spending plan under section 2550
3306.30 and, if applicable, section 3306.31 of the Revised Code 2551
and that spending plan complies with any applicable expenditure or 2552
reporting standard prescribed by rule adopted under section 2553
3306.25 of the Revised Code; 2554

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

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

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

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

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

county auditor. 2586

The treasurer of state may designate a deputy treasurer or 2587
director within the office of the treasurer of state or any other 2588
appropriate person who is not an employee of the treasurer of 2589
state's office; the director of budget and management may 2590
designate an individual within the office of budget and management 2591
or any other appropriate person who is not an employee of the 2592
office of budget and management; the mayor may designate a 2593
responsible official within the mayor's office or the fiscal 2594
officer of the municipal corporation; the presiding officer of the 2595
legislative authority of the municipal corporation may designate 2596
any other member of the legislative authority; the board of county 2597
commissioners may designate any other member of the board or the 2598
fiscal officer of the county; and the board of township trustees 2599
may designate any other member of the board or the fiscal officer 2600
of the township to attend the meetings of the commission when the 2601
ex officio member is absent or unable for any reason to attend. A 2602
designee, when present, shall be counted in determining whether a 2603
quorum is present at any meeting of the commission and may vote 2604
and participate in all proceedings and actions of the commission. 2605
The designations shall be in writing, executed by the ex officio 2606
member or entity making the designation, and filed with the 2607
secretary of the commission. The designations may be changed from 2608
time to time in like manner, but due regard shall be given to the 2609
need for continuity. 2610

(2) Three If a municipal corporation, county, or township has 2611
a population of at least one thousand, three members nominated and 2612
appointed as follows: 2613

The mayor and presiding officer of the legislative authority 2614
of the municipal corporation, the board of county commissioners, 2615
or the board of township trustees shall, within ten days after the 2616
determination of the fiscal emergency by the auditor of state 2617

under section 118.04 of the Revised Code, submit in writing to the 2618
governor the nomination of five persons agreed to by them and 2619
meeting the qualifications set forth in this division. If the 2620
governor is not satisfied that at least three of the nominees are 2621
well qualified, the governor shall notify the mayor and presiding 2622
officer, or the board of county commissioners, or the board of 2623
township trustees to submit in writing, within five days, 2624
additional nominees agreed upon by them, not exceeding three. The 2625
governor shall appoint three members from all the agreed-upon 2626
nominees so submitted or a lesser number that the governor 2627
considers well qualified within thirty days after receipt of the 2628
nominations, and shall fill any remaining positions on the 2629
commission by appointment of any other persons meeting the 2630
qualifications set forth in this division. All appointments by the 2631
governor shall be made with the advice and consent of the senate. 2632
Each of the three appointed members shall serve during the life of 2633
the commission, subject to removal by the governor for 2634
misfeasance, nonfeasance, or malfeasance in office. In the event 2635
of the death, resignation, incapacity, removal, or ineligibility 2636
to serve of an appointed member, the governor, pursuant to the 2637
process for original appointment, shall appoint a successor. 2638

(3) If a municipal corporation, county, or township has a 2639
population of less than one thousand, one member nominated and 2640
appointed as follows: 2641

The mayor and presiding officer of the legislative authority 2642
of the municipal corporation, the board of county commissioners, 2643
or the board of township trustees shall, within ten days after the 2644
determination of the fiscal emergency by the auditor of state 2645
under section 118.04 of the Revised Code, submit in writing to the 2646
governor the nomination of three persons agreed to by them and 2647
meeting the qualifications set forth in this division. If the 2648
governor is not satisfied that at least one of the nominees is 2649

well qualified, the governor shall notify the mayor and presiding officer, or the board of county commissioners, or the board of township trustees to submit in writing, within five days, additional nominees agreed upon by them, not exceeding three. The governor shall appoint one member from all the agreed-upon nominees so submitted or shall fill the position on the commission by appointment of any other person meeting the qualifications set forth in this division. All appointments by the governor shall be made with the advice and consent of the senate. The appointed member shall serve during the life of the commission, subject to removal by the governor for misfeasance, nonfeasance, or malfeasance in office. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of the appointed member, the governor, pursuant to the process for original appointment, shall appoint a successor.

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

(a) Who has knowledge and experience in financial matters, financial management, or business organization or operations, ~~including at least five years of experience in the private sector in the management of business or financial enterprise or in management consulting, public accounting, or other professional activity;~~

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

(c) Who ~~has not, at any time during the five years preceding the date of appointment, held any elected public office. An appointed member of the commission shall not become a candidate for elected public office while serving as a member of the commission.~~

(C) Immediately after appointment of the initial ~~three~~ 2681
appointed member or members of the commission, the governor shall 2682
call the first meeting of the commission and shall cause written 2683
notice of the time, date, and place of the first meeting to be 2684
given to each member of the commission at least forty-eight hours 2685
in advance of the meeting. 2686

(D) The director of budget and management shall serve as 2687
chairperson of the commission. The commission shall elect one of 2688
its members to serve as vice-chairperson and may appoint a 2689
secretary and any other officers, who need not be members of the 2690
commission, it considers necessary. 2691

(E) The commission may adopt and alter bylaws and rules, 2692
which shall not be subject to section 111.15 or Chapter 119. of 2693
the Revised Code, for the conduct of its affairs and for the 2694
manner, subject to this chapter, in which its powers and functions 2695
shall be exercised and embodied. 2696

(F) ~~Five~~ Four members of ~~the~~ a commission established 2697
pursuant to divisions (B)(1) and (2) of this section constitute a 2698
quorum of the commission. The affirmative vote of ~~five~~ four 2699
members of ~~the~~ such a commission is necessary for any action taken 2700
by vote of the commission. Three members of a commission 2701
established pursuant to divisions (B)(1) and (3) of this section 2702
constitute a quorum of the commission. The affirmative vote of 2703
three members of such a commission is necessary for any action 2704
taken by vote of the commission. No vacancy in the membership of 2705
the commission shall impair the rights of a quorum by such vote to 2706
exercise all the rights and perform all the duties of the 2707
commission. Members of the commission, and their designees, are 2708
not disqualified from voting by reason of the functions of the 2709
other office they hold and are not disqualified from exercising 2710
the functions of the other office with respect to the municipal 2711
corporation, county, or township, its officers, or the commission. 2712

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

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

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(I) The financial supervisor, the members of the commission,
the auditor of state, and any person authorized to act on behalf
of or assist them shall not be personally liable or subject to any
suit, judgment, or claim for damages resulting from the exercise
of or failure to exercise the powers, duties, and functions
granted to them in regard to their functioning under this chapter,
but the commission, the financial supervisor, the auditor of
state, and those other persons shall be subject to mandamus
proceedings to compel performance of their duties under this
chapter and with respect to any debt obligations issued pursuant
or subject to this chapter.

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

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(K) The appointed members of the commission are not subject 2744
to section 102.02 of the Revised Code. Each appointed member of 2745
the commission shall file with the commission a signed written 2746
statement setting forth the general nature of sales of goods, 2747
property, or services or of loans to the municipal corporation, 2748
county, or township with respect to which that commission is 2749
established, in which the appointed member has a pecuniary 2750
interest or in which any member of the appointed member's 2751
immediate family, as defined in section 102.01 of the Revised 2752
Code, or any corporation, partnership, or enterprise of which the 2753
appointed member is an officer, director, or partner, or of which 2754
the appointed member or a member of the appointed member's 2755
immediate family, as so defined, owns more than a five per cent 2756
interest, has a pecuniary interest, and of which sale, loan, or 2757
interest such member has knowledge. The statement shall be 2758
supplemented from time to time to reflect changes in the general 2759
nature of any such sales or loans. 2760

Sec. 120.04. (A) The state public defender shall serve at the 2761
pleasure of the Ohio public defender commission and shall be an 2762
attorney with a minimum of four years of experience in the 2763
practice of law and be admitted to the practice of law in this 2764
state at least one year prior to appointment. 2765

(B) The state public defender shall do all of the following: 2766

(1) Maintain a central office in Columbus. The central office 2767
shall be provided with a library of adequate size, considering the 2768
needs of the office and the accessibility of other libraries, and 2769
other necessary facilities and equipment. 2770

(2) Appoint assistant state public defenders, all of whom 2771
shall be attorneys admitted to the practice of law in this state, 2772
and other personnel necessary for the operation of the state 2773
public defender office. Assistant state public defenders shall be 2774

appointed on a full-time basis. The state public defender, 2775
assistant state public defenders, and employees appointed by the 2776
state public defender shall not engage in the private practice of 2777
law. 2778

(3) Supervise the compliance of county public defender 2779
offices, joint county public defender offices, and county 2780
appointed counsel systems with standards established by rules of 2781
the Ohio public defender commission pursuant to division (B) of 2782
section 120.03 of the Revised Code; 2783

(4) Keep and maintain financial records of all cases handled 2784
and develop records for use in the calculation of direct and 2785
indirect costs, in the operation of the office, and report 2786
periodically, but not less than annually, to the commission on all 2787
relevant data on the operations of the office, costs, projected 2788
needs, and recommendations for legislation or amendments to court 2789
rules, as may be appropriate to improve the criminal justice 2790
system; 2791

(5) Collect all moneys due the state for reimbursement for 2792
legal services under this chapter and under section 2941.51 of the 2793
Revised Code and institute any actions in court on behalf of the 2794
state for the collection of such sums that the state public 2795
defender considers advisable. Except as provided otherwise in 2796
division (D) of section 120.06 of the Revised Code, all moneys 2797
collected by the state public defender under this chapter and 2798
section 2941.51 of the Revised Code shall be deposited in the 2799
state treasury to the credit of the client payment fund, which is 2800
hereby created. All moneys credited to the fund shall be used by 2801
the state public defender to appoint assistant state public 2802
defenders and to provide other personnel, equipment, and 2803
facilities necessary for the operation of the state public 2804
defender office, to reimburse counties for the operation of county 2805
public defender offices, joint county public defender offices, and 2806

county appointed counsel systems pursuant to sections 120.18, 2807
120.28, and 120.33 of the Revised Code, or to provide assistance 2808
to counties in the operation of county indigent defense systems. 2809

(6) With respect to funds appropriated to the commission to 2810
pay criminal costs, perform the duties imposed by sections 2949.19 2811
and 2949.201 of the Revised Code; 2812

(7) Establish standards and guidelines for the reimbursement, 2813
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2814
of the Revised Code, of counties for the operation of county 2815
public defender offices, joint county public defender offices, and 2816
county appointed counsel systems and for other costs related to 2817
felony prosecutions; 2818

(8) Establish maximum amounts that the state will reimburse 2819
the counties pursuant to sections 120.18, 120.28, 120.33, and 2820
2941.51 of the Revised Code; 2821

(9) Establish minimum and maximum hourly rates and per case 2822
amounts for fee schedules that the state will reimburse the 2823
counties pursuant to section 120.33 of the Revised Code for each 2824
specific type of legal service performed by a county appointed 2825
counsel system; 2826

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2827
2949.19 of the Revised Code and make reimbursements pursuant to 2828
those sections; 2829

(11) Administer the program established pursuant to sections 2830
120.51 to 120.55 of the Revised Code for the charitable public 2831
purpose of providing financial assistance to legal aid societies. 2832
Neither the state public defender nor any of the state public 2833
defender's employees who is responsible in any way for the 2834
administration of that program and who performs those 2835
administrative responsibilities in good faith is in any manner 2836
liable if a legal aid society that is provided financial 2837

assistance under the program uses the financial assistance other 2838
than in accordance with sections 120.51 to 120.55 of the Revised 2839
Code or fails to comply with the requirements of those sections. 2840

(12) Establish an office for the handling of appeal and 2841
postconviction matters; 2842

(13) Provide technical aid and assistance to county public 2843
defender offices, joint county public defender offices, and other 2844
local counsel providing legal representation to indigent persons, 2845
including representation and assistance on appeals. 2846

(C) The state public defender may do any of the following: 2847

(1) In providing legal representation, conduct 2848
investigations, obtain expert testimony, take depositions, use 2849
other discovery methods, order transcripts, and make all other 2850
preparations which are appropriate and necessary to an adequate 2851
defense or the prosecution of appeals and other legal proceedings; 2852

(2) Seek, solicit, and apply for grants for the operation of 2853
programs for the defense of indigent persons from any public or 2854
private source, and may receive donations, grants, awards, and 2855
similar funds from any lawful source. Such funds shall be 2856
deposited in the state treasury to the credit of the public 2857
defender gifts and grants fund, which is hereby created. 2858

(3) Make all the necessary arrangements to coordinate the 2859
services of the office with any federal, county, or private 2860
programs established to provide legal representation to indigent 2861
persons and others, and to obtain and provide all funds allowable 2862
under any such programs; 2863

(4) Consult and cooperate with professional groups concerned 2864
with the causes of criminal conduct, the reduction of crime, the 2865
rehabilitation and correction of persons convicted of crime, the 2866
administration of criminal justice, and the administration and 2867
operation of the state public defender's office; 2868

(5) Accept the services of volunteer workers and consultants	2869
at no compensation other than reimbursement for actual and	2870
necessary expenses;	2871
(6) Prescribe any forms that are necessary for the uniform	2872
operation of this chapter;	2873
(7) Contract with a county public defender commission or a	2874
joint county public defender commission to provide all or any part	2875
of the services that a county public defender or joint county	2876
public defender is required or permitted to provide by this	2877
chapter, or contract with a board of county commissioners of a	2878
county that is not served by a county public defender commission	2879
or a joint county public defender commission for the provision of	2880
services in accordance with section 120.33 of the Revised Code.	2881
All money received by the state public defender pursuant to such a	2882
contract shall be credited to either the multi-county: county	2883
share fund or, if received as a result of a contract with Trumbull	2884
county, the Trumbull county: county share fund.	2885
(8) Authorize persons employed as criminal investigators to	2886
attend the Ohio peace officer training academy or any other peace	2887
officer training school for training;	2888
(9) Procure a policy or policies of malpractice insurance	2889
that provide coverage for the state public defender and assistant	2890
state public defenders in connection with malpractice claims that	2891
may arise from their actions or omissions related to	2892
responsibilities derived pursuant to this chapter.	2893
(D) No person employed by the state public defender as a	2894
criminal investigator shall attend the Ohio peace officer training	2895
academy or any other peace officer training school unless	2896
authorized to do so by the state public defender.	2897
Sec. 120.08. There is hereby created in the state treasury	2898

the indigent defense support fund, consisting of money paid into 2899
the fund pursuant to ~~section~~ sections 4507.45, 4509.101, 4510.22, 2900
and 4511.19 of the Revised Code and pursuant to ~~section~~ sections 2901
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 2902
additional court costs imposed under ~~that section~~ those sections. 2903
The state public defender shall use at least ninety per cent of 2904
the money in the fund for the purpose of reimbursing county 2905
governments for expenses incurred pursuant to sections 120.18, 2906
120.28, and 120.33 of the Revised Code. Disbursements from the 2907
fund to county governments shall be made ~~in each state fiscal~~ at 2908
least once per year and shall be allocated proportionately so that 2909
each county receives an equal percentage of its total cost for 2910
operating its county public defender system, its joint county 2911
public defender system, ~~or~~ its county appointed counsel system, or 2912
its system operated under division (C)(7) of section 120.04 of the 2913
Revised Code and division (B) of section 120.33 of the Revised 2914
Code. The state public defender may use not more than ten per cent 2915
of the money in the fund for the purposes of appointing assistant 2916
state public defenders or for providing other personnel, 2917
equipment, and facilities necessary for the operation of the state 2918
public defender office. 2919

Sec. 120.52. (A) There is hereby established in the state 2920
treasury the legal aid fund, ~~which that~~ shall be for the 2921
charitable public purpose of providing financial assistance to 2922
legal aid societies that provide civil legal services to 2923
indigents. The fund shall contain all funds credited to it by the 2924
treasurer of state pursuant to sections 1901.26, 1907.24, 2925
2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the Revised 2926
Code. 2927

(B) The treasurer of state may invest moneys contained in the 2928
legal aid fund in any manner authorized by the Revised Code for 2929

the investment of state moneys. However, no such investment shall 2930
interfere with any apportionment, allocation, or payment of moneys 2931
as required by section 120.53 of the Revised Code. 2932

(C) The state public defender, through the Ohio legal 2933
assistance foundation, shall administer the payment of moneys out 2934
of the fund. Four and one-half per cent of the moneys in the fund 2935
shall be reserved for the Ohio legal assistance foundation for the 2936
actual, reasonable costs of administering sections 120.51 to 2937
120.55 and sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 2938
4705.09, and 4705.10 of the Revised Code. Moneys that are reserved 2939
for administrative costs but that are not used for actual, 2940
reasonable administrative costs shall be set aside for use in the 2941
manner described in division (A) of section 120.521 of the Revised 2942
Code. The remainder of the moneys in the legal aid fund shall be 2943
distributed in accordance with section 120.53 of the Revised Code. 2944
The Ohio legal assistance foundation shall be responsible for 2945
administering the programs established under sections 1901.26, 2946
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 2947
Revised Code. The Ohio legal assistance foundation shall 2948
establish, in accordance with Chapter 119. of the Revised Code, 2949
rules governing the administration of the legal aid fund, 2950
including the programs established under sections 1901.26, 2951
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 2952
Revised Code ~~regarding interest on interest bearing trust accounts~~ 2953
~~of an attorney, law firm, or legal professional association.~~ 2954

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Sec. 120.53. (A) A legal aid society that operates within the 2956
state may apply to the Ohio legal assistance foundation for 2957
financial assistance from the legal aid fund established by 2958
section 120.52 of the Revised Code to be used for the funding of 2959
the society during the calendar year following the calendar year 2960
in which application is made. 2961

(B) An application for financial assistance made under 2962
division (A) of this section shall be submitted by the first day 2963
of November of the calendar year preceding the calendar year for 2964
which financial assistance is desired and shall include all of the 2965
following: 2966

(1) Evidence that the applicant is incorporated in this state 2967
as a nonprofit corporation; 2968

(2) A list of the trustees of the applicant; 2969

(3) The proposed budget of the applicant for these funds for 2970
the following calendar year; 2971

(4) A summary of the services to be offered by the applicant 2972
in the following calendar year; 2973

(5) A specific description of the territory or constituency 2974
served by the applicant; 2975

(6) An estimate of the number of persons to be served by the 2976
applicant during the following calendar year; 2977

(7) A general description of the additional sources of the 2978
applicant's funding; 2979

(8) The amount of the applicant's total budget for the 2980
calendar year in which the application is filed that it will 2981
expend in that calendar year for legal services in each of the 2982
counties it serves; 2983

(9) A specific description of any services, programs, 2984
training, and legal technical assistance to be delivered by the 2985
applicant or by another person pursuant to a contract with the 2986
applicant, including, but not limited to, by private attorneys or 2987
through reduced fee plans, judicare panels, organized pro bono 2988
programs, and mediation programs. 2989

(C) The Ohio legal assistance foundation shall determine 2990
whether each applicant that filed an application for financial 2991

assistance under division (A) of this section in a calendar year 2992
is eligible for financial assistance under this section. To be 2993
eligible for such financial assistance, an applicant shall satisfy 2994
the criteria for being a legal aid society and shall be in 2995
compliance with the provisions of sections 120.51 to 120.55 of the 2996
Revised Code and with the rules and requirements the foundation 2997
establishes pursuant to section 120.52 of the Revised Code. The 2998
Ohio legal assistance foundation then, on or before the fifteenth 2999
day of December of the calendar year in which the application is 3000
filed, shall notify each such applicant, in writing, whether it is 3001
eligible for financial assistance under this section, and if it is 3002
eligible, estimate the amount that will be available for that 3003
applicant for each six-month distribution period, as determined 3004
under division (D) of this section. 3005

(D) The Ohio legal assistance foundation shall allocate 3006
moneys contained in the legal aid fund monthly for distribution to 3007
applicants that filed their applications in the previous calendar 3008
year and are determined to be eligible applicants. 3009

All moneys contained in the fund on the first day of each 3010
month shall be allocated, after deduction of the costs of 3011
administering sections 120.51 to 120.55 and sections 1901.26, 3012
1907.24, 2303.201, 2315.50, 3953.231, 4705.09, and 4705.10 of the 3013
Revised Code that are authorized by section 120.52 of the Revised 3014
Code, according to this section and shall be distributed 3015
accordingly not later than the last day of the month following the 3016
month the moneys were received. In making the allocations under 3017
this section, the moneys in the fund that were generated pursuant 3018
to sections 1901.26, 1907.24, 2303.201, 2315.50, 3953.231, 3019
4705.09, and 4705.10 of the Revised Code shall be apportioned as 3020
follows: 3021

(1) After deduction of the amount authorized and used for 3022
actual, reasonable administrative costs under section 120.52 of 3023

the Revised Code: 3024

(a) Five per cent of the moneys remaining in the fund shall 3025
be reserved for use in the manner described in division (A) of 3026
section 120.521 of the Revised Code or for distribution to legal 3027
aid societies that provide assistance to special population groups 3028
of their eligible clients, engage in special projects that have a 3029
substantial impact on their local service area or on significant 3030
segments of the state's poverty population, or provide legal 3031
training or support to other legal aid societies in the state; 3032

(b) After deduction of the amount described in division 3033
(D)(1)(a) of this section, one and three-quarters per cent of the 3034
moneys remaining in the fund shall be apportioned among entities 3035
that received financial assistance from the legal aid fund prior 3036
to ~~the effective date of this amendment~~ July 1, 1993, but that, on 3037
and after ~~the effective date of this amendment~~ July 1, 1993, no 3038
longer qualify as a legal aid society that is eligible for 3039
financial assistance under this section. 3040

(c) After deduction of the amounts described in divisions 3041
(D)(1)(a) and (b) of this section, fifteen per cent of the moneys 3042
remaining in the fund shall be placed in the legal assistance 3043
foundation fund for use in the manner described in division (A) of 3044
section 120.521 of the Revised Code. 3045

(2) After deduction of the actual, reasonable administrative 3046
costs under section 120.52 of the Revised Code and after deduction 3047
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3048
this section, the remaining moneys shall be apportioned among the 3049
counties that are served by eligible legal aid societies that have 3050
applied for financial assistance under this section so that each 3051
such county is apportioned a portion of those moneys, based upon 3052
the ratio of the number of indigents who reside in that county to 3053
the total number of indigents who reside in all counties of this 3054
state that are served by eligible legal aid societies that have 3055

applied for financial assistance under this section. Subject to 3056
division (E) of this section, the moneys apportioned to a county 3057
under this division then shall be allocated to the eligible legal 3058
aid society that serves the county and that has applied for 3059
financial assistance under this section. For purposes of this 3060
division, the source of data identifying the number of indigent 3061
persons who reside in a county shall be the most recent decennial 3062
census figures from the United States department of commerce, 3063
division of census. 3064

(E) If the Ohio legal assistance foundation, in attempting to 3065
make an allocation of moneys under division (D)(2) of this 3066
section, determines that a county that has been apportioned money 3067
under that division is served by more than one eligible legal aid 3068
society that has applied for financial assistance under this 3069
section, the Ohio legal assistance foundation shall allocate the 3070
moneys that have been apportioned to that county under division 3071
(D)(2) of this section among all eligible legal aid societies that 3072
serve that county and that have applied for financial assistance 3073
under this section on a pro rata basis, so that each such eligible 3074
society is allocated a portion based upon the amount of its total 3075
budget expended in the prior calendar year for legal services in 3076
that county as compared to the total amount expended in the prior 3077
calendar year for legal services in that county by all eligible 3078
legal aid societies that serve that county and that have applied 3079
for financial assistance under this section. 3080

(F) Moneys allocated to eligible applicants under this 3081
section shall be paid monthly beginning the calendar year 3082
following the calendar year in which the application is filed. 3083

(G)(1) A legal aid society that receives financial assistance 3084
in any calendar year under this section shall file an annual 3085
report with the Ohio legal assistance foundation detailing the 3086
number and types of cases handled, and the amount and types of 3087

legal training, legal technical assistance, and other service 3088
provided, by means of that financial assistance. No information 3089
contained in the report shall identify or enable the 3090
identification of any person served by the legal aid society or in 3091
any way breach client confidentiality. 3092

(2) The Ohio legal assistance foundation shall make an annual 3093
report to the governor, the general assembly, and the supreme 3094
court on the distribution and use of the legal aid fund. The 3095
foundation also shall include in the annual report an audited 3096
financial statement of all gifts, bequests, donations, 3097
contributions, and other moneys the foundation receives. No 3098
information contained in the report shall identify or enable the 3099
identification of any person served by a legal aid society, or in 3100
any way breach confidentiality. 3101

(H) A legal aid society may enter into agreements for the 3102
provision of services, programs, training, or legal technical 3103
assistance for the legal aid society or to indigent persons. 3104

Sec. 121.04. Offices are created within the several 3105
departments as follows: 3106

In the department of commerce: 3107

Commissioner of securities; 3108

Superintendent of real estate and professional 3109

licensing;

Superintendent of financial institutions; 3110

State fire marshal; 3111

Superintendent of labor ~~and worker safety~~; 3112

Superintendent of liquor control; 3113

~~Superintendent of industrial compliance;~~ 3114

Superintendent of unclaimed funds. 3115

In the department of administrative services: 3116

State architect and engineer;	3117
Equal employment opportunity coordinator.	3118
In the department of agriculture:	3119
Chiefs of divisions as follows:	3120
Administration;	3121
Animal industry;	3122
Dairy;	3123
Food safety;	3124
Plant industry;	3125
Markets;	3126
Meat inspection;	3127
Consumer analytical laboratory;	3128
Amusement ride safety;	3129
Enforcement;	3130
Weights and measures.	3131
In the department of natural resources:	3132
Chiefs of divisions as follows:	3133
Water;	3134
Mineral resources management;	3135
Forestry;	3136
Natural areas and preserves;	3137
Wildlife;	3138
Geological survey;	3139
Parks and recreation;	3140
Watercraft;	3141
Recycling and litter prevention;	3142
Soil and water conservation <u>resources</u> ;	3143
Real estate and land management;	3144
Engineering.	3145
In the department of insurance:	3146
Deputy superintendent of insurance;	3147

Assistant superintendent of insurance, technical; 3148
Assistant superintendent of insurance, administrative; 3149
Assistant superintendent of insurance, research. 3150

Sec. 121.07. (A) ~~Except as otherwise provided in this~~ 3151
~~division, the~~ The officers mentioned in sections 121.04 and 121.05 3152
of the Revised Code and the offices and divisions they administer 3153
shall be under the direction, supervision, and control of the 3154
directors of their respective departments, and shall perform such 3155
duties as the directors prescribe. ~~In performing or exercising any~~ 3156
~~of the examination or regulatory functions, powers, or duties~~ 3157
~~vested by Title XI, Chapters 1733. and 1761., and sections 1315.01~~ 3158
~~to 1315.18 of the Revised Code in the superintendent of financial~~ 3159
~~institutions, the superintendent of financial institutions and the~~ 3160
~~division of financial institutions are independent of and are not~~ 3161
~~subject to the control of the department or the director of~~ 3162
~~commerce.~~ 3163

(B) With the approval of the governor, the director of each 3164
department shall establish divisions within the department, and 3165
distribute the work of the department among such divisions. Each 3166
officer created by section 121.04 of the Revised Code shall be the 3167
head of such a division. 3168

With the approval of the governor, the director of each 3169
department may consolidate any two or more of the offices created 3170
in the department by section 121.04 of the Revised Code, or reduce 3171
the number of or create new divisions therein. 3172

The director of each department may prescribe rules for the 3173
government of the department, the conduct of its employees, the 3174
performance of its business, and the custody, use, and 3175
preservation of the records, papers, books, documents, and 3176
property pertaining thereto. 3177

Sec. 121.08. (A) There is hereby created in the department of 3178
commerce the position of deputy director of administration. This 3179
officer shall be appointed by the director of commerce, serve 3180
under the director's direction, supervision, and control, perform 3181
the duties the director prescribes, and hold office during the 3182
director's pleasure. The director of commerce may designate an 3183
assistant director of commerce to serve as the deputy director of 3184
administration. The deputy director of administration shall 3185
perform the duties prescribed by the director of commerce in 3186
supervising the activities of the division of administration of 3187
the department of commerce. 3188

(B) Except as provided in section 121.07 of the Revised Code, 3189
the department of commerce shall have all powers and perform all 3190
duties vested in the deputy director of administration, the state 3191
fire marshal, the superintendent of financial institutions, the 3192
superintendent of real estate and professional licensing, the 3193
superintendent of liquor control, ~~the superintendent of industrial~~ 3194
~~compliance~~, the superintendent of labor and worker safety, the 3195
superintendent of unclaimed funds, and the commissioner of 3196
securities, and shall have all powers and perform all duties 3197
vested by law in all officers, deputies, and employees of those 3198
offices. Except as provided in section 121.07 of the Revised Code, 3199
wherever powers are conferred or duties imposed upon any of those 3200
officers, the powers and duties shall be construed as vested in 3201
the department of commerce. 3202

(C)(1) There is hereby created in the department of commerce 3203
a division of financial institutions, which shall have all powers 3204
and perform all duties vested by law in the superintendent of 3205
financial institutions. Wherever powers are conferred or duties 3206
imposed upon the superintendent of financial institutions, those 3207
powers and duties shall be construed as vested in the division of 3208
financial institutions. The division of financial institutions 3209

shall be administered by the superintendent of financial 3210
institutions. 3211

(2) All provisions of law governing the superintendent of 3212
financial institutions shall apply to and govern the 3213
superintendent of financial institutions provided for in this 3214
section; all authority vested by law in the superintendent of 3215
financial institutions with respect to the management of the 3216
division of financial institutions shall be construed as vested in 3217
the superintendent of financial institutions created by this 3218
section with respect to the division of financial institutions 3219
provided for in this section; and all rights, privileges, and 3220
emoluments conferred by law upon the superintendent of financial 3221
institutions shall be construed as conferred upon the 3222
superintendent of financial institutions as head of the division 3223
of financial institutions. The director of commerce shall not 3224
transfer from the division of financial institutions any of the 3225
functions specified in division (C)(2) of this section. 3226

(D) There is hereby created in the department of commerce a 3227
division of liquor control, which shall have all powers and 3228
perform all duties vested by law in the superintendent of liquor 3229
control. Wherever powers are conferred or duties are imposed upon 3230
the superintendent of liquor control, those powers and duties 3231
shall be construed as vested in the division of liquor control. 3232
The division of liquor control shall be administered by the 3233
superintendent of liquor control. 3234

(E) The director of commerce shall not be interested, 3235
directly or indirectly, in any firm or corporation which is a 3236
dealer in securities as defined in sections 1707.01 and 1707.14 of 3237
the Revised Code, or in any firm or corporation licensed under 3238
sections 1321.01 to 1321.19 of the Revised Code. 3239

(F) The director of commerce shall not have any official 3240
connection with a savings and loan association, a savings bank, a 3241

bank, a bank holding company, a savings and loan association 3242
holding company, a consumer finance company, or a credit union 3243
that is under the supervision of the division of financial 3244
institutions, or a subsidiary of any of the preceding entities, or 3245
be interested in the business thereof. 3246

(G) There is hereby created in the state treasury the 3247
division of administration fund. The fund shall receive 3248
assessments on the operating funds of the department of commerce 3249
in accordance with procedures prescribed by the director of 3250
commerce and approved by the director of budget and management. 3251
All operating expenses of the division of administration shall be 3252
paid from the division of administration fund. 3253

(H) There is hereby created in the department of commerce a 3254
division of real estate and professional licensing, which shall be 3255
under the control and supervision of the director of commerce. The 3256
division of real estate and professional licensing shall be 3257
administered by the superintendent of real estate and professional 3258
licensing. The superintendent of real estate and professional 3259
licensing shall exercise the powers and perform the functions and 3260
duties delegated to the superintendent under Chapters 4735., 3261
4763., and 4767. of the Revised Code. 3262

(I) There is hereby created in the department of commerce a 3263
division of labor ~~and worker safety~~, which shall have all powers 3264
and perform all duties vested by law in the superintendent of 3265
labor ~~and worker safety~~. Wherever powers are conferred or duties 3266
imposed upon the superintendent of labor ~~and worker safety~~, those 3267
powers and duties shall be construed as vested in the division of 3268
labor ~~and worker safety~~. The division of labor ~~and worker safety~~ 3269
shall be under the control and supervision of the director of 3270
commerce and be administered by the superintendent of labor ~~and~~ 3271
~~worker safety~~. ~~The superintendent of labor and worker safety shall~~ 3272
~~exercise the powers and perform the duties delegated to the~~ 3273

~~superintendent by the director under Chapters 4109., 4111., and 3274
4115. of the Revised Code. 3275~~

(J) There is hereby created in the department of commerce a 3276
division of unclaimed funds, which shall have all powers and 3277
perform all duties delegated to or vested by law in the 3278
superintendent of unclaimed funds. Wherever powers are conferred 3279
or duties imposed upon the superintendent of unclaimed funds, 3280
those powers and duties shall be construed as vested in the 3281
division of unclaimed funds. The division of unclaimed funds shall 3282
be under the control and supervision of the director of commerce 3283
and shall be administered by the superintendent of unclaimed 3284
funds. The superintendent of unclaimed funds shall exercise the 3285
powers and perform the functions and duties delegated to the 3286
superintendent by the director of commerce under section 121.07 3287
and Chapter 169. of the Revised Code, and as may otherwise be 3288
provided by law. 3289

(K) The department of commerce or a division of the 3290
department created by the Revised Code that is acting with 3291
authorization on the department's behalf may request from the 3292
bureau of criminal identification and investigation pursuant to 3293
section 109.572 of the Revised Code, or coordinate with 3294
appropriate federal, state, and local government agencies to 3295
accomplish, criminal records checks for the persons whose 3296
identities are required to be disclosed by an applicant for the 3297
issuance or transfer of a permit, license, certificate of 3298
registration, or certification issued or transferred by the 3299
department or division. At or before the time of making a request 3300
for a criminal records check, the department or division may 3301
require any person whose identity is required to be disclosed by 3302
an applicant for the issuance or transfer of such a license, 3303
permit, certificate of registration, or certification to submit to 3304
the department or division valid fingerprint impressions in a 3305

format and by any media or means acceptable to the bureau of 3306
criminal identification and investigation and, when applicable, 3307
the federal bureau of investigation. The department or division 3308
may cause the bureau of criminal identification and investigation 3309
to conduct a criminal records check through the federal bureau of 3310
investigation only if the person for whom the criminal records 3311
check would be conducted resides or works outside of this state or 3312
has resided or worked outside of this state during the preceding 3313
five years, or if a criminal records check conducted by the bureau 3314
of criminal identification and investigation within this state 3315
indicates that the person may have a criminal record outside of 3316
this state. 3317

In the case of a criminal records check under section 109.572 3318
of the Revised Code, the department or division shall forward to 3319
the bureau of criminal identification and investigation the 3320
requisite form, fingerprint impressions, and fee described in 3321
division (C) of that section. When requested by the department or 3322
division in accordance with this section, the bureau of criminal 3323
identification and investigation shall request from the federal 3324
bureau of investigation any information it has with respect to the 3325
person who is the subject of the requested criminal records check 3326
and shall forward the requisite fingerprint impressions and 3327
information to the federal bureau of investigation for that 3328
criminal records check. After conducting a criminal records check 3329
or receiving the results of a criminal records check from the 3330
federal bureau of investigation, the bureau of criminal 3331
identification and investigation shall provide the results to the 3332
department or division. 3333

The department or division may require any person about whom 3334
a criminal records check is requested to pay to the department or 3335
division the amount necessary to cover the fee charged to the 3336
department or division by the bureau of criminal identification 3337

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

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

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

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

(C) Collect and collate statistics as are necessary.

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

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

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

certification, a chief of worker protection, and other designees 3368
appointed by the director of ~~commerce~~ to perform the duties 3369
described in this section. 3370

~~(F)~~(G) Enforce the rules the board of building standards 3371
adopts pursuant to division (A)(2) of section 4104.43 of the 3372
Revised Code under the circumstances described in division (D) of 3373
that section. 3374

~~(G)~~(H) Accept submissions, establish a fee for submissions, 3375
and review submissions of certified welding and brazing procedure 3376
specifications, procedure qualification records, and performance 3377
qualification records for building services piping as required by 3378
section 4104.44 of the Revised Code. 3379

Sec. 121.084. (A) All moneys collected under sections 3380
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3381
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 3382
moneys collected by the division of industrial compliance labor 3383
shall be paid into the state treasury to the credit of the 3384
industrial compliance labor operating fund, which is hereby 3385
created. The department of commerce shall use the moneys in the 3386
fund for paying the operating expenses of the division and the 3387
administrative assessment described in division (B) of this 3388
section. 3389

(B) The director of commerce, with the approval of the 3390
director of budget and management, shall prescribe procedures for 3391
assessing the industrial compliance labor operating fund a 3392
proportionate share of the administrative costs of the department 3393
of commerce. The assessment shall be made in accordance with those 3394
procedures and be paid from the industrial compliance labor 3395
operating fund to the division of administration fund created in 3396
section 121.08 of the Revised Code. 3397

Sec. 121.13. (A) The director of each department may, with 3398
the approval of the governor, establish and appoint advisory 3399
boards to aid in the conduct of the work of ~~his~~ the director's 3400
department or any division thereof. Such advisory boards shall 3401
exercise no administrative function, and their members shall 3402
receive no compensation, but may receive their actual and 3403
necessary expenses. 3404

(B) The director of each department may, with the approval of 3405
the governor, recruit and retain individuals employed by public 3406
entities or by private profit-making or nonprofit-making entities 3407
to function as "loaned executives," to support state functions and 3408
to assist the department in the conduct of its work. A loaned 3409
executive shall not participate, during the loaned executive's 3410
service with the state, in any decision, approval, disapproval, 3411
recommendation, rendering of advice, investigation, or other 3412
substantial exercise of administrative discretion that is directly 3413
related to the pecuniary interest of the loaned executive's 3414
regular employer. 3415

A loaned executive is not entitled to, and shall not receive, 3416
compensation from the state, but may receive compensation and 3417
actual and necessary expenses from the loaned executive's regular 3418
employer. The receipt of this compensation or expenses is not 3419
prohibited by division (A) of section 2921.43 of the Revised Code. 3420
However, a loaned executive is deemed to be a public official or 3421
employee for purposes of Chapter 102. of the Revised Code. 3422

Sec. 121.16. (A) The director of each department may form, 3423
with the governor's approval and utilizing department resources, 3424
one or more nonprofit corporations incorporated under Chapter 3425
1702. of the Revised Code, to solicit financial contributions or 3426
in-kind contributions of goods to support the fulfillment of the 3427
duties and responsibilities of the department. 3428

(B) The articles of incorporation or bylaws of any nonprofit corporation formed under division (A) of this section shall state that the corporation's sole purpose is to act in the interest of the department, include guidelines for the public disclosure of the employees, vendors, and contracts of the corporation and for the reporting and disclosure of donors and donation amounts. The articles of incorporation or bylaws shall also include requirements for regular financial statements from the corporation to the department's director regarding the corporation's budget, expenditures, and processes, a regular schedule of audits, and any other conditions or protections to the public considered necessary by the Ohio ethics commission.

(C) The department of administrative services shall develop model articles of incorporation and bylaws for corporations formed under division (A) of this section. Such a corporation may utilize the model articles of incorporation and bylaws or may adopt articles of incorporation and bylaws that comply with division (B) of this section and all other relevant Revised Code provisions. The department of administrative services shall update the model articles of incorporation and bylaws to reflect any relevant changes in the Revised Code and any new guidance from the Ohio ethics commission.

(D) A department director that forms a nonprofit corporation under division (A) of this section may permit department employees to serve as directors of the corporation. Any such employee shall represent the department and the department's interests in all actions as a director of the corporation and shall file an annual disclosure statement under section 102.02 of the Revised Code.

(E) An employee of a department serving as a director of a nonprofit corporation formed under division (A) of this section may solicit financial contributions or in-kind contributions of goods for the corporation to support the fulfillment of the duties

and responsibilities of the department. The employee shall not 3461
personally benefit from solicitations for the corporation and 3462
shall not receive any personal benefit from the corporation. All 3463
such solicitations are subject to Chapter 102. and sections 3464
2921.42 and 2921.43 and other relevant provisions of the Revised 3465
Code. 3466

(F) Before soliciting or accepting any contributions to a 3467
nonprofit corporation formed under division (A) of this section, 3468
an agent of the corporation shall inform the prospective 3469
contributor of the following: 3470

(1) That all contributions or donations are voluntary and 3471
shall not be made with or in return for any state contracts, 3472
grants, or other financial benefits; 3473

(2) That a contributor shall not make a contribution and the 3474
corporation shall not solicit or accept a contribution while a 3475
specific matter involving the contributor is pending before the 3476
department or a matter involving the contributor is reasonably 3477
foreseeable to come before the department soon after making the 3478
solicitation or contribution; 3479

(3) That a contributor shall not be given any ability, in a 3480
manner not afforded to other contributors or the general public, 3481
to lobby or promote the contributor's activities with public 3482
officials and employees of any department that benefits from the 3483
contribution; 3484

(4) That public officials and employees shall not be 3485
influenced in the objective performance of the official's or 3486
employee's public duties regarding a contributor by the 3487
contributor's decision to contribute or not to contribute; 3488

(5) That any contribution made in violation of divisions 3489
(F)(1) to (4) of this section shall be returned to the 3490
contributor. 3491

(G) Contributions may be made to a nonprofit corporation 3492
formed under division (A) of this section to support specific 3493
projects or initiatives of the department, but the corporation 3494
shall reject any proposed contribution that carries conditions or 3495
requirements that the director of the department determines to be 3496
contrary to the interests of the department or the state. 3497

(H) A nonprofit corporation formed under division (A) of this 3498
section may make expenditures with the approval of the director of 3499
the department, to support the operations of the corporation. The 3500
corporation shall only make expenditures that, in the director's 3501
judgment, benefit the department. The expenditures or transfers of 3502
contributed goods may be made directly by the corporation or may 3503
be transferred to the department. All corporation expenditures and 3504
all funds transferred to the department under this division shall 3505
comply with the laws of the state. The director of budget and 3506
management may establish any accounts and take any other steps 3507
necessary for a department to receive contributions from the 3508
corporation. 3509

(I) All activity of a nonprofit corporation formed under 3510
division (A) of this section shall be subject to sections 121.22 3511
and 149.43 of the Revised Code and shall be subject to audits as 3512
if it were a public office described in Chapter 117. of the 3513
Revised Code. Directors, employees, and other agents of the 3514
corporation shall be considered public officials or employees 3515
subject to the requirements of Chapter 102. and sections 2921.42 3516
and 2921.43 of the Revised Code. 3517

Sec. 121.31. There is hereby created the commission on 3518
Hispanic-Latino affairs consisting of eleven voting members 3519
appointed by the governor with the advice and consent of the 3520
senate and two ex officio, nonvoting members who are members of 3521
the general assembly. The speaker of the house of representatives 3522

shall recommend to the governor two persons for appointment to the 3523
commission, the president of the senate shall recommend to the 3524
governor two such persons, and the minority leaders of the house 3525
and senate shall each recommend to the governor one such person. 3526
The governor shall make initial appointments to the commission. Of 3527
the initial appointments made to the commission, three shall be 3528
for a term ending October 7, 1978, four shall be for a term ending 3529
October 7, 1979, and four shall be for a term ending October 7, 3530
1980. One ex officio member of the commission shall be a member of 3531
the house of representatives appointed by the speaker of the house 3532
of representatives and one ex officio member of the commission 3533
shall be a member of the senate appointed by the president of the 3534
senate. ~~When making their initial appointments, the speaker shall 3535
appoint a member of the house of representatives who is affiliated 3536
with the minority political party in the house of representatives 3537
and the president shall appoint a member of the senate who is 3538
affiliated with the majority political party in the senate; in 3539
making subsequent appointments the speaker and the president each 3540
shall alternate the political party affiliation of the members 3541
they appoint to the commission. The speaker and president shall 3542
make their initial appointments so that the initial ex officio 3543
members begin their terms October 7, 2008 The speaker shall 3544
appoint a member of the house of representatives from among the 3545
representatives who are affiliated with the political party having 3546
a majority in the house of representatives, and the president 3547
shall appoint a member of the senate from among the senators who 3548
are affiliated with a different political party than the 3549
representative appointed by the speaker. 3550~~

After the initial appointments by the governor, terms of 3551
office shall be for three years, except that members of the 3552
general assembly appointed to the commission shall be members of 3553
the commission only so long as they are members of the general 3554
assembly. Each term shall end on the same day of the same month of 3555

the year as did the term which it succeeds. Each member shall hold 3556
office from the date of appointment until the end of the term for 3557
which the member was appointed. Vacancies shall be filled in the 3558
same manner as the original appointment. Any member appointed to 3559
fill a vacancy occurring prior to the expiration of the term for 3560
which the member's predecessor was appointed shall hold office for 3561
the remainder of such term. Any member shall continue in office 3562
subsequent to the expiration date of the member's term until the 3563
member's successor takes office, or until a period of sixty days 3564
has elapsed, whichever occurs first. At the first organizational 3565
meeting of the commission, the original eleven members shall draw 3566
lots to determine the length of the term each member shall serve. 3567
3568

All voting members of the commission shall speak Spanish, 3569
shall be of Spanish-speaking origin, and shall be American 3570
citizens or lawful, permanent, resident aliens. Voting members 3571
shall be from urban, suburban, and rural geographical areas 3572
representative of Spanish-speaking people with a numerical and 3573
geographical balance of the Spanish-speaking population throughout 3574
the state. 3575

The commission shall meet not less than six times per 3576
calendar year. The commission shall elect a chairperson, 3577
vice-chairperson, and other officers from its voting members as it 3578
considers advisable. Six voting members constitute a quorum. The 3579
commission shall adopt rules governing its procedures. No action 3580
of the commission is valid without the concurrence of six members. 3581

Each voting member shall be compensated for work as a member 3582
for each day that the member is actually engaged in the 3583
performance of work as a member. No voting member shall be 3584
compensated for more than one day each month. In addition, each 3585
voting member shall be reimbursed for all actual and necessary 3586
expenses incurred in the performance of official business. 3587

Sec. 121.37. (A)(1) There is hereby created the Ohio family 3588
and children first cabinet council. The council shall be composed 3589
of the superintendent of public instruction and the directors of 3590
youth services, job and family services, mental health, health, 3591
alcohol and drug addiction services, mental retardation and 3592
developmental disabilities, aging, rehabilitation and correction, 3593
and budget and management. The chairperson of the council shall be 3594
the governor or the governor's designee and shall establish 3595
procedures for the council's internal control and management. 3596

The purpose of the cabinet council is to help families 3597
seeking government services. This section shall not be interpreted 3598
or applied to usurp the role of parents, but solely to streamline 3599
and coordinate existing government services for families seeking 3600
assistance for their children. 3601

(2) In seeking to fulfill its purpose, the council may do any 3602
of the following: 3603

(a) Advise and make recommendations to the governor and 3604
general assembly regarding the provision of services to children; 3605

(b) Advise and assess local governments on the coordination 3606
of service delivery to children; 3607

(c) Hold meetings at such times and places as may be 3608
prescribed by the council's procedures and maintain records of the 3609
meetings, except that records identifying individual children are 3610
confidential and shall be disclosed only as provided by law; 3611

(d) Develop programs and projects, including pilot projects, 3612
to encourage coordinated efforts at the state and local level to 3613
improve the state's social service delivery system; 3614

(e) Enter into contracts with and administer grants to county 3615
family and children first councils, as well as other county or 3616
multicounty organizations to plan and coordinate service delivery 3617

between state agencies and local service providers for families	3618
and children;	3619
(f) Enter into contracts with and apply for grants from	3620
federal agencies or private organizations;	3621
(g) Enter into interagency agreements to encourage	3622
coordinated efforts at the state and local level to improve the	3623
state's social service delivery system. The agreements may include	3624
provisions regarding the receipt, transfer, and expenditure of	3625
funds;	3626
(h) Identify public and private funding sources for services	3627
provided to alleged or adjudicated unruly children and children	3628
who are at risk of being alleged or adjudicated unruly children,	3629
including regulations governing access to and use of the services;	3630
(i) Collect information provided by local communities	3631
regarding successful programs for prevention, intervention, and	3632
treatment of unruly behavior, including evaluations of the	3633
programs;	3634
(j) Identify and disseminate publications regarding alleged	3635
or adjudicated unruly children and children who are at risk of	3636
being alleged or adjudicated unruly children and regarding	3637
programs serving those types of children;	3638
(k) Maintain an inventory of strategic planning facilitators	3639
for use by government or nonprofit entities that serve alleged or	3640
adjudicated unruly children or children who are at risk of being	3641
alleged or adjudicated unruly children.	3642
(3) The cabinet council shall provide for the following:	3643
(a) Reviews of service and treatment plans for children for	3644
which such reviews are requested;	3645
(b) Assistance as the council determines to be necessary to	3646
meet the needs of children referred by county family and children	3647

first councils; 3648

(c) Monitoring and supervision of a statewide, comprehensive, 3649
coordinated, multi-disciplinary, interagency system for infants 3650
and toddlers with developmental disabilities or delays and their 3651
families, as established pursuant to federal grants received and 3652
administered by the department of health for early intervention 3653
services under the "Individuals with Disabilities Education Act of 3654
2004," 20 U.S.C.A. 1400, as amended. 3655

(4) The cabinet council shall develop and implement the 3656
following: 3657

(a) An interagency process to select the indicators that will 3658
be used to measure progress toward increasing child well-being in 3659
the state and to update the indicators on an annual basis. The 3660
indicators shall focus on expectant parents and newborns thriving; 3661
infants and toddlers thriving; children being ready for school; 3662
children and youth succeeding in school; youth choosing healthy 3663
behaviors; and youth successfully transitioning into adulthood. 3664

(b) An interagency system to offer guidance and monitor 3665
progress toward increasing child well-being in the state and in 3666
each county; 3667

(c) An annual plan that identifies state-level agency efforts 3668
taken to ensure progress towards increasing child well-being in 3669
the state. 3670

On an annual basis, the cabinet council shall submit to the 3671
governor and the general assembly a report on the status of 3672
efforts to increase child well-being in the state. This report 3673
shall be made available to any other person on request. 3674

(B)(1) Each board of county commissioners shall establish a 3675
county family and children first council. The board may invite any 3676
local public or private agency or group that funds, advocates, or 3677
provides services to children and families to have a 3678

representative become a permanent or temporary member of its 3679
county council. Each county council must include the following 3680
individuals: 3681

(a) At least three individuals who are not employed by an 3682
agency represented on the council and whose families are or have 3683
received services from an agency represented on the council or 3684
another county's council. Where possible, the number of members 3685
representing families shall be equal to twenty per cent of the 3686
council's membership. 3687

(b) The director of the board of alcohol, drug addiction, and 3688
mental health services that serves the county, or, in the case of 3689
a county that has a board of alcohol and drug addiction services 3690
and a community mental health board, the directors of both boards. 3691
If a board of alcohol, drug addiction, and mental health services 3692
covers more than one county, the director may designate a person 3693
to participate on the county's council. 3694

(c) The health commissioner, or the commissioner's designee, 3695
of the board of health of each city and general health district in 3696
the county. If the county has two or more health districts, the 3697
health commissioner membership may be limited to the commissioners 3698
of the two districts with the largest populations. 3699

(d) The director of the county department of job and family 3700
services; 3701

(e) The executive director of the public children services 3702
agency; 3703

(f) The superintendent of the county board of mental 3704
retardation and developmental disabilities; 3705

(g) The superintendent of the city, exempted village, or 3706
local school district with the largest number of pupils residing 3707
in the county, as determined by the department of education, which 3708
shall notify each board of county commissioners of its 3709

determination at least biennially;	3710
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	3711 3712 3713
(i) A representative of the municipal corporation with the largest population in the county;	3714 3715
(j) The president of the board of county commissioners or an individual designated by the board;	3716 3717
(k) A representative of the regional office of the department of youth services;	3718 3719
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	3720 3721
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	3722 3723 3724 3725
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	3726 3727
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	3728 3729 3730 3731 3732 3733
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state	3734 3735 3736 3737 3738 3739

funds for services to children and families be redirected to a 3740
county's board of county commissioners. 3741

The county's juvenile court judge senior in service or 3742
another judge of the juvenile court designated by the 3743
administrative judge or, where there is no administrative judge, 3744
by the judge senior in service shall serve as the judicial advisor 3745
to the county family and children first council. The judge may 3746
advise the county council on the court's utilization of resources, 3747
services, or programs provided by the entities represented by the 3748
members of the county council and how those resources, services, 3749
or programs assist the court in its administration of justice. 3750
Service of a judge as a judicial advisor pursuant to this section 3751
is a judicial function. 3752

(2) The purpose of the county council is to streamline and 3753
coordinate existing government services for families seeking 3754
services for their children. In seeking to fulfill its purpose, a 3755
county council shall provide for the following: 3756

(a) Referrals to the cabinet council of those children for 3757
whom the county council cannot provide adequate services; 3758

(b) Development and implementation of a process that annually 3759
evaluates and prioritizes services, fills service gaps where 3760
possible, and invents new approaches to achieve better results for 3761
families and children; 3762

(c) Participation in the development of a countywide, 3763
comprehensive, coordinated, multi-disciplinary, interagency system 3764
for infants and toddlers with developmental disabilities or delays 3765
and their families, as established pursuant to federal grants 3766
received and administered by the department of health for early 3767
intervention services under the "Individuals with Disabilities 3768
Education Act of 2004"; 3769

(d) Maintenance of an accountability system to monitor the 3770

county council's progress in achieving results for families and children;	3771 3772
(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system.	3773 3774 3775
(3) A county council shall develop and implement the following:	3776 3777
(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county;	3778 3779 3780
(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.	3781 3782 3783 3784 3785 3786 3787 3788
(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county.	3789 3790
On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request.	3791 3792 3793 3794 3795
(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements.	3796 3797 3798 3799 3800 3801

(b) On application of a county council, the cabinet council 3802
may grant an exemption from any rules or interagency agreements of 3803
a state department participating on the council if an exemption is 3804
necessary for the council to implement an alternative program or 3805
approach for service delivery to families and children. The 3806
application shall describe the proposed program or approach and 3807
specify the rules or interagency agreements from which an 3808
exemption is necessary. The cabinet council shall approve or 3809
disapprove the application in accordance with standards and 3810
procedures it shall adopt. If an application is approved, the 3811
exemption is effective only while the program or approach is being 3812
implemented, including a reasonable period during which the 3813
program or approach is being evaluated for effectiveness. 3814

(5)(a) Each county council shall designate an administrative 3815
agent for the council from among the following public entities: 3816
the board of alcohol, drug addiction, and mental health services, 3817
including a board of alcohol and drug addiction or a community 3818
mental health board if the county is served by separate boards; 3819
the board of county commissioners; any board of health of the 3820
county's city and general health districts; the county department 3821
of job and family services; the county agency responsible for the 3822
administration of children services pursuant to section 5153.15 of 3823
the Revised Code; the county board of mental retardation and 3824
developmental disabilities; any of the county's boards of 3825
education or governing boards of educational service centers; or 3826
the county's juvenile court. Any of the foregoing public entities, 3827
other than the board of county commissioners, may decline to serve 3828
as the council's administrative agent. 3829

A county council's administrative agent shall serve as the 3830
council's appointing authority for any employees of the council. 3831
The council shall file an annual budget with its administrative 3832
agent, with copies filed with the county auditor and with the 3833

board of county commissioners, unless the board is serving as the 3834
council's administrative agent. The council's administrative agent 3835
shall ensure that all expenditures are handled in accordance with 3836
policies, procedures, and activities prescribed by state 3837
departments in rules or interagency agreements that are applicable 3838
to the council's functions. 3839

The administrative agent of a county council shall send 3840
notice of a member's absence if a member listed in division (B)(1) 3841
of this section has been absent from either three consecutive 3842
meetings of the county council or a county council subcommittee, 3843
or from one-quarter of such meetings in a calendar year, whichever 3844
is less. The notice shall be sent to the board of county 3845
commissioners that establishes the county council and, for the 3846
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 3847
section, to the governing board overseeing the respective entity; 3848
for the member listed in division (B)(1)(f) of this section, to 3849
the county board of mental retardation and developmental 3850
disabilities that employs the superintendent; for a member listed 3851
in division (B)(1)(g) or (h) of this section, to the school board 3852
that employs the superintendent; for the member listed in division 3853
(B)(1)(i) of this section, to the mayor of the municipal 3854
corporation; for the member listed in division (B)(1)(k) of this 3855
section, to the director of youth services; and for the member 3856
listed in division (B)(1)(n), to that member's board of trustees. 3857

The administrative agent for a county council may do any of 3858
the following on behalf of the council: 3859

(i) Enter into agreements or administer contracts with public 3860
or private entities to fulfill specific council business. Such 3861
agreements and contracts are exempt from the competitive bidding 3862
requirements of section 307.86 of the Revised Code if they have 3863
been approved by the county council and they are for the purchase 3864
of family and child welfare or child protection services or other 3865

social or job and family services for families and children. The 3866
approval of the county council is not required to exempt 3867
agreements or contracts entered into under section 5139.34, 3868
5139.41, or 5139.43 of the Revised Code from the competitive 3869
bidding requirements of section 307.86 of the Revised Code. 3870

(ii) As determined by the council, provide financial 3871
stipends, reimbursements, or both, to family representatives for 3872
expenses related to council activity; 3873

(iii) Receive by gift, grant, devise, or bequest any moneys, 3874
lands, or other property for the purposes for which the council is 3875
established. The agent shall hold, apply, and dispose of the 3876
moneys, lands, or other property according to the terms of the 3877
gift, grant, devise, or bequest. Any interest or earnings shall be 3878
treated in the same manner and are subject to the same terms as 3879
the gift, grant, devise, or bequest from which it accrues. 3880

(b)(i) If the county council designates the board of county 3881
commissioners as its administrative agent, the board may, by 3882
resolution, delegate any of its powers and duties as 3883
administrative agent to an executive committee the board 3884
establishes from the membership of the county council. The board 3885
shall name to the executive committee at least the individuals 3886
described in divisions (B)(1)(b) to (h) of this section and may 3887
appoint the president of the board or another individual as the 3888
chair of the executive committee. The executive committee must 3889
include at least one family county council representative who does 3890
not have a family member employed by an agency represented on the 3891
council. 3892

(ii) The executive committee may, with the approval of the 3893
board, hire an executive director to assist the county council in 3894
administering its powers and duties. The executive director shall 3895
serve in the unclassified civil service at the pleasure of the 3896
executive committee. The executive director may, with the approval 3897

of the executive committee, hire other employees as necessary to 3898
properly conduct the county council's business. 3899

(iii) The board may require the executive committee to submit 3900
an annual budget to the board for approval and may amend or repeal 3901
the resolution that delegated to the executive committee its 3902
authority as the county council's administrative agent. 3903

(6) Two or more county councils may enter into an agreement 3904
to administer their county councils jointly by creating a regional 3905
family and children first council. A regional council possesses 3906
the same duties and authority possessed by a county council, 3907
except that the duties and authority apply regionally rather than 3908
to individual counties. Prior to entering into an agreement to 3909
create a regional council, the members of each county council to 3910
be part of the regional council shall meet to determine whether 3911
all or part of the members of each county council will serve as 3912
members of the regional council. 3913

(7) A board of county commissioners may approve a resolution 3914
by a majority vote of the board's members that requires the county 3915
council to submit a statement to the board each time the council 3916
proposes to enter into an agreement, adopt a plan, or make a 3917
decision, other than a decision pursuant to section 121.38 of the 3918
Revised Code, that requires the expenditure of funds for two or 3919
more families. The statement shall describe the proposed 3920
agreement, plan, or decision. 3921

Not later than fifteen days after the board receives the 3922
statement, it shall, by resolution approved by a majority of its 3923
members, approve or disapprove the agreement, plan, or decision. 3924
Failure of the board to pass a resolution during that time period 3925
shall be considered approval of the agreement, plan, or decision. 3926

An agreement, plan, or decision for which a statement is 3927
required to be submitted to the board shall be implemented only if 3928

it is approved by the board. 3929

(C) Each county shall develop a county service coordination 3930
mechanism. The county service coordination mechanism shall serve 3931
as the guiding document for coordination of services in the 3932
county. For children who also receive services under the help me 3933
grow program, the service coordination mechanism shall be 3934
consistent with rules adopted by the department of health under 3935
section 3701.61 of the Revised Code. All family service 3936
coordination plans shall be developed in accordance with the 3937
county service coordination mechanism. The mechanism shall be 3938
developed and approved with the participation of the county 3939
entities representing child welfare; mental retardation and 3940
developmental disabilities; alcohol, drug addiction, and mental 3941
health services; health; juvenile judges; education; the county 3942
family and children first council; and the county early 3943
intervention collaborative established pursuant to the federal 3944
early intervention program operated under the "Individuals with 3945
Disabilities Education Act of 2004." The county shall establish an 3946
implementation schedule for the mechanism. The cabinet council may 3947
monitor the implementation and administration of each county's 3948
service coordination mechanism. 3949

Each mechanism shall include all of the following: 3950

(1) A procedure for an agency, including a juvenile court, or 3951
a family voluntarily seeking service coordination, to refer the 3952
child and family to the county council for service coordination in 3953
accordance with the mechanism; 3954

(2) A procedure ensuring that a family and all appropriate 3955
staff from involved agencies, including a representative from the 3956
appropriate school district, are notified of and invited to 3957
participate in all family service coordination plan meetings; 3958

(3) A procedure that permits a family to initiate a meeting 3959

to develop or review the family's service coordination plan and 3960
allows the family to invite a family advocate, mentor, or support 3961
person of the family's choice to participate in any such meeting; 3962

(4) A procedure for ensuring that a family service 3963
coordination plan meeting is conducted for each child who receives 3964
service coordination under the mechanism and for whom an emergency 3965
out-of-home placement has been made or for whom a nonemergency 3966
out-of-home placement is being considered. The meeting shall be 3967
conducted within ten days of an emergency out-of-home placement. 3968
The meeting shall be conducted before a nonemergency out-of-home 3969
placement. The family service coordination plan shall outline how 3970
the county council members will jointly pay for services, where 3971
applicable, and provide services in the least restrictive 3972
environment. 3973

(5) A procedure for monitoring the progress and tracking the 3974
outcomes of each service coordination plan requested in the county 3975
including monitoring and tracking children in out-of-home 3976
placements to assure continued progress, appropriateness of 3977
placement, and continuity of care after discharge from placement 3978
with appropriate arrangements for housing, treatment, and 3979
education. 3980

(6) A procedure for protecting the confidentiality of all 3981
personal family information disclosed during service coordination 3982
meetings or contained in the comprehensive family service 3983
coordination plan. 3984

(7) A procedure for assessing the needs and strengths of any 3985
child or family that has been referred to the council for service 3986
coordination, including a child whose parent or custodian is 3987
voluntarily seeking services, and for ensuring that parents and 3988
custodians are afforded the opportunity to participate; 3989

(8) A procedure for development of a family service 3990

coordination plan described in division (D) of this section; 3991

(9) A local dispute resolution process to serve as the 3992
process that must be used first to resolve disputes among the 3993
agencies represented on the county council concerning the 3994
provision of services to children, including children who are 3995
abused, neglected, dependent, unruly, alleged unruly, or 3996
delinquent children and under the jurisdiction of the juvenile 3997
court and children whose parents or custodians are voluntarily 3998
seeking services. The local dispute resolution process shall 3999
comply with sections 121.38, 121.381, and 121.382 of the Revised 4000
Code. The local dispute resolution process shall be used to 4001
resolve disputes between a child's parents or custodians and the 4002
county council regarding service coordination. The county council 4003
shall inform the parents or custodians of their right to use the 4004
dispute resolution process. Parents or custodians shall use 4005
existing local agency grievance procedures to address disputes not 4006
involving service coordination. The dispute resolution process is 4007
in addition to and does not replace other rights or procedures 4008
that parents or custodians may have under other sections of the 4009
Revised Code. 4010

The cabinet council shall adopt rules in accordance with 4011
Chapter 119. of the Revised Code establishing an administrative 4012
review process to address problems that arise concerning the 4013
operation of a local dispute resolution process. 4014

Nothing in division (C)(4) of this section shall be 4015
interpreted as overriding or affecting decisions of a juvenile 4016
court regarding an out-of-home placement, long-term placement, or 4017
emergency out-of-home placement. 4018

(D) Each county shall develop a family service coordination 4019
plan that does all of the following: 4020

(1) Designates service responsibilities among the various 4021

state and local agencies that provide services to children and 4022
their families, including children who are abused, neglected, 4023
dependent, unruly, or delinquent children and under the 4024
jurisdiction of the juvenile court and children whose parents or 4025
custodians are voluntarily seeking services; 4026

(2) Designates an individual, approved by the family, to 4027
track the progress of the family service coordination plan, 4028
schedule reviews as necessary, and facilitate the family service 4029
coordination plan meeting process; 4030

(3) Ensures that assistance and services to be provided are 4031
responsive to the strengths and needs of the family, as well as 4032
the family's culture, race, and ethnic group, by allowing the 4033
family to offer information and suggestions and participate in 4034
decisions. Identified assistance and services shall be provided in 4035
the least restrictive environment possible. 4036

(4) Includes a process for dealing with a child who is 4037
alleged to be an unruly child. The process shall include methods 4038
to divert the child from the juvenile court system; 4039

(5) Includes timelines for completion of goals specified in 4040
the plan with regular reviews scheduled to monitor progress toward 4041
those goals; 4042

(6) Includes a plan for dealing with short-term crisis 4043
situations and safety concerns. 4044

(E)(1) The process provided for under division (D)(4) of this 4045
section may include, but is not limited to, the following: 4046

(a) Designation of the person or agency to conduct the 4047
assessment of the child and the child's family as described in 4048
division (C)(7) of this section and designation of the instrument 4049
or instruments to be used to conduct the assessment; 4050

(b) An emphasis on the personal responsibilities of the child 4051

and the parental responsibilities of the parents, guardian, or
custodian of the child; 4052
4053

(c) Involvement of local law enforcement agencies and
officials. 4054
4055

(2) The method to divert a child from the juvenile court
system that must be included in the service coordination process 4056
4057
may include, but is not limited to, the following: 4058

(a) The preparation of a complaint under section 2151.27 of
the Revised Code alleging that the child is an unruly child and 4059
4060
notifying the child and the parents, guardian, or custodian that 4061
the complaint has been prepared to encourage the child and the 4062
parents, guardian, or custodian to comply with other methods to 4063
divert the child from the juvenile court system; 4064

(b) Conducting a meeting with the child, the parents,
guardian, or custodian, and other interested parties to determine 4065
4066
the appropriate methods to divert the child from the juvenile 4067
court system; 4068

(c) A method to provide to the child and the child's family a
short-term respite from a short-term crisis situation involving a 4069
4070
confrontation between the child and the parents, guardian, or 4071
custodian; 4072

(d) A program to provide a mentor to the child or the
parents, guardian, or custodian; 4073
4074

(e) A program to provide parenting education to the parents,
guardian, or custodian; 4075
4076

(f) An alternative school program for children who are truant
from school, repeatedly disruptive in school, or suspended or 4077
4078
expelled from school; 4079

(g) Other appropriate measures, including, but not limited
to, any alternative methods to divert a child from the juvenile 4080
4081

court system that are identified by the Ohio family and children 4082
first cabinet council. 4083

(F) Each county may review and revise the service 4084
coordination process described in division (D) of this section 4085
based on the availability of funds under Title IV-A of the "Social 4086
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4087
or to the extent resources are available from any other federal, 4088
state, or local funds. 4089

Sec. 121.375. (A) As used in this section: 4090

"At-risk individual" means an individual at great risk of not 4091
being able to access available health and social services due to 4092
barriers such as poverty, inadequate transportation, culture, and 4093
priorities of basic survival. 4094

"Care coordination agency" means a person or government 4095
entity that assists at-risk individuals access available health 4096
and social services the at-risk individuals need. 4097

(B) A care coordination agency may provide the following 4098
information to the Ohio family and children first cabinet council: 4099

(1) The types of individuals the agency identifies as being 4100
at-risk individuals; 4101

(2) The total per-individual cost to the agency for care 4102
coordination services provided to at-risk individuals; 4103

(3) The administrative cost per individual for care 4104
coordination services provided to at-risk individuals; 4105

(4) The specific work products the agency purchased to 4106
provide care coordination services to at-risk individuals; 4107

(5) The strategies the agency uses to help at-risk 4108
individuals access available health and social services; 4109

(6) The agency's success in helping at-risk individuals 4110

access available health and social services; 4111

(7) The mechanisms the agency uses to identify and eliminate duplicate care coordination services. 4112
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(C) The Ohio family and children first cabinet council may use the information provided to it under this section to help improve care coordination for at-risk individuals throughout the state. 4114
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Sec. 121.40. (A) There is hereby created the Ohio community service council consisting of twenty-one voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of the Ohio board of regents or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, the chairperson of the committee of the house of representatives dealing with education or the chairperson's designee, the chairperson of the committee of the senate dealing with education or the chairperson's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the council. Members of the council shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in 4118
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the performance of their official duties. 4142

(B) The council shall appoint, with the advice and consent of 4143
the governor, an executive director for the council, who shall be 4144
in the unclassified civil service. The executive director shall 4145
supervise the council's activities and report to the council on 4146
the progress of those activities. The executive director shall do 4147
all things necessary for the efficient and effective 4148
implementation of the duties of the council. 4149

The responsibilities assigned to the executive director do 4150
not relieve the members of the council from final responsibility 4151
for the proper performance of the requirements of this section. 4152

(C) The council or its designee shall do all of the 4153
following: 4154

(1) Employ, promote, supervise, and remove all employees as 4155
needed in connection with the performance of its duties under this 4156
section and may assign duties to those employees as necessary to 4157
achieve the most efficient performance of its functions, and to 4158
that end may establish, change, or abolish positions, and assign 4159
and reassign duties and responsibilities of any employee of the 4160
council. Personnel employed by the council who are subject to 4161
Chapter 4117. of the Revised Code shall retain all of their rights 4162
and benefits conferred pursuant to that chapter. Nothing in this 4163
chapter shall be construed as eliminating or interfering with 4164
Chapter 4117. of the Revised Code or the rights and benefits 4165
conferred under that chapter to public employees or to any 4166
bargaining unit. 4167

(2) Maintain its office in Columbus, and may hold sessions at 4168
any place within the state; 4169

(3) Acquire facilities, equipment, and supplies necessary to 4170
house the council, its employees, and files and records under its 4171
control, and to discharge any duty imposed upon it by law. The 4172

expense of these acquisitions shall be audited and paid for in the 4173
same manner as other state expenses. For that purpose, the council 4174
shall prepare and submit to the office of budget and management a 4175
budget for each biennium according to sections 101.532 and 107.03 4176
of the Revised Code. The budget submitted shall cover the costs of 4177
the council and its staff in the discharge of any duty imposed 4178
upon the council by law. The council shall not delegate any 4179
authority to obligate funds. 4180

(4) Pay its own payroll and other operating expenses from 4181
line items designated by the general assembly; 4182

(5) Retain its fiduciary responsibility as appointing 4183
authority. Any transaction instructions shall be certified by the 4184
appointing authority or its designee. 4185

(6) Establish the overall policy and management of the 4186
council in accordance with this chapter; 4187

(7) Assist in coordinating and preparing the state 4188
application for funds under sections 101 to 184 of the "National 4189
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4190
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4191
overseeing the "National and Community Service Trust Act of 1993," 4192
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4193
state, and assist in developing objectives for a comprehensive 4194
strategy to encourage and expand community service programs 4195
throughout the state; 4196

(8) Assist the state board of education, school districts, 4197
the chancellor of the board of regents, and institutions of higher 4198
education in coordinating community service education programs 4199
through cooperative efforts between institutions and organizations 4200
in the public and private sectors; 4201

(9) Assist the departments of natural resources, youth 4202
services, aging, and job and family services in coordinating 4203

community service programs through cooperative efforts between 4204
institutions and organizations in the public and private sectors; 4205

(10) Suggest individuals and organizations that are available 4206
to assist school districts, institutions of higher education, and 4207
the departments of natural resources, youth services, aging, and 4208
job and family services in the establishment of community service 4209
programs and assist in investigating sources of funding for 4210
implementing these programs; 4211

(11) Assist in evaluating the state's efforts in providing 4212
community service programs using standards and methods that are 4213
consistent with any statewide objectives for these programs and 4214
provide information to the state board of education, school 4215
districts, the chancellor of the board of regents, institutions of 4216
higher education, and the departments of natural resources, youth 4217
services, aging, and job and family services to guide them in 4218
making decisions about these programs; 4219

(12) Assist the state board of education in complying with 4220
section 3301.70 of the Revised Code and the chancellor of the 4221
board of regents in complying with division (B)(2) of section 4222
3333.043 of the Revised Code; 4223

(13) Advise, assist, consult with, and cooperate with, by 4224
contract or otherwise, agencies and political subdivisions of this 4225
state in establishing a statewide system for volunteers pursuant 4226
to section 121.404 of the Revised Code. 4227

~~(D) The department of aging. With the advice and consent of 4228
the governor, the council shall in writing enter into an agreement 4229
with another state agency to serve as the council's fiscal agent. 4230
Beginning on July 1, 1997, whenever reference is made in any law, 4231
contract, or document to the functions of the department of youth 4232
services as fiscal agent to the council, the reference shall be 4233
deemed to refer to the department of aging. The department of 4234~~

~~aging shall have no responsibility for or obligation to the 4235
council prior to July 1, 1997. Any validation, cure, right, 4236
privilege, remedy, obligation, or liability shall be retained by 4237
the council. 4238~~

~~As used in this section, "fiscal agent" means technical 4239
support and includes the following technical support services: The 4240
fiscal agent shall be responsible for all the council's fiscal 4241
matters and financial transactions, as specified in the agreement. 4242
Services to be provided by the fiscal agent include, but are not 4243
limited to, the following: 4244~~

~~(1) Preparing and processing payroll and other personnel 4245
documents that the council executes as the appointing authority. i 4246
The department of aging shall not approve any payroll or other 4247
personnel related documents. 4248~~

~~(2) Maintaining ledgers of accounts and reports of account 4249
balances, and monitoring budgets and allotment plans in 4250
consultation with the council. ; and The department shall not 4251
approve any biennial budget, grant, expenditure, audit, or 4252
fiscal related document. 4253~~

~~(3) Performing other routine support services that the 4254
director of aging or the director's designee and the council or 4255
its designee consider fiscal agent considers appropriate to 4256
achieve efficiency. 4257~~

~~(E)(1) The council ~~or its designee, in conjunction and 4258
consultation with the fiscal agent, has the following authority 4259
and responsibility relative to fiscal matters: 4260~~~~

~~(a) Sole authority to draw funds for any and all federal 4261
programs in which the council is authorized to participate; 4262~~

~~(b) Sole authority to expend funds from their accounts for 4263
programs and any other necessary expenses the council may incur 4264
and its subgrantees may incur; and 4265~~

(c) Responsibility to cooperate with and inform the 4266
~~department of aging as~~ fiscal agent ~~to ensure that the department~~ 4267
~~is~~ fully apprised of all financial transactions. 4268

(2) The council shall follow all state procurement, fiscal, 4269
human resources, statutory, and administrative rule requirements. 4270

(3) The ~~department of aging~~ fiscal agent shall determine fees 4271
to be charged to the council, which shall be in proportion to the 4272
services performed for the council. 4273

(4) The council shall pay fees owed to the ~~department of~~ 4274
~~aging~~ fiscal agent from a general revenue fund of the council or 4275
from any other fund from which the operating expenses of the 4276
council are paid. Any amounts set aside for a fiscal year for the 4277
payment of these fees shall be used only for the services 4278
performed for the council by the ~~department of aging~~ fiscal agent 4279
in that fiscal year. 4280

(F) The council may accept and administer grants from any 4281
source, public or private, to carry out any of the council's 4282
functions this section establishes. 4283

Sec. 121.401. (A) As used in this section and section 121.402 4284
of the Revised Code, "organization or entity" and "unsupervised 4285
access to a child" have the same meanings as in section 109.574 of 4286
the Revised Code. 4287

(B) The ~~governor's~~ Ohio community service council shall adopt 4288
a set of "recommended best practices" for organizations or 4289
entities to follow when one or more volunteers of the organization 4290
or entity have unsupervised access to one or more children or 4291
otherwise interact with one or more children. The "recommended 4292
best practices" shall focus on, but shall not be limited to, the 4293
issue of the safety of the children and, in addition, the 4294
screening and supervision of volunteers. The "recommended best 4295

practices" shall include as a recommended best practice that the organization or entity subject to a criminal records check performed by the bureau of criminal identification and investigation pursuant to section 109.57, section 109.572, or rules adopted under division (E) of section 109.57 of the Revised Code, all of the following:

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

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

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

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

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

(2) Makes available to organizations and entities information regarding the best methods of screening and supervising volunteers, how to obtain a criminal records check of a volunteer, confidentiality issues relating to reports of criminal records

checks, and record keeping regarding the reports; 4326

(3) Makes available to volunteers information regarding the 4327
possibility of being subjected to a criminal records check and 4328
displaying appropriate behavior to minors; 4329

(4) Makes available to children advice on personal safety and 4330
information on what action to take if someone takes inappropriate 4331
action towards a child. 4332

(B) The program shall begin making the materials described in 4333
this section available not later than ~~one year after the effective~~ 4334
~~date of this section~~ March 22, 2002. 4335

Sec. 122.042. The director of development may found an 4336
employment opportunity program that encourages employers to employ 4337
individuals who are members of significantly disadvantaged groups. 4338
If the director intends to found such an employment opportunity 4339
program, the director shall adopt, and thereafter may amend or 4340
rescind, rules under Chapter 119. of the Revised Code to found, 4341
and to operate, maintain, and improve, the program. In the rules, 4342
the director shall: 4343

(A) Construct, and, as changing circumstances indicate, 4344
re-construct, procedures according to which significantly 4345
disadvantaged groups are identified as such, an individual is 4346
identified as being a member of a significantly disadvantaged 4347
group, and an employer is identified as being a potential employer 4348
of an individual who is a member of a significantly disadvantaged 4349
group; 4350

(B) Describe, and, as experience indicates, re-describe, the 4351
kinds of evidence that shall be considered to identify 4352
significantly disadvantaged groups, the kinds of evidence an 4353
individual shall offer to prove that the individual is a member of 4354
a significantly disadvantaged group, and the kinds of evidence an 4355

employer shall offer to prove that the employer is a potential 4356
employer of an individual who is a member of a significantly 4357
disadvantaged group; 4358

(C) Specify, and, as experience indicates, re-specify, 4359
strategies and tactics for connecting individuals who are members 4360
of significantly disadvantaged groups with potential employers of 4361
members of significantly disadvantaged groups; 4362

(D) Define a mix of, and, as experience indicates, define a 4363
re-mix of, incentives, such as grants, loans, loan guarantees, and 4364
tax benefits, that will encourage potential employers of 4365
individuals who are members of significantly disadvantaged groups 4366
actually to employ those individuals, to train those individuals 4367
in the particular skills of the employment, and otherwise to 4368
develop and continue those individuals in the employment; 4369

(E) Prescribe, and, as experience indicates, re-prescribe, 4370
terms and conditions under which incentives are provided to and 4371
used by employers, including standards according to which 4372
incentives are provided or not provided to employers, results that 4373
reasonably can be expected from the provision of incentives, terms 4374
for and conditions on the use to which incentives may be put, 4375
methods according to which the use of incentives can be monitored 4376
and accounted for, any obligation to repay or otherwise reimburse 4377
an incentive, and liability under which employers are obligated to 4378
provide restitution to the director if incentives are misused 4379
according to the terms and conditions of their provision and use; 4380
and 4381

(F) Construct, describe, specify, define, and prescribe any 4382
other thing that is necessary and proper for the founding, and for 4383
the successful and efficient operation, maintenance, and 4384
improvement, of the employment opportunity program. 4385

In founding, and in operating, maintaining, and improving, 4386

the employment opportunity program under the rules, the director 4387
shall proceed so that the resulting program functions as a 4388
coherent, efficient system for improving employment opportunities 4389
for significantly disadvantaged groups. Examples of significantly 4390
disadvantaged groups include individuals who have not graduated 4391
from high school, individuals who have been convicted of a crime, 4392
individuals who are disabled, and individuals who are chronically 4393
unemployed (usually for more than eighteen months). 4394

The director may not provide an incentive in the form of a 4395
tax benefit unless the director first has consulted, and obtained 4396
the approval of, the tax commissioner. Examples of tax benefits 4397
include tax deductions, tax credits, and tax exemptions. 4398

The director has a cause of action for restitution to recover 4399
for the misuse of an incentive according to the terms and 4400
conditions under which the incentive was provided or to be used. 4401

Sec. 122.05. (A) The director of development may, to carry 4402
out the purposes of division (E) of section 122.04 of the Revised 4403
Code: 4404

(1) Establish offices in foreign countries as the director 4405
considers appropriate and enter into leases of real property, 4406
buildings, and office space that are appropriate for these 4407
offices; 4408

(2) Appoint personnel, who shall be in the unclassified civil 4409
services, necessary to operate such offices and fix their 4410
compensation. The director may enter into contracts with foreign 4411
nationals to staff the foreign offices established under this 4412
section. 4413

(3) The director may establish United States dollar and 4414
foreign currency accounts for the payment of expenses related to 4415
the operation and maintenance of the offices established under 4416

this section. The director shall establish procedures acceptable 4417
to the director of budget and management for the conversion, 4418
transfer, and control of United States dollars and foreign 4419
currency. 4420

(4) Provide export promotion assistance to Ohio businesses 4421
and organize or support missions to foreign countries to promote 4422
export of Ohio products and services and to encourage foreign 4423
direct investment in Ohio. The director may charge fees to 4424
businesses receiving export assistance and to participants in 4425
foreign missions sufficient to recover the direct costs of those 4426
activities. The director shall adopt, as an internal management 4427
rule under section 111.15 of the Revised Code, a procedure for 4428
setting the fees and a schedule of fees for services commonly 4429
provided by the department. The procedure shall require the 4430
director to annually review the established fees. 4431

(5) Do all things necessary and appropriate for the operation 4432
of the state's foreign offices. 4433

(B) All contracts entered into under division (A)(2) of this 4434
section and any payments of expenses under division (A)(3) of this 4435
section related to the operation and maintenance of foreign 4436
offices established under this section may be paid in the 4437
appropriate foreign currency and are exempt from sections 127.16 4438
and 5147.07 and Chapters 124., 125., and 153. of the Revised Code. 4439

Sec. 122.051. There is hereby created in the state treasury 4440
the international trade cooperative projects fund. The fund shall 4441
consist of ~~moneys~~ all of the following: 4442

(A) Moneys received from private and nonprofit organizations 4443
involved in cooperative agreements related to import/export and 4444
direct foreign investment activities ~~and cash;~~ 4445

(B) Cash transfers from other state agencies or any state or 4446

local government to encourage, promote, and assist trade and 4447
commerce between this state and foreign nations, pursuant to 4448
section 122.05 and division (E) of section 122.04 of the Revised 4449
Code; and 4450

(C) Fees charged to businesses receiving export assistance 4451
and to participants in foreign missions to recover direct costs of 4452
those activities under division (A)(4) of section 122.05 of the 4453
Revised Code. 4454

Sec. 122.075. (A) As used in this section: 4455

(1) "Alternative fuel" means blended biodiesel ~~or~~, blended 4456
gasoline, or compressed air used in air-compression driven 4457
engines. 4458

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 4459
fuel that is derived from vegetable oils or animal fats, or any 4460
combination of those reagents, and that meets American society for 4461
testing and materials specification D6751-03a for biodiesel fuel 4462
(B100) blend stock distillate fuels. 4463

(3) "Diesel fuel" and "gasoline" have the same meanings as in 4464
section 5735.01 of the Revised Code. 4465

(4) "Ethanol" has the same meaning as in section 5733.46 of 4466
the Revised Code. 4467

(5) "Blended biodiesel" means diesel fuel containing at least 4468
twenty per cent biodiesel by volume. 4469

(6) "Blended gasoline" means gasoline containing at least 4470
eighty-five per cent ethanol by volume. 4471

(7) "Incremental cost" means either of the following: 4472

(a) The difference in cost between blended gasoline and 4473
gasoline containing ten per cent or less ethanol at the time that 4474
the blended gasoline is purchased; 4475

(b) The difference in cost between blended biodiesel and 4476
diesel fuel containing two per cent or less biodiesel at the time 4477
that the blended biodiesel is purchased. 4478

(B) For the purpose of improving the air quality in this 4479
state, the director of development shall establish an alternative 4480
fuel transportation grant program under which the director may 4481
make grants to businesses, nonprofit organizations, public school 4482
systems, or local governments for the purchase and installation of 4483
alternative fuel refueling or distribution facilities and 4484
terminals, for the purchase and use of alternative fuel, and to 4485
pay the costs of educational and promotional materials and 4486
activities intended for prospective alternative fuel consumers, 4487
fuel marketers, and others in order to increase the availability 4488
and use of alternative fuel. 4489

(C) The director, in consultation with the director of 4490
agriculture, shall adopt rules in accordance with Chapter 119. of 4491
the Revised Code that are necessary for the administration of the 4492
alternative fuel transportation grant program. The rules shall 4493
establish at least all of the following: 4494

(1) An application form and procedures governing the 4495
application process for a grant under the program; 4496

(2) A procedure for prioritizing the award of grants under 4497
the program. The procedures shall give preference to all of the 4498
following: 4499

(a) Publicly accessible refueling facilities; 4500

(b) Entities seeking grants that have secured funding from 4501
other sources, including, but not limited to, private or federal 4502
grants; 4503

(c) Entities that have presented compelling evidence of 4504
demand in the market in which the facilities or terminals will be 4505
located; 4506

(d) Entities that have committed to utilizing purchased or 4507
installed facilities or terminals for the greatest number of 4508
years; 4509

(e) Entities that will be purchasing or installing facilities 4510
or terminals for both blended biodiesel and blended gasoline. 4511

(3) A requirement that the maximum grant for the purchase and 4512
installation of an alternative fuel refueling or distribution 4513
facility or terminal be eighty per cent of the cost of the 4514
facility or terminal, except that at least twenty per cent of the 4515
total net cost of the facility or terminal shall be incurred by 4516
the grant recipient and not compensated for by any other source; 4517

(4) A requirement that the maximum grant for the purchase of 4518
alternative fuel be eighty per cent of the incremental cost of the 4519
fuel; 4520

(5) Any other criteria, procedures, or guidelines that the 4521
director determines are necessary to administer the program. 4522

(D) An applicant for a grant under this section that sells 4523
motor vehicle fuel at retail shall agree that if the applicant 4524
receives a grant, the applicant will report to the director the 4525
gallon amounts of blended gasoline and blended biodiesel the 4526
applicant sells at retail in this state for a period of three 4527
years after the grant is awarded. 4528

The director shall enter into a written confidentiality 4529
agreement with the applicant regarding the gallon amounts sold as 4530
described in this division, and upon execution of the agreement 4531
this information is not a public record. 4532

(E) There is hereby created in the state treasury the 4533
alternative fuel transportation grant fund. The fund shall consist 4534
of money transferred to the fund under division (C) of section 4535
125.836 of the Revised Code, money that is appropriated to it by 4536
the general assembly, and money as may be specified by the general 4537

assembly from the advanced energy fund created by section 4928.61 4538
of the Revised Code. Money in the fund shall be used to make 4539
grants under the alternative fuel transportation grant program and 4540
by the director in the administration of that program. 4541

Sec. 122.12. As used in this section and in section 122.121 4542
of the Revised Code: 4543

(A) "Endorsing county" means a county that contains a site 4544
selected by a site selection organization for one or more games. 4545

(B) "Endorsing municipality" means a municipal corporation 4546
that contains a site selected by a site selection organization for 4547
one or more games. 4548

(C) "Game support contract" means a joinder undertaking, 4549
joinder agreement, or similar contract executed by an endorsing 4550
municipality or endorsing county and a site selection 4551
organization. 4552

(D) "Game" means a national football league "super bowl," a 4553
national collegiate athletic association "final four" basketball 4554
tournament game, the national basketball association all-star 4555
game, the national hockey league all-star game, the major league 4556
baseball all-star game, a national collegiate athletic association 4557
bowl championship series game, a world cup soccer game, or the 4558
olympic games. 4559

(E) "Joinder agreement" means an agreement entered into by an 4560
endorsing municipality or endorsing county, or more than one 4561
endorsing municipality or county acting collectively and a site 4562
selection organization setting out representations and assurances 4563
by each endorsing municipality or endorsing county in connection 4564
with the selection of a site in this state for the location of a 4565
game. 4566

(F) "Joinder undertaking" means an agreement entered into by 4567

an endorsing municipality or endorsing county, or more than one 4568
endorsing municipality or county acting collectively and a site 4569
selection organization that each endorsing municipality or 4570
endorsing county will execute a joinder agreement in the event 4571
that the site selection organization selects a site in this state 4572
for a game. 4573

(G) "Local organizing committee" means a nonprofit 4574
corporation or its successor in interest that: 4575

(1) Has been authorized by an endorsing municipality, 4576
endorsing county, or more than one endorsing municipality or 4577
county acting collectively to pursue an application and bid on the 4578
applicant's behalf to a site selection organization for selection 4579
as the site of one or more games; or 4580

(2) With the authorization of an endorsing municipality, 4581
endorsing county, or more than one endorsing municipality or 4582
county acting collectively, has executed an agreement with a site 4583
selection organization regarding a bid to host one or more games. 4584

(H) "Site selection organization" means the national football 4585
league, the national collegiate athletic association, the national 4586
basketball association, the national hockey league, major league 4587
baseball, the federation internationale de football association, 4588
the international world games association, the United States 4589
olympic committee, or the national governing body of a sport that 4590
is recognized as such by the United States olympic committee. 4591

Sec. 122.121. (A) If an endorsing municipality or endorsing 4592
county enters into a joinder undertaking with a site selection 4593
organization, the endorsing municipality or endorsing county may 4594
apply to the director of development, on a form and in the manner 4595
prescribed by the director, for a grant based on the projected 4596
incremental increase in the receipts from the tax imposed under 4597
section 5739.02 of the Revised Code within the market area 4598

designated under division (C) of this section, for the two-week 4599
period that ends at the end of the day after the date on which a 4600
game will be held, that is directly attributable, as determined by 4601
the director, to the preparation for and presentation of the game. 4602
The director shall determine the projected incremental increase in 4603
the tax imposed under section 5739.02 of the Revised Code from 4604
information certified to the director by the endorsing 4605
municipality or the endorsing county including, but not limited 4606
to, historical attendance and ticket sales for the game, income 4607
statements showing revenue and expenditures for the game in prior 4608
years, attendance capacity at the proposed venues, event budget at 4609
the proposed venues, and projected lodging room nights based on 4610
historical attendance, attendance capacity at the proposed venues, 4611
and duration of the game and related activities. The endorsing 4612
municipality or endorsing county is eligible to receive a grant 4613
under this section only if the projected incremental increase in 4614
receipts from the tax imposed under section 5739.02 of the Revised 4615
Code, as determined by the director, exceeds two hundred fifty 4616
thousand dollars. The amount of the grant shall be determined by 4617
the director but shall not exceed five hundred thousand dollars. 4618
The director shall not issue grants with a total value of more 4619
than one million dollars in any fiscal year. 4620

(B) If the director of development approves an application 4621
for an endorsing municipality or endorsing county and that 4622
endorsing municipality or endorsing county enters into a joinder 4623
agreement with a site selection organization, the endorsing 4624
municipality or endorsing county shall file a copy of the joinder 4625
agreement with the director of development, who immediately shall 4626
notify the director of budget and management of the filing. Within 4627
thirty days after receiving the notice, the director of budget and 4628
management shall establish a schedule to disburse from the general 4629
revenue fund to such endorsing municipality or endorsing county 4630

payments that total the amount certified by the director of 4631
development under division (A) of this section, but in no event 4632
shall the total amount disbursed exceed five hundred thousand 4633
dollars. The payments shall be used exclusively by the endorsing 4634
municipality or endorsing county to fulfill a portion of its 4635
obligations to a site selection organization under game support 4636
contracts, which obligations may include the payment of costs 4637
relating to the preparations necessary for the conduct of the 4638
game, including acquiring, renovating, or constructing facilities; 4639
to pay the costs of conducting the game; and to assist the local 4640
organizing committee, endorsing municipality, or endorsing county 4641
in providing assurances required by a site selection organization 4642
sponsoring one or more games. 4643

(C) For the purposes of division (A) of this section, the 4644
director of development, in consultation with the tax 4645
commissioner, shall designate as a market area for a game each 4646
area in which they determine there is a reasonable likelihood of 4647
measurable economic impact directly attributable to the 4648
preparation for and presentation of the game and related events, 4649
including areas likely to provide venues, accommodations, and 4650
services in connection with the game based on the information and 4651
the copy of the joinder undertaking provided to the director under 4652
divisions (A) and (B) of this section. The director and 4653
commissioner shall determine the geographic boundaries of each 4654
market area. An endorsing municipality or endorsing county that 4655
has been selected as the site for a game must be included in a 4656
market area for the game. 4657

(D) A local organizing committee, endorsing municipality, or 4658
endorsing county shall provide information required by the 4659
director of development and tax commissioner to enable the 4660
director and commissioner to fulfill their duties under this 4661
section, including annual audited statements of any financial 4662

records required by a site selection organization and data 4663
obtained by the local organizing committee, endorsing 4664
municipality, or endorsing county relating to attendance at a game 4665
and to the economic impact of the game. A local organizing 4666
committee, an endorsing municipality, or an endorsing county shall 4667
provide an annual audited financial statement if so required by 4668
the director and commissioner, not later than the end of the 4669
fourth month after the date the period covered by the financial 4670
statement ends. 4671

(E) Within sixty days after the game, the endorsing 4672
municipality or the endorsing county shall report to the director 4673
of development about the economic impact of the game. The report 4674
shall be in the form and substance required by the director, 4675
including, but not limited to, a final income statement for the 4676
event showing total revenue and expenditures and revenue and 4677
expenditures in the market area for the game, and ticket sales for 4678
the game and any related activities for which admission was 4679
charged. The director of development shall determine, based on the 4680
reported information and the exercise of reasonable judgment, the 4681
incremental increase in receipts from the tax imposed under 4682
section 5739.02 of the Revised Code directly attributable to the 4683
game. If the actual incremental increase in such receipts is less 4684
than the projected incremental increase in receipts, the director 4685
may require the endorsing municipality or the endorsing county to 4686
refund to the state all or a portion of the grant. 4687

(F) No disbursement may be made under this section if the 4688
director of development determines that it would be used for the 4689
purpose of soliciting the relocation of a professional sports 4690
franchise located in this state. 4691

(G) This section may not be construed as creating or 4692
requiring a state guarantee of obligations imposed on an endorsing 4693
municipality or endorsing county under a game support contract or 4694

any other agreement relating to hosting one or more games in this 4695
state. 4696

Sec. 122.151. (A) An investor who proposes to make an 4697
investment of money in an Ohio entity may apply to an Edison 4698
center for a tax credit under this section. The Edison center 4699
shall prescribe the form of the application and any information 4700
that the investor must submit with the application. The investor 4701
shall include with the application a fee of two hundred dollars. 4702
The center, within three weeks after receiving the application, 4703
shall review it, determine whether the investor should be 4704
recommended for the tax credit, and send written notice of its 4705
initial determination to the industrial technology and enterprise 4706
advisory council and to the investor. If the center determines the 4707
investor should not be recommended for the tax credit, it shall 4708
include in the notice the reasons for the determination. Subject 4709
to divisions (C) and (D) of this section, an investor is eligible 4710
for a tax credit if all of the following requirements are met: 4711

(1) The investor's investment of money is in an Ohio entity 4712
engaged in a qualified trade or business. 4713

(2) The Ohio entity had less than two million five hundred 4714
thousand dollars of gross revenue during its most recently 4715
completed fiscal year or had a net book value of less than two 4716
million five hundred thousand dollars at the end of that fiscal 4717
year. 4718

(3) The investment takes the form of the purchase of common 4719
or preferred stock, a membership interest, a partnership interest, 4720
or any other ownership interest. 4721

(4) The amount of the investment for which the credit is 4722
being claimed does not exceed three hundred thousand dollars in 4723
the case of an investment in an EDGE business enterprise or in an 4724
Ohio entity located in a distressed area, or two hundred fifty 4725

thousand dollars in the case of an investment in any other Ohio 4726
entity. 4727

(5) The money invested is entirely at risk of loss, where 4728
repayment depends upon the success of the business operations of 4729
the Ohio entity. 4730

(6) No repayment of principal invested will be made for at 4731
least three years from the date the investment is made. 4732

(7) The annual combined amount of any dividend and interest 4733
payments to be made to the investor will not exceed ten per cent 4734
of the amount of the investment for at least three years from the 4735
date the investment is made. 4736

(8) The investor is not an employee with proprietary 4737
decision-making authority of the Ohio entity in which the 4738
investment of money is proposed, or related to such an individual. 4739
The Ohio entity is not an individual related to the investor. For 4740
purposes of this division, the industrial technology and 4741
enterprise advisory council shall define "an employee with 4742
proprietary decision-making authority." 4743

(9) The investor is not an insider. 4744

For the purposes of determining the net book value of an Ohio 4745
entity under division (A)(1) or (2) of this section, if the entity 4746
is a member of an affiliated group, the combined net book values 4747
of all of the members of that affiliated group shall be used. 4748

Nothing in division (A)(6) or (7) of this section limits or 4749
disallows the distribution to an investor in a pass-through entity 4750
of a portion of the entity's profits equal to the investor's 4751
federal, state, and local income tax obligations attributable to 4752
the investor's allocable share of the entity's profits. Nothing in 4753
division (A)(6) or (7) of this section limits or disallows the 4754
sale by an investor of part or all of the investor's interests in 4755
an Ohio entity by way of a public offering of shares in the Ohio 4756

entity. 4757

(B) A group of two but not more than twenty investors, each 4758
of whom proposes to make an investment of money in the same Ohio 4759
entity, may submit an application for tax credits under division 4760
(A) of this section. The group shall include with the application 4761
a fee of eight hundred dollars. The application shall identify 4762
each investor in the group and the amount of money each investor 4763
proposes to invest in the Ohio entity, and shall name a contact 4764
person for the group. The Edison center, within three weeks after 4765
receiving the application, shall review it, determine whether each 4766
investor of the group should be recommended for a tax credit under 4767
the conditions set forth in division (A) of this section, and send 4768
written notice of its determination to the industrial technology 4769
and enterprise advisory council and to the contact person. The 4770
center shall not recommend that a group of investors receive a tax 4771
credit unless each investor is eligible under those conditions. 4772
The center may disqualify from a group any investor who is not 4773
eligible under the conditions and recommend that the remaining 4774
group of investors receive the tax credit. If the center 4775
determines the group should not be recommended for the tax credit, 4776
it shall include in the notice the reasons for the determination. 4777

(C) The industrial technology and enterprise advisory council 4778
shall establish from among its members a three-person committee. 4779
Within four weeks after the council receives a notice of 4780
recommendation from an Edison center, the committee shall review 4781
the recommendation and issue a final determination of whether the 4782
investor or group is eligible for a tax credit under the 4783
conditions set forth in division (A) of this section. The 4784
committee may require the investor or group to submit additional 4785
information to support the application. The vote of at least two 4786
members of the committee is necessary for the issuance of a final 4787
determination or any other action of the committee. Upon making 4788

the final determination, the committee shall send written notice 4789
of approval or disapproval of the tax credit to the investor or 4790
group contact person, the director of development, and the Edison 4791
center. If the committee disapproves the tax credit, it shall 4792
include in the notice the reasons for the disapproval. 4793

(D)(1) The industrial technology and enterprise advisory 4794
council committee shall not approve more than one million five 4795
hundred thousand dollars of investments in any one Ohio entity. 4796
However, if a proposed investment of money in an Ohio entity has 4797
been approved but the investor does not actually make the 4798
investment, the committee may reassign the amount of that 4799
investment to another investor, as long as the total amount 4800
invested in the entity under this section does not exceed one 4801
million five hundred thousand dollars. 4802

If the one-million-five-hundred-thousand-dollar limit for an 4803
Ohio entity has not yet been reached and an application proposes 4804
an investment of money that would exceed the limit for that 4805
entity, the committee shall send written notice to the investor, 4806
or for a group, the contact person, that the investment cannot be 4807
approved as requested. Upon receipt of the notice, the investor or 4808
group may amend the application to propose an investment of money 4809
that does not exceed the limit. 4810

(2) Not more than ~~thirty~~ forty-five million dollars of tax 4811
credits shall be issued under sections 122.15 to 122.154 of the 4812
Revised Code. 4813

(E) If an investor makes an approved investment of less than 4814
two hundred fifty thousand dollars in any Ohio entity other than 4815
an EDGE business enterprise or in an Ohio entity located in a 4816
distressed area, the investor may apply for approval of another 4817
investment of money in that entity, as long as the total amount 4818
invested in that entity by the investor under this section does 4819
not exceed two hundred fifty thousand dollars. If an investor 4820

makes an approved investment of less than three hundred thousand 4821
dollars in an EDGE business enterprise or in an Ohio entity 4822
located in a distressed area, the investor may apply for approval 4823
of another investment of money in that entity, as long as the 4824
total amount invested in that entity by the investor under this 4825
section does not exceed three hundred thousand dollars. An 4826
investor who receives approval of an investment of money as part 4827
of a group may subsequently apply on an individual basis for 4828
approval of an additional investment of money in the Ohio entity. 4829

(F) The industrial technology and enterprise advisory council 4830
committee shall approve or disapprove tax credit applications 4831
under this section in the order in which they are received by the 4832
council. 4833

(G) The director of development may disapprove any 4834
application recommended by an Edison center and approved by the 4835
industrial technology and enterprise advisory council committee, 4836
or may disapprove a credit for which a tax credit certificate has 4837
been issued under section 122.152 of the Revised Code, if the 4838
director determines that the entity in which the applicant 4839
proposes to invest or has invested is not an Ohio entity eligible 4840
to receive investments that qualify for the credit. If the 4841
director disapproves an application, the director shall certify 4842
the action to the investor, the Edison center that recommended the 4843
application, the industrial technology and enterprise advisory 4844
council, and the tax commissioner, together with a written 4845
explanation of the reasons for the disapproval. If the director 4846
disapproves a tax credit after a tax credit certificate is issued, 4847
the investor shall not claim the credit for the taxable year that 4848
includes the day the director disapproves the credit, or for any 4849
subsequent taxable year. 4850

The director of development, in accordance with section 4851
111.15 of the Revised Code and with the advice of the industrial 4852

technology and enterprise advisory council, may adopt, amend, and 4853
rescind rules necessary to implement sections 122.15 to 122.154 of 4854
the Revised Code. 4855

(H) An Edison center shall use application fees received 4856
under this section only for the costs of administering sections 4857
122.15 to 122.154 of the Revised Code. 4858

Sec. 122.17. (A) As used in this section: 4859

~~(1) "Full time employee" means an individual who is employed 4860
for consideration for at least an average of thirty five hours a 4861
week, who renders any other standard of service generally accepted 4862
by custom or specified by contract as full time employment, or who 4863
is employed for consideration for such time or renders such 4864
service but is on family or medical leave under the federal Family 4865
and Medical Leave Act of 1993, Pub. L. No. 103-3, 107 Stat. 6, as 4866
amended, or on active duty reserve or Ohio national guard service. 4867~~

~~(2) "New employee" means one of the following: 4869~~

~~(a) A full time employee first employed by a taxpayer in the 4870
project that is the subject of the agreement after the taxpayer 4871
enters into a tax credit agreement with the tax credit authority 4872
under this section; 4873~~

~~(b) A full time employee first employed by a taxpayer in the 4874
project that is the subject of the tax credit after the tax credit 4875
authority approves a project for a tax credit under this section 4876
in a public meeting, as long as the taxpayer enters into the tax 4877
credit agreement prepared by the department of development after 4878
such meeting within sixty days after receiving the agreement from 4879
the department. If the taxpayer fails to enter into the agreement 4880
within sixty days, "new employee" has the same meaning as under 4881
division (A)(2)(a) of this section. A full time employee may be 4882~~

~~considered a "new employee" of a taxpayer, despite previously 4883
having been employed by a related member of the taxpayer, if all 4884
of the following apply: 4885~~

~~(i) The related member is a party to the tax credit agreement 4886
at the time the employee is first employed with the taxpayer; 4887~~

~~(ii) The related member will remain subject to the tax 4888
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 4889
under Chapter 5751. of the Revised Code for the remainder of the 4890
term of the tax credit, and the tax credit is taken against 4891
liability for that same tax through the remainder of the term of 4892
the tax credit; and 4893~~

~~(iii) The employee was considered a new employee of the 4894
related member prior to employment with the taxpayer. 4895~~

~~Under division (A)(2)(a) or (b) of this section, if the tax 4896
credit authority determines it appropriate, "new employee" also 4897
may include an employee re hired or called back from lay off to 4898
work in a new facility or on a new product or service established 4899
or produced by the taxpayer after entering into the agreement 4900
under this section or after the tax credit authority approves the 4901
tax credit in a public meeting. Except as otherwise provided in 4902
this paragraph, "new employee" does not include any employee of 4903
the taxpayer who was previously employed in this state by a 4904
related member of the taxpayer and whose employment was shifted to 4905
the taxpayer after the taxpayer entered into the tax credit 4906
agreement or after the tax credit authority approved the credit in 4907
a public meeting, or any employee of the taxpayer for which the 4908
taxpayer has been granted a certificate under division (B) of 4909
section 5709.66 of the Revised Code. However, if the taxpayer is 4910
engaged in the enrichment and commercialization of uranium or 4911
uranium products or is engaged in research and development 4912
activities related thereto and if the tax credit authority 4913
determines it appropriate, "new employee" may include an employee 4914~~

~~of the taxpayer who was previously employed in this state by a 4915
related member of the taxpayer and whose employment was shifted to 4916
the taxpayer after the taxpayer entered into the tax credit 4917
agreement or after the tax credit authority approved the credit in 4918
a public meeting. "New employee" does not include an employee of 4919
the taxpayer who is employed in an employment position that was 4920
relocated to a project from other operations of the taxpayer in 4921
this state or from operations of a related member of the taxpayer 4922
in this state. In addition, "new employee" does not include a 4923
child, grandchild, parent, or spouse, other than a spouse who is 4924
legally separated from the individual, of any individual who is an 4925
employee of the taxpayer and who has a direct or indirect 4926
ownership interest of at least five per cent in the profits, 4927
capital, or value of the taxpayer. Such ownership interest shall 4928
be determined in accordance with section 1563 of the Internal 4929
Revenue Code and regulations prescribed thereunder. 4930~~

~~(3) "New income Income tax revenue" means the total amount 4931
withheld under section 5747.06 of the Revised Code by the taxpayer 4932
during the taxable year, or during the calendar year that includes 4933
the tax period, from the compensation of ~~new employees for the tax~~ 4934
~~levied under Chapter 5747. of the Revised Code.~~ 4935~~

~~(4) "Related member" has the same meaning as under division 4937
(A)(6) of section 5733.042 of the Revised Code without regard to 4938
division (B) of that section each employee employed in the project 4939
to the extent the employee's withholdings are not used to 4940
determine the credit under section 122.171 of the Revised Code. 4941
"Income tax revenue" excludes amounts withheld before the day the 4942
taxpayer becomes eligible for the credit. 4943~~

~~(2) "Baseline income tax revenue" means income tax revenue 4944
except that the applicable withholding period is the twelve months 4945
immediately preceding the date the tax credit authority approves 4946~~

the taxpayer's application multiplied by the sum of one plus an 4947
annual pay increase factor to be determined by the tax credit 4948
authority. If the taxpayer becomes eligible for the credit after 4949
the first day of the taxpayer's taxable year or after the first 4950
day of the calendar year that includes the tax period, the 4951
taxpayer's baseline income tax revenue for the first such taxable 4952
or calendar year of credit eligibility shall be reduced in 4953
proportion to the number of days during the taxable or calendar 4954
year for which the taxpayer was not eligible for the credit. For 4955
subsequent taxable or calendar years, "baseline income tax 4956
revenue" equals the unreduced baseline income tax revenue for the 4957
preceding taxable or calendar year multiplied by the sum of one 4958
plus the pay increase factor. 4959

(3) "Excess income tax revenue" means income tax revenue 4960
minus baseline income tax revenue. 4961

(B) The tax credit authority may make grants under this 4962
section to foster job creation in this state. Such a grant shall 4963
take the form of a refundable credit allowed against the tax 4964
imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 or levied 4965
under Chapter 5751. of the Revised Code. The credit shall be 4966
claimed for the taxable years or tax periods specified in the 4967
taxpayer's agreement with the tax credit authority under division 4968
(D) of this section. With respect to taxes imposed under section 4969
5733.06 or 5747.02 or Chapter 5751. of the Revised Code, the 4970
credit shall be claimed in the order required under section 4971
5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of 4972
the credit available for a taxable year or for a calendar year 4973
that includes a tax period equals the ~~new~~ excess income tax 4974
revenue for that year multiplied by the percentage specified in 4975
the agreement with the tax credit authority. Any credit granted 4976
under this section against the tax imposed by section 5733.06 or 4977
5747.02 of the Revised Code, to the extent not fully utilized 4978

against such tax for taxable years ending prior to 2008, shall 4979
automatically be converted without any action taken by the tax 4980
credit authority to a credit against the tax levied under Chapter 4981
5751. of the Revised Code for tax periods beginning on or after 4982
July 1, 2008, provided that the person to whom the credit was 4983
granted is subject to such tax. The converted credit shall apply 4984
to those calendar years in which the remaining taxable years 4985
specified in the agreement end. 4986

(C) A taxpayer or potential taxpayer who proposes a project 4987
to create new jobs in this state may apply to the tax credit 4988
authority to enter into an agreement for a tax credit under this 4989
section. The director of development shall prescribe the form of 4990
the application. After receipt of an application, the authority 4991
may enter into an agreement with the taxpayer for a credit under 4992
this section if it determines all of the following: 4993

(1) The taxpayer's project will ~~create new jobs in this state~~ 4994
increase payroll and income tax revenue; 4995

(2) The taxpayer's project is economically sound and will 4996
benefit the people of this state by increasing opportunities for 4997
employment and strengthening the economy of this state; 4998

(3) Receiving the tax credit is a major factor in the 4999
taxpayer's decision to go forward with the project. 5000

(D) An agreement under this section shall include all of the 5001
following: 5002

(1) A detailed description of the project that is the subject 5003
of the agreement; 5004

(2) The term of the tax credit, which shall not exceed 5005
fifteen years, and the first taxable year, or first calendar year 5006
that includes a tax period, for which the credit may be claimed; 5007

(3) A requirement that the taxpayer shall maintain operations 5008

at the project location for at least ~~twice the number of years as~~ 5009
~~the term of the tax credit~~ the greater of seven years or the term 5010
of the credit plus three years; 5011

(4) The percentage, as determined by the tax credit 5012
authority, of ~~new~~ excess income tax revenue that will be allowed 5013
as the amount of the credit for each taxable year or for each 5014
calendar year that includes a tax period; 5015

(5) ~~A specific method for determining how many new employees~~ 5016
~~are employed during a taxable year or during a calendar year that~~ 5017
~~includes a tax period~~ The pay increase factor to be applied to the 5018
taxpayer's baseline income tax revenue; 5019

(6) A requirement that the taxpayer annually shall report to 5020
the director of development ~~the number of new employees, the new~~ 5021
~~income tax revenue withheld in connection with the new employees,~~ 5022
~~and any employment, tax withholding, investment, and other~~ 5023
information the director needs to perform the director's duties 5024
under this section; 5025

(7) A requirement that the director of development annually 5026
~~shall verify the amounts~~ review the information reported under 5027
division (D)(6) of this section, ~~and after doing so shall issue a~~ 5028
~~certificate to the taxpayer stating that the amounts have been~~ 5029
verified and verify compliance with the agreement; if the taxpayer 5030
is in compliance, a requirement that the director issue a 5031
certificate to the taxpayer stating that the information has been 5032
verified and identifying the amount of the credit that may be 5033
claimed for the taxable or calendar year; 5034

(8)(a) ~~A provision requiring that the taxpayer, except as~~ 5035
~~otherwise provided in division (D)(8)(b) of this section, shall~~ 5036
~~not relocate employment positions from elsewhere in this state to~~ 5037
~~the project site that is the subject of the agreement for the~~ 5038
~~lesser of five years from the date the agreement is entered into~~ 5039

~~or the number of years the taxpayer is entitled to claim the tax credit.~~ 5040
5041

~~(b) The taxpayer may relocate employment positions from elsewhere in this state to the project site that is the subject of the agreement if the director of development determines both of the following:~~ 5042
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~~(i) That the site from which the employment positions would be relocated is inadequate to meet market and industry conditions, expansion plans, consolidation plans, or other business considerations affecting the taxpayer;~~ 5046
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~~(ii) That A provision providing that the taxpayer may not relocate a substantial number of employment positions from elsewhere in this state to the project location unless the director of development determines that the legislative authority of the county, township, or municipal corporation from which the employment positions would be relocated has been notified by the taxpayer of the relocation.~~ 5050
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For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, ~~but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled unless the employment position in the first political subdivision is replaced.~~ 5057
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(E) If a taxpayer fails to meet or comply with any condition or requirement set forth in a tax credit agreement, the tax credit authority may amend the agreement to reduce the percentage or term of the tax credit. The reduction of the percentage or term ~~shall take effect (1) in the taxable year immediately following the~~ 5066
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~~taxable year in which the authority amends the agreement or the 5071
director of development notifies the taxpayer in writing of such 5072
failure, or (2) in the first tax period beginning in the calendar 5073
year immediately following the calendar year in which the 5074
authority amends the agreement or the director notifies the 5075
taxpayer in writing of such failure. If the taxpayer fails to 5076
annually report any of the information required by division (D)(6) 5077
of this section within the time required by the director, the 5078
reduction of the percentage or term may take effect in the current 5079
taxable year. If the taxpayer relocates employment positions in 5080
violation of the provision required under division (D)(8)(a) of 5081
this section, the taxpayer shall not claim the tax credit under 5082
section 5733.0610 of the Revised Code for any tax years following 5083
the calendar year in which the relocation occurs, or shall not 5084
claim the tax credit under section 5725.32, 5729.032, or 5747.058 5085
of the Revised Code for the taxable year in which the relocation 5086
occurs and any subsequent taxable years, and shall not claim the 5087
tax credit under division (A) of section 5751.50 of the Revised 5088
Code for any tax period in the calendar year in which the 5089
relocation occurs and any subsequent tax periods may take effect 5090
in the current taxable or calendar year. 5091~~

(F) Projects that consist solely of point-of-final-purchase 5092
retail facilities are not eligible for a tax credit under this 5093
section. If a project consists of both point-of-final-purchase 5094
retail facilities and nonretail facilities, only the portion of 5095
the project consisting of the nonretail facilities is eligible for 5096
a tax credit and only the ~~new~~ excess income tax revenue from ~~new~~ 5097
~~employees~~ of the nonretail facilities shall be considered when 5098
computing the amount of the tax credit. If a warehouse facility is 5099
part of a point-of-final-purchase retail facility and supplies 5100
only that facility, the warehouse facility is not eligible for a 5101
tax credit. Catalog distribution centers are not considered 5102
point-of-final-purchase retail facilities for the purposes of this 5103

division, and are eligible for tax credits under this section. 5104

(G) Financial statements and other information submitted to 5105
the department of development or the tax credit authority by an 5106
applicant or recipient of a tax credit under this section, and any 5107
information taken for any purpose from such statements or 5108
information, are not public records subject to section 149.43 of 5109
the Revised Code. However, the chairperson of the authority may 5110
make use of the statements and other information for purposes of 5111
issuing public reports or in connection with court proceedings 5112
concerning tax credit agreements under this section. Upon the 5113
request of the tax commissioner or, if the applicant or recipient 5114
is an insurance company, upon the request of the superintendent of 5115
insurance, the chairperson of the authority shall provide to the 5116
commissioner or superintendent any statement or information 5117
submitted by an applicant or recipient of a tax credit in 5118
connection with the credit. The commissioner or superintendent 5119
shall preserve the confidentiality of the statement or 5120
information. 5121

(H) A taxpayer claiming a credit under this section shall 5122
submit to the tax commissioner or, if the taxpayer is an insurance 5123
company, to the superintendent of insurance, a copy of the 5124
director of development's certificate of verification under 5125
division (D)(7) of this section with the taxpayer's tax report or 5126
return for the taxable year or for the calendar year that includes 5127
the tax period. Failure to submit a copy of the certificate with 5128
the report or return does not invalidate a claim for a credit if 5129
the taxpayer submits a copy of the certificate to the commissioner 5130
or superintendent within sixty days after the commissioner or 5131
superintendent requests it. 5132

(I) The director of development, after consultation with the 5133
tax commissioner and the superintendent of insurance and in 5134
accordance with Chapter 119. of the Revised Code, shall adopt 5135

rules necessary to implement this section. The rules may provide 5136
for recipients of tax credits under this section to be charged 5137
fees to cover administrative costs of the tax credit program. The 5138
fees collected shall be credited to the tax incentive programs 5139
operating fund created in section 122.174 of the Revised Code. At 5140
the time the director gives public notice under division (A) of 5141
section 119.03 of the Revised Code of the adoption of the rules, 5142
the director shall submit copies of the proposed rules to the 5143
chairpersons of the standing committees on economic development in 5144
the senate and the house of representatives. 5145

(J) For the purposes of this section, a taxpayer may include 5146
a partnership, a corporation that has made an election under 5147
subchapter S of chapter one of subtitle A of the Internal Revenue 5148
Code, or any other business entity through which income flows as a 5149
distributive share to its owners. A partnership, S-corporation, or 5150
other such business entity may elect to pass the credit received 5151
under this section through to the persons to whom the income or 5152
profit of the partnership, S-corporation, or other entity is 5153
distributed. The election shall be made on the annual report 5154
required under division (D)(6) of this section. The election 5155
applies to and is irrevocable for the credit for which the report 5156
is submitted. If the election is made, the credit shall be 5157
apportioned among those persons in the same proportions as those 5158
in which the income or profit is distributed. 5159

(K) If the director of development determines that a taxpayer 5160
who has received a credit under this section is not complying with 5161
the requirement under division (D)(3) of this section, the 5162
director shall notify the tax credit authority of the 5163
noncompliance. After receiving such a notice, and after giving the 5164
taxpayer an opportunity to explain the noncompliance, the tax 5165
credit authority may require the taxpayer to refund to this state 5166
a portion of the credit in accordance with the following: 5167

(1) If the taxpayer maintained operations at the project 5168
location for ~~at least one and one half times the number of years~~ 5169
~~of the term of the tax credit, an amount not exceeding twenty five~~ 5170
~~per cent of the sum of any previously allowed credits under this~~ 5171
~~section;~~ 5172

~~(2) If the taxpayer maintained operations at the project 5173
location for at least the number of years of the term of the tax 5174
credit, an amount not exceeding fifty per cent of the sum of any 5175
previously allowed credits under this section;~~ 5176

~~(3) If the taxpayer maintained operations at the project 5177
location for less than the number of years of the term of the tax 5178
credit, an amount not exceeding one hundred per cent of the sum of 5179
any previously allowed credits under this section a period less 5180
than or equal to the term of the credit, an amount not exceeding 5181
one hundred per cent of the sum of any credits allowed and 5182
received under this section; 5183~~

(2) If the taxpayer maintained operations at the project 5184
location for a period longer than the term of the credit, but less 5185
than the greater of seven years or the term of the credit plus 5186
three years, an amount not exceeding seventy-five per cent of the 5187
sum of any credits allowed and received under this section. 5188

In determining the portion of the tax credit to be refunded 5189
to this state, the tax credit authority shall consider the effect 5190
of market conditions on the taxpayer's project and whether the 5191
taxpayer continues to maintain other operations in this state. 5192
After making the determination, the authority shall certify the 5193
amount to be refunded to the tax commissioner or superintendent of 5194
insurance, as appropriate. If the amount is certified to the 5195
commissioner, the commissioner shall make an assessment for that 5196
amount against the taxpayer under Chapter 5733., 5747., or 5751. 5197
of the Revised Code. If the amount is certified to the 5198
superintendent, the superintendent shall make an assessment for 5199

that amount against the taxpayer under Chapter 5725. or 5729. of 5200
the Revised Code. The time limitations on assessments under those 5201
chapters do not apply to an assessment under this division, but 5202
the commissioner or superintendent, as appropriate, shall make the 5203
assessment within one year after the date the authority certifies 5204
to the commissioner or superintendent the amount to be refunded. 5205

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 5206
each year, the director of development shall submit a report to 5207
the governor, the president of the senate, and the speaker of the 5208
house of representatives on the tax credit program under this 5209
section. The report shall include information on the number of 5210
agreements that were entered into under this section during the 5211
preceding calendar year, a description of the project that is the 5212
subject of each such agreement, and an update on the status of 5213
projects under agreements entered into before the preceding 5214
calendar year. 5215

(M) There is hereby created the tax credit authority, which 5216
consists of the director of development and four other members 5217
appointed as follows: the governor, the president of the senate, 5218
and the speaker of the house of representatives each shall appoint 5219
one member who shall be a specialist in economic development; the 5220
governor also shall appoint a member who is a specialist in 5221
taxation. Of the initial appointees, the members appointed by the 5222
governor shall serve a term of two years; the members appointed by 5223
the president of the senate and the speaker of the house of 5224
representatives shall serve a term of four years. Thereafter, 5225
terms of office shall be for four years. Initial appointments to 5226
the authority shall be made within thirty days after January 13, 5227
1993. Each member shall serve on the authority until the end of 5228
the term for which the member was appointed. Vacancies shall be 5229
filled in the same manner provided for original appointments. Any 5230
member appointed to fill a vacancy occurring prior to the 5231

expiration of the term for which the member's predecessor was 5232
appointed shall hold office for the remainder of that term. 5233
Members may be reappointed to the authority. Members of the 5234
authority shall receive their necessary and actual expenses while 5235
engaged in the business of the authority. The director of 5236
development shall serve as chairperson of the authority, and the 5237
members annually shall elect a vice-chairperson from among 5238
themselves. Three members of the authority constitute a quorum to 5239
transact and vote on the business of the authority. The majority 5240
vote of the membership of the authority is necessary to approve 5241
any such business, including the election of the vice-chairperson. 5242

The director of development may appoint a professional 5243
employee of the department of development to serve as the 5244
director's substitute at a meeting of the authority. The director 5245
shall make the appointment in writing. In the absence of the 5246
director from a meeting of the authority, the appointed substitute 5247
shall serve as chairperson. In the absence of both the director 5248
and the director's substitute from a meeting, the vice-chairperson 5249
shall serve as chairperson. 5250

(N) For purposes of the credits granted by this section 5251
against the taxes imposed under sections 5725.18 and 5729.03 of 5252
the Revised Code, "taxable year" means the period covered by the 5253
taxpayer's annual statement to the superintendent of insurance. 5254

Sec. 122.171. (A) As used in this section: 5255

(1) "Capital investment project" means a plan of investment 5256
at a project site for the acquisition, construction, renovation, 5257
or repair of buildings, machinery, or equipment, or for 5258
capitalized costs of basic research and new product development 5259
determined in accordance with generally accepted accounting 5260
principles, but does not include any of the following: 5261

(a) Payments made for the acquisition of personal property 5262

through operating leases; 5263

(b) Project costs paid before January 1, 2002; 5264

(c) Payments made to a related member as defined in section 5265
5733.042 of the Revised Code or to ~~an elected~~ a consolidated 5266
elected taxpayer or a combined taxpayer as defined in section 5267
5751.01 of the Revised Code. 5268

(2) "Eligible business" means a ~~business taxpayer and its~~ 5269
related members with Ohio operations satisfying all of the 5270
following: 5271

(a) ~~Employed an average of at least one thousand employees in~~ 5272
~~full-time employment positions at a project site during each of~~ 5273
~~the twelve months preceding the application for a tax credit under~~ 5274
~~this section; and~~ 5275

~~(b) On or after January 1, 2002, has made or has caused to be~~ 5276
~~made payments for the capital investment project, including~~ 5277
~~payments made by an unrelated third party entity as a result of a~~ 5278
~~lease of not less than twenty years in term, of either of the~~ 5279
~~following:~~ 5280

~~(i) At least two hundred~~ The taxpayer employs at least five 5281
hundred full-time equivalent employees at the time the tax credit 5282
authority grants the tax credit under this section; 5283

~~(b) The taxpayer makes or causes to be made payments for the~~ 5284
capital investment project of either of the following: 5285

~~(i) If the taxpayer is engaged at the project site primarily~~ 5286
as a manufacturer, at least fifty million dollars in the aggregate 5287
at the project site during a period of three consecutive calendar 5288
years, including the calendar year that includes a day of the 5289
taxpayer's taxable year or tax period with respect to which the 5290
credit is granted; 5291

~~(ii) If the average wage of all full-time employment~~ 5292

~~positions at the project site is greater than four hundred per 5293
cent of the federal minimum wage, at least one hundred taxpayer is 5294
engaged at the project site primarily in significant corporate 5295
administrative functions, as defined by the director of 5296
development by rule, at least twenty million dollars in the 5297
aggregate at the project site during a period of three consecutive 5298
calendar years including the calendar year that includes a day of 5299
the taxpayer's taxable year or tax period with respect to which 5300
the credit is granted. 5301~~

~~(c) Is engaged at the project site primarily as a 5302
manufacturer or is providing significant corporate administrative 5303
functions. If the investment under division (A)(2)(b) of this 5304
section was made by a third party entity as a result of a lease of 5305
not less than twenty years in term, the project must include 5306
headquarters operations that are part of a mixed use development 5307
that includes at least two of the following: office, hotel, 5308
research and development, or retail facilities. 5309~~

~~(d) Has The taxpayer had a capital investment project 5310
reviewed and approved by the tax credit authority as provided in 5311
divisions (C), (D), and (E) of this section. 5312~~

~~(3) "Full-time employment position" means a position of 5313
employment for consideration for at least an average of 5314
thirty five hours a week that has been filled for at least one 5315
hundred eighty days immediately preceding the filing of an 5316
application under this section and for at least one hundred eighty 5317
days during each taxable year or each calendar year that includes 5318
a tax period with respect to which the credit is granted, or is 5319
employed in such position for consideration for such time, but is 5320
on active duty reserve or Ohio national guard service equivalent 5321
employees" means the quotient obtained by dividing the total 5322
number of hours for which employees were compensated for 5323
employment in the project by two thousand eighty. "Full-time 5324~~

equivalent employees" shall exclude hours that are counted for a 5325
credit under section 122.17 of the Revised Code. 5326

(4) "Income tax revenue" means the total amount withheld 5327
under section 5747.06 of the Revised Code by the taxpayer during 5328
the taxable year, or during the calendar year that includes the 5329
tax period, from the compensation of all employees employed in the 5330
project whose hours of compensation are included in calculating 5331
the number of full-time equivalent employees. 5332

~~(4)(5)~~ "Manufacturer" has the same meaning as in section 5333
5739.011 of the Revised Code. 5334

~~(5)(6)~~ "Project site" means an integrated complex of 5335
facilities in this state, as specified by the tax credit authority 5336
under this section, within a fifteen-mile radius where a taxpayer 5337
is primarily operating as an eligible business. 5338

~~(6) "Applicable corporation" means a corporation satisfying~~ 5339
~~all of the following:~~ 5340

~~(a)(i) For the entire taxable year immediately preceding the~~ 5341
~~tax year, the corporation develops software applications primarily~~ 5342
~~to provide telecommunication billing and information services~~ 5343
~~through outsourcing or licensing to domestic or international~~ 5344
~~customers.~~ 5345

~~(ii) Sales and licensing of software generated at least six~~ 5346
~~hundred million dollars in revenue during the taxable year~~ 5347
~~immediately preceding the tax year the corporation is first~~ 5348
~~entitled to claim the credit provided under division (B) of this~~ 5349
~~section.~~ 5350

~~(b) For the entire taxable year immediately preceding the tax~~ 5351
~~year, the corporation or one or more of its related members~~ 5352
~~provides customer or employee care and technical support for~~ 5353
~~clients through one or more contact centers within this state, and~~ 5354
~~the corporation and its related members together have a daily~~ 5355

~~average, based on a three hundred sixty five day year, of at least 5356
five hundred thousand successful customer contacts through one or 5357
more of their contact centers, wherever located. 5358~~

~~(c) The corporation is eligible for the credit under division 5359
(B) of this section for the tax year. 5360~~

(7) "Related member" has the same meaning as in section 5361
5733.042 of the Revised Code as that section existed on the 5362
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 5363
general assembly, September 29, 1997. 5364

~~(8) "Successful customer contact" means a contact with an end 5365
user via telephone, including interactive voice recognition or 5366
similar means, where the contact culminates in a conversation or 5367
connection other than a busy signal or equipment busy. 5368~~

~~(9) "Telecommunications" means all forms of 5369
telecommunications service as defined in section 5739.01 of the 5370
Revised Code, and includes services in wireless, wireline, cable, 5371
broadband, internet protocol, and satellite. 5372~~

~~(10)(a) "Applicable difference" means the difference between 5373
the tax for the tax year under Chapter 5733. of the Revised Code 5374
applying the law in effect for that tax year, and the tax for that 5375
tax year if section 5733.042 of the Revised Code applied as that 5376
section existed on the effective date of its amendment by Am. Sub. 5377
H.B. 215 of the 122nd general assembly, September 29, 1997, 5378
subject to division (A)(10)(b) of this section. 5379~~

~~(b) If the tax rate set forth in division (B) of section 5380
5733.06 of the Revised Code for the tax year is less than eight 5381
and one half per cent, the tax calculated under division 5382
(A)(10)(a) of this section shall be computed by substituting a tax 5383
rate of eight and one half per cent for the rate set forth in 5384
division (B) of section 5733.06 of the Revised Code for the tax 5385
year. 5386~~

~~(c) If the resulting difference is negative, the applicable tax difference for the tax year shall be zero "Taxable year" includes, in the case of a domestic or foreign insurance company, the calendar year ending on the thirty-first day of December preceding the day the superintendent of insurance is required to certify to the treasurer of state under section 5725.20 or 5729.05 of the Revised Code the amount of taxes due from insurance companies.~~ 5387
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(B) The tax credit authority created under section 122.17 of the Revised Code may grant tax credits under this section for the purpose of fostering job retention in this state. Upon application by an eligible business and upon consideration of the recommendation of the director of budget and management, tax commissioner, the superintendent of insurance in the case of an insurance company, and director of development under division (C) of this section, the tax credit authority may grant to an eligible business a nonrefundable credit against the tax imposed by section 5725.18, 5729.03, 5733.06, or 5747.02 of the Revised Code for a period up to fifteen taxable years and against the tax levied by Chapter 5751. of the Revised Code for a period of up to fifteen calendar years ~~provided, however, that if the project site is leased, the term of the tax credit cannot exceed the lesser of fifteen years or one half the term of the lease, including any permitted renewal periods. The credit shall be in an amount not exceeding seventy five per cent of the Ohio income tax withheld from the employees of the eligible business occupying full time employment positions at the project site during the calendar year that includes the last day of such business' taxable year or tax period with respect to which the credit is granted. The amount of the credit shall not be based on the Ohio income tax withheld from full time employees for a calendar year prior to the calendar year in which the minimum investment requirement referred to in division (A)(2)(b) of this section is completed. The credit amount~~ 5395
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for a taxable year or a calendar year that includes the tax period 5420
for which a credit may be claimed equals the income tax revenue 5421
for that year multiplied by the percentage specified in the 5422
agreement with the tax credit authority. The percentage may not 5423
exceed seventy-five per cent. The credit shall be claimed in the 5424
order required under section 5725.98, 5729.98, 5733.98, or 5747.98 5425
of the Revised Code. In determining the percentage and term of the 5426
credit, the tax credit authority shall consider both the number of 5427
full-time equivalent employees and the value of the capital 5428
investment project. The credit amount may not be based on the 5429
income tax revenue for a calendar year before the calendar year in 5430
which the tax credit authority specifies the tax credit is to 5431
begin, and the credit shall be claimed only for the taxable years 5432
or tax periods specified in the eligible business' agreement with 5433
the tax credit authority ~~under division (E) of this section, but~~ 5434
~~in.~~ In no event shall the credit be claimed for a taxable year or 5435
tax period terminating before the date specified in the agreement. 5436
Any credit granted under this section against the tax imposed by 5437
section 5733.06 or 5747.02 of the Revised Code, to the extent not 5438
fully utilized against such tax for taxable years ending prior to 5439
2008, shall automatically be converted without any action taken by 5440
the tax credit authority to a credit against the tax levied under 5441
Chapter 5751. of the Revised Code for tax periods beginning on or 5442
after July 1, 2008, provided that the person to whom the credit 5443
was granted is subject to such tax. The converted credit shall 5444
apply to those calendar years in which the remaining taxable years 5445
specified in the agreement end. 5446

~~The credit computed under this division is in addition to any~~ 5448
~~credit allowed under division (M) of this section, which the tax~~ 5449
~~credit authority may also include in the agreement.~~ 5450

Any unused portion of a tax credit may be carried forward for 5451

not more than three additional years after the year for which the 5452
credit is granted. 5453

(C) A taxpayer that proposes a capital investment project to 5454
retain jobs in this state may apply to the tax credit authority to 5455
enter into an agreement for a tax credit under this section. The 5456
director of development shall prescribe the form of the 5457
application. After receipt of an application, the authority shall 5458
forward copies of the application to the director of budget and 5459
management, the tax commissioner, the superintendent of insurance 5460
in the case of an insurance company, and the director of 5461
development, each of whom shall review the application to 5462
determine the economic impact the proposed project would have on 5463
the state and the affected political subdivisions and shall submit 5464
a summary of their determinations and recommendations to the 5465
authority. 5466

(D) Upon review of the determinations and recommendations 5467
described in division (C) of this section, the tax credit 5468
authority may enter into an agreement with the taxpayer for a 5469
credit under this section if the authority determines all of the 5470
following: 5471

(1) The taxpayer's capital investment project will result in 5472
the retention of ~~full-time~~ employment ~~positions~~ in this state. 5473

(2) The taxpayer is economically sound and has the ability to 5474
complete the proposed capital investment project. 5475

(3) The taxpayer intends to and has the ability to maintain 5476
operations at the project site for at least the greater of (a) the 5477
term of the credit plus three years, or (b) seven years. 5478

(4) Receiving the credit is a major factor in the taxpayer's 5479
decision to begin, continue with, or complete the project. 5480

~~(5) The political subdivisions in which the project is 5481
located have agreed to provide substantial financial support to 5482~~

~~the project.~~ 5483

(E) An agreement under this section shall include all of the 5484
following: 5485

(1) A detailed description of the project that is the subject 5486
of the agreement, including the amount of the investment, the 5487
period over which the investment has been or is being made, ~~and~~ 5488
the number of full-time ~~employment positions~~ equivalent employees 5489
at the project site. 5490

~~(2) The method of calculating the number of full-time 5491
employment positions as specified in division (A)(3) of this 5492
section.~~ 5493

~~(3) The term and percentage of the tax credit, and the first 5494
year for which the credit may be claimed.~~ 5495

~~(4), and the anticipated income tax revenue to be generated.~~ 5496

(2) The term of the credit, the percentage of the tax credit, 5497
the maximum annual value of tax credits that may be allowed each 5498
year, and the first year for which the credit may be claimed. 5499

(3) A requirement that the taxpayer maintain operations at 5500
the project site for at least the greater of (a) the term of the 5501
credit plus three years, or (b) seven years. 5502

~~(5)(4)~~ (4) A requirement that the taxpayer retain a specified 5503
number of ~~full-time employment positions~~ full-time equivalent 5504
employees at the project site and within this state for the term 5505
of the credit, including a requirement that the taxpayer continue 5506
to employ at least ~~one thousand employees in full-time employment~~ 5507
~~positions at the project site during the entire term of any~~ 5508
~~agreement, subject to division (E)(7) of this section.~~ 5509

~~(6)~~ five hundred full-time equivalent employees during the 5510
entire term of the agreement. 5511

(5) A requirement that the taxpayer annually report to the 5512

director of development ~~the number of full time employment~~ 5513
~~positions subject to the credit, the amount of tax withheld from~~ 5514
~~employees in those positions, the amount of the payments made for~~ 5515
~~the employment, tax withholding, capital investment project, and~~ 5516
~~any other information the director needs to perform the director's~~ 5517
~~duties under this section.~~ 5518

~~(7)(6)~~ A requirement that the director of development 5519
annually review the annual reports of the taxpayer to verify the 5520
information reported under division (E)~~(6)(5)~~ of this section and 5521
compliance with the agreement. Upon verification, the director 5522
shall issue a certificate to the taxpayer stating that the 5523
information has been verified and identifying the amount of the 5524
credit for the taxable year or calendar year that includes the tax 5525
period. ~~Unless otherwise specified by the tax credit authority in~~ 5526
~~a resolution and included as part of the agreement, the director~~ 5527
~~shall not issue a certificate for any year in which the total~~ 5528
~~number of filled full time employment positions for each day of~~ 5529
~~the calendar year divided by three hundred sixty five is less than~~ 5530
~~ninety per cent of the full time employment positions specified in~~ 5531
~~division (E)(5) of this section. In determining the number of~~ 5532
full-time ~~employment positions~~ equivalent employees, no position 5533
shall be counted that is filled by an employee who is included in 5534
the calculation of a tax credit under section 122.17 of the 5535
Revised Code. 5536

~~(8)(a)~~ A provision requiring that the taxpayer, except as 5537
~~otherwise provided in division (E)(8)(b) of this section, shall~~ 5538
~~not relocate employment positions from elsewhere in this state to~~ 5539
~~the project site that is the subject of the agreement for the~~ 5540
~~lesser of five years from the date the agreement is entered into~~ 5541
~~or the number of years the taxpayer is entitled to claim the~~ 5542
~~credit.~~ 5543

~~(b)~~ The taxpayer may relocate employment positions from 5544

~~elsewhere in this state to the project site that is the subject of 5545
the agreement if the director of development determines both of 5546
the following: 5547~~

~~(i) That the site from which the employment positions would 5548
be relocated is inadequate to meet market and industry conditions, 5549
expansion plans, consolidation plans, or other business 5550
considerations affecting the taxpayer; 5551~~

~~(ii) That (7) A provision providing that the taxpayer may not 5552
relocate a substantial number of employment positions from 5553
elsewhere in this state to the project site unless the director of 5554
development determines that the taxpayer notified the legislative 5555
authority of the county, township, or municipal corporation from 5556
which the employment positions would be relocated has been 5557
notified of the relocation. 5558~~

For purposes of this section, the movement of an employment 5559
position from one political subdivision to another political 5560
subdivision shall be considered a relocation of an employment 5561
position unless the movement is confined to the project site. The 5562
transfer of an ~~individual employee~~ employment position from one 5563
political subdivision to another political subdivision shall not 5564
be considered a relocation of an employment position ~~as long as~~ 5565
~~the individual's employment position in the first political~~ 5566
~~subdivision is refilled. 5567~~

~~(9) if the employment position in the first political 5568
subdivision is replaced by another employment position. 5569~~

(8) A waiver by the taxpayer of any limitations periods 5570
relating to assessments or adjustments resulting from the 5571
taxpayer's failure to comply with the agreement. 5572

(F) If a taxpayer fails to meet or comply with any condition 5573
or requirement set forth in a tax credit agreement, the tax credit 5574
authority may amend the agreement to reduce the percentage or term 5575

of the credit. The reduction of the percentage or term shall take 5576
effect (1) in the taxable year immediately following the taxable 5577
year in which the authority amends the agreement or the director 5578
of development notifies the taxpayer in writing of such failure, 5579
or (2) in the first tax period beginning in the calendar year 5580
immediately following the calendar year in which the authority 5581
amends the agreement or the director notifies the taxpayer in 5582
writing of such failure. If the taxpayer fails to annually report 5583
any of the information required by division (E)(6) of this section 5584
within the time required by the director, the reduction of the 5585
percentage or term may take effect in the current taxable year. If 5586
the taxpayer relocates employment positions in violation of the 5587
provision required under division (E)(8)(a) of this section, the 5588
taxpayer shall not claim the tax credit under section 5733.0610 of 5589
the Revised Code for any tax years following the calendar year in 5590
which the relocation occurs, shall not claim the tax credit under 5591
section 5747.058 of the Revised Code for the taxable year in which 5592
the relocation occurs and any subsequent taxable years, and shall 5593
not claim the tax credit under division (A) of section 5751.50 of 5594
the Revised Code for the tax period in which the relocation occurs 5595
and any subsequent tax periods may take effect in the current 5596
taxable or calendar year. 5597

(G) Financial statements and other information submitted to 5598
the department of development or the tax credit authority by an 5599
applicant for or recipient of a tax credit under this section, and 5600
any information taken for any purpose from such statements or 5601
information, are not public records subject to section 149.43 of 5602
the Revised Code. However, the chairperson of the authority may 5603
make use of the statements and other information for purposes of 5604
issuing public reports or in connection with court proceedings 5605
concerning tax credit agreements under this section. Upon the 5606
request of the tax commissioner, or the superintendent of 5607
insurance in the case of an insurance company, the chairperson of 5608

the authority shall provide to the commissioner or superintendent 5609
any statement or other information submitted by an applicant for 5610
or recipient of a tax credit in connection with the credit. The 5611
commissioner or superintendent shall preserve the confidentiality 5612
of the statement or other information. 5613

(H) A taxpayer claiming a tax credit under this section shall 5614
submit to the tax commissioner or, in the case of an insurance 5615
company, to the superintendent of insurance, a copy of the 5616
director of development's certificate of verification under 5617
division (E)~~(7)~~(6) of this section with the taxpayer's tax report 5618
or return for the taxable year or for the calendar year that 5619
includes the tax period. Failure to submit a copy of the 5620
certificate with the report or return does not invalidate a claim 5621
for a credit if the taxpayer submits a copy of the certificate to 5622
the commissioner or superintendent within sixty days after the 5623
commissioner or superintendent requests it. 5624

(I) For the purposes of this section, a taxpayer may include 5625
a partnership, a corporation that has made an election under 5626
subchapter S of chapter one of subtitle A of the Internal Revenue 5627
Code, or any other business entity through which income flows as a 5628
distributive share to its owners. A partnership, S-corporation, or 5629
other such business entity may elect to pass the credit received 5630
under this section through to the persons to whom the income or 5631
profit of the partnership, S-corporation, or other entity is 5632
distributed. The election shall be made on the annual report 5633
required under division (E)~~(6)~~(5) of this section. The election 5634
applies to and is irrevocable for the credit for which the report 5635
is submitted. If the election is made, the credit shall be 5636
apportioned among those persons in the same proportions as those 5637
in which the income or profit is distributed. 5638

(J) If the director of development determines that a taxpayer 5639
that received a tax credit under this section is not complying 5640

with the requirement under division (E)~~(4)~~(3) of this section, the 5641
director shall notify the tax credit authority of the 5642
noncompliance. After receiving such a notice, and after giving the 5643
taxpayer an opportunity to explain the noncompliance, the 5644
authority may terminate the agreement and require the taxpayer to 5645
refund to the state all or a portion of the credit claimed in 5646
previous years, as follows: 5647

(1) If the taxpayer maintained operations at the project site 5648
for less than or equal to the term of the credit, ~~the amount~~ 5649
~~required to be refunded shall not exceed the amount~~ an amount not 5650
to exceed one hundred per cent of the sum of any tax credits 5651
~~previously~~ allowed and received under this section. 5652

(2) If the taxpayer maintained operations at the project site 5653
longer than the term of the credit, but less than the greater of 5654
(a) the term of the credit plus three years, or (b) seven years, 5655
the amount required to be refunded shall not exceed ~~fifty~~ 5656
seventy-five per cent of the sum of any tax credits ~~previously~~ 5657
allowed and received under this section. 5658

In determining the portion of the credit to be refunded to 5659
this state, the authority shall consider the effect of market 5660
conditions on the taxpayer's project and whether the taxpayer 5661
continues to maintain other operations in this state. After making 5662
the determination, the authority shall certify the amount to be 5663
refunded to the tax commissioner. ~~The~~ or the superintendent of 5664
insurance. If the taxpayer is not an insurance company, the 5665
commissioner shall make an assessment for that amount against the 5666
taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. 5667
If the taxpayer is an insurance company, the superintendent of 5668
insurance shall make an assessment under section 5725.222 or 5669
5729.102 of the Revised Code. The time limitations on assessments 5670
under those chapters and sections do not apply to an assessment 5671
under this division, but the commissioner or superintendent shall 5672

make the assessment within one year after the date the authority 5673
certifies to the commissioner or superintendent the amount to be 5674
refunded. 5675

~~If the director of development determines that a taxpayer 5676
that received a tax credit under this section has reduced the 5677
number of employees agreed to under division (E)(5) of this 5678
section by more than ten per cent, the director shall notify the 5679
tax credit authority of the noncompliance. After receiving such 5680
notice, and after providing the taxpayer an opportunity to explain 5681
the noncompliance, the authority may amend the agreement to reduce 5682
the percentage or term of the tax credit. The reduction in the 5683
percentage or term shall take effect in the taxable year, or in 5684
the calendar year that includes the tax period, in which the 5685
authority amends the agreement. 5686~~

(K) The director of development, after consultation with the 5687
tax commissioner and the superintendent of insurance and in 5688
accordance with Chapter 119. of the Revised Code, shall adopt 5689
rules necessary to implement this section. The rules may provide 5690
for recipients of tax credits under this section to be charged 5691
fees to cover administrative costs of the tax credit program. The 5692
fees collected shall be credited to the tax incentive programs 5693
operating fund created in section 122.174 of the Revised Code. At 5694
the time the director gives public notice under division (A) of 5695
section 119.03 of the Revised Code of the adoption of the rules, 5696
the director shall submit copies of the proposed rules to the 5697
chairpersons of the standing committees on economic development in 5698
the senate and the house of representatives. 5699

(L) On or before the ~~thirty-first~~ first day of ~~March~~ August 5700
of each year, the director of development shall submit a report to 5701
the governor, the president of the senate, and the speaker of the 5702
house of representatives on the tax credit program under this 5703
section. The report shall include information on the number of 5704

agreements that were entered into under this section during the 5705
preceding calendar year, a description of the project that is the 5706
subject of each such agreement, and an update on the status of 5707
projects under agreements entered into before the preceding 5708
calendar year. 5709

~~(M)(1) A nonrefundable credit shall be allowed to an 5710
applicable corporation and its related members in an amount equal 5711
to the applicable difference. The credit is in addition to the 5712
credit granted to the corporation or related members under 5713
division (B) of this section. The credit is subject to divisions 5714
(B) to (E) and division (J) of this section. 5715~~

~~(2) A person qualifying as an applicable corporation under 5716
this section for a tax year does not necessarily qualify as an 5717
applicable corporation for any other tax year. No person is 5718
entitled to the credit allowed under division (M) of this section 5719
for the tax year immediately following the taxable year during 5720
which the person fails to meet the requirements in divisions 5721
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 5722
to the credit allowed under division (M) of this section for any 5723
tax year for which the person is not eligible for the credit 5724
provided under division (B) of this section. The aggregate amount 5725
of tax credits issued under this section during any calendar year 5726
for capital investment projects reviewed and approved by the tax 5727
credit authority may not exceed the following amounts: 5728~~

~~(1) For 2010, thirteen million dollars; 5729~~

~~(2) For 2011 through 2023, the amount of the limit for the 5730
preceding calendar year plus thirteen million dollars; 5731~~

~~(3) For 2024 and each year thereafter, one hundred 5732
ninety-five million dollars. 5733~~

~~The foregoing annual limitations do not apply to credits for 5734
capital investment projects approved by the tax credit authority 5735~~

before July 1, 2009. 5736

Sec. 122.40. (A) There is hereby created the development 5737
financing advisory council to assist in carrying out the programs 5738
created pursuant to sections 122.39 to 122.62 and Chapter 166. of 5739
the Revised Code. 5740

(B) The council shall consist of ~~seven~~ eight members 5741
appointed by the governor, with the advice and consent of the 5742
senate, who are selected for their knowledge of and experience in 5743
economic development financing, one member of the senate appointed 5744
by the president of the senate, one member of the house of 5745
representatives appointed by the speaker of the house of 5746
representatives, and the director of development or the director's 5747
designee. With respect to the council: 5748

(1) No more than four members of the council appointed by the 5749
governor shall be members of the same political party. 5750

(2) Each member shall hold office from the date of the 5751
member's appointment until the end of the term for which the 5752
member was appointed. 5753

(3) The terms of office for the ~~seven~~ eight members appointed 5754
by the governor shall be for five years commencing on the first 5755
day of January and ending on the thirty-first day of December. The 5756
~~seven~~ members appointed by the governor who are serving terms of 5757
office of seven years on December 30, 2004, shall continue to 5758
serve those terms, but their successors in office, including the 5759
filling of a vacancy occurring prior to the expiration of those 5760
terms, shall be appointed for terms of five years in accordance 5761
with this division. 5762

(4) Any member of the council is eligible for reappointment. 5763

(5) As a term of a member of the council appointed by the 5764
governor expires, the governor shall appoint a successor with the 5765

advice and consent of the senate. 5766

(6) Except as otherwise provided in division (B)(3) of this 5767
section, any member appointed to fill a vacancy occurring prior to 5768
the expiration of the term for which the member's predecessor was 5769
appointed shall hold office for the remainder of the predecessor's 5770
term. 5771

(7) Any member shall continue in office subsequent to the 5772
expiration date of the member's term until the member's successor 5773
takes office, or until a period of sixty days has elapsed, 5774
whichever occurs first. 5775

(8) Before entering upon duties as a member of the council, 5776
each member shall take an oath provided by Section 7 of Article 5777
XV, Ohio Constitution. 5778

(9) The governor may, at any time, remove any nonlegislative 5779
member pursuant to section 3.04 of the Revised Code. 5780

(10) Members of the council, notwithstanding section 101.26 5781
of the Revised Code with respect to members who are members of the 5782
general assembly, shall receive their necessary and actual 5783
expenses while engaged in the business of the council and shall be 5784
paid at the per diem rate of step 1, pay range 31, of section 5785
124.15 of the Revised Code. 5786

(11) Six members of the council constitute a quorum and the 5787
affirmative vote of ~~six~~ a majority of members present at a meeting 5788
of the council where a quorum is present is necessary for any 5789
action taken by the council. 5790

(12) In the event of the absence of a member appointed by the 5791
president of the senate or by the speaker of the house of 5792
representatives, the following persons may serve in the member's 5793
absence: the president of the senate or the speaker of the house, 5794
as the case may be, or a member of the senate or of the house of 5795
representatives, of the same political party as the development 5796

financing advisory council member, designated by the president of 5797
the senate or the speaker of the house. 5798

Sec. 122.603. (A)(1) Upon approval by the director of 5799
development and after entering into a participation agreement with 5800
the department of development, a participating financial 5801
institution making a capital access loan shall establish a program 5802
reserve account. The account shall be an interest-bearing account 5803
and shall contain only moneys deposited into it under the program 5804
and the interest payable on the moneys in the account. 5805

(2) All interest payable on the moneys in the program reserve 5806
account shall be added to the moneys and held as an additional 5807
loss reserve. The director may require that a portion or all of 5808
the accrued interest so held in the account be released to the 5809
department. If the director causes a release of accrued interest, 5810
the director shall deposit the released amount into the capital 5811
access loan program fund created in section 122.601 of the Revised 5812
Code. The director shall not require the release of that accrued 5813
interest more than twice in a fiscal year. 5814

(B) When a participating financial institution makes a 5815
capital access loan, it shall require the eligible business to pay 5816
to the participating financial institution a fee in an amount that 5817
is not less than one and one-half per cent, and not more than 5818
three per cent, of the principal amount of the loan. The 5819
participating financial institution shall deposit the fee into its 5820
program reserve account, and it also shall deposit into the 5821
account an amount of its own funds equal to the amount of the fee. 5822
The participating financial institution may recover from the 5823
eligible business all or part of the amount that the participating 5824
financial institution is required to deposit into the account 5825
under this division in any manner agreed to by the participating 5826
financial institution and the eligible business. 5827

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

(D)(1)(a) Upon receipt of each of the first three certifications from a participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount equal to fifty per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. Thereafter, upon receipt of a certification from that participating financial institution made under division (C) of this section and subject to section 122.602 of the Revised Code, the director shall disburse to the participating financial institution from the capital access loan program fund an amount equal to ten per cent of the principal amount of the particular capital access loan for deposit into the participating financial institution's program reserve account. ~~The~~

(b) Notwithstanding division (D)(1)(a) of this section, and subject to section 122.602 of the Revised Code, upon receipt of any certification from a participating financial institution made under division (C) of this section with respect to a capital

access loan made to an eligible business that is a minority 5860
business enterprise, the director shall disburse to the 5861
participating financial institution from the capital access loan 5862
program fund an amount equal to eighty per cent of the principal 5863
amount of the particular capital access loan for deposit into the 5864
participating financial institution's program reserve account. 5865

(2) The disbursement of moneys from the fund to a 5866
participating financial institution does not require approval from 5867
the controlling board. 5868

(E) If the amount in a program reserve account exceeds an 5869
amount equal to thirty-three per cent of a participating financial 5870
institution's outstanding capital access loans, the department may 5871
cause the withdrawal of the excess amount and the deposit of the 5872
withdrawn amount into the capital access loan program fund. 5873

(F)(1) The department may cause the withdrawal of the total 5874
amount in a participating financial institution's program reserve 5875
account if any of the following applies: 5876

(a) The financial institution is no longer eligible to 5877
participate in the program. 5878

(b) The participation agreement expires without renewal by 5879
the department or the financial institution. 5880

(c) The financial institution has no outstanding capital 5881
access loans. 5882

(d) The financial institution has not made a capital access 5883
loan within the preceding twenty-four months. 5884

(2) If the department causes a withdrawal under division 5885
(F)(1) of this section, the department shall deposit the withdrawn 5886
amount into the capital access loan program fund. 5887

Sec. 122.71. As used in sections 122.71 to 122.83 of the 5888
Revised Code: 5889

(A) "Financial institution" means any banking corporation, 5890
trust company, insurance company, savings and loan association, 5891
building and loan association, or corporation, partnership, 5892
federal lending agency, foundation, or other institution engaged 5893
in lending or investing funds for industrial or business purposes. 5894

(B) "Project" means any real or personal property connected 5895
with or being a part of an industrial, distribution, commercial, 5896
or research facility to be acquired, constructed, reconstructed, 5897
enlarged, improved, furnished, or equipped, or any combination 5898
thereof, with the aid provided under sections 122.71 to 122.83 of 5899
the Revised Code, for industrial, commercial, distribution, and 5900
research development of the state. 5901

(C) "Mortgage" means the lien imposed on a project by a 5902
mortgage on real property, or by financing statements on personal 5903
property, or a combination of a mortgage and financing statements 5904
when a project consists of both real and personal property. 5905

(D) "Mortgagor" means the principal user of a project or the 5906
person, corporation, partnership, or association unconditionally 5907
guaranteeing performance by the principal user of its obligations 5908
under the mortgage. 5909

(E)(1) "Minority business enterprise" means an individual who 5910
is a United States citizen and owns and controls a business, or a 5911
partnership, corporation, or joint venture of any kind that is 5912
owned and controlled by United States citizens, which citizen or 5913
citizens are residents of this state and are members of one of the 5914
following economically disadvantaged groups: Blacks or African 5915
Americans, American Indians, Hispanics or Latinos, and Asians. 5916

(2) "Owned and controlled" means that at least fifty-one per 5917
cent of the business, including corporate stock if a corporation, 5918
is owned by persons who belong to one or more of the groups set 5919
forth in division (E)(1) of this section, and that those owners 5920

have control over the management and day-to-day operations of the 5921
business and an interest in the capital, assets, and profits and 5922
losses of the business proportionate to their percentage of 5923
ownership. In order to qualify as a minority business enterprise, 5924
a business shall have been owned and controlled by those persons 5925
at least one year prior to being awarded a contract pursuant to 5926
this section. 5927

(F) "Community improvement corporation" means a corporation 5928
organized under Chapter 1724. of the Revised Code. 5929

(G) "Ohio development corporation" means a corporation 5930
organized under Chapter 1726. of the Revised Code. 5931

(H) "Minority contractors business assistance organization" 5932
means an entity engaged in the provision of management and 5933
technical business assistance to minority business enterprise 5934
entrepreneurs. 5935

(I) "Minority business supplier development council" means a 5936
nonprofit organization established as an affiliate of the national 5937
minority supplier development council. 5938

(J) "Regional economic development entity" means an entity 5939
that is under contract with the director of development to 5940
administer a loan program under this chapter in a particular area 5941
of the state. 5942

(K) "Community development corporation" means a corporation 5943
organized under Chapter 1702. of the Revised Code that consists of 5944
residents of the community and business and civic leaders and that 5945
has as a principal purpose one or more of the following: the 5946
revitalization and development of a low- to moderate-income 5947
neighborhood or community; the creation of jobs for low- to 5948
moderate-income residents; the development of commercial 5949
facilities and services; providing training, technical assistance, 5950
and financial assistance to small businesses; and planning, 5951

developing, or managing low-income housing or other community 5952
development activities. 5953

Sec. 122.751. The minority development financing advisory 5954
board or a regional economic development entity shall only 5955
consider an application for a loan from any applicant after a 5956
determination that the applicant is a community development 5957
corporation, or after a certification by the equal employment 5958
opportunity coordinator of the department of administrative 5959
services under division (B)(1) of section 123.151 of the Revised 5960
Code that the applicant is a minority business enterprise, or 5961
after a certification by the minority business supplier 5962
development council that the applicant is a minority business, and 5963
that the applicant satisfies all criteria regarding eligibility 5964
for assistance pursuant to section 122.76 of the Revised Code. 5965

Sec. 122.76. (A) The director of development, with 5966
controlling board approval, may lend funds to minority business 5967
enterprises and to community improvement corporations, Ohio 5968
development corporations, minority contractors business assistance 5969
organizations, and minority business supplier development councils 5970
for the purpose of loaning funds to minority business enterprises 5971
and for the purpose of procuring or improving real or personal 5972
property, or both, for the establishment, location, or expansion 5973
of industrial, distribution, commercial, or research facilities in 5974
the state, and to community development corporations that 5975
predominantly benefit minority business enterprises or are located 5976
in a census tract that has a population that is sixty per cent or 5977
more minority if the director determines, in the director's sole 5978
discretion, that all of the following apply: 5979

(1) The project is economically sound and will benefit the 5980
people of the state by increasing opportunities for employment, by 5981
strengthening the economy of the state, or expanding minority 5982

business enterprises. 5983

(2) The proposed minority business enterprise borrower is 5984
unable to finance the proposed project through ordinary financial 5985
channels at comparable terms. 5986

(3) The value of the project is or, upon completion, will be 5987
at least equal to the total amount of the money expended in the 5988
procurement or improvement of the project, and one or more 5989
financial institutions or other governmental entities have loaned 5990
not less than thirty per cent of that amount. 5991

(4) The amount to be loaned by the director will not exceed 5992
sixty per cent of the total amount expended in the procurement or 5993
improvement of the project. 5994

(5) The amount to be loaned by the director will be 5995
adequately secured by a first or second mortgage upon the project 5996
or by mortgages, leases, liens, assignments, or pledges on or of 5997
other property or contracts as the director requires, and such 5998
mortgage will not be subordinate to any other liens or mortgages 5999
except the liens securing loans or investments made by financial 6000
institutions referred to in division (A)(3) of this section, and 6001
the liens securing loans previously made by any financial 6002
institution in connection with the procurement or expansion of all 6003
or part of a project. 6004

(B) Any proposed minority business enterprise borrower 6005
submitting an application for assistance under this section shall 6006
not have defaulted on a previous loan from the director, and no 6007
full or limited partner, major shareholder, or holder of an equity 6008
interest of the proposed minority business enterprise borrower 6009
shall have defaulted on a loan from the director. 6010

(C) The proposed minority business enterprise borrower shall 6011
demonstrate to the satisfaction of the director that it is able to 6012
successfully compete in the private sector if it obtains the 6013

necessary financial, technical, or managerial support and that 6014
support is available through the director, the minority business 6015
development office of the department of development, or other 6016
identified and acceptable sources. In determining whether a 6017
minority business enterprise borrower will be able to successfully 6018
compete, the director may give consideration to such factors as 6019
the successful completion of or participation in courses of study, 6020
recognized by the board of regents as providing financial, 6021
technical, or managerial skills related to the operation of the 6022
business, by the economically disadvantaged individual, owner, or 6023
partner, and the prior success of the individual, owner, or 6024
partner in personal, career, or business activities, as well as to 6025
other factors identified by the director. 6026

(D) The director shall not lend funds for the purpose of 6027
procuring or improving motor vehicles or accounts receivable. 6028

Sec. 122.85. (A) As used in this section and in sections 6029
5733.59 and 5747.66 of the Revised Code: 6030

(1) "Tax credit-eligible production" means a motion picture 6031
production certified by the director of development under division 6032
(B) of this section as qualifying the motion picture company for a 6033
tax credit under section 5733.59 or 5747.66 of the Revised Code. 6034

(2) "Certificate owner" means a motion picture company to 6035
which a tax credit certificate is issued. 6036

(3) "Motion picture company" means an individual, 6037
corporation, partnership, limited liability company, or other form 6038
of business association producing a motion picture. 6039

(4) "Eligible production expenditures" means expenditures 6040
made after the effective date of the enactment of this section by 6041
H.B. 1 of the 128th general assembly for goods or services 6042
purchased and consumed in this state by a motion picture company 6043

directly for the production of a tax credit-eligible production. 6044

"Eligible production expenditures" includes, but is not 6045
limited to, expenditures for resident and nonresident cast and 6046
crew wages, accommodations, costs of set construction and 6047
operations, editing and related services, photography, sound 6048
synchronization, lighting, wardrobe, makeup and accessories, film 6049
processing, transfer, sound mixing, special and visual effects, 6050
music, location fees, and the purchase or rental of facilities and 6051
equipment. 6052

(5) "Motion picture" means entertainment content created in 6053
whole or in part within this state for distribution or exhibition 6054
to the general public, including, but not limited to, 6055
feature-length films; documentaries; long-form, specials, 6056
miniseries, series, and interstitial television programming; 6057
interactive web sites; sound recordings; videos; music videos; 6058
interactive television; interactive games; videogames; 6059
commercials; any format of digital media; and any trailer, pilot, 6060
video teaser, or demo created primarily to stimulate the sale, 6061
marketing, promotion, or exploitation of future investment in 6062
either a product or a motion picture by any means and media in any 6063
digital media format, film, or videotape, provided the motion 6064
picture qualifies as a motion picture. "Motion picture" does not 6065
include any television program created primarily as news, weather, 6066
or financial market reports, a production featuring current events 6067
or sporting events, an awards show or other gala event, a 6068
production whose sole purpose is fundraising, a long-form 6069
production that primarily markets a product or service or in-house 6070
corporate advertising or other similar productions, a production 6071
for purposes of political advocacy, or any production for which 6072
records are required to be maintained under 18 U.S.C. 2257 with 6073
respect to sexually explicit content. 6074

(B) For the purpose of encouraging and developing a strong 6075

film industry in this state, the director of development may 6076
certify a motion picture produced by a motion picture company as a 6077
tax credit-eligible production. In the case of a television 6078
series, the director may certify the production of each episode of 6079
the series as a separate tax credit-eligible production. A motion 6080
picture company shall apply for certification of a motion picture 6081
as a tax credit-eligible production on a form and in the manner 6082
prescribed by the director. Each application shall include the 6083
following information: 6084

(1) The name and telephone number of the motion picture 6085
production company; 6086

(2) The name and telephone number of the company's contact 6087
person; 6088

(3) A list of the first preproduction date through the last 6089
production date in Ohio; 6090

(4) The Ohio production office address and telephone number; 6091

(5) The total production budget of the motion picture; 6092

(6) The total budgeted eligible production expenditures and 6093
the percentage that amount is of the total production budget of 6094
the motion picture; 6095

(7) The total percentage of the motion picture being shot in 6096
Ohio; 6097

(8) The level of employment of cast and crew who reside in 6098
Ohio; 6099

(9) A synopsis of the script; 6100

(10) The shooting script; 6101

(11) A creative elements list that includes the names of the 6102
principal cast and crew and the producer and director; 6103

(12) The motion picture's distribution plan, including 6104

domestic and international distribution, and sales estimates for 6105
the picture; 6106

(13) Documentation of financial ability to undertake and 6107
complete the motion picture; 6108

(14) Estimated value of the tax credit based upon total 6109
budgeted eligible production expenditures; 6110

(15) Any other information considered necessary by the 6111
director. 6112

Within ninety days after certification of a motion picture as 6113
a tax credit-eligible production, and any time thereafter upon the 6114
director's request, the motion picture company shall present to 6115
the director of development sufficient evidence of reviewable 6116
progress. If the motion picture company fails to present 6117
sufficient evidence, the director of development may rescind the 6118
certification. Upon rescission, the director shall notify the 6119
applicant that the certification has been rescinded. Nothing in 6120
this section prohibits an applicant whose tax credit-eligible 6121
production certification has been rescinded from submitting a 6122
subsequent application for certification. 6123

(C)(1) A motion picture company whose motion picture has been 6124
certified as a tax credit-eligible production may apply to the 6125
director of development on or after July 1, 2009, for a refundable 6126
credit against the tax imposed by section 5733.06 or 5747.02 of 6127
the Revised Code. The director in consultation with the tax 6128
commissioner shall prescribe the form and manner of the 6129
application and the information or documentation required to be 6130
submitted with the application. 6131

The credit is determined as follows: 6132

(a) If the total budgeted eligible production expenditures 6133
stated in the application submitted under division (B) of this 6134
section or the actual eligible production expenditures as finally 6135

determined under division (D) of this section, whichever is least, 6136
is less than or equal to three hundred thousand dollars, no credit 6137
is allowed; 6138

(b) If the total budgeted eligible production expenditures 6139
stated in the application submitted under division (B) of this 6140
section or the actual eligible production expenditures as finally 6141
determined under division (D) of this section, whichever is least, 6142
is greater than three hundred thousand dollars, the credit equals 6143
the sum of the following, subject to the limitation in division 6144
(C)(4) of this section: 6145

(i) Twenty-five per cent of the least of such budgeted or 6146
actual eligible expenditure amounts excluding budgeted or actual 6147
eligible expenditures for resident cast and crew wages; 6148

(ii) Thirty-five per cent of budgeted or actual eligible 6149
expenditures for resident cast and crew wages. 6150

(2) Except as provided in division (C)(4) of this section, if 6151
the director of development approves a motion picture company's 6152
application for a credit, the director shall issue a tax credit 6153
certificate to the company. The director in consultation with the 6154
tax commissioner shall prescribe the form and manner of issuing 6155
certificates. The director shall assign a unique identifying 6156
number to each tax credit certificate and shall record the 6157
certificate in a register devised and maintained by the director 6158
for that purpose. The certificate shall state the amount of the 6159
eligible production expenditures on which the credit is based and 6160
the amount of the credit. Upon the issuance of a certificate, the 6161
director shall certify to the tax commissioner the name of the 6162
applicant, the amount of eligible production expenditures shown on 6163
the certificate, and any other information required by the rules 6164
adopted to administer this section. 6165

(3) The amount of eligible production expenditures for which 6166

a tax credit may be claimed is subject to inspection and 6167
examination by the tax commissioner or employees of the 6168
commissioner under section 5703.19 of the Revised Code and any 6169
other applicable law. Once the eligible production expenditures 6170
are finally determined under section 5703.19 of the Revised Code 6171
and division (D) of this section, the credit amount is not subject 6172
to adjustment unless the director determines an error was 6173
committed in the computation of the credit amount. 6174

(4) No tax credit certificate may be issued before the 6175
completion of the tax credit-eligible production. Not more than 6176
twenty million dollars of tax credit may be allowed per fiscal 6177
biennium, and not more than ten million dollars may be allowed in 6178
the first year of the biennium. Not more than five million dollars 6179
of tax credit may be allowed per tax credit-eligible production. 6180

(D) A motion picture company whose motion picture has been 6181
certified as a tax credit-eligible production shall engage, at the 6182
company's expense, an independent certified public accountant to 6183
examine the company's production expenditures to identify the 6184
expenditures that qualify as eligible production expenditures. The 6185
certified public accountant shall issue a report to the company 6186
and to the director of development certifying the company's 6187
eligible production expenditures and any other information 6188
required by the director. Upon receiving and examining the report, 6189
the director may disallow any expenditure the director determines 6190
is not an eligible production expenditure. If the director 6191
disallows an expenditure, the director shall issue a written 6192
notice to the motion picture production company stating that the 6193
expenditure is disallowed and the reason for the disallowance. 6194
Upon examination of the report and disallowance of any 6195
expenditures, the director shall determine finally the lesser of 6196
the total budgeted eligible production expenditures stated in the 6197
application submitted under division (B) of this section or the 6198

actual eligible production expenditures for the purpose of 6199
computing the amount of the credit. 6200

(E) No credit shall be allowed under section 5733.59 or 6201
5747.66 of the Revised Code unless the director has reviewed the 6202
report and made the determination prescribed by division (D) of 6203
this section. 6204

(F) This state reserves the right to refuse the use of this 6205
state's name in the credits of any tax credit-eligible motion 6206
picture production. 6207

(G)(1) The director of development in consultation with the 6208
tax commissioner shall adopt rules for the administration of this 6209
section, including rules setting forth and governing the criteria 6210
for determining whether a motion picture production is a tax 6211
credit-eligible production; activities that constitute the 6212
production of a motion picture; reporting sufficient evidence of 6213
reviewable progress; expenditures that qualify as eligible 6214
production expenditures; a competitive process for approving 6215
credits; and consideration of geographic distribution of credits. 6216
The rules shall be adopted under Chapter 119. of the Revised Code. 6217

(2) The director may require a reasonable application fee to 6218
cover administrative costs of the tax credit program. The fees 6219
collected shall be credited to the motion picture tax credit 6220
program operating fund, which is hereby created in the state 6221
treasury. The motion picture tax credit program operating fund 6222
shall consist of all grants, gifts, fees, and contributions made 6223
to the director of development for marketing and promotion of the 6224
motion picture industry within this state. The director of 6225
development shall use money in the fund to pay expenses related to 6226
the administration of the Ohio film office and the credit 6227
authorized by this section and sections 5733.59 and 5747.66 of the 6228
Revised Code. 6229

Sec. 122.89. (A) The director of development may execute 6230
bonds as surety for minority businesses as principals, on 6231
contracts with the state, any political subdivision or 6232
instrumentality thereof, or any person as the obligee. The 6233
director as surety may exercise all the rights and powers of a 6234
company authorized by the department of insurance to execute bonds 6235
as surety but shall not be subject to any requirements of a surety 6236
company under Title XXXIX of the Revised Code nor to any rules of 6237
the department of insurance. 6238

(B) The director, with the advice of the minority development 6239
financing advisory board, shall adopt rules under Chapter 119. of 6240
the Revised Code establishing procedures for application for 6241
surety bonds by minority businesses and for review and approval of 6242
applications. The board shall review each application in 6243
accordance with the rules and, based on the bond worthiness of 6244
each applicant, shall refer all qualified applicants to the 6245
director. Based on the recommendation of the board, the director 6246
shall determine whether or not the applicant shall receive 6247
bonding. 6248

~~(C) The rules of the board shall provide that the minority 6249
business, in order to make an application for a bond to the 6250
director, shall submit documentation, as the director requires, to 6251
demonstrate either that a minority business shall have been denied 6252
a bond by two surety companies or that the minority business has 6253
applied to two surety companies for a bond and, at the expiration 6254
of sixty days after making the application, has neither received 6255
nor been denied a bond. 6256~~

~~(D)~~ The rules of the board shall require the minority 6257
business to pay a premium in advance for the bond to be 6258
established by the director, with the advice of the board after 6259
the director receives advice from the superintendent of insurance 6260

regarding the standard market rates for premiums for similar 6261
bonds. All premiums paid by minority businesses shall be paid into 6262
the minority business bonding program administrative and loss 6263
reserve fund. 6264

~~(F)~~(D) The penal sum amounts of all outstanding bonds issued 6265
by the director shall not exceed the amount of moneys in the 6266
minority business bonding fund and available to the fund under 6267
division (B) of section 169.05 of the Revised Code. 6268

~~(F)~~(E) The superintendent of insurance shall provide such 6269
technical and professional assistance as is considered necessary 6270
by the director, including providing advice regarding the standard 6271
market rates for bond premiums as described under division ~~(D)~~(C) 6272
of this section. 6273

Sec. 123.01. (A) The department of administrative services, 6274
in addition to those powers enumerated in Chapters 124. and 125. 6275
of the Revised Code and provided elsewhere by law, shall exercise 6276
the following powers: 6277

(1) To prepare, or contract to be prepared, by licensed 6278
engineers or architects, surveys, general and detailed plans, 6279
specifications, bills of materials, and estimates of cost for any 6280
projects, improvements, or public buildings to be constructed by 6281
state agencies that may be authorized by legislative 6282
appropriations or any other funds made available therefor, 6283
provided that the construction of the projects, improvements, or 6284
public buildings is a statutory duty of the department. This 6285
section does not require the independent employment of an 6286
architect or engineer as provided by section 153.01 of the Revised 6287
Code in the cases to which that section applies nor affect or 6288
alter the existing powers of the director of transportation. 6289

(2) To have general supervision over the construction of any 6290
projects, improvements, or public buildings constructed for a 6291

state agency and over the inspection of materials previous to 6292
their incorporation into those projects, improvements, or 6293
buildings; 6294

(3) To make contracts for and supervise the construction of 6295
any projects and improvements or the construction and repair of 6296
buildings under the control of a state agency, except contracts 6297
for the repair of buildings under the management and control of 6298
the departments of public safety, job and family services, mental 6299
health, mental retardation and developmental disabilities, 6300
rehabilitation and correction, and youth services, the bureau of 6301
workers' compensation, the rehabilitation services commission, and 6302
boards of trustees of educational and benevolent institutions and 6303
except contracts for the construction of projects that do not 6304
require the issuance of a building permit or the issuance of a 6305
certificate of occupancy and that are necessary to remediate 6306
conditions at a hazardous waste facility, solid waste facility, or 6307
other location at which the director of environmental protection 6308
has reason to believe there is a substantial threat to public 6309
health or safety or the environment. These contracts shall be made 6310
and entered into by the directors of public safety, job and family 6311
services, mental health, mental retardation and developmental 6312
disabilities, rehabilitation and correction, and youth services, 6313
the administrator of workers' compensation, the rehabilitation 6314
services commission, the boards of trustees of such institutions, 6315
and the director of environmental protection, respectively. All 6316
such contracts may be in whole or in part on unit price basis of 6317
maximum estimated cost, with payment computed and made upon actual 6318
quantities or units. 6319

(4) To prepare and suggest comprehensive plans for the 6320
development of grounds and buildings under the control of a state 6321
agency; 6322

(5) To acquire, by purchase, gift, devise, lease, or grant, 6323

all real estate required by a state agency, in the exercise of 6324
which power the department may exercise the power of eminent 6325
domain, in the manner provided by sections 163.01 to 163.22 of the 6326
Revised Code; 6327

(6) To make and provide all plans, specifications, and models 6328
for the construction and perfection of all systems of sewerage, 6329
drainage, and plumbing for the state in connection with buildings 6330
and grounds under the control of a state agency; 6331

(7) To erect, supervise, and maintain all public monuments 6332
and memorials erected by the state, except where the supervision 6333
and maintenance is otherwise provided by law; 6334

(8) To procure, by lease, storage accommodations for a state 6335
agency; 6336

(9) To lease or grant easements or licenses for unproductive 6337
and unused lands or other property under the control of a state 6338
agency. Such leases, easements, or licenses shall be granted for a 6339
period not to exceed fifteen years and shall be executed for the 6340
state by the director of administrative services and the governor 6341
and shall be approved as to form by the attorney general, provided 6342
that leases, easements, or licenses may be granted to any county, 6343
township, municipal corporation, port authority, water or sewer 6344
district, school district, library district, health district, park 6345
district, soil and water conservation district, conservancy 6346
district, or other political subdivision or taxing district, or 6347
any agency of the United States government, for the exclusive use 6348
of that agency, political subdivision, or taxing district, without 6349
any right of sublease or assignment, for a period not to exceed 6350
fifteen years, and provided that the director shall grant leases, 6351
easements, or licenses of university land for periods not to 6352
exceed twenty-five years for purposes approved by the respective 6353
university's board of trustees wherein the uses are compatible 6354
with the uses and needs of the university and may grant leases of 6355

university land for periods not to exceed forty years for purposes 6356
approved by the respective university's board of trustees pursuant 6357
to section 123.77 of the Revised Code. 6358

(10) To lease ~~office space in buildings~~ for the use of a 6359
state agency; 6360

(11) To have general supervision and care of the storerooms, 6361
offices, and buildings leased for the use of a state agency; 6362

(12) To exercise general custodial care of all real property 6363
of the state; 6364

(13) To assign and group together state offices in any city 6365
in the state and to establish, in cooperation with the state 6366
agencies involved, rules governing space requirements for office 6367
or storage use; 6368

(14) To lease for a period not to exceed forty years, 6369
pursuant to a contract providing for the construction thereof 6370
under a lease-purchase plan, buildings, structures, and other 6371
improvements for any public purpose, and, in conjunction 6372
therewith, to grant leases, easements, or licenses for lands under 6373
the control of a state agency for a period not to exceed forty 6374
years. The lease-purchase plan shall provide that at the end of 6375
the lease period, the buildings, structures, and related 6376
improvements, together with the land on which they are situated, 6377
shall become the property of the state without cost. 6378

(a) Whenever any building, structure, or other improvement is 6379
to be so leased by a state agency, the department shall retain 6380
either basic plans, specifications, bills of materials, and 6381
estimates of cost with sufficient detail to afford bidders all 6382
needed information or, alternatively, all of the following plans, 6383
details, bills of materials, and specifications: 6384

(i) Full and accurate plans suitable for the use of mechanics 6385
and other builders in the improvement; 6386

(ii) Details to scale and full sized, so drawn and
represented as to be easily understood; 6387
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(iii) Accurate bills showing the exact quantity of different
kinds of material necessary to the construction; 6389
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(iv) Definite and complete specifications of the work to be
performed, together with such directions as will enable a
competent mechanic or other builder to carry them out and afford
bidders all needed information; 6391
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(v) A full and accurate estimate of each item of expense and
of the aggregate cost thereof. 6395
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(b) The department shall give public notice, in such
newspaper, in such form, and with such phraseology as the director
of administrative services prescribes, published once each week
for four consecutive weeks, of the time when and place where bids
will be received for entering into an agreement to lease to a
state agency a building, structure, or other improvement. The last
publication shall be at least eight days preceding the day for
opening the bids. The bids shall contain the terms upon which the
builder would propose to lease the building, structure, or other
improvement to the state agency. The form of the bid approved by
the department shall be used, and a bid is invalid and shall not
be considered unless that form is used without change, alteration,
or addition. Before submitting bids pursuant to this section, any
builder shall comply with Chapter 153. of the Revised Code. 6397
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(c) On the day and at the place named for receiving bids for
entering into lease agreements with a state agency, the director
of administrative services shall open the bids and shall publicly
proceed immediately to tabulate the bids upon duplicate sheets. No
lease agreement shall be entered into until the bureau of workers'
compensation has certified that the person to be awarded the lease
agreement has complied with Chapter 4123. of the Revised Code, 6411
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until, if the builder submitting the lowest and best bid is a 6418
foreign corporation, the secretary of state has certified that the 6419
corporation is authorized to do business in this state, until, if 6420
the builder submitting the lowest and best bid is a person 6421
nonresident of this state, the person has filed with the secretary 6422
of state a power of attorney designating the secretary of state as 6423
its agent for the purpose of accepting service of summons in any 6424
action brought under Chapter 4123. of the Revised Code, and until 6425
the agreement is submitted to the attorney general and the 6426
attorney general's approval is certified thereon. Within thirty 6427
days after the day on which the bids are received, the department 6428
shall investigate the bids received and shall determine that the 6429
bureau and the secretary of state have made the certifications 6430
required by this section of the builder who has submitted the 6431
lowest and best bid. Within ten days of the completion of the 6432
investigation of the bids, the department shall award the lease 6433
agreement to the builder who has submitted the lowest and best bid 6434
and who has been certified by the bureau and secretary of state as 6435
required by this section. If bidding for the lease agreement has 6436
been conducted upon the basis of basic plans, specifications, 6437
bills of materials, and estimates of costs, upon the award to the 6438
builder the department, or the builder with the approval of the 6439
department, shall appoint an architect or engineer licensed in 6440
this state to prepare such further detailed plans, specifications, 6441
and bills of materials as are required to construct the building, 6442
structure, or improvement. The department shall adopt such rules 6443
as are necessary to give effect to this section. The department 6444
may reject any bid. Where there is reason to believe there is 6445
collusion or combination among bidders, the bids of those 6446
concerned therein shall be rejected. 6447

(15) To acquire by purchase, gift, devise, or grant and to 6448
transfer, lease, or otherwise dispose of all real property 6449
required to assist in the development of a conversion facility as 6450

defined in section 5709.30 of the Revised Code as that section 6451
existed before its repeal by Amended Substitute House Bill 95 of 6452
the 125th general assembly; 6453

(16) To lease for a period not to exceed forty years, 6454
notwithstanding any other division of this section, the 6455
state-owned property located at 408-450 East Town Street, 6456
Columbus, Ohio, formerly the state school for the deaf, to a 6457
developer in accordance with this section. "Developer," as used in 6458
this section, has the same meaning as in section 123.77 of the 6459
Revised Code. 6460

Such a lease shall be for the purpose of development of the 6461
land for use by senior citizens by constructing, altering, 6462
renovating, repairing, expanding, and improving the site as it 6463
existed on June 25, 1982. A developer desiring to lease the land 6464
shall prepare for submission to the department a plan for 6465
development. Plans shall include provisions for roads, sewers, 6466
water lines, waste disposal, water supply, and similar matters to 6467
meet the requirements of state and local laws. The plans shall 6468
also include provision for protection of the property by insurance 6469
or otherwise, and plans for financing the development, and shall 6470
set forth details of the developer's financial responsibility. 6471

The department may employ, as employees or consultants, 6472
persons needed to assist in reviewing the development plans. Those 6473
persons may include attorneys, financial experts, engineers, and 6474
other necessary experts. The department shall review the 6475
development plans and may enter into a lease if it finds all of 6476
the following: 6477

(a) The best interests of the state will be promoted by 6478
entering into a lease with the developer; 6479

(b) The development plans are satisfactory; 6480

(c) The developer has established the developer's financial 6481

responsibility and satisfactory plans for financing the 6482
development. 6483

The lease shall contain a provision that construction or 6484
renovation of the buildings, roads, structures, and other 6485
necessary facilities shall begin within one year after the date of 6486
the lease and shall proceed according to a schedule agreed to 6487
between the department and the developer or the lease will be 6488
terminated. The lease shall contain such conditions and 6489
stipulations as the director considers necessary to preserve the 6490
best interest of the state. Moneys received by the state pursuant 6491
to this lease shall be paid into the general revenue fund. The 6492
lease shall provide that at the end of the lease period the 6493
buildings, structures, and related improvements shall become the 6494
property of the state without cost. 6495

(17) To lease to any person any tract of land owned by the 6496
state and under the control of the department, or any part of such 6497
a tract, for the purpose of drilling for or the pooling of oil or 6498
gas. Such a lease shall be granted for a period not exceeding 6499
forty years, with the full power to contract for, determine the 6500
conditions governing, and specify the amount the state shall 6501
receive for the purposes specified in the lease, and shall be 6502
prepared as in other cases. 6503

(18) To manage the use of space owned and controlled by the 6504
department, including space in property under the jurisdiction of 6505
the Ohio building authority, by doing all of the following: 6506

(a) Biennially implementing, by state agency location, a 6507
census of agency employees assigned space; 6508

(b) Periodically in the discretion of the director of 6509
administrative services: 6510

(i) Requiring each state agency to categorize the use of 6511
space allotted to the agency between office space, common areas, 6512

storage space, and other uses, and to report its findings to the 6513
department; 6514

(ii) Creating and updating a master space utilization plan 6515
for all space allotted to state agencies. The plan shall 6516
incorporate space utilization metrics. 6517

(iii) Conducting a cost-benefit analysis to determine the 6518
effectiveness of state-owned buildings; 6519

(iv) Assessing the alternatives associated with consolidating 6520
the commercial leases for buildings located in Columbus. 6521

(c) Commissioning a comprehensive space utilization and 6522
capacity study in order to determine the feasibility of 6523
consolidating existing commercially leased space used by state 6524
agencies into a new state-owned facility. 6525

(B) This section and section 125.02 of the Revised Code shall 6526
not interfere with any of the following: 6527

(1) The power of the adjutant general to purchase military 6528
supplies, or with the custody of the adjutant general of property 6529
leased, purchased, or constructed by the state and used for 6530
military purposes, or with the functions of the adjutant general 6531
as director of state armories; 6532

(2) The power of the director of transportation in acquiring 6533
rights-of-way for the state highway system, or the leasing of 6534
lands for division or resident district offices, or the leasing of 6535
lands or buildings required in the maintenance operations of the 6536
department of transportation, or the purchase of real property for 6537
garage sites or division or resident district offices, or in 6538
preparing plans and specifications for and constructing such 6539
buildings as the director may require in the administration of the 6540
department; 6541

(3) The power of the director of public safety and the 6542

registrar of motor vehicles to purchase or lease real property and 6543
buildings to be used solely as locations to which a deputy 6544
registrar is assigned pursuant to division (B) of section 4507.011 6545
of the Revised Code and from which the deputy registrar is to 6546
conduct the deputy registrar's business, the power of the director 6547
of public safety to purchase or lease real property and buildings 6548
to be used as locations for division or district offices as 6549
required in the maintenance of operations of the department of 6550
public safety, and the power of the superintendent of the state 6551
highway patrol in the purchase or leasing of real property and 6552
buildings needed by the patrol, to negotiate the sale of real 6553
property owned by the patrol, to rent or lease real property owned 6554
or leased by the patrol, and to make or cause to be made repairs 6555
to all property owned or under the control of the patrol; 6556

(4) The power of the division of liquor control in the 6557
leasing or purchasing of retail outlets and warehouse facilities 6558
for the use of the division; 6559

(5) The power of the director of development to enter into 6560
leases of real property, buildings, and office space to be used 6561
solely as locations for the state's foreign offices to carry out 6562
the purposes of section 122.05 of the Revised Code; 6563

(6) The power of the director of environmental protection to 6564
enter into environmental covenants, to grant and accept easements, 6565
or to sell property pursuant to division (G) of section 3745.01 of 6566
the Revised Code. 6567

(C) Purchases for, and the custody and repair of, buildings 6568
under the management and control of the capitol square review and 6569
advisory board, the rehabilitation services commission, the bureau 6570
of workers' compensation, or the departments of public safety, job 6571
and family services, mental health, mental retardation and 6572
developmental disabilities, and rehabilitation and correction, and 6573
buildings of educational and benevolent institutions under the 6574

management and control of boards of trustees, are not subject to 6575
the control and jurisdiction of the department of administrative 6576
services. 6577

(D) Any instrument by which real property is acquired 6578
pursuant to this section shall identify the agency of the state 6579
that has the use and benefit of the real property as specified in 6580
section 5301.012 of the Revised Code. 6581

Sec. 123.152. (A) As used in this section, "EDGE business 6582
enterprise" means a sole proprietorship, association, partnership, 6583
corporation, limited liability corporation, or joint venture 6584
certified as a participant in the encouraging diversity, growth, 6585
and equity program by the director of administrative services 6586
under this section of the Revised Code. 6587

(B) The director of administrative services shall establish a 6588
business assistance program known as the encouraging diversity, 6589
growth, and equity program and shall adopt rules in accordance 6590
with Chapter 119. of the Revised Code to administer the program 6591
that do all of the following: 6592

(1) Establish procedures by which a sole proprietorship, 6593
association, partnership, corporation, limited liability 6594
corporation, or joint venture may apply for certification as an 6595
EDGE business enterprise; 6596

(2) Except as provided in division (B)(14) of this section, 6597
establish agency procurement goals, including procurement goals 6598
for the Ohio housing finance agency, the third frontier 6599
commission, and the clean Ohio council, for contracting with EDGE 6600
business enterprises in the award of contracts under Chapters 6601
123., 125., and 153. of the Revised Code based on the availability 6602
of eligible program participants by region or geographic area, as 6603
determined by the director, and by standard industrial code or 6604
equivalent code classification. 6605

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

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

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

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

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

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

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

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

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

- (4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification; 6636
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- (5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director; 6639
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- (6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services; 6643
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- (7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section; 6647
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- (8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals; 6650
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- (9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program; 6652
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- (10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes; 6655
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- (11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate the qualifications of an EDGE business enterprise; 6658
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- (12) Establish a waiver mechanism to waive program goals or participation requirements for those companies that, despite their best-documented efforts, are unable to contract with certified EDGE business enterprises; 6661
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- (13) Establish a process for monitoring overall program 6665

compliance in which equal employment opportunity officers 6666
primarily are responsible for monitoring their respective 6667
agencies; 6668

(14) Establish guidelines for state universities as defined 6669
in section 3345.011 of the Revised Code and the Ohio school 6670
facilities commission created in section 3318.30 of the Revised 6671
Code for awarding contracts pursuant to Chapters 153., 3318., and 6672
3345. of the Revised Code to allow the universities and commission 6673
to establish agency procurement goals for contracting with EDGE 6674
business enterprises. 6675

In complying with divisions (B)(2) and (14) of this section, 6676
a state agency or state university or the Ohio housing finance 6677
agency, the third frontier commission, the clean Ohio council, or 6678
the Ohio school facilities commission shall comply with section 6679
123.154 of the Revised Code. 6680

(C) Business and personal financial information and trade 6681
secrets submitted by encouraging diversity, growth, and equity 6682
program applicants to the director pursuant to this section are 6683
not public records for purposes of section 149.43 of the Revised 6684
Code, unless the director presents the financial information or 6685
trade secrets at a public hearing or public proceeding regarding 6686
the applicant's eligibility to participate in the program. 6687

Sec. 123.154. (A) Each state agency shall appoint an equal 6688
employment opportunity officer who shall be responsible for 6689
monitoring the agency's compliance with sections 123.151, 123.152, 6690
and 125.081 of the Revised Code and for reporting the level of the 6691
agency's compliance to the deputy director of the equal 6692
opportunity division of the department of administrative services. 6693
The equal employment opportunity officer for each state agency 6694
shall also do all of the following: 6695

(1) Analyze spending on goods, services, and construction 6696

projects for the officer's agency and determine any missed 6697
opportunities for the inclusion of certified minority business 6698
enterprise and EDGE business vendors; 6699

(2) Analyze the spending of the officer's agency with EDGE 6700
business enterprise vendors, as well as EDGE business enterprise 6701
vendor availability by regions of this state, and communicate the 6702
analysis to the department of administrative services so that the 6703
department may determine the appropriate EDGE business enterprise 6704
goal for each contract; 6705

(3) Report minority business enterprise or EDGE business 6706
enterprise enrollment for all contracts issued by the officer's 6707
agency to the deputy director of the equal opportunity division; 6708

(4) Implement a scorecard system that tracks compliance with 6709
minority business enterprise and EDGE business enterprise program 6710
requirements for the officer's agency; 6711

(5) Implement the outreach and training plan to ensure 6712
compliance by the officer's agency with minority business 6713
enterprise and EDGE business enterprise requirements; 6714

(6) Attend the semiannual training conducted by the deputy 6715
director of the equal opportunity division on minority business 6716
enterprise and EDGE business enterprise requirements; and 6717

(7) Participate in the annual compliance review conducted by 6718
the deputy director of the equal employment opportunity division 6719
and implement recommendations made by the deputy director as a 6720
result of the review process. 6721

The deputy director of the equal opportunity division shall 6722
develop the scorecard system and the outreach and training plan, 6723
shall conduct semiannual training on minority business enterprise 6724
and EDGE business enterprise requirements for equal employment 6725
opportunity officers, shall conduct an annual review of each state 6726
agency's compliance with minority business enterprise and EDGE 6727

business enterprise requirements, and shall make recommendations 6728
for improved compliance as a result of each review. 6729

(B) Each state agency shall ensure that all contracts the 6730
agency enters into for the purchase of goods and services contain 6731
provisions that do all of the following: 6732

(1) Prohibit contractors and subcontractors from engaging in 6733
discriminatory employment practices; 6734

(2) Certify that contractors and subcontractors are in 6735
compliance with all applicable federal and state laws and rules 6736
that govern fair labor and employment practices; and 6737

(3) Encourage contractors and subcontractors to purchase 6738
goods and services from certified minority business enterprise and 6739
EDGE business enterprise vendors. 6740

(C)(1) A state agency shall not issue an EDGE business 6741
enterprise waiver without doing all of the following: 6742

(a) Having all waivers reviewed by the agency's procurement 6743
officer, in collaboration with the agency's equal employment 6744
opportunity officer, who shall certify that each waiver the agency 6745
issues complies with criteria for granting the waiver; 6746

(b) Submitting quarterly reports to the equal opportunity 6747
division that lists each waiver the agency grants; 6748

(c) Permitting the equal opportunity division to complete its 6749
review of the agency's quarterly report and to conduct periodic 6750
audits of the agency's administration of the waiver process. 6751

The deputy director of the equal opportunity division shall 6752
review each quarterly report of EDGE business enterprise waivers 6753
and shall conduct periodic audits of each agency's administration 6754
of the waiver process. 6755

(2) If the deputy director of the equal opportunity division 6756
determines that a state agency has not properly administered the 6757

issuance of EDGE business enterprise waivers, subsequent waivers 6758
shall not be issued by that state agency without the authorization 6759
and approval of the deputy director. The deputy director may 6760
release a state agency from the approval process when the deputy 6761
director has determined that the agency has the ability to 6762
consistently administer the waiver process. 6763

(D) On the first day of October of each year, the deputy 6764
director of the equal opportunity division shall submit a written 6765
report to the governor, the speaker of the house of 6766
representatives, the president of the senate, and the minority 6767
leaders of the house of representatives and senate that describe 6768
the progress of state agencies in advancing the minority business 6769
enterprise and EDGE business enterprise programs, as well as any 6770
initiatives that have been implemented to increase the number of 6771
certified minority business enterprise and EDGE business 6772
enterprise vendors doing business with this state. 6773

Sec. 124.03. (A) The state personnel board of review shall 6774
exercise the following powers and perform the following duties: 6775

(1) Hear appeals, as provided by law, of employees in the 6776
classified state service from final decisions of appointing 6777
authorities or the director of administrative services relative to 6778
reduction in pay or position, job abolishments, layoff, 6779
suspension, discharge, assignment or reassignment to a new or 6780
different position classification, or refusal of the director, or 6781
anybody authorized to perform the director's functions, to 6782
reassign an employee to another classification or to reclassify 6783
the employee's position with or without a job audit under division 6784
(D) of section 124.14 of the Revised Code. As used in this 6785
division, "discharge" includes disability separations. 6786

The state personnel board of review may affirm, disaffirm, or 6787
modify the decisions of the appointing authorities or the 6788

director, as the case may be, and its decision is final. The 6789
~~board's~~ decisions of the state personnel board of review shall be 6790
consistent with the applicable classification specifications. 6791

The state personnel board of review shall not be deprived of 6792
jurisdiction to hear any appeal due to the failure of an 6793
appointing authority to file its decision with the board. Any 6794
final decision of an appointing authority or of the director not 6795
filed in the manner provided in this chapter shall be disaffirmed. 6796

The state personnel board of review may place an exempt 6797
employee, as defined in section 124.152 of the Revised Code, into 6798
a bargaining unit classification, if the state personnel board of 6799
review determines that the bargaining unit classification is the 6800
proper classification for that employee. Notwithstanding Chapter 6801
4117. of the Revised Code or instruments and contracts negotiated 6802
under it, such placements are at the ~~board's~~ discretion of the 6803
state personnel board of review. 6804

The mere failure of an employee's appointing authority to 6805
file a statement with the department of administrative services 6806
indicating that the employee is in the unclassified civil service, 6807
or the mere late filing of such a statement, does not prevent the 6808
state personnel board of review from determining that the employee 6809
is in the unclassified civil service. In determining whether an 6810
employee is in the unclassified civil service, the state personnel 6811
board of review shall consider the inherent nature of the duties 6812
of the employee's classification during the two-year period 6813
immediately preceding the appointing authority's appealable action 6814
relating to the employee. 6815

In any hearing before the state personnel board of review, 6816
including any hearing at which a record is taken that may be the 6817
basis of an appeal to a court, an employee may be represented by a 6818
person permitted to practice before the state personnel board of 6819
review who is not an attorney at law as long as the person does 6820

not receive any compensation from the employee for the 6821
representation. 6822

(2) Hear appeals, as provided by law, of appointing 6823
authorities from final decisions of the director relative to the 6824
classification or reclassification of any position in the 6825
classified state service under the jurisdiction of that appointing 6826
authority. The state personnel board of review may affirm, 6827
disaffirm, or modify the decisions of the director, and its 6828
decision is final. The ~~board's~~ decisions of the state personnel 6829
board of review shall be consistent with the applicable 6830
classification specifications. 6831

(3) Exercise the authority provided by section 124.40 of the 6832
Revised Code, for appointment, removal, and supervision of 6833
municipal and civil service township civil service commissions; 6834

(4) ~~Appoint a secretary, referees, examiners, and whatever~~ 6835
~~other~~ Utilize employees ~~are necessary~~ provided by the state 6836
employment relations board in the exercise of ~~its~~ the powers and 6837
performance of ~~its~~ the duties and functions. ~~The~~ of the state 6838
personnel board ~~shall determine appropriate education and~~ 6839
~~experience requirements for its secretary, referees, examiners,~~ 6840
~~and other employees and shall prescribe their duties. A referee or~~ 6841
~~examiner does not need to have been admitted to the practice of~~ 6842
law. of review under this chapter; 6843

(5) Maintain a journal that shall be open to public 6844
inspection, in which it shall keep a record of all of its 6845
proceedings and of the vote of each of its members upon every 6846
action taken by it; 6847

(6) Adopt rules in accordance with Chapter 119. of the 6848
Revised Code relating to the procedure of the state personnel 6849
board of review in administering the laws it has the authority or 6850
duty to administer and for the purpose of invoking the 6851

jurisdiction of the state personnel board of review in hearing 6852
appeals of appointing authorities and employees in matters set 6853
forth in divisions (A)(1) and (2) of this section; 6854

(7) Subpoena and require the attendance and testimony of 6855
witnesses and the production of books, papers, public records, and 6856
other documentary evidence pertinent to any matter it has 6857
authority to investigate, inquire into, or hear in the same manner 6858
and to the same extent as provided by division (G) of section 6859
124.09 of the Revised Code. All witness fees shall be paid in the 6860
manner set forth in that division. 6861

(B) The state personnel board of review shall exist as a 6862
separate entity within the administrative structure of the state 6863
employment relations board. 6864

(C) The state personnel board of review shall be funded by 6865
general revenue fund appropriations. All moneys received by the 6866
state personnel board of review for copies of documents, rule 6867
books, and transcriptions shall be paid into the state treasury to 6868
the credit of the ~~transcript and other documents training,~~ 6869
~~publications, and grants fund, which is hereby created to defray~~ 6870
~~the cost of producing an administrative record in section 4117.24~~ 6871
of the Revised Code. 6872

Sec. 124.04. In addition to those powers enumerated in 6873
Chapters 123. and 125. of the Revised Code and as provided 6874
elsewhere by law, the powers, duties, and functions of the 6875
department of administrative services not specifically vested in 6876
and assigned to, or to be performed by, the state personnel board 6877
of review are hereby vested in and assigned to, and shall be 6878
performed by, the director of administrative services. These 6879
powers, duties, and functions shall include, but shall not be 6880
limited to, the following powers, duties, and functions: 6881

(A) To prepare, conduct, and grade all competitive 6882

examinations for positions in the classified state service;	6883
(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified state service;	6884
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified state service;	6885
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the state service;	6886
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the state service to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	6887
(F) To develop and conduct personnel recruitment services for positions in the state service;	6888
(G) To conduct research on specifications, classifications, and salaries of positions in the state service;	6889
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with appointing authorities;	6890
(I) To include periodically in communications sent to state employees both of the following:	6891
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	6892
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(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code. 6913
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(J) To enter into agreements with universities and colleges for in-service training of officers and employees in the civil service and to assist appointing authorities in recruiting qualified applicants; 6916
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(K) To appoint examiners, inspectors, clerks, and other assistants necessary in the exercise of the powers and performance of the duties and functions which the director is by law authorized and required to exercise and perform, and to prescribe the duties of all of those employees; 6920
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(L) To maintain a journal, which shall be open to public inspection, in which the director shall keep a record of the director's final decision pertaining to the classification or reclassification of positions in the classified civil service of the state and assignment or reassignment of employees in the classified civil service of the state to specific position classifications; 6925
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(M) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any other state agency of this state as the director considers necessary; 6932
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(N) To delegate any of the powers, functions, or duties granted or assigned to the director under this chapter to any political subdivision with the concurrence of the legislative authority of the political subdivision. 6936
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(O) To administer a state equal employment opportunity program. 6940
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Sec. 124.07. (A) The director of administrative services 6942

shall appoint examiners, inspectors, clerks, and other assistants 6943
as necessary to carry out sections 124.01 to 124.64 of the Revised 6944
Code. The director may designate persons in or out of the service 6945
of the state to serve as examiners or assistants under the 6946
director's direction. An examiner or assistant shall receive the 6947
compensation for each day actually and necessarily spent in the 6948
discharge of duties as an examiner or assistant that the director 6949
determines; provided that, if the examiner or assistant is in the 6950
service of the state or any political subdivision of the state, it 6951
shall be a part of the examiner's or assistant's official duties 6952
to render those services in connection with an examination without 6953
extra compensation. 6954

(B) Each state agency shall pay the cost of the services and 6955
facilities furnished to it by the department of administrative 6956
services that are necessary to provide and maintain payroll 6957
services as prescribed in section 125.21 of the Revised Code and 6958
state merit standards as prescribed in sections 124.01 to 124.64 6959
of the Revised Code for the agency. If a state-supported college 6960
or university or a municipal corporation chooses to use the 6961
services and facilities furnished by the department that are 6962
necessary to provide and maintain the services and standards so 6963
prescribed, the state-supported college or university or municipal 6964
corporation shall pay the cost of the services and facilities that 6965
the department furnishes to it. The charges against a state 6966
agency, a state-supported college or university, or a municipal 6967
corporation shall be computed on a reasonable cost basis in 6968
accordance with procedures prescribed by the director of budget 6969
and management. Any moneys the department receives from a state 6970
agency, a state-supported college or university, or a municipal 6971
corporation under this division that are in excess of the amount 6972
necessary to pay the cost of furnishing the department's services 6973
and facilities during any fiscal year shall be either refunded to 6974
or credited for the ensuing fiscal year to the state agency, the 6975

state-supported college or university, or the municipal corporation. 6976
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(C) The director of administrative services may enter into an agreement with any county, municipal corporation, or other political subdivision to furnish services and facilities of the department in the administration of a merit program or other functions related to human resources that include, but are not limited to, providing competitive examinations for positions in the classified service. The agreement shall provide that the department shall be reimbursed for the reasonable costs of those services and facilities as determined by the director. 6978
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(D) All moneys received by the department as reimbursement for ~~payroll~~, a merit program, or other human resources services performed and facilities furnished under this section, such as competitive examinations administered, shall be paid into the state treasury to the credit of the human resources services fund, which is hereby created. 6987
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(E) In counties of the state in which are located cities having municipal civil service commissions, the director of administrative services may designate the municipal civil service commission of the largest city within the county as the director's agent for the purpose of carrying out the provisions of sections 124.01 to 124.64 of the Revised Code, within the county, that the director designates. Each municipal civil service commission designated as an agent of the director shall render to the director, at the end of each month, an itemized statement of the cost incurred by the commission for work done as the agent of the director, and the director, after approving that statement, shall pay the total amount of it to the treasurer of the municipal corporation in the same manner as other expenses of the department of administrative services. 6993
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(F) The director of administrative services and the 7007

examiners, inspectors, clerks, and assistants referred to in this 7008
section shall receive, in addition to their salaries, 7009
reimbursement for necessary traveling and other expenses incurred 7010
in the actual discharge of their official duties. The director may 7011
also incur the necessary expenses for stationery, printing, and 7012
other supplies incident to the business of the department. 7013

Sec. 124.11. The civil service of the state and the several 7014
counties, cities, civil service townships, city health districts, 7015
general health districts, and city school districts of the state 7016
shall be divided into the unclassified service and the classified 7017
service. 7018

(A) The unclassified service shall comprise the following 7019
positions, which shall not be included in the classified service, 7020
and which shall be exempt from all examinations required by this 7021
chapter: 7022

(1) All officers elected by popular vote or persons appointed 7023
to fill vacancies in those offices; 7024

(2) All election officers as defined in section 3501.01 of 7025
the Revised Code; 7026

(3)(a) The members of all boards and commissions, and heads 7027
of principal departments, boards, and commissions appointed by the 7028
governor or by and with the governor's consent; 7029

(b) The heads of all departments appointed by a board of 7030
county commissioners; 7031

(c) The members of all boards and commissions and all heads 7032
of departments appointed by the mayor, or, if there is no mayor, 7033
such other similar chief appointing authority of any city or city 7034
school district; 7035

Except as otherwise provided in division (A)(17) or (C) of 7036
this section, this chapter does not exempt the chiefs of police 7037

departments and chiefs of fire departments of cities or civil 7038
service townships from the competitive classified service. 7039

(4) The members of county or district licensing boards or 7040
commissions and boards of revision, and not more than five deputy 7041
county auditors; 7042

(5) All officers and employees elected or appointed by either 7043
or both branches of the general assembly, and employees of the 7044
city legislative authority engaged in legislative duties; 7045

(6) All commissioned, warrant, and noncommissioned officers 7046
and enlisted persons in the Ohio organized militia, including 7047
military appointees in the adjutant general's department; 7048

(7)(a) All presidents, business managers, administrative 7049
officers, superintendents, assistant superintendents, principals, 7050
deans, assistant deans, instructors, teachers, and such employees 7051
as are engaged in educational or research duties connected with 7052
the public school system, colleges, and universities, as 7053
determined by the governing body of the public school system, 7054
colleges, and universities; 7055

(b) The library staff of any library in the state supported 7056
wholly or in part at public expense. 7057

(8) Four clerical and administrative support employees for 7058
each of the elective state officers, four clerical and 7059
administrative support employees for each board of county 7060
commissioners and one such employee for each county commissioner, 7061
and four clerical and administrative support employees for other 7062
elective officers and each of the principal appointive executive 7063
officers, boards, or commissions, except for civil service 7064
commissions, that are authorized to appoint such clerical and 7065
administrative support employees; 7066

(9) The deputies and assistants of state agencies authorized 7067
to act for and on behalf of the agency, or holding a fiduciary or 7068

administrative relation to that agency and those persons employed 7069
by and directly responsible to elected county officials or a 7070
county administrator and holding a fiduciary or administrative 7071
relationship to such elected county officials or county 7072
administrator, and the employees of such county officials whose 7073
fitness would be impracticable to determine by competitive 7074
examination, provided that division (A)(9) of this section shall 7075
not affect those persons in county employment in the classified 7076
service as of September 19, 1961. Nothing in division (A)(9) of 7077
this section applies to any position in a county department of job 7078
and family services created pursuant to Chapter 329. of the 7079
Revised Code. 7080

(10) Bailiffs, constables, official stenographers, and 7081
commissioners of courts of record, deputies of clerks of the 7082
courts of common pleas who supervise or who handle public moneys 7083
or secured documents, and such officers and employees of courts of 7084
record and such deputies of clerks of the courts of common pleas 7085
as the director of administrative services finds it impracticable 7086
to determine their fitness by competitive examination; 7087

(11) Assistants to the attorney general, special counsel 7088
appointed or employed by the attorney general, assistants to 7089
county prosecuting attorneys, and assistants to city directors of 7090
law; 7091

(12) Such teachers and employees in the agricultural 7092
experiment stations; such students in normal schools, colleges, 7093
and universities of the state who are employed by the state or a 7094
political subdivision of the state in student or intern 7095
classifications; and such unskilled labor positions as the 7096
director of administrative services or any municipal civil service 7097
commission may find it impracticable to include in the competitive 7098
classified service; provided such exemptions shall be by order of 7099
the commission or the director, duly entered on the record of the 7100

commission or the director with the reasons for each such exemption; 7101
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(13) Any physician or dentist who is a full-time employee of the department of mental health, the department of mental retardation and developmental disabilities, or an institution under the jurisdiction of either department; and physicians who are in residency programs at the institutions; 7103
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(14) Up to twenty positions at each institution under the jurisdiction of the department of mental health or the department of mental retardation and developmental disabilities that the department director determines to be primarily administrative or managerial; and up to fifteen positions in any division of either department, excluding administrative assistants to the director and division chiefs, which are within the immediate staff of a division chief and which the director determines to be primarily and distinctively administrative and managerial; 7108
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(15) Noncitizens of the United States employed by the state, or its counties or cities, as physicians or nurses who are duly licensed to practice their respective professions under the laws of this state, or medical assistants, in mental or chronic disease hospitals, or institutions; 7117
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(16) Employees of the governor's office; 7122

(17) Fire chiefs and chiefs of police in civil service townships appointed by boards of township trustees under section 505.38 or 505.49 of the Revised Code; 7123
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(18) Executive directors, deputy directors, and program directors employed by boards of alcohol, drug addiction, and mental health services under Chapter 340. of the Revised Code, and secretaries of the executive directors, deputy directors, and program directors; 7126
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(19) Superintendents, and management employees as defined in 7131

section 5126.20 of the Revised Code, of county boards of mental 7132
retardation and developmental disabilities; 7133

(20) Physicians, nurses, and other employees of a county 7134
hospital who are appointed pursuant to sections 339.03 and 339.06 7135
of the Revised Code; 7136

(21) The executive director of the state medical board, who 7137
is appointed pursuant to division (B) of section 4731.05 of the 7138
Revised Code; 7139

(22) County directors of job and family services as provided 7140
in section 329.02 of the Revised Code and administrators appointed 7141
under section 329.021 of the Revised Code; 7142

(23) A director of economic development who is hired pursuant 7143
to division (A) of section 307.07 of the Revised Code; 7144

(24) Chiefs of construction and compliance, of operations and 7145
maintenance, of worker protection, and of licensing and 7146
certification in the division of ~~industrial compliance~~ labor in 7147
the department of commerce; 7148

(25) The executive director of a county transit system 7149
appointed under division (A) of section 306.04 of the Revised 7150
Code; 7151

(26) Up to five positions at each of the administrative 7152
departments listed in section 121.02 of the Revised Code and at 7153
the department of taxation, department of the adjutant general, 7154
department of education, Ohio board of regents, bureau of workers' 7155
compensation, industrial commission, state lottery commission, and 7156
public utilities commission of Ohio that the head of that 7157
administrative department or of that other state agency determines 7158
to be involved in policy development and implementation. The head 7159
of the administrative department or other state agency shall set 7160
the compensation for employees in these positions at a rate that 7161
is not less than the minimum compensation specified in pay range 7162

41 but not more than the maximum compensation specified in pay 7163
range 44 of salary schedule E-2 in section 124.152 of the Revised 7164
Code. The authority to establish positions in the unclassified 7165
service under division (A)(26) of this section is in addition to 7166
and does not limit any other authority that an administrative 7167
department or state agency has under the Revised Code to establish 7168
positions, appoint employees, or set compensation. 7169

(27) Employees of the department of agriculture employed 7170
under section 901.09 of the Revised Code; 7171

(28) For cities, counties, civil service townships, city 7172
health districts, general health districts, and city school 7173
districts, the deputies and assistants of elective or principal 7174
executive officers authorized to act for and in the place of their 7175
principals or holding a fiduciary relation to their principals; 7176

(29) Employees who receive intermittent or temporary 7177
appointments under division (B) of section 124.30 of the Revised 7178
Code; 7179

(30) Employees appointed to administrative staff positions 7180
for which an appointing authority is given specific statutory 7181
authority to set compensation; 7182

(31) Employees appointed to highway patrol cadet or highway 7183
patrol cadet candidate classifications; 7184

(32) Employees placed in the unclassified service by another 7185
section of the Revised Code. 7186

(B) The classified service shall comprise all persons in the 7187
employ of the state and the several counties, cities, city health 7188
districts, general health districts, and city school districts of 7189
the state, not specifically included in the unclassified service. 7190
Upon the creation by the board of trustees of a civil service 7191
township civil service commission, the classified service shall 7192
also comprise, except as otherwise provided in division (A)(17) or 7193

(C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

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

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the

requirements shall be placed on the eligible list for the kind of 7226
labor or employment sought, and preference shall be given in 7227
employment in accordance with the rating received from that 7228
evidence or in those tests. Upon the request of an appointing 7229
officer, stating the kind of labor needed, the pay and probable 7230
length of employment, and the number to be employed, the director 7231
or commission, as applicable, shall certify from the highest on 7232
the list double the number to be employed; from this number, the 7233
appointing officer shall appoint the number actually needed for 7234
the particular work. If more than one applicant receives the same 7235
rating, priority in time of application shall determine the order 7236
in which their names shall be certified for appointment. 7237

(C) A municipal or civil service township civil service 7238
commission may place volunteer firefighters who are paid on a 7239
fee-for-service basis in either the classified or the unclassified 7240
civil service. 7241

(D) This division does not apply to persons in the 7242
unclassified service who have the right to resume positions in the 7243
classified service under sections 4121.121, 5119.071, 5120.38, 7244
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 7245
Code. 7246

An appointing authority whose employees are paid directly by 7247
warrant of the director of budget and management may appoint a 7248
person who holds a ~~certified~~ permanent position in the classified 7249
service within the appointing authority's agency to a position in 7250
the unclassified service within that agency. A person appointed 7251
pursuant to this division to a position in the unclassified 7252
service shall retain the right to resume the position and status 7253
held by the person in the classified service immediately prior to 7254
the person's appointment to the position in the unclassified 7255
service, regardless of the number of positions the person held in 7256
the unclassified service. An employee's right to resume a position 7257

in the classified service may only be exercised when an appointing 7258
authority demotes the employee to a pay range lower than the 7259
employee's current pay range or revokes the employee's appointment 7260
to the unclassified service. An employee forfeits the right to 7261
resume a position in the classified service when the employee is 7262
removed from the position in the unclassified service due to 7263
incompetence, inefficiency, dishonesty, drunkenness, immoral 7264
conduct, insubordination, discourteous treatment of the public, 7265
neglect of duty, violation of this chapter or the rules of the 7266
director of administrative services, any other failure of good 7267
behavior, any other acts of misfeasance, malfeasance, or 7268
nonfeasance in office, or conviction of a felony. An employee also 7269
forfeits the right to resume a position in the classified service 7270
upon transfer to a different agency. 7271

Reinstatement to a position in the classified service shall 7272
be to a position substantially equal to that position in the 7273
classified service held previously, as certified by the director 7274
of administrative services. If the position the person previously 7275
held in the classified service has been placed in the unclassified 7276
service or is otherwise unavailable, the person shall be appointed 7277
to a position in the classified service within the appointing 7278
authority's agency that the director of administrative services 7279
certifies is comparable in compensation to the position the person 7280
previously held in the classified service. Service in the position 7281
in the unclassified service shall be counted as service in the 7282
position in the classified service held by the person immediately 7283
prior to the person's appointment to the position in the 7284
unclassified service. When a person is reinstated to a position in 7285
the classified service as provided in this division, the person is 7286
entitled to all rights, status, and benefits accruing to the 7287
position in the classified service during the person's time of 7288
service in the position in the unclassified service. 7289

Sec. 124.134. (A) Each full-time permanent state employee 7290
paid in accordance with section 124.152 of the Revised Code and 7291
those employees listed in divisions (B)(2) and (4) of section 7292
124.14 of the Revised Code, ~~after service of one year, shall have~~ 7293
~~earned and will be due upon the attainment of the first year of~~ 7294
~~employment, and annually thereafter, eighty hours of vacation~~ 7295
~~leave with full pay. One year of service shall be computed on the~~ 7296
~~basis of twenty six biweekly pay periods. A full time permanent~~ 7297
~~state employee with five or more years of service shall have~~ 7298
~~earned and is entitled to one hundred twenty hours of vacation~~ 7299
~~leave with full pay. A full time permanent state employee with ten~~ 7300
~~or more years of service shall have earned and is entitled to one~~ 7301
~~hundred sixty hours of vacation leave with full pay. A full time~~ 7302
~~permanent state employee with fifteen or more years of service~~ 7303
~~shall have earned and is entitled to one hundred eighty hours of~~ 7304
~~vacation leave with full pay. A full time permanent state employee~~ 7305
~~with twenty or more years of service shall have earned and is~~ 7306
~~entitled to two hundred hours of vacation leave with full pay. A~~ 7307
~~full time permanent state employee with twenty five or more years~~ 7308
~~of service shall have earned and is entitled to two hundred forty~~ 7309
~~hours of vacation leave with full pay. Such vacation leave shall~~ 7310
~~accrue to the employee at the rate of three and one tenth hours~~ 7311
~~each biweekly period for those entitled to eighty hours per year;~~ 7312
~~four and six tenths hours each biweekly period for those entitled~~ 7313
~~to one hundred twenty hours per year; six and two tenths hours~~ 7314
~~each biweekly period for those entitled to one hundred sixty hours~~ 7315
~~per year; six and nine tenths hours each biweekly period for those~~ 7316
~~entitled to one hundred eighty hours per year; seven and~~ 7317
~~seven tenths hours each biweekly period for those entitled to two~~ 7318
~~hundred hours per year; and nine and two tenths hours each~~ 7319
~~biweekly period for those entitled to two hundred forty hours per~~ 7320
~~year shall be credited with vacation leave with full pay according~~ 7321

to length of service and accruing at a corresponding rate per 7322
biweekly pay period, as follows: 7323

<u>Length of Service</u>	<u>Accrual Rate Per Pay Period</u>	7324
<u>Less than 4 years</u>	<u>3.1 hours</u>	7325
<u>4 but less than 9 years</u>	<u>4.6 hours</u>	7326
<u>9 but less than 14 years</u>	<u>6.2 hours</u>	7327
<u>14 but less than 19 years</u>	<u>6.9 hours</u>	7328
<u>19 but less than 24 years</u>	<u>7.7 hours</u>	7329
<u>24 years or more</u>	<u>9.2 hours</u>	7330

Fifty-two weeks equal one year of service. 7331

The amount of an employee's service shall be determined in 7332
accordance with the standard specified in section 9.44 of the 7333
Revised Code. Credit for prior service, including an increased 7334
vacation accrual rate and longevity supplement, shall take effect 7335
during the first pay period that begins immediately following the 7336
date the director of administrative services approves granting 7337
credit for that prior service. No employee, other than an employee 7338
who submits proof of prior service within ninety days after the 7339
date of the employee's hiring, shall receive any amount of 7340
vacation leave for the period prior to the date of the director's 7341
approval of the grant of credit for prior service. 7342

Part-time permanent employees who are paid in accordance with 7343
section 124.152 of the Revised Code and full-time permanent 7344
employees subject to this section who are in active pay status for 7345
less than eighty hours in a pay period shall earn vacation leave 7346
on a prorated basis. The ratio between the hours worked and the 7347
vacation hours earned by these classes of employees shall be the 7348
same as the ratio between the hours worked and the vacation hours 7349
earned by a full-time permanent employee with the same amount of 7350
service as provided for in this section. 7351

Vacation leave is not available for use until it appears on 7352
the employee's earning statement and the compensation described in 7353

the earning statement is available to the employee. An employee 7354
may begin using accrued vacation leave upon completion of the 7355
employee's initial probation period. 7356

(B) Employees granted leave under this section shall forfeit 7357
their right to take or to be paid for any vacation leave to their 7358
credit which is in excess of the accrual for three years. Any 7359
excess leave shall be eliminated from the employees' leave 7360
balance. If an employee's vacation leave credit is at, or will 7361
reach in the immediately following pay period, the maximum of the 7362
accrual for three years and the employee has been denied the use 7363
of vacation leave during the immediately preceding twelve months, 7364
the employee, at the employee's request, shall be paid in a pay 7365
period for the vacation leave the employee was denied, up to the 7366
maximum amount the employee would be entitled to be paid for in 7367
any pay period. An employee is not entitled to receive payment for 7368
vacation leave denied in any pay period in which the employee's 7369
vacation leave credit is not at, or will not reach in the 7370
immediately following pay period, the maximum of accrual for three 7371
years. Any vacation leave for which an employee receives payment 7372
shall be deducted from the employee's vacation leave balance. 7373
Payment shall not be made for any leave accrued in the same 7374
calendar year in which the payment is made. 7375

(C) Upon separation from state service, an employee granted 7376
leave under this section is entitled to compensation at the 7377
employee's current rate of pay for all unused vacation leave 7378
accrued under this section or section 124.13 of the Revised Code 7379
to the employee's credit. In case of transfer of an employee from 7380
one state agency to another, the employee shall retain the accrued 7381
and unused vacation leave. In case of the death of an employee, 7382
the unused vacation leave shall be paid in accordance with section 7383
2113.04 of the Revised Code, or to the employee's estate. An 7384
employee serving in a temporary work level who is eligible to 7385

receive compensation under this division shall be compensated at 7386
the base rate of pay of the employee's normal classification. 7387

Sec. 124.14. (A)(1) The director of administrative services 7388
shall establish, and may modify or rescind, by rule, a job 7389
classification plan for all positions, offices, and employments 7390
the salaries of which are paid in whole or in part by the state. 7391
The director shall group jobs within a classification so that the 7392
positions are similar enough in duties and responsibilities to be 7393
described by the same title, to have the same pay assigned with 7394
equity, and to have the same qualifications for selection applied. 7395
The director shall, by rule, assign a classification title to each 7396
classification within the classification plan. However, the 7397
director shall consider in establishing classifications, including 7398
classifications with parenthetical titles, and assigning pay 7399
ranges such factors as duties performed only on one shift, special 7400
skills in short supply in the labor market, recruitment problems, 7401
separation rates, comparative salary rates, the amount of training 7402
required, and other conditions affecting employment. The director 7403
shall describe the duties and responsibilities of the class, 7404
establish the qualifications for being employed in each position 7405
in the class, and file with the secretary of state a copy of 7406
specifications for all of the classifications. The director shall 7407
file new, additional, or revised specifications with the secretary 7408
of state before they are used. 7409

The director shall, by rule, assign each classification, 7410
either on a statewide basis or in particular counties or state 7411
institutions, to a pay range established under section 124.15 or 7412
section 124.152 of the Revised Code. The director may assign a 7413
classification to a pay range on a temporary basis for a period of 7414
six months. The director may establish, by rule adopted under 7415
Chapter 119. of the Revised Code, experimental classification 7416
plans for some or all employees paid directly by warrant of the 7417

director of budget and management. The rule shall include 7418
specifications for each classification within the plan and shall 7419
specifically address compensation ranges, and methods for 7420
advancing within the ranges, for the classifications, which may be 7421
assigned to pay ranges other than the pay ranges established under 7422
section 124.15 or 124.152 of the Revised Code. 7423

(2) The director of administrative services may reassign to a 7424
proper classification those positions that have been assigned to 7425
an improper classification. If the compensation of an employee in 7426
such a reassigned position exceeds the maximum rate of pay for the 7427
employee's new classification, the employee shall be placed in pay 7428
step X and shall not receive an increase in compensation until the 7429
maximum rate of pay for that classification exceeds the employee's 7430
compensation. 7431

(3) The director may reassign an exempt employee, as defined 7432
in section 124.152 of the Revised Code, to a bargaining unit 7433
classification if the director determines that the bargaining unit 7434
classification is the proper classification for that employee. 7435
Notwithstanding Chapter 4117. of the Revised Code or instruments 7436
and contracts negotiated under it, these placements are at the 7437
director's discretion. 7438

(4) The director shall, by rule, assign related 7439
classifications, which form a career progression, to a 7440
classification series. The director shall, by rule, assign each 7441
classification in the classification plan a five-digit number, the 7442
first four digits of which shall denote the classification series 7443
to which the classification is assigned. When a career progression 7444
encompasses more than ten classifications, the director shall, by 7445
rule, identify the additional classifications belonging to a 7446
classification series. The additional classifications shall be 7447
part of the classification series, notwithstanding the fact that 7448
the first four digits of the number assigned to the additional 7449

classifications do not correspond to the first four digits of the 7450
numbers assigned to other classifications in the classification 7451
series. 7452

(5) The director, ~~in accordance with rules adopted under~~ 7453
~~Chapter 119. of the Revised Code, shall establish, and may~~ 7454
establish, modify, or rescind, a classification plan for county 7455
agencies that elect not to use the services and facilities of a 7456
county personnel department. The director shall establish any such 7457
classification plan by means of rules adopted under Chapter 119. 7458
of the Revised Code. The rules shall include a methodology for the 7459
establishment of titles unique to county agencies, the use of 7460
state classification titles and classification specifications for 7461
common positions, the criteria for a county to meet in 7462
establishing its own classification plan, and the establishment of 7463
what constitutes a classification series for county agencies. The 7464
director may assess a county agency that chooses to use the 7465
classification plan a usage fee the director determines. All usage 7466
fees the department of administrative services receives shall be 7467
paid into the state treasury to the credit of the human resources 7468
fund created in section 124.07 of the Revised Code. 7469

(B) Division (A) of this section and sections 124.15 and 7470
124.152 of the Revised Code do not apply to the following persons, 7471
positions, offices, and employments: 7472

(1) Elected officials; 7473

(2) Legislative employees, employees of the legislative 7474
service commission, employees in the office of the governor, 7475
employees who are in the unclassified civil service and exempt 7476
from collective bargaining coverage in the office of the secretary 7477
of state, auditor of state, treasurer of state, and attorney 7478
general, and employees of the supreme court; 7479

(3) Employees of a county children services board that 7480

establishes compensation rates under section 5153.12 of the Revised Code;

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

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

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

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

(2) When the director proposes to reclassify any employee so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a

hearing shall file a written request for the hearing with the 7512
state personnel board of review within thirty days after receiving 7513
the notice. The board shall set the matter for a hearing and 7514
notify the employee and appointing authority of the time and place 7515
of the hearing. The employee, the appointing authority, or any 7516
authorized representative of the employee who wishes to submit 7517
facts for the consideration of the board shall be afforded 7518
reasonable opportunity to do so. After the hearing, the board 7519
shall consider anew the reclassification and may order the 7520
reclassification of the employee and require the director to 7521
assign the employee to such appropriate classification as the 7522
facts and evidence warrant. As provided in division (A)(1) of 7523
section 124.03 of the Revised Code, the board may determine the 7524
most appropriate classification for the position of any employee 7525
coming before the board, with or without a job audit. The board 7526
shall disallow any reclassification or reassignment classification 7527
of any employee when it finds that changes have been made in the 7528
duties and responsibilities of any particular employee for 7529
political, religious, or other unjust reasons. 7530

(E)(1) Employees of each county department of job and family 7531
services shall be paid a salary or wage established by the board 7532
of county commissioners. The provisions of section 124.18 of the 7533
Revised Code concerning the standard work week apply to employees 7534
of county departments of job and family services. A board of 7535
county commissioners may do either of the following: 7536

(a) Notwithstanding any other section of the Revised Code, 7537
supplement the sick leave, vacation leave, personal leave, and 7538
other benefits of any employee of the county department of job and 7539
family services of that county, if the employee is eligible for 7540
the supplement under a written policy providing for the 7541
supplement; 7542

(b) Notwithstanding any other section of the Revised Code, 7543

establish alternative schedules of sick leave, vacation leave, 7544
personal leave, or other benefits for employees not inconsistent 7545
with the provisions of a collective bargaining agreement covering 7546
the affected employees. 7547

(2) Division (E)(1) of this section does not apply to 7548
employees for whom the state employment relations board 7549
establishes appropriate bargaining units pursuant to section 7550
4117.06 of the Revised Code, except in either of the following 7551
situations: 7552

(a) The employees for whom the state employment relations 7553
board establishes appropriate bargaining units elect no 7554
representative in a board-conducted representation election. 7555

(b) After the state employment relations board establishes 7556
appropriate bargaining units for such employees, all employee 7557
organizations withdraw from a representation election. 7558

(F)(1) Notwithstanding any contrary provision of sections 7559
124.01 to 124.64 of the Revised Code, the board of trustees of 7560
each state university or college, as defined in section 3345.12 of 7561
the Revised Code, shall carry out all matters of governance 7562
involving the officers and employees of the university or college, 7563
including, but not limited to, the powers, duties, and functions 7564
of the department of administrative services and the director of 7565
administrative services specified in this chapter. Officers and 7566
employees of a state university or college shall have the right of 7567
appeal to the state personnel board of review as provided in this 7568
chapter. 7569

(2) Each board of trustees shall adopt rules under section 7570
111.15 of the Revised Code to carry out the matters of governance 7571
described in division (F)(1) of this section. Until the board of 7572
trustees adopts those rules, a state university or college shall 7573
continue to operate pursuant to the applicable rules adopted by 7574

the director of administrative services under this chapter. 7575

(G)(1) Each board of county commissioners may, by a 7576
resolution adopted by a majority of its members, establish a 7577
county personnel department to exercise the powers, duties, and 7578
functions specified in division (G) of this section. As used in 7579
division (G) of this section, "county personnel department" means 7580
a county personnel department established by a board of county 7581
commissioners under division (G)(1) of this section. 7582

(2)(a) Each board of county commissioners, by a resolution 7583
adopted by a majority of its members, may designate the county 7584
personnel department of the county to exercise the powers, duties, 7585
and functions ~~of the department of administrative services and the~~ 7586
~~director of administrative services~~ specified in sections 124.01 7587
to 124.64 and Chapter 325. of the Revised Code with regard to 7588
employees in the service of the county, except for the powers and 7589
duties of the state personnel board of review, which powers and 7590
duties shall not be construed as having been modified or 7591
diminished in any manner by division (G)(2) of this section, with 7592
respect to the employees for whom the board of county 7593
commissioners is the appointing authority or co-appointing 7594
authority. ~~The board of county commissioners shall deliver a~~ 7595
~~certified copy of the resolution to the director of administrative~~ 7596
~~services not later than ten working days after the resolution is~~ 7597
~~adopted, and the director shall inform the board in a writing sent~~ 7598
~~by certified mail of the date of receipt of the copy of the~~ 7599
~~resolution.~~ 7600

(b) ~~Upon the director's receipt of the copy of the~~ 7601
~~resolution, the powers, duties, and functions referred to in~~ 7602
~~division (G)(2)(a) of this section that may be exercised shall be~~ 7603
~~vested in and assigned to the county personnel department with~~ 7604
~~respect to the employees for whom the board of county~~ 7605
~~commissioners is the appointing authority or co-appointing~~ 7606

authority. 7607

~~(e)~~ Nothing in division (G)(2) of this section shall be 7608
construed to limit the right of any employee who possesses the 7609
right of appeal to the state personnel board of review to continue 7610
to possess that right of appeal. 7611

~~(d)~~(c) Any board of county commissioners that has established 7612
a county personnel department may contract with the department of 7613
administrative services, another political subdivision, or an 7614
appropriate public or private entity to provide competitive 7615
testing services or other appropriate services. 7616

(3) After the county personnel department of a county has 7617
~~assumed the powers, duties, and functions of the department of~~ 7618
~~administrative services and the director of administrative~~ 7619
~~services~~ been established as described in division (G)(2) of this 7620
section, any elected official, board, agency, or other appointing 7621
authority of that county, upon written notification to the 7622
~~director~~ county personnel department, may elect to use the 7623
services and facilities of the county personnel department. Upon 7624
~~the acceptance by the director of that written notification~~ 7625
receipt of the notification by the county personnel department, 7626
the county personnel department shall exercise the powers, duties, 7627
~~and functions of the department of administrative services and the~~ 7628
~~director~~ as described in division (G)(2) of this section with 7629
respect to the employees of that elected official, board, agency, 7630
or other appointing authority. ~~The director shall inform the~~ 7631
~~elected official, board, agency, or other appointing authority in~~ 7632
~~a writing sent by certified mail of the date of acceptance of that~~ 7633
~~written notification. Except for those employees under the~~ 7634
~~jurisdiction of the county personnel department, the director~~ 7635
~~shall continue to exercise these powers, duties, and functions~~ 7636
~~with respect to employees of the county.~~ 7637

(4) ~~When at least two years have passed since the creation of~~ 7638

~~a county personnel department, a Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department and return to the department of administrative services for the administration of sections 124.01 to 124.64 and Chapter 325. of the Revised Code. The board shall deliver a certified copy of the resolution to the director of administrative services not later than ten working days after the resolution is adopted, and the director shall inform the board in a writing sent by certified mail of the date of receipt of the copy of the resolution. Upon the director's receipt of the copy of the resolution, all powers, duties, and functions previously vested in and assigned to the county personnel department shall return to the director.~~

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

(6) The director of administrative services may, by rule 7672
adopted in accordance with Chapter 119. of the Revised Code, ~~shall~~ 7673
prescribe criteria and procedures for ~~granting to each county~~ 7674
~~personnel department the powers, duties, and functions of the~~ 7675
~~department of administrative services and the director as~~ 7676
~~described in division (G)(2) of this section with respect to the~~ 7677
~~employees of an elected official, board, agency, or other~~ 7678
~~appointing authority or co appointing authority. The rules shall~~ 7679
~~cover the following criteria and procedures:~~ 7680

~~(a) The notification to the department of administrative~~ 7681
~~services that an elected official, board, agency, or other~~ 7682
~~appointing authority of a county has elected to use the services~~ 7683
~~and facilities of the county personnel department; the following:~~ 7684

~~(b)(a)~~ A requirement that each county personnel department, 7685
in carrying out its duties, adhere to merit system principles with 7686
regard to employees of county departments of job and family 7687
services, child support enforcement agencies, and public child 7688
welfare agencies so that there is no threatened loss of federal 7689
funding for these agencies, and a requirement that the county be 7690
financially liable to the state for any loss of federal funds due 7691
to the action or inaction of the county personnel department. The 7692
costs associated with audits conducted to monitor compliance with 7693
division (G)(6)~~(b)(a)~~ of this section shall be ~~borne equally by~~ 7694
reimbursed to the department of administrative services ~~and the~~ 7695
county as determined by the director. All money the department 7696
receives for these audits shall be paid into the state treasury to 7697
the credit of the human resources fund created in section 124.07 7698
of the Revised Code. 7699

~~(c) The termination of services and facilities rendered by~~ 7700
~~the department of administrative services, to include rate~~ 7701
~~adjustments, time periods for termination, and other related~~ 7702
~~matters;~~ 7703

~~(d)(b)~~ Authorization for the director of administrative 7704
services to conduct periodic audits and reviews of county 7705
personnel departments to guarantee the uniform application of ~~this~~ 7706
~~granting of the director's powers, duties, and functions exercised~~ 7707
~~pursuant to division (G)(2)(a) of this section.~~ The costs of the 7708
audits and reviews shall be ~~borne equally by~~ reimbursed to the 7709
department of administrative services ~~and~~ as determined by the 7710
director by the county for which the services are performed. All 7711
money the department receives shall be paid into the state 7712
treasury to the credit of the human resources fund created in 7713
section 124.07 of the Revised Code. 7714

~~(e) The dissemination of audit findings under division 7715
(G)(6)(d) of this section, any appeals process relating to adverse 7716
findings by the department, and the methods whereby the county 7717
personnel program will revert to the authority of the director of 7718
administrative services due to misuse or nonuniform application of 7719
the authority granted to the county under division (G)(2) or (3) 7720
of this section.~~ 7721

(H) The director of administrative services shall establish 7722
the rate and method of compensation for all employees who are paid 7723
directly by warrant of the director of budget and management and 7724
who are serving in positions that the director of administrative 7725
services has determined impracticable to include in the state job 7726
classification plan. This division does not apply to elected 7727
officials, legislative employees, employees of the legislative 7728
service commission, employees who are in the unclassified civil 7729
service and exempt from collective bargaining coverage in the 7730
office of the secretary of state, auditor of state, treasurer of 7731
state, and attorney general, employees of the courts, employees of 7732
the bureau of workers' compensation whose compensation the 7733
administrator of workers' compensation establishes under division 7734
(B) of section 4121.121 of the Revised Code, or employees of an 7735

appointing authority authorized by law to fix the compensation of 7736
those employees. 7737

(I) The director shall set the rate of compensation for all 7738
intermittent, seasonal, temporary, emergency, and casual employees 7739
in the service of the state who are not considered public 7740
employees under section 4117.01 of the Revised Code. Those 7741
employees are not entitled to receive employee benefits. This rate 7742
of compensation shall be equitable in terms of the rate of 7743
employees serving in the same or similar classifications. This 7744
division does not apply to elected officials, legislative 7745
employees, employees of the legislative service commission, 7746
employees who are in the unclassified civil service and exempt 7747
from collective bargaining coverage in the office of the secretary 7748
of state, auditor of state, treasurer of state, and attorney 7749
general, employees of the courts, employees of the bureau of 7750
workers' compensation whose compensation the administrator 7751
establishes under division (B) of section 4121.121 of the Revised 7752
Code, or employees of an appointing authority authorized by law to 7753
fix the compensation of those employees. 7754

Sec. 124.15. (A) Board and commission members appointed prior 7755
to July 1, 1991, shall be paid a salary or wage in accordance with 7756
the following schedules of rates: 7757

Schedule B 7758

Pay Ranges and Step Values 7759

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	7761
Annually	11897.60	12292.80	12688.00	13124.80	7762
	Step 5	Step 6			7763
Hourly	6.52	6.75			7764
Annually	13561.60	14040.00			7765
	Step 1	Step 2	Step 3	Step 4	7766

24	Hourly	6.00	6.20	6.41	6.63	7767
	Annually	12480.00	12896.00	13332.80	13790.40	7768
		Step 5	Step 6			7769
	Hourly	6.87	7.10			7770
	Annually	14289.60	14768.00			7771
		Step 1	Step 2	Step 3	Step 4	7772
25	Hourly	6.31	6.52	6.75	6.99	7773
	Annually	13124.80	13561.60	14040.00	14539.20	7774
		Step 5	Step 6			7775
	Hourly	7.23	7.41			7776
	Annually	15038.40	15412.80			7777
		Step 1	Step 2	Step 3	Step 4	7778
26	Hourly	6.63	6.87	7.10	7.32	7779
	Annually	13790.40	14289.60	14768.00	15225.60	7780
		Step 5	Step 6			7781
	Hourly	7.53	7.77			7782
	Annually	15662.40	16161.60			7783
		Step 1	Step 2	Step 3	Step 4	7784
27	Hourly	6.99	7.23	7.41	7.64	7785
	Annually	14534.20	15038.40	15412.80	15891.20	7786
		Step 5	Step 6	Step 7		7787
	Hourly	7.88	8.15	8.46		7788
	Annually	16390.40	16952.00	17596.80		7789
		Step 1	Step 2	Step 3	Step 4	7790
28	Hourly	7.41	7.64	7.88	8.15	7791
	Annually	15412.80	15891.20	16390.40	16952.00	7792
		Step 5	Step 6	Step 7		7793
	Hourly	8.46	8.79	9.15		7794
	Annually	17596.80	18283.20	19032.00		7795
		Step 1	Step 2	Step 3	Step 4	7796
29	Hourly	7.88	8.15	8.46	8.79	7797
	Annually	16390.40	16952.00	17596.80	18283.20	7798
		Step 5	Step 6	Step 7		7799

	Hourly	9.15	9.58	10.01		7800
	Annually	19032.00	19926.40	20820.80		7801
		Step 1	Step 2	Step 3	Step 4	7802
30	Hourly	8.46	8.79	9.15	9.58	7803
	Annually	17596.80	18283.20	19032.00	19926.40	7804
		Step 5	Step 6	Step 7		7805
	Hourly	10.01	10.46	10.99		7806
	Annually	20820.80	21756.80	22859.20		7807
		Step 1	Step 2	Step 3	Step 4	7808
31	Hourly	9.15	9.58	10.01	10.46	7809
	Annually	19032.00	19962.40	20820.80	21756.80	7810
		Step 5	Step 6	Step 7		7811
	Hourly	10.99	11.52	12.09		7812
	Annually	22859.20	23961.60	25147.20		7813
		Step 1	Step 2	Step 3	Step 4	7814
32	Hourly	10.01	10.46	10.99	11.52	7815
	Annually	20820.80	21756.80	22859.20	23961.60	7816
		Step 5	Step 6	Step 7	Step 8	7817
	Hourly	12.09	12.68	13.29	13.94	7818
	Annually	25147.20	26374.40	27643.20	28995.20	7819
		Step 1	Step 2	Step 3	Step 4	7820
33	Hourly	10.99	11.52	12.09	12.68	7821
	Annually	22859.20	23961.60	25147.20	26374.40	7822
		Step 5	Step 6	Step 7	Step 8	7823
	Hourly	13.29	13.94	14.63	15.35	7824
	Annually	27643.20	28995.20	30430.40	31928.00	7825
		Step 1	Step 2	Step 3	Step 4	7826
34	Hourly	12.09	12.68	13.29	13.94	7827
	Annually	25147.20	26374.40	27643.20	28995.20	7828
		Step 5	Step 6	Step 7	Step 8	7829
	Hourly	14.63	15.35	16.11	16.91	7830
	Annually	30430.40	31928.00	33508.80	35172.80	7831
		Step 1	Step 2	Step 3	Step 4	7832

35	Hourly	13.29	13.94	14.63	15.35	7833
	Annually	27643.20	28995.20	30430.40	31928.00	7834
		Step 5	Step 6	Step 7	Step 8	7835
	Hourly	16.11	16.91	17.73	18.62	7836
	Annually	33508.80	35172.80	36878.40	38729.60	7837
		Step 1	Step 2	Step 3	Step 4	7838
36	Hourly	14.63	15.35	16.11	16.91	7839
	Annually	30430.40	31928.00	33508.80	35172.80	7840
		Step 5	Step 6	Step 7	Step 8	7841
	Hourly	17.73	18.62	19.54	20.51	7842
	Annually	36878.40	38729.60	40643.20	42660.80	7843

Schedule C 7844

Pay Range and Values 7845

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	7847
Annually	21715.20	32697.60	7848
42 Hourly	11.51	17.35	7849
Annually	23940.80	36088.00	7850
43 Hourly	12.68	19.12	7851
Annually	26374.40	39769.60	7852
44 Hourly	13.99	20.87	7853
Annually	29099.20	43409.60	7854
45 Hourly	15.44	22.80	7855
Annually	32115.20	47424.00	7856
46 Hourly	17.01	24.90	7857
Annually	35380.80	51792.00	7858
47 Hourly	18.75	27.18	7859
Annually	39000.00	56534.40	7860
48 Hourly	20.67	29.69	7861
Annually	42993.60	61755.20	7862
49 Hourly	22.80	32.06	7863
Annually	47424.00	66684.80	7864

(B) The pay schedule of all employees shall be on a biweekly 7865

basis, with amounts computed on an hourly basis. 7866

(C) Part-time employees shall be compensated on an hourly 7867
basis for time worked, at the rates shown in division (A) of this 7868
section or in section 124.152 of the Revised Code. 7869

(D) The salary and wage rates in division (A) of this section 7870
or in section 124.152 of the Revised Code represent base rates of 7871
compensation and may be augmented by the provisions of section 7872
124.181 of the Revised Code. In those cases where lodging, meals, 7873
laundry, or other personal services are furnished an employee in 7874
the service of the state, the actual costs or fair market value of 7875
the personal services shall be paid by the employee in such 7876
amounts and manner as determined by the director of administrative 7877
services and approved by the director of budget and management, 7878
and those personal services shall not be considered as a part of 7879
the employee's compensation. An appointing authority that appoints 7880
employees in the service of the state, with the approval of the 7881
director of administrative services and the director of budget and 7882
management, may establish payments to employees for uniforms, 7883
tools, equipment, and other requirements of the department and 7884
payments for the maintenance of them. 7885

The director of administrative services may review collective 7886
bargaining agreements entered into under Chapter 4117. of the 7887
Revised Code that cover employees in the service of the state and 7888
determine whether certain benefits or payments provided to the 7889
employees covered by those agreements should also be provided to 7890
employees in the service of the state who are exempt from 7891
collective bargaining coverage and are paid in accordance with 7892
section 124.152 of the Revised Code or are listed in division 7893
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 7894
the review, the director of administrative services, with the 7895
approval of the director of budget and management, may provide to 7896
some or all of these employees any payment or benefit, except for 7897

salary, contained in such a collective bargaining agreement even 7898
if it is similar to a payment or benefit already provided by law 7899
to some or all of these employees. Any payment or benefit so 7900
provided shall not exceed the highest level for that payment or 7901
benefit specified in such a collective bargaining agreement. The 7902
director of administrative services shall not provide, and the 7903
director of budget and management shall not approve, any payment 7904
or benefit to such an employee under this division unless the 7905
payment or benefit is provided pursuant to a collective bargaining 7906
agreement to a state employee who is in a position with similar 7907
duties as, is supervised by, or is employed by the same appointing 7908
authority as, the employee to whom the benefit or payment is to be 7909
provided. 7910

As used in this division, "payment or benefit already 7911
provided by law" includes, but is not limited to, bereavement, 7912
personal, vacation, administrative, and sick leave, disability 7913
benefits, holiday pay, and pay supplements provided under the 7914
Revised Code, but does not include wages or salary. 7915

(E) New employees paid in accordance with schedule B of 7916
division (A) of this section or schedule E-1 of section 124.152 of 7917
the Revised Code shall be employed at the minimum rate established 7918
for the range unless otherwise provided. Employees with 7919
qualifications that are beyond the minimum normally required for 7920
the position and that are determined by the director to be 7921
exceptional may be employed in, or may be transferred or promoted 7922
to, a position at an advanced step of the range. Further, in time 7923
of a serious labor market condition when it is relatively 7924
impossible to recruit employees at the minimum rate for a 7925
particular classification, the entrance rate may be set at an 7926
advanced step in the range by the director of administrative 7927
services. This rate may be limited to geographical regions of the 7928
state. Appointments made to an advanced step under the provision 7929

regarding exceptional qualifications shall not affect the step 7930
assignment of employees already serving. However, anytime the 7931
hiring rate of an entire classification is advanced to a higher 7932
step, all incumbents of that classification being paid at a step 7933
lower than that being used for hiring, shall be advanced beginning 7934
at the start of the first pay period thereafter to the new hiring 7935
rate, and any time accrued at the lower step will be used to 7936
calculate advancement to a succeeding step. If the hiring rate of 7937
a classification is increased for only a geographical region of 7938
the state, only incumbents who work in that geographical region 7939
shall be advanced to a higher step. When an employee in the 7940
unclassified service changes from one state position to another or 7941
is appointed to a position in the classified service, or if an 7942
employee in the classified service is appointed to a position in 7943
the unclassified service, the employee's salary or wage in the new 7944
position shall be determined in the same manner as if the employee 7945
were an employee in the classified service. When an employee in 7946
the unclassified service who is not eligible for step increases is 7947
appointed to a classification in the classified service under 7948
which step increases are provided, future step increases shall be 7949
based on the date on which the employee last received a pay 7950
increase. If the employee has not received an increase during the 7951
previous year, the date of the appointment to the classified 7952
service shall be used to determine the employee's annual step 7953
advancement eligibility date. In reassigning any employee to a 7954
classification resulting in a pay range increase or to a new pay 7955
range as a result of a promotion, an increase pay range 7956
adjustment, or other classification change resulting in a pay 7957
range increase, the director shall assign such employee to the 7958
step in the new pay range that will provide an increase of 7959
approximately four per cent if the new pay range can accommodate 7960
the increase. When an employee is being assigned to a 7961
classification or new pay range as the result of a class plan 7962

change, if the employee has completed a probationary period, the 7963
employee shall be placed in a step no lower than step two of the 7964
new pay range. If the employee has not completed a probationary 7965
period, the employee may be placed in step one of the new pay 7966
range. Such new salary or wage shall become effective on such date 7967
as the director determines. 7968

(F) If employment conditions and the urgency of the work 7969
require such action, the director of administrative services may, 7970
upon the application of a department head, authorize payment at 7971
any rate established within the range for the class of work, for 7972
work of a casual or intermittent nature or on a project basis. 7973
Payment at such rates shall not be made to the same individual for 7974
more than three calendar months in any one calendar year. Any such 7975
action shall be subject to the approval of the director of budget 7976
and management as to the availability of funds. This section and 7977
sections 124.14 and 124.152 of the Revised Code do not repeal any 7978
authority of any department or public official to contract with or 7979
fix the compensation of professional persons who may be employed 7980
temporarily for work of a casual nature or for work on a project 7981
basis. 7982

(G)(1) Except as provided in ~~division~~ divisions (G)(2) and 7983
(3) of this section, each state employee paid in accordance with 7984
schedule B of this section or schedule E-1 of section 124.152 of 7985
the Revised Code shall be eligible for advancement to succeeding 7986
steps in the range for the employee's class or grade according to 7987
the schedule established in this division. Beginning on the first 7988
day of the pay period within which the employee completes the 7989
prescribed probationary period in the employee's classification 7990
with the state, each employee shall receive an automatic salary 7991
adjustment equivalent to the next higher step within the pay range 7992
for the employee's class or grade. 7993

~~Each~~ Except as provided in divisions (G)(2) and (3) of this 7994

section, each employee paid in accordance with schedule E-1 of 7995
section 124.152 of the Revised Code shall be eligible to advance 7996
to the next higher step until the employee reaches the top step in 7997
the range for the employee's class or grade, if the employee has 7998
maintained satisfactory performance in accordance with criteria 7999
established by the employee's appointing authority. Those step 8000
advancements shall not occur more frequently than once in any 8001
twelve-month period. 8002

~~When an employee is promoted or reassigned to a higher pay~~ 8003
~~range, the employee's step indicator shall return to "0" or be~~ 8004
~~adjusted to account for a probationary period, as appropriate.~~ 8005
When an employee is promoted, the step entry date shall be set to 8006
account for a probationary period. When an employee is reassigned 8007
to a higher pay range, the step entry date shall be set to allow 8008
an employee who is not at the highest step of the range to receive 8009
a step advancement one year from the reassignment date. Step 8010
advancement shall not be affected by demotion. A promoted employee 8011
shall advance to the next higher step of the pay range on the 8012
first day of the pay period in which the required probationary 8013
period is completed. Step advancement shall become effective at 8014
the beginning of the pay period within which the employee attains 8015
the necessary length of service. Time spent on authorized leave of 8016
absence shall be counted for this purpose. 8017

If determined to be in the best interest of the state 8018
service, the director of administrative services may, either 8019
statewide or in selected agencies, adjust the dates on which 8020
annual step advancements are received by employees paid in 8021
accordance with schedule E-1 of section 124.152 of the Revised 8022
Code. 8023

~~(2)(a)(i) Except as provided in division (G)(2)(a)(ii) of~~ 8024
~~this section, there~~ There shall be a moratorium on annual step 8025
advancements under division (G)(1) of this section ~~from the pay~~ 8026

~~period beginning June 29, 2003~~ June 21, 2009, through ~~the pay~~ 8027
~~period ending June 25, 2005~~ June 20, 2011. Step advancements shall 8028
resume with the pay period beginning ~~June 26, 2005~~ June 21, 2011. 8029
Upon the resumption of step advancements, there shall be no 8030
retroactive step advancements for the period the moratorium was in 8031
effect. The moratorium shall not affect an employee's performance 8032
evaluation schedule. 8033

~~(ii) During the moratorium under division (G)(2)(a)(i) of~~ 8034
~~this section, an employee who is hired or promoted and serves a~~ 8035
~~probationary period in the employee's new position shall advance~~ 8036
~~to the next step in the employee's pay range upon successful~~ 8037
~~completion of the employee's probationary period. Thereafter, the~~ 8038
~~employee is subject to the moratorium. An employee who begins a~~ 8039
probationary period before June 21, 2009, shall advance to the 8040
next step in the employee's pay range at the end of probation, and 8041
then become subject to the moratorium. An employee who is hired, 8042
promoted, or reassigned to a higher pay range between June 21, 8043
2009, through June 20, 2011, shall not advance to the next step in 8044
the employee's pay range until the next anniversary of the 8045
employee's date of hire, promotion, or reassignment that occurs on 8046
or after June 21, 2011. 8047

(b) The moratorium under division (G)(2)(a)~~(i)~~ of this 8048
section shall apply to the employees of the secretary of state, 8049
the auditor of state, the treasurer of state, and the attorney 8050
general, who are subject to this section unless the secretary of 8051
state, the auditor of state, the treasurer of state, or the 8052
attorney general decides to exempt the office's employees from the 8053
moratorium and so notifies the director of administrative services 8054
in writing on or before ~~July 1, 2003~~ July 1, 2009. 8055

(3) Employees in intermittent positions shall be employed at 8056
the minimum rate established for the pay range for their 8057
classification and are not eligible for step advancements. 8058

(H) Employees in appointive managerial or professional 8059
positions paid in accordance with schedule C of this section or 8060
schedule E-2 of section 124.152 of the Revised Code may be 8061
appointed at any rate within the appropriate pay range. This rate 8062
of pay may be adjusted higher or lower within the respective pay 8063
range at any time the appointing authority so desires as long as 8064
the adjustment is based on the employee's ability to successfully 8065
administer those duties assigned to the employee. Salary 8066
adjustments shall not be made more frequently than once in any 8067
six-month period under this provision to incumbents holding the 8068
same position and classification. 8069

(I) When an employee is assigned to duty outside this state, 8070
the employee may be compensated, upon request of the department 8071
head and with the approval of the director of administrative 8072
services, at a rate not to exceed fifty per cent in excess of the 8073
employee's current base rate for the period of time spent on that 8074
duty. 8075

(J) Unless compensation for members of a board or commission 8076
is otherwise specifically provided by law, the director of 8077
administrative services shall establish the rate and method of 8078
payment for members of boards and commissions pursuant to the pay 8079
schedules listed in section 124.152 of the Revised Code. 8080

(K) Regular full-time employees in positions assigned to 8081
classes within the instruction and education administration series 8082
under the rules of the director of administrative services, except 8083
certificated employees on the instructional staff of the state 8084
school for the blind or the state school for the deaf, whose 8085
positions are scheduled to work on the basis of an academic year 8086
rather than a full calendar year, shall be paid according to the 8087
pay range assigned by such rules but only during those pay periods 8088
included in the academic year of the school where the employee is 8089
located. 8090

(1) Part-time or substitute teachers or those whose period of employment is other than the full academic year shall be compensated for the actual time worked at the rate established by this section.

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the superintendent of public instruction, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year

that begins on the ensuing first day of July, teacher salary 8122
schedules with the highest minimum salaries for a teacher with a 8123
bachelor's degree and no experience; 8124

(c) Divide the sum of such six highest minimum salaries by 8125
ten thousand five hundred sixty; 8126

(d) Multiply each per cent determined in division (L)(1)(a) 8127
of this section by the quotient obtained in division (L)(1)(c) of 8128
this section; 8129

(e) One hundred five per cent of each product thus obtained 8130
shall be the hourly rate for the corresponding level of training, 8131
experience, or other professional qualification in the schedule 8132
for the ensuing fiscal year. 8133

(2) Annually, assign each certificated employee on the 8134
instructional staff of the superintendent's respective school to 8135
an hourly rate on the schedule that is commensurate with the 8136
employee's training, experience, and other professional 8137
qualifications. 8138

If an employee is employed on the basis of an academic year, 8139
the employee's annual salary shall be calculated by multiplying 8140
the employee's assigned hourly rate times one thousand seven 8141
hundred sixty. If an employee is not employed on the basis of an 8142
academic year, the employee's annual salary shall be calculated in 8143
accordance with the following formula: 8144

(a) Multiply the number of days the employee is required to 8145
work pursuant to the employee's contract by eight; 8146

(b) Multiply the product of division (L)(2)(a) of this 8147
section by the employee's assigned hourly rate. 8148

Each employee shall be paid an annual salary in biweekly 8149
installments. The amount of each installment shall be calculated 8150
by dividing the employee's annual salary by the number of biweekly 8151

installments to be paid during the year. 8152

Sections 124.13 and 124.19 of the Revised Code do not apply 8153
to an employee who is paid under this division. 8154

As used in this division, "academic year" means the number of 8155
days in each school year that the schools are required to be open 8156
for instruction with pupils in attendance. Upon completing an 8157
academic year, an employee paid under this division shall be 8158
deemed to have completed one year of service. An employee paid 8159
under this division is eligible to receive a pay supplement under 8160
division (L)(1), (2), or (3) of section 124.181 of the Revised 8161
Code for which the employee qualifies, but is not eligible to 8162
receive a pay supplement under division (L)(4) or (5) of that 8163
section. An employee paid under this division is eligible to 8164
receive a pay supplement under division (L)(6) of section 124.181 8165
of the Revised Code for which the employee qualifies, except that 8166
the supplement is not limited to a maximum of five per cent of the 8167
employee's regular base salary in a calendar year. 8168

(M) Division (A) of this section does not apply to "exempt 8169
employees," as defined in section 124.152 of the Revised Code, who 8170
are paid under that section. 8171

Notwithstanding any other provisions of this chapter, when an 8172
employee transfers between bargaining units or transfers out of or 8173
into a bargaining unit, the director of administrative services 8174
shall establish the employee's compensation and adjust the maximum 8175
leave accrual schedule as the director deems equitable. 8176

Sec. 124.152. (A)(1) Except as provided in divisions (A)(2) 8177
and (3) of this section, each exempt employee shall be paid a 8178
salary or wage in accordance with schedule E-1 or schedule E-2 of 8179
division (B), ~~(C), or (D)~~ of this section, ~~as applicable.~~ 8180

(2) Each exempt employee who holds a position in the 8181

unclassified civil service pursuant to division (A)(26) or (30) of 8182
section 124.11 of the Revised Code may be paid a salary or wage in 8183
accordance with schedule E-1, schedule E-1 for step seven only, or 8184
schedule E-2 of division (B), or (C), ~~(D), (E), (F), or (G)~~ of 8185
this section, as applicable. 8186

(3)(a) Except as provided in division (A)(3)(b) of this 8187
section, each exempt employee who was paid a salary or wage at 8188
step 7 in the employee's pay range on June 28, 2003, in accordance 8189
with the applicable schedule E-1 of former section 124.152 of the 8190
Revised Code and who continued to be so paid on June 29, 2003, 8191
shall be paid a salary or wage in the corresponding pay range in 8192
schedule E-1 for step seven only of division ~~(E), (F), or (G)~~ (C) 8193
of this section, ~~as applicable~~, for as long as the employee 8194
remains in the position the employee held as of July 1, 2003. 8195

(b) Except as provided in division (A)(3)(c) of this section, 8196
if an exempt employee who is being paid a salary or wage in 8197
accordance with schedule E-1 for step seven only of division ~~(E),~~ 8198
~~(F), or (G)~~ (C) of this section, ~~as applicable~~, moves to another 8199
position, the employee shall not receive a salary or wage for that 8200
position or any other position in the future in accordance with 8201
that schedule. 8202

(c) If an exempt employee who is being paid a salary or wage 8203
in accordance with schedule E-1 for step seven only of division 8204
~~(E), (F), or (G)~~ (C) of this section, ~~as applicable~~, moves to 8205
another position assigned to pay range 12 or above, the appointing 8206
authority may assign the employee to be paid a salary or wage in 8207
the appropriate pay range for that position in accordance with the 8208
~~applicable~~ schedule E-1 for step seven only of division (C) of 8209
this section, provided that the appointing authority so notifies 8210
the director of administrative services in writing at the time the 8211
employee is appointed to that position. 8212

~~(B) Beginning on the first day of the pay period that~~ 8213

~~includes July 1, 2006, each exempt employee who must be paid in accordance with schedule E-1 or schedule E-2 of this section shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1~~

~~Pay Ranges and Step Values~~

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.40	9.82	10.24	10.68			8222
	Annually	19552	20426	21299	22214			8223
2	Hourly	11.40	11.88	12.40	12.94			8224
	Annually	23712	24710	25792	26915			8225
3	Hourly	11.94	12.48	13.03	13.60			8226
	Annually	24835	25958	27102	28288			8227
4	Hourly	12.54	13.10	13.72	14.34			8228
	Annually	26083	27248	28538	29827			8229
5	Hourly	13.15	13.75	14.34	14.97			8230
	Annually	27352	28600	29827	31138			8231
6	Hourly	13.86	14.43	15.07	15.69			8232
	Annually	28829	30014	31346	32635			8233
7	Hourly	14.72	15.27	15.88	16.44	17.08		8234
	Annually	30618	31762	33030	34195	35526		8235
8	Hourly	15.56	16.24	16.95	17.71	18.46		8236
	Annually	32365	33779	35256	36837	38397		8237
9	Hourly	16.60	17.46	18.32	19.23	20.21		8238
	Annually	34528	36317	38106	39998	42037		8239
10	Hourly	17.91	18.89	19.90	21.05	22.18		8240
	Annually	37253	39291	41392	43784	46134		8241
11	Hourly	19.50	20.64	21.84	23.06	24.38		8242
	Annually	40560	42931	45427	47965	50710		8243
12	Hourly	21.51	22.72	23.94	25.27	26.68	28.13	8244
	Annually	44741	47258	49795	52562	55494	58510	8245

~~includes July 1, 2007, each exempt employee who must be paid in~~ 8279
~~accordance with schedule E-1 or schedule E-2 of this section shall~~ 8280
~~be paid a salary or wage in accordance with the following schedule~~ 8281
~~of rates:~~ 8282

~~Schedule E-1~~ 8283

~~Pay Ranges and Step Values~~ 8284

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	9.73	10.16	10.60	11.05			8287
	Annually	20238	21133	22048	22984			8288
2	Hourly	11.80	12.30	12.83	13.39			8289
	Annually	24544	25584	26686	27851			8290
3	Hourly	12.36	12.92	13.49	14.08			8291
	Annually	25709	26874	28059	29286			8292
4	Hourly	12.98	13.56	14.20	14.84			8293
	Annually	26998	28205	29536	30867			8294
5	Hourly	13.61	14.23	14.84	15.49			8295
	Annually	28309	29598	30867	32219			8296
6	Hourly	14.35	14.94	15.60	16.24			8297
	Annually	29848	31075	32448	33779			8298
7	Hourly	15.24	15.80	16.44	17.02	17.68		8299
	Annually	31699	32864	34195	35402	36774		8300
8	Hourly	16.10	16.81	17.54	18.33	19.11		8301
	Annually	33488	34965	36483	38126	39749		8302
9	Hourly	17.18	18.07	18.96	19.90	20.92		8303
	Annually	35734	37586	39437	41392	43514		8304
10	Hourly	18.54	19.55	20.60	21.79	22.96		8305
	Annually	38563	40664	42848	45323	47757		8306
11	Hourly	20.18	21.36	22.60	23.87	25.23		8307
	Annually	41974	44429	47008	49650	52478		8308
12	Hourly	22.26	23.52	24.78	26.15	27.61	29.11	8309
	Annually	46301	48922	51542	54392	57429	60549	8310

includes July 1, 2008, each exempt employee who must be paid in 8344
accordance with schedule E-1 or schedule E-2 of this section shall 8345
be paid a salary or wage in accordance with the following schedule 8346
of rates: 8347

Schedule E-1 8348

Pay Ranges and Step Values 8349

		Step	Step	Step	Step	Step	Step	
	Range	1	2	3	4	5	6	
1	Hourly	10.07	10.52	10.97	11.44			8352
	Annually	20946	21882	22818	23795			8353
2	Hourly	12.21	12.73	13.28	13.86			8354
	Annually	25397	26478	27622	28829			8355
3	Hourly	12.79	13.37	13.96	14.57			8356
	Annually	26603	27810	29037	30306			8357
4	Hourly	13.43	14.03	14.70	15.36			8358
	Annually	27934	29182	30576	31949			8359
5	Hourly	14.09	14.73	15.36	16.03			8360
	Annually	29307	30638	31949	33342			8361
6	Hourly	14.85	15.46	16.15	16.81			8362
	Annually	30888	32157	33592	34965			8363
7	Hourly	15.77	16.35	17.02	17.62	18.30		8364
	Annually	32802	34008	35402	36650	38064		8365
8	Hourly	16.66	17.40	18.15	18.97	19.78		8366
	Annually	34653	36192	37752	39458	41142		8367
9	Hourly	17.78	18.70	19.62	20.60	21.65		8368
	Annually	36982	38896	40810	42848	45032		8369
10	Hourly	19.19	20.23	21.32	22.55	23.76		8370
	Annually	39915	42078	44346	46904	49421		8371
11	Hourly	20.89	22.11	23.39	24.71	26.11		8372
	Annually	43451	45989	48651	51397	54309		8373
12	Hourly	23.04	24.34	25.65	27.07	28.58	30.13	8374
	Annually	47923	50627	53352	56306	59446	62670	8375

~~includes July 1, 2006, each exempt employee who must be paid in accordance with schedule E-1 for step seven only shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1 for Step Seven Only~~

~~Pay Ranges and Step Seven Values~~

	Range		
12	Hourly	29.68	
	Annually	61734	
13	Hourly	32.66	
	Annually	67933	
14	Hourly	36.01	
	Annually	74901	
15	Hourly	39.61	
	Annually	82389	
16	Hourly	43.70	
	Annually	90896	
17	Hourly	48.13	
	Annually	100110	
18	Hourly	53.02	
	Annually	110282	

~~(F) Beginning on the first day of the pay period that includes July 1, 2007, each exempt employee who must be paid in accordance with schedule E-1 for step seven only shall be paid a salary or wage in accordance with the following schedule of rates:~~

~~Schedule E-1 for Step Seven Only~~

~~Pay Ranges and Step Values~~

	Range		
12	Hourly	30.72	
	Annually	63898	
13	Hourly	33.80	
	Annually	70304	
14	Hourly	37.27	

	Annually	77522	8441
15	Hourly	41.00	8442
	Annually	85280	8443
16	Hourly	45.23	8444
	Annually	94078	8445
17	Hourly	49.81	8446
	Annually	103605	8447
18	Hourly	54.88	8448
	Annually	114150	8449

~~(G)~~(C) Beginning on the first day of the pay period that 8450
includes July 1, 2008, each exempt employee who must be paid in 8451
accordance with salary schedule E-1 for step seven only shall be 8452
paid a salary or wage in accordance with the following schedule of 8453
rates: 8454

Schedule E-1 for Step Seven Only 8455

Pay Ranges and Step Values 8456

	Range		8457
12	Hourly	31.80	8458
	Annually	66144	8459
13	Hourly	34.98	8460
	Annually	72758	8461
14	Hourly	38.57	8462
	Annually	80226	8463
15	Hourly	42.44	8464
	Annually	88275	8465
16	Hourly	46.81	8466
	Annually	97365	8467
17	Hourly	51.55	8468
	Annually	107224	8469
18	Hourly	56.80	8470
	Annually	118144	8471

~~(H)~~(D) As used in this section, "exempt employee" means a 8472

permanent full-time or permanent part-time employee paid directly 8473
by warrant of the director of budget and management whose position 8474
is included in the job classification plan established under 8475
division (A) of section 124.14 of the Revised Code but who is not 8476
considered a public employee for the purposes of Chapter 4117. of 8477
the Revised Code. As used in this section, "exempt employee" also 8478
includes a permanent full-time or permanent part-time employee of 8479
the secretary of state, auditor of state, treasurer of state, or 8480
attorney general who has not been placed in an appropriate 8481
bargaining unit by the state employment relations board. 8482

Sec. 124.18. (A) Forty hours shall be the standard work week 8483
for all employees whose salary or wage is paid in whole or in part 8484
by the state or by any state-supported college or university. When 8485
any employee whose salary or wage is paid in whole or in part by 8486
the state or by any state-supported college or university is 8487
required by an authorized administrative authority to be in an 8488
active pay status more than forty hours in any calendar week, the 8489
employee shall be compensated for such time over forty hours, 8490
except as otherwise provided in this section, at one and one-half 8491
times the employee's regular rate of pay. The use of sick leave or 8492
any leave used in lieu of sick leave shall not be considered to be 8493
active pay status for the purposes of earning overtime or 8494
compensatory time by employees whose wages are paid directly by 8495
warrant of the director of budget and management. A flexible-hours 8496
employee is not entitled to compensation for overtime work unless 8497
the employee's authorized administrative authority required the 8498
employee to be in active pay status for more than forty hours in a 8499
calendar week, regardless of the number of hours the employee 8500
works on any day in the same calendar week. 8501

Such compensation for overtime work shall be paid no later 8502
than at the conclusion of the next succeeding pay period. 8503

If the employee elects to take compensatory time off in lieu of overtime pay for any overtime worked, such compensatory time shall be granted by the employee's administrative superior, on a time and one-half basis, at a time mutually convenient to the employee and the administrative superior. Compensatory time is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.

An employee may accrue compensatory time to a maximum of two hundred forty hours, except that public safety employees and other employees who meet the criteria established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, may accrue a maximum of four hundred eighty hours of compensatory time. An employee shall be paid at the employee's regular rate of pay for any hours of compensatory time accrued in excess of these maximum amounts if the employee has not used the compensatory time within ~~one~~ three hundred ~~eighty~~ sixty-five days after it is granted, if the employee transfers to another agency of the state, or if a change in the employee's status exempts the employee from the payment of overtime compensation. Upon the termination of employment, any employee with accrued but unused compensatory time shall be paid for that time at a rate that is the greater of the employee's final regular rate of pay or the employee's average regular rate of pay during the employee's last three years of employment with the state.

No overtime, as described in this section, can be paid unless it has been authorized by the authorized administrative authority. Employees may be exempted from the payment of compensation as required by this section only under the criteria for exemption from the payment of overtime compensation established in the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. With the approval of the director

of administrative services, the appointing authority may establish 8536
a policy to grant compensatory time or to pay compensation to 8537
state employees who are exempt from overtime compensation. With 8538
the approval of the board of county commissioners, a county human 8539
services department may establish a policy to grant compensatory 8540
time or to pay compensation to employees of the department who are 8541
exempt from overtime compensation. 8542

(B)(1) An employee, whose salary or wage is paid in whole or 8543
in part by the state, shall be paid for the holidays declared in 8544
section 124.19 of the Revised Code and shall not be required to 8545
work on those holidays, unless, in the opinion of the employee's 8546
responsible administrative authority, failure to work on those 8547
holidays would impair the public service. ~~An~~ 8548

(2) An employee paid directly by warrant of the director of 8549
budget and management who is scheduled to work on a holiday the 8550
first day of January, the commemoration of memorial day, the 8551
fourth day of July, the fourth Thursday in November, or the 8552
twenty-fifth day of December and who does not report to work the 8553
day before, the day of, or the day after the holiday due to an 8554
illness of the employee or of a member of the employee's immediate 8555
family shall not receive holiday pay as provided by this division, 8556
unless the employee can provide documentation of extenuating 8557
circumstances that prohibited the employee from so reporting to 8558
work. ~~An~~ If the employee works a shift between the employee's 8559
scheduled shift and the holiday, the employee shall be paid for 8560
the holiday. 8561

(3) An employee also shall not be paid for a holiday unless 8562
the employee was in active pay status on the scheduled work day 8563
immediately preceding the holiday, except that an employee need 8564
not be in active pay status on that work day in order to be paid 8565
for the holiday if the employee is participating in a mandatory or 8566
voluntary cost savings day under section 124.392 of the Revised 8567

Code. 8568

~~(2)~~(4) If any of the holidays declared in section 124.19 of 8569
the Revised Code falls on Saturday, the Friday immediately 8570
preceding shall be observed as the holiday. If any of the holidays 8571
declared in section 124.19 of the Revised Code falls on Sunday, 8572
the Monday immediately succeeding shall be observed as the 8573
holiday. Employees whose work schedules are based on the 8574
requirements of a seven-days-a-week work operation shall observe 8575
holidays on the actual days specified in section 124.19 of the 8576
Revised Code. 8577

~~(3)~~(5) If an employee's work schedule is other than Monday 8578
through Friday, the employee shall be entitled to eight hours of 8579
holiday pay for holidays observed on the employee's day off 8580
regardless of the day of the week on which they are observed. 8581

~~(4)~~(6) A full-time permanent employee is entitled to a 8582
minimum of eight hours of pay for each holiday regardless of the 8583
employee's work shift and work schedule. A flexible-hours 8584
employee, who is normally scheduled to work in excess of eight 8585
hours on a day on which a holiday falls, either shall be required 8586
to work an alternate schedule for that week or shall receive 8587
additional holiday pay for the hours the employee is normally 8588
scheduled to work. Such an alternate schedule may require a 8589
flexible-hours employee to work five shifts consisting of eight 8590
hours each during the week including the holiday, and, in that 8591
case, the employee shall receive eight hours of holiday pay for 8592
the day the holiday is observed. 8593

~~(5) Part-time (7) Except as provided under section 124.392 of 8594
the Revised Code, part-time permanent employees shall receive four 8595
hours of holiday pay on a pro-rated basis, based upon the daily 8596
average of actual hours worked, excluding overtime hours worked, 8597
in the previous calendar quarter. The figure shall be calculated 8598
for the preceding calendar quarter on the first day of January, 8599~~

~~April, July, and October of each year regardless of the employee's~~ 8600
~~work shift and work schedule.~~ 8601

~~(6)~~(8) When an employee who is eligible for overtime pay 8602
under this section is required by the employee's responsible 8603
administrative authority to work on the day observed as a holiday, 8604
the employee shall be entitled to pay for such time worked at one 8605
and one-half times the employee's regular rate of pay in addition 8606
to the employee's regular pay, or to be granted compensatory time 8607
off at time and one-half thereafter, at the employee's option. 8608
Payment at such rate shall be excluded in the calculation of hours 8609
in active pay status. 8610

(C) Each appointing authority may designate the number of 8611
employees in an agency who are flexible-hours employees. The 8612
appointing authority may establish for each flexible-hours 8613
employee a specified minimum number of hours to be worked each day 8614
that is consistent with the "Federal Fair Labor Standards Act of 8615
1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended. 8616

(D) This section shall be uniformly administered for 8617
employees as defined in section 124.01 of the Revised Code and by 8618
the personnel departments of state-supported colleges and 8619
universities for employees of state-supported colleges and 8620
universities. If employees are not paid directly by warrant of the 8621
director of budget and management, the political subdivision shall 8622
determine whether the use of sick leave shall be considered to be 8623
active pay status for purposes of those employees earning overtime 8624
or compensatory time. 8625

(E) Policies relating to the payment of overtime pay or the 8626
granting of compensatory time off shall be adopted by the chief 8627
administrative officer of the house of representatives for 8628
employees of the house of representatives, by the clerk of the 8629
senate for employees of the senate, and by the director of the 8630
legislative service commission for all other legislative 8631

employees. 8632

(F) As used in this section, "regular rate of pay" means the 8633
base rate of pay an employee receives plus any pay supplements 8634
received pursuant to section 124.181 of the Revised Code. 8635

Sec. 124.181. (A) Except as provided in ~~division~~ divisions 8636
(M) and (P) of this section, any employee paid in accordance with 8637
schedule B of section 124.15 or schedule E-1 or schedule E-1 for 8638
step seven only of section 124.152 of the Revised Code is eligible 8639
for the pay supplements provided in this section upon application 8640
by the appointing authority substantiating the employee's 8641
qualifications for the supplement and with the approval of the 8642
director of administrative services except as provided in division 8643
(E) of this section. 8644

(B)(1) Except as provided in section 124.183 of the Revised 8645
Code, in computing any of the pay supplements provided in this 8646
section for an employee paid in accordance with schedule B of 8647
section 124.15 of the Revised Code, the classification salary base 8648
shall be the minimum hourly rate of the pay range, provided in 8649
that section, in which the employee is assigned at the time of 8650
computation. 8651

(2) Except as provided in section 124.183 of the Revised 8652
Code, in computing any of the pay supplements provided in this 8653
section for an employee paid in accordance with schedule E-1 of 8654
section 124.152 of the Revised Code, the classification salary 8655
base shall be the minimum hourly rate of the pay range, provided 8656
in that section, in which the employee is assigned at the time of 8657
computation. 8658

(3) Except as provided in section 124.183 of the Revised 8659
Code, in computing any of the pay supplements provided in this 8660
section for an employee paid in accordance with schedule E-1 for 8661
step seven only of section 124.152 of the Revised Code, the 8662

classification salary base shall be the minimum hourly rate in the 8663
corresponding pay range, provided in schedule E-1 of that section, 8664
to which the employee is assigned at the time of the computation. 8665

(C) The effective date of any pay supplement, except as 8666
provided in section 124.183 of the Revised Code or unless 8667
otherwise provided in this section, shall be determined by the 8668
director. 8669

(D) The director shall, by rule, establish standards 8670
regarding the administration of this section. 8671

(E)(1) Except as otherwise provided in this division, 8672
beginning on the first day of the pay period within which the 8673
employee completes five years of total service with the state 8674
government or any of its political subdivisions, each employee in 8675
positions paid in accordance with schedule B of section 124.15 of 8676
the Revised Code or in accordance with schedule E-1 or schedule 8677
E-1 for step seven only of section 124.152 of the Revised Code 8678
shall receive an automatic salary adjustment equivalent to two and 8679
one-half per cent of the classification salary base, to the 8680
nearest whole cent. Each employee shall receive thereafter an 8681
annual adjustment equivalent to one-half of one per cent of the 8682
employee's classification salary base, to the nearest whole cent, 8683
for each additional year of qualified employment until a maximum 8684
of ten per cent of the employee's classification salary base is 8685
reached. The granting of longevity adjustments shall not be 8686
affected by promotion, demotion, or other changes in 8687
classification held by the employee, nor by any change in pay 8688
range for the employee's class or grade. Longevity pay adjustments 8689
shall become effective at the beginning of the pay period within 8690
which the employee completes the necessary length of service, 8691
except that when an employee requests credit for prior service, 8692
the effective date of the prior service credit and of any 8693
longevity adjustment shall be the first day of the pay period 8694

following approval of the credit by the director of administrative 8695
services. No employee, other than an employee who submits proof of 8696
prior service within ninety days after the date of the employee's 8697
hiring, shall receive any longevity adjustment for the period 8698
prior to the director's approval of a prior service credit. Time 8699
spent on authorized leave of absence shall be counted for this 8700
purpose. 8701

(2) An employee who has retired in accordance with the 8702
provisions of any retirement system offered by the state and who 8703
is employed by the state or any political subdivision of the state 8704
on or after June 24, 1987, shall not have prior service with the 8705
state or any political subdivision of the state counted for the 8706
purpose of determining the amount of the salary adjustment 8707
provided under this division. 8708

(3) There shall be a moratorium on employees' receipt under 8709
this division of credit for service with the state government or 8710
any of its political subdivisions during the period from July 1, 8711
2003, through June 30, 2005. In calculating the number of years of 8712
total service under this division, no credit shall be included for 8713
service during the moratorium. The moratorium shall apply to the 8714
employees of the secretary of state, the auditor of state, the 8715
treasurer of state, and the attorney general, who are subject to 8716
this section unless the secretary of state, the auditor of state, 8717
the treasurer of state, or the attorney general decides to exempt 8718
the office's employees from the moratorium and so notifies the 8719
director of administrative services in writing on or before July 8720
1, 2003. 8721

If an employee is exempt from the moratorium, receives credit 8722
for a period of service during the moratorium, and takes a 8723
position with another entity in the state government or any of its 8724
political subdivisions, either during or after the moratorium, and 8725
if that entity's employees are or were subject to the moratorium, 8726

the employee shall continue to retain the credit. However, if the moratorium is in effect upon the taking of the new position, the employee shall cease receiving additional credit as long as the employee is in the position, until the moratorium expires.

(F) When an exceptional condition exists that creates a temporary or a permanent hazard for one or more positions in a class paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code, a special hazard salary adjustment may be granted for the time the employee is subjected to the hazardous condition. All special hazard conditions shall be identified for each position and incidence from information submitted to the director on an appropriate form provided by the director and categorized into standard conditions of: some unusual hazard not common to the class; considerable unusual hazard not common to the class; and exceptional hazard not common to the class.

(1) A hazardous salary adjustment of five per cent of the employee's classification salary base may be applied in the case of some unusual hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the unusual hazard condition.

(2) A hazardous salary adjustment of seven and one-half per cent of the employee's classification salary base may be applied in the case of some considerable hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, while the employee was subject to the considerable hazard condition.

(3) A hazardous salary adjustment of ten per cent of the employee's classification salary base may be applied in the case of some exceptional hazardous condition not common to the class for those hours worked, or a fraction of those hours worked, when

the employee was subject to the exceptional hazard condition. 8759

(4) Each claim for temporary hazard pay shall be submitted as 8760
a separate payment and shall be subject to an administrative audit 8761
by the director as to the extent and duration of the employee's 8762
exposure to the hazardous condition. 8763

(G) When a full-time employee whose salary or wage is paid 8764
directly by warrant of the director of budget and management and 8765
who also is eligible for overtime under the "Fair Labor Standards 8766
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 8767
ordered by the appointing authority to report back to work after 8768
termination of the employee's regular work schedule and the 8769
employee reports, the employee shall be paid for such time. The 8770
employee shall be entitled to four hours at the employee's total 8771
rate of pay or overtime compensation for the actual hours worked, 8772
whichever is greater. This division does not apply to work that is 8773
a continuation of or immediately preceding an employee's regular 8774
work schedule. 8775

(H) When a certain position or positions paid in accordance 8776
with schedule B of section 124.15 of the Revised Code or in 8777
accordance with schedule E-1 or schedule E-1 for step seven only 8778
of section 124.152 of the Revised Code require the ability to 8779
speak or write a language other than English, a special pay 8780
supplement may be granted to attract bilingual individuals, to 8781
encourage present employees to become proficient in other 8782
languages, or to retain qualified bilingual employees. The 8783
bilingual pay supplement provided in this division may be granted 8784
in the amount of five per cent of the employee's classification 8785
salary base for each required foreign language and shall remain in 8786
effect as long as the bilingual requirement exists. 8787

(I) The director of administrative services may establish a 8788
shift differential for employees. The differential shall be paid 8789
to employees in positions working in other than the regular or 8790

first shift. In those divisions or agencies where only one shift 8791
prevails, no shift differential shall be paid regardless of the 8792
hours of the day that are worked. The director and the appointing 8793
authority shall designate which positions shall be covered by this 8794
division. 8795

(J) Whenever an employee is assigned to work in a higher 8796
level position for a continuous period of more than two weeks but 8797
no more than two years because of a vacancy, the employee's pay 8798
may be established at a rate that is approximately four per cent 8799
above the employee's current base rate for the period the employee 8800
occupies the position, provided that this temporary occupancy is 8801
approved by the director. Employees paid under this division shall 8802
continue to receive any of the pay supplements due them under 8803
other divisions of this section based on the step one base rate 8804
for their normal classification. 8805

(K) If a certain position, or positions, within a class paid 8806
in accordance with schedule B of section 124.15 of the Revised 8807
Code or in accordance with schedule E-1 or schedule E-1 for step 8808
seven only of section 124.152 of the Revised Code are mandated by 8809
state or federal law or regulation or other regulatory agency or 8810
other certification authority to have special technical 8811
certification, registration, or licensing to perform the functions 8812
which are under the mandate, a special professional achievement 8813
pay supplement may be granted. This special professional 8814
achievement pay supplement shall not be granted when all 8815
incumbents in all positions in a class require a license as 8816
provided in the classification description published by the 8817
department of administrative services; to licensees where no 8818
special or extensive training is required; when certification is 8819
granted upon completion of a stipulated term of in-service 8820
training; when an appointing authority has required certification; 8821
or any other condition prescribed by the director. 8822

(1) Before this supplement may be applied, evidence as to the 8823
requirement must be provided by the agency for each position 8824
involved, and certification must be received from the director as 8825
to the director's concurrence for each of the positions so 8826
affected. 8827

(2) The professional achievement pay supplement provided in 8828
this division shall be granted in an amount up to ten per cent of 8829
the employee's classification salary base and shall remain in 8830
effect as long as the mandate exists. 8831

(L) Those employees assigned to teaching supervisory, 8832
principal, assistant principal, or superintendent positions who 8833
have attained a higher educational level than a basic bachelor's 8834
degree may receive an educational pay supplement to remain in 8835
effect as long as the employee's assignment and classification 8836
remain the same. 8837

(1) An educational pay supplement of two and one-half per 8838
cent of the employee's classification salary base may be applied 8839
upon the achievement of a bachelor's degree plus twenty quarter 8840
hours of postgraduate work. 8841

(2) An educational pay supplement of an additional five per 8842
cent of the employee's classification salary base may be applied 8843
upon achievement of a master's degree. 8844

(3) An educational pay supplement of an additional two and 8845
one-half per cent of the employee's classification salary base may 8846
be applied upon achievement of a master's degree plus thirty 8847
quarter hours of postgraduate work. 8848

(4) An educational pay supplement of five per cent of the 8849
employee's classification salary base may be applied when the 8850
employee is performing as a master teacher. 8851

(5) An educational pay supplement of five per cent of the 8852
employee's classification salary base may be applied when the 8853

employee is performing as a special education teacher. 8854

(6) Those employees in teaching supervisory, principal, 8855
assistant principal, or superintendent positions who are 8856
responsible for specific extracurricular activity programs shall 8857
receive overtime pay for those hours worked in excess of their 8858
normal schedule, at their straight time hourly rate up to a 8859
maximum of five per cent of their regular base salary in any 8860
calendar year. 8861

(M)(1) A state agency, board, or commission may establish a 8862
supplementary compensation schedule for those licensed physicians 8863
employed by the agency, board, or commission in positions 8864
requiring a licensed physician. The supplementary compensation 8865
schedule, together with the compensation otherwise authorized by 8866
this chapter, shall provide for the total compensation for these 8867
employees to range appropriately, but not necessarily uniformly, 8868
for each classification title requiring a licensed physician, in 8869
accordance with a schedule approved by the state controlling 8870
board. The individual salary levels recommended for each such 8871
physician employed shall be approved by the director. 8872
Notwithstanding section 124.11 of the Revised Code, such personnel 8873
are in the unclassified civil service. 8874

(2) The director of administrative services may approve 8875
supplementary compensation for the director of health, if the 8876
director is a licensed physician, in accordance with a 8877
supplementary compensation schedule approved under division (M)(1) 8878
of this section or in accordance with another supplementary 8879
compensation schedule the director of administrative services 8880
considers appropriate. The supplementary compensation shall not 8881
exceed twenty per cent of the director of health's base rate of 8882
pay. 8883

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 8884
117.42, and 131.02 of the Revised Code, the state shall not 8885

institute any civil action to recover and shall not seek 8886
reimbursement for overpayments made in violation of division (E) 8887
of this section or division (C) of section 9.44 of the Revised 8888
Code for the period starting after June 24, 1987, and ending on 8889
October 31, 1993. 8890

(O) Employees of the office of the treasurer of state who are 8891
exempt from collective bargaining coverage may be granted a merit 8892
pay supplement of up to one and one-half per cent of their step 8893
rate. The rate at which this supplement is granted shall be based 8894
on performance standards established by the treasurer of state. 8895
Any supplements granted under this division shall be administered 8896
on an annual basis. 8897

(P) Intermittent employees appointed under section 124.30 of 8898
the Revised Code are not eligible for the pay supplements provided 8899
by this section. 8900

Sec. 124.183. (A) As used in this section, "active payroll" 8901
means ~~when an employee is actively working; on military, workers'~~ 8902
~~compensation, occupational injury, or disability leave; or on an~~ 8903
approved leave of absence conditions under which an employee is in 8904
active pay status or eligible to receive pay for an approved leave 8905
of absence including, but not limited to, occupational injury 8906
leave, disability leave, or workers' compensation. 8907

~~(B)(1) Each permanent employee paid in accordance with~~ 8908
~~schedule E-1 of section 124.152 of the Revised Code who was~~ 8909
~~appointed on or before March 6, 2003, and remains continuously on~~ 8910
~~the active payroll through November 14, 2004, shall receive a~~ 8911
~~one-time pay supplement. The supplement shall be a two per cent~~ 8912
~~lump-sum payment that is based on the annualization of the top~~ 8913
~~step of the pay range in schedule E-1 that the employee is in on~~ 8914
~~November 14, 2004.~~ 8915

~~(2) Each permanent employee paid in accordance with schedule~~ 8916

~~E-1 for step seven only of section 124.152 of the Revised Code who
was appointed on or before March 6, 2003, and remains continuously
on the active payroll through November 14, 2004, shall receive a
one-time pay supplement. The supplement shall be a two per cent
lump-sum payment that is based on the annualization of step 6 of
the pay range in schedule E-1 of section 124.152 of the Revised
Code that corresponds with the pay range in schedule E-1 for step
seven only that the employee is in on November 14, 2004.~~

~~(3) Each permanent employee paid under schedule E-2 of
section 124.152 of the Revised Code who was appointed on or before
March 6, 2003, and remains continuously on the active payroll
through November 14, 2004, shall receive a one-time pay
supplement. The supplement shall be a two per cent lump-sum
payment that is based upon the annualization of the maximum hourly
rate of the pay range in schedule E-2 that the employee is in on
November 14, 2004.~~

~~(C) Each permanent employee who is exempt from collective
bargaining, is not covered by division (B) of this section, was
appointed on or before March 6, 2003, and remains continuously on
the active payroll through November 14, 2004, shall receive a
one-time pay supplement. The supplement shall be a two per cent
lump-sum payment that is based upon the annualization of the base
rate of the employee's pay on November 14, 2004.~~

~~(D) A part-time employee who is eligible to receive a
one-time pay supplement under division (B) or (C) of this section
shall have the employee's one-time pay supplement pro-rated based
on the number of hours worked in the twenty-six pay periods prior
to November 14, 2004.~~

~~An employee who is eligible to receive a one-time pay
supplement under division (B) or (C) of this section and was on a
voluntary leave of absence shall have the employee's one-time pay
supplement pro-rated based on the number of hours worked in the~~

~~twenty six pay periods prior to November 14, 2004.~~ 8949

~~(E) A one time pay supplement under this section shall be~~ 8950

~~paid in the employee's first paycheck in December of 2004.~~ 8951

~~(F) This section applies only to employees who are eligible~~ 8952

~~to receive personal leave under section 124.386 of the Revised~~ 8953

~~Code.~~ 8954

~~(C)(1) Employees who are in active payroll status on July 30,~~ 8955

~~2011, shall receive a one-time pay supplement in the earnings~~ 8956

~~statements they receive on August 26, 2011. Full-time employees~~ 8957

~~shall receive a one-time pay supplement equivalent to thirty-two~~ 8958

~~hours of personal leave or a one-time pay supplement equivalent to~~ 8959

~~half the hours of personal leave the employee lost during the~~ 8960

~~moratorium under division (A) of section 124.386 of the Revised~~ 8961

~~Code, whichever is less. Part-time employees shall receive a~~ 8962

~~one-time pay supplement equivalent to sixteen hours of personal~~ 8963

~~leave.~~ 8964

~~(2) Employees who are not in active payroll status on July~~ 8965

~~30, 2011, due to military leave or an absence taken under the~~ 8966

~~federal Family and Medical Leave Act are eligible to receive the~~ 8967

~~one-time pay supplement.~~ 8968

~~(D) Notwithstanding any provision of law to the contrary, a~~ 8969

~~one-time pay supplement under this section shall not be subject to~~ 8970

~~withholding for deposit into any state retirement system.~~ 8971

~~Notwithstanding any provision of law to the contrary, a one-time~~ 8972

~~pay supplement under this section shall not be used for~~ 8973

~~calculation purposes in determining an employee's retirement~~ 8974

~~benefits in any state retirement system.~~ 8975

~~(G)(1) This section does not apply to employees of the~~ 8976

~~general assembly, legislative agencies, or the supreme court.~~ 8977

~~(2)(E) This section does not apply to employees of the~~ 8978

~~secretary of state, the auditor of state, the treasurer of state,~~ 8979

or the attorney general unless the secretary of state, the auditor 8980
of state, the treasurer of state, or the attorney general ~~decides~~ 8981
~~that the office's employees should be eligible for the one-time~~ 8982
~~pay supplement and so notifies~~ participated in the moratorium 8983
under division (H) of section 124.386 of the Revised Code and 8984
notified the director of administrative services in writing on or 8985
before ~~July 1, 2004~~ July 1, 2009, of the decision to participate 8986
in the one-time pay supplement. 8987

Sec. 124.22. Rules establishing educational requirements as a 8988
condition of taking a civil service examination shall only be 8989
adopted with respect to positions for which educational 8990
requirements are expressly imposed by a section of the Revised 8991
Code or federal requirements or for which the director determines 8992
that the educational requirements are job-related. An applicant 8993
for a civil service examination must be a United States citizen or 8994
~~have legally declared the intention of becoming a United States~~ 8995
~~citizen~~ a valid permanent resident card. 8996

Sec. 124.23. (A) All applicants for positions and places in 8997
the classified service shall be subject to examination, except for 8998
applicants for positions as professional or certified service and 8999
paraprofessional employees of county boards of mental retardation 9000
and developmental disabilities, who shall be hired in the manner 9001
provided in section 124.241 of the Revised Code. 9002

(B) Any examination administered under this section shall be 9003
public and be open to all citizens of the United States and those 9004
persons who have legally declared their intentions of becoming 9005
United States citizens, ~~within certain limitations to be~~ 9006
~~determined by.~~ For examinations administered for positions in the 9007
service of the state, the director of administrative services may 9008
determine certain limitations as to citizenship, age, experience, 9009
education, health, habit, and moral character. ~~Any~~ 9010

(C) Any person who has completed service in the uniformed 9011
services, who has been honorably discharged from the uniformed 9012
services or transferred to the reserve with evidence of 9013
satisfactory service, and who is a resident of this state and any 9014
member of the national guard or a reserve component of the armed 9015
forces of the United States who has completed more than one 9016
hundred eighty days of active duty service pursuant to an 9017
executive order of the president of the United States or an act of 9018
the congress of the United States may file with the director a 9019
certificate of service or honorable discharge, and, upon this 9020
filing, the person shall receive additional credit of twenty per 9021
cent of the person's total grade given in the regular examination 9022
in which the person receives a passing grade. 9023

As used in this division, "service in the uniformed services" 9024
and "uniformed services" have the same meanings as in the 9025
"Uniformed Services Employment and Reemployment Rights Act of 9026
1994," 108 Stat. 3149, 38 U.S.C.A. 4303. 9027

~~(C)~~(D) An examination may include an evaluation of such 9028
factors as education, training, capacity, knowledge, manual 9029
dexterity, and physical or psychological fitness. An examination 9030
shall consist of one or more tests in any combination. Tests may 9031
be written, oral, physical, demonstration of skill, or an 9032
evaluation of training and experiences and shall be designed to 9033
fairly test the relative capacity of the persons examined to 9034
discharge the particular duties of the position for which 9035
appointment is sought. Tests may include structured interviews, 9036
assessment centers, work simulations, examinations of knowledge, 9037
skills, and abilities, and any other acceptable testing methods. 9038
If minimum or maximum requirements are established for any 9039
examination, they shall be specified in the examination 9040
announcement. 9041

~~(D)~~(E) The director of administrative services shall have 9042

control of all examinations administered for positions in the 9043
service of the state and all other examinations the director 9044
administers as provided in section 124.07 of the Revised Code, 9045
except as otherwise provided in sections 124.01 to 124.64 of the 9046
Revised Code. ~~Ne~~ 9047

(F) No questions in any examination shall relate to political 9048
or religious opinions or affiliations. No credit for seniority, 9049
efficiency, or any other reason shall be added to an applicant's 9050
examination grade unless the applicant achieves at least the 9051
minimum passing grade on the examination without counting that 9052
extra credit. 9053

~~(E)~~(G) Except as otherwise provided in sections 124.01 to 9054
124.64 of the Revised Code, the director of administrative 9055
services shall give reasonable notice of the time, place, and 9056
general scope of every competitive examination for appointment ~~to~~ 9057
~~a position in the civil service~~ that the director administers for 9058
positions in the service of the state. The director shall send 9059
written, printed, or electronic notices of every examination to be 9060
conducted for positions in the ~~state~~ classified civil service of 9061
the state to each agency of the type the director of job and 9062
family services specifies and, in the case of a county in which no 9063
such agency is located, to the clerk of the court of common pleas 9064
of that county and to the clerk of each city located within that 9065
county. Those notices shall be posted in conspicuous public places 9066
in the designated agencies or the courthouse, and city hall of the 9067
cities, of the counties in which no designated agency is located 9068
for at least two weeks preceding any examination involved, and in 9069
a conspicuous place in the office of the director of 9070
administrative services for at least two weeks preceding any 9071
examination involved. In case of examinations limited by the 9072
director to a district, county, city, or department, the director 9073
shall provide by rule for adequate publicity of an examination in 9074

the district, county, city, or department within which competition 9075
is permitted. 9076

Sec. 124.27. (A) The head of a department, office, or 9077
institution, in which a position in the classified service is to 9078
be filled, shall notify the director of administrative services of 9079
the fact, and the director shall, except as otherwise provided in 9080
this section and sections 124.30 and 124.31 of the Revised Code, 9081
certify to the appointing authority the names and addresses of the 9082
ten candidates standing highest on the eligible list for the class 9083
or grade to which the position belongs, except that the director 9084
may certify less than ten names if ten names are not available. 9085
When less than ten names are certified to an appointing authority, 9086
appointment from that list shall not be mandatory. When a position 9087
in the classified service in the department of mental health or 9088
the department of mental retardation and developmental 9089
disabilities is to be filled, the director of administrative 9090
services shall make such certification to the appointing authority 9091
within seven working days of the date the eligible list is 9092
requested. 9093

(B) The appointing authority shall notify the director of a 9094
position in the classified service to be filled, and the 9095
appointing authority shall fill the vacant position by appointment 9096
of one of the ten persons certified by the director. If more than 9097
one position is to be filled, the director may certify a group of 9098
names from the eligible list, and the appointing authority shall 9099
appoint in the following manner: beginning at the top of the list, 9100
each time a selection is made, it must be from one of the first 9101
ten candidates remaining on the list who is willing to accept 9102
consideration for the position. If an eligible list becomes 9103
exhausted, and until a new list can be created, or when no 9104
eligible list for a position exists, names may be certified from 9105
eligible lists most appropriate for the group or class in which 9106

the position to be filled is classified. A person who is certified 9107
from an eligible list more than three times to the same appointing 9108
authority for the same or similar positions may be omitted from 9109
future certification to that appointing authority, provided that 9110
certification for a temporary appointment shall not be counted as 9111
one of those certifications. Every person who qualifies for 9112
veteran's preference under section 124.23 of the Revised Code, who 9113
is a resident of this state, and whose name is on the eligible 9114
list for a position shall be entitled to preference in original 9115
appointments to any such competitive position in the civil service 9116
of the state and its civil divisions over all other persons 9117
eligible for those appointments and standing on the relevant 9118
eligible list with a rating equal to that of the person qualifying 9119
for veteran's preference. Appointments to all positions in the 9120
classified service, that are not filled by promotion, transfer, or 9121
reduction, as provided in sections 124.01 to 124.64 of the Revised 9122
Code and the rules of the director prescribed under those 9123
sections, shall be made only from those persons whose names are 9124
certified to the appointing authority, and no employment, except 9125
as provided in those sections, shall be otherwise given in the 9126
classified service of this state or any political subdivision of 9127
the state. 9128

(C) All original and promotional appointments, including 9129
appointments made pursuant to section 124.30 of the Revised Code, 9130
but not intermittent appointments, shall be for a probationary 9131
period, not less than sixty days nor more than one year, to be 9132
fixed by the rules of the director, except as provided in section 9133
124.231 of the Revised Code, and except for original appointments 9134
to a police department as a police officer or to a fire department 9135
as a firefighter which shall be for a probationary period of one 9136
year. No appointment or promotion is final until the appointee has 9137
satisfactorily served the probationary period. If the service of 9138
the probationary employee is unsatisfactory, the employee may be 9139

removed or reduced at any time during the probationary period. If 9140
the appointing authority decides to remove a probationary employee 9141
in the service of the state, the appointing authority shall 9142
communicate to the director the reason for that decision. A 9143
probationary employee duly removed or reduced in position for 9144
unsatisfactory service does not have the right to appeal the 9145
removal or reduction under section 124.34 of the Revised Code. 9146

Sec. 124.321. (A) Whenever it becomes necessary for an 9147
appointing authority to reduce its work force, the appointing 9148
authority shall lay off employees or abolish their positions in 9149
accordance with sections 124.321 to 124.327 of the Revised Code 9150
and. If the affected work force is in the service of the state, 9151
the reduction shall also be in compliance with the rules of the 9152
director of administrative services. 9153

(B)(1) Employees may be laid off as a result of a lack of 9154
funds within an appointing authority. For appointing authorities 9155
that employ persons whose salary or wage is paid by warrant of the 9156
director of budget and management, the director of budget and 9157
management shall be responsible for determining, consistent with 9158
the rules adopted under division (B)(3) of this section, whether a 9159
lack of funds exists. For appointing authorities that employ 9160
persons whose salary or wage is paid other than by warrant of the 9161
director of budget and management, the appointing authority itself 9162
shall determine whether a lack of funds exists ~~and shall file a~~ 9163
~~statement of rationale and supporting documentation with the~~ 9164
~~director of administrative services prior to sending the layoff~~ 9165
~~notice.~~ 9166

(2) As used in this division, a "lack of funds" means an 9167
appointing authority has a current or projected deficiency of 9168
funding to maintain current, or to sustain projected, levels of 9169
staffing and operations. This section does not require any 9170

transfer of money between funds in order to offset a deficiency or 9171
projected deficiency of funding for programs funded by the federal 9172
government, special revenue accounts, or proprietary accounts. 9173
Whenever a program receives funding through a grant or similar 9174
mechanism, a lack of funds shall be presumed for the positions 9175
assigned to and the employees who work under the grant or similar 9176
mechanism if, for any reason, the funding is reduced or withdrawn. 9177

(3) The director of budget and management shall adopt rules, 9178
under Chapter 119. of the Revised Code, for agencies whose 9179
employees are paid by warrant of the director of budget and 9180
management, for determining whether a lack of funds exists. 9181
9182

(C)(1) Employees may be laid off as a result of lack of work 9183
within an appointing authority. For appointing authorities whose 9184
employees are paid by warrant of the director of budget and 9185
management, the director of administrative services shall 9186
determine, consistent with the rules adopted under division (F) of 9187
this section, whether a lack of work exists. All other appointing 9188
authorities shall themselves determine whether a lack of work 9189
exists ~~and shall file a statement of rationale and supporting~~ 9190
~~documentation with the director of administrative services prior~~ 9191
~~to sending the layoff notice.~~ 9192

(2) As used in this division, a "lack of work" means an 9193
appointing authority has a current or projected decrease in 9194
workload that requires a reduction of current or projected 9195
staffing levels in its organization or structure. The 9196
determination of a lack of work shall indicate the current or 9197
projected decrease in workload and whether the current or 9198
projected staffing levels of the appointing authority will be 9199
excessive. 9200

(D)(1) Employees may be laid off as a result of abolishment 9201
of positions. As used in this division, "abolishment" means the 9202

deletion of a position or positions from the organization or 9203
structure of an appointing authority. 9204

For purposes of this division, an appointing authority may 9205
abolish positions for any one or any combination of the following 9206
reasons: as a result of a reorganization for the efficient 9207
operation of the appointing authority, for reasons of economy, or 9208
for lack of work. 9209

(2)(a) Reasons of economy permitting an appointing authority 9210
to abolish a position and to lay off the holder of that position 9211
under this division shall be determined at the time the appointing 9212
authority proposes to abolish the position. The reasons of economy 9213
shall be based on the appointing authority's estimated amount of 9214
savings with respect to salary, benefits, and other matters 9215
associated with the abolishment of the position, except that the 9216
reasons of economy associated with the position's abolishment 9217
instead may be based on the appointing authority's estimated 9218
amount of savings with respect to salary and benefits only, if: 9219

(i) Either the appointing authority's operating appropriation 9220
has been reduced by an executive or legislative action, or the 9221
appointing authority has a current or projected deficiency in 9222
funding to maintain current or projected levels of staffing and 9223
operations; and 9224

(ii) In the case of a position in the service of the state, 9225
it files a notice of the position's abolishment with the director 9226
of administrative services within one year of the occurrence of 9227
the applicable circumstance described in division (D)(2)(a)(i) of 9228
this section. 9229

(b) The following principles apply when a circumstance 9230
described in division (D)(2)(a)(i) of this section would serve to 9231
authorize an appointing authority to abolish a position and to lay 9232
off the holder of the position under this division based on the 9233

appointing authority's estimated amount of savings with respect to 9234
salary and benefits only: 9235

(i) The position's abolishment shall be done in good faith 9236
and not as a subterfuge for discipline. 9237

(ii) If a circumstance affects a specific program only, the 9238
appointing authority only may abolish a position within that 9239
program. 9240

(iii) If a circumstance does not affect a specific program 9241
only, the appointing authority may identify a position that it 9242
considers appropriate for abolishment based on the reasons of 9243
economy. 9244

(3) Each appointing authority shall determine itself whether 9245
any position should be abolished. An appointing authority 9246
abolishing any position in the service of the state shall file a 9247
statement of rationale and supporting documentation with the 9248
director of administrative services prior to sending the notice of 9249
abolishment. 9250

If an abolishment results in a reduction of the work force, 9251
the appointing authority shall follow the procedures for laying 9252
off employees, subject to the following modifications: 9253

(a) The employee whose position has been abolished shall have 9254
the right to fill an available vacancy within the employee's 9255
classification. 9256

(b) If the employee whose position has been abolished has 9257
more retention points than any other employee serving in the same 9258
classification, the employee with the fewest retention points 9259
shall be displaced. 9260

(c) If the employee whose position has been abolished has the 9261
fewest retention points in the classification, the employee shall 9262
have the right to fill an available vacancy in a lower 9263

classification in the classification series. 9264

(d) If the employee whose position has been abolished has the 9265
fewest retention points in the classification, the employee shall 9266
displace the employee with the fewest retention points in the next 9267
or successively lower classification in the classification series. 9268

(E) Notwithstanding any contrary provision of the 9269
displacement procedure described in section 124.324 of the Revised 9270
Code for employees to displace other employees during a layoff, 9271
the director of administrative services or a county appointing 9272
authority may establish a paper lay-off process under which 9273
employees who are to be laid off or displaced may be required, 9274
before the date of their paper layoff, to preselect their options 9275
for displacing other employees. 9276

(F) The director of administrative services shall adopt rules 9277
under Chapter 119. of the Revised Code for the determination of 9278
lack of work within an appointing authority, for the abolishment 9279
of positions by an appointing authority, and for the 9280
implementation of this section as it relates to positions in the 9281
service of the state. 9282

Sec. 124.324. (A) A laid-off employee has the right to 9283
displace the employee with the fewest retention points in the 9284
following order: 9285

(1) Within the classification and appointment category from 9286
which the employee was laid off; 9287

(2) Within the classification series and appointment category 9288
from which the employee was laid off; 9289

(3) Within the classification and appointment category the 9290
employee held immediately prior to holding the classification from 9291
which the employee was laid off, except that the employee may not 9292
displace employees in a classification if the employee does not 9293

meet the minimum qualifications of the classification or if the 9294
employee last held the classification more than three years prior 9295
to the date on which the employee was laid off. 9296

If, after exercising displacement rights, an employee is 9297
subject to further layoff action, the employee's displacement 9298
rights shall be in accordance with the classification from which 9299
the employee was first laid off. 9300

The director of administrative services shall verify the 9301
calculation of the retention points of all employees in the 9302
service of the state in an affected classification in accordance 9303
with section 124.325 of the Revised Code. 9304

(B) Following the order of layoff as stated in section 9305
124.323 of the Revised Code, an employee laid off in the 9306
classified civil service shall displace another employee within 9307
the same appointing authority or independent institution and 9308
layoff jurisdiction in the following manner: 9309

(1) Each laid-off employee possessing more retention points 9310
shall displace the employee with the fewest retention points in 9311
the next lower classification or successively lower classification 9312
in the same classification series. 9313

(2) Any employee displaced by an employee possessing more 9314
retention points shall displace the employee with the fewest 9315
retention points in the next lower classification or successively 9316
lower classification in the same classification series. This 9317
process shall continue, if necessary, until the employee with the 9318
fewest retention points in the lowest classification of the 9319
classification series of the same appointing authority or 9320
independent institution has been reached and, if necessary, laid 9321
off. 9322

(C) Employees shall notify the appointing authority of their 9323
intention to exercise their displacement rights, within five days 9324

after receiving notice of layoff. This division does not apply if 9325
the director of administrative services has established a paper 9326
lay-off process pursuant to division (E) of section 124.321 of the 9327
Revised Code that includes a different notification requirement 9328
for employees exercising their displacement rights under that 9329
process. 9330

(D) No employee shall displace an employee for whose position 9331
or classification there are certain position-specific minimum 9332
qualifications, as established by the appointing authority and 9333
reviewed for validity by the department of administrative 9334
services, or as established by bona fide occupational 9335
qualification, unless the employee desiring to displace another 9336
employee possesses the requisite position-specific minimum 9337
qualifications for the position or classification. 9338

(E) If an employee exercising displacement rights must 9339
displace an employee in another county within the same layoff 9340
district, the displacement shall not be construed to be a 9341
transfer. 9342

(F) The director of administrative services shall adopt rules 9343
under Chapter 119. of the Revised Code for the implementation of 9344
this section as it relates to positions in the service of the 9345
state. 9346

Sec. 124.325. (A) Retention points to reflect the length of 9347
continuous service and efficiency in service for all employees 9348
affected by a layoff shall be verified by the director of 9349
administrative services for positions in the service of the state. 9350

(B) An employee's length of continuous service will be 9351
carried from one layoff jurisdiction to another so long as no 9352
break in service occurs between transfers or appointments. 9353

(C) If two or more employees have an identical number of 9354

retention points, employees having the shortest period of 9355
continuous service shall be laid off first. 9356

(D)(1) As used in this division, "affected employee" means a 9357
city employee who becomes a county employee, or a county employee 9358
who becomes a city employee, as the result of any of the 9359
following: 9360

(a) The merger of a city and a county office; 9361

(b) The merger of city and county functions or duties; 9362

(c) The transfer of functions or duties between a city and 9363
county. 9364

(2) For purposes of this section, the new employer of any 9365
affected employee shall treat the employee's prior service with a 9366
former employer as if it had been served with the new employer. 9367

(E) The director of administrative services shall adopt rules 9368
in accordance with Chapter 119. of the Revised Code to establish a 9369
system for the assignment of retention points for each employee in 9370
the service of the state in a classification affected by a layoff 9371
and for determining, in those instances where employees in the 9372
service of the state have identical retention points, which 9373
employee shall be laid off first. 9374

Sec. 124.34. (A) The tenure of every officer or employee in 9375
the classified service of the state and the counties, civil 9376
service townships, cities, city health districts, general health 9377
districts, and city school districts of the state, holding a 9378
position under this chapter, shall be during good behavior and 9379
efficient service. No officer or employee shall be reduced in pay 9380
or position, fined, suspended, or removed, or have the officer's 9381
or employee's longevity reduced or eliminated, except as provided 9382
in section 124.32 of the Revised Code, and for incompetency, 9383
inefficiency, dishonesty, drunkenness, immoral conduct, 9384

insubordination, discourteous treatment of the public, neglect of 9385
duty, violation of any policy or work rule of the officer's or 9386
employee's appointing authority, violation of this chapter or the 9387
rules of the director of administrative services or the 9388
commission, any other failure of good behavior, any other acts of 9389
misfeasance, malfeasance, or nonfeasance in office, or conviction 9390
of a felony. The denial of a one-time pay supplement or a bonus to 9391
an officer or employee is not a reduction in pay for purposes of 9392
this section. 9393

This section does not apply to any modifications or 9394
reductions in pay authorized by section 124.392 of the Revised 9395
Code. 9396

An appointing authority may require an employee who is 9397
suspended to report to work to serve the suspension. An employee 9398
serving a suspension in this manner shall continue to be 9399
compensated at the employee's regular rate of pay for hours 9400
worked. The disciplinary action shall be recorded in the 9401
employee's personnel file in the same manner as other disciplinary 9402
actions and has the same effect as a suspension without pay for 9403
the purpose of recording disciplinary actions. 9404

A finding by the appropriate ethics commission, based upon a 9405
preponderance of the evidence, that the facts alleged in a 9406
complaint under section 102.06 of the Revised Code constitute a 9407
violation of Chapter 102., section 2921.42, or section 2921.43 of 9408
the Revised Code may constitute grounds for dismissal. Failure to 9409
file a statement or falsely filing a statement required by section 9410
102.02 of the Revised Code may also constitute grounds for 9411
dismissal. The tenure of an employee in the career professional 9412
service of the department of transportation is subject to section 9413
5501.20 of the Revised Code. 9414

Conviction of a felony is a separate basis for reducing in 9415
pay or position, suspending, or removing an officer or employee, 9416

even if the officer or employee has already been reduced in pay or 9417
position, suspended, or removed for the same conduct that is the 9418
basis of the felony. An officer or employee may not appeal to the 9419
state personnel board of review or the commission any disciplinary 9420
action taken by an appointing authority as a result of the 9421
officer's or employee's conviction of a felony. If an officer or 9422
employee removed under this section is reinstated as a result of 9423
an appeal of the removal, any conviction of a felony that occurs 9424
during the pendency of the appeal is a basis for further 9425
disciplinary action under this section upon the officer's or 9426
employee's reinstatement. 9427

A person convicted of a felony immediately forfeits the 9428
person's status as a classified employee in any public employment 9429
on and after the date of the conviction for the felony. If an 9430
officer or employee is removed under this section as a result of 9431
being convicted of a felony or is subsequently convicted of a 9432
felony that involves the same conduct that was the basis for the 9433
removal, the officer or employee is barred from receiving any 9434
compensation after the removal notwithstanding any modification or 9435
disaffirmance of the removal, unless the conviction for the felony 9436
is subsequently reversed or annulled. 9437

Any person removed for conviction of a felony is entitled to 9438
a cash payment for any accrued but unused sick, personal, and 9439
vacation leave as authorized by law. If subsequently reemployed in 9440
the public sector, the person shall qualify for and accrue these 9441
forms of leave in the manner specified by law for a newly 9442
appointed employee and shall not be credited with prior public 9443
service for the purpose of receiving these forms of leave. 9444

As used in this division, "felony" means any of the 9445
following: 9446

(1) A felony that is an offense of violence as defined in 9447
section 2901.01 of the Revised Code; 9448

(2) A felony that is a felony drug abuse offense as defined 9449
in section 2925.01 of the Revised Code; 9450

(3) A felony under the laws of this or any other state or the 9451
United States that is a crime of moral turpitude; 9452

(4) A felony involving dishonesty, fraud, or theft; 9453

(5) A felony that is a violation of section 2921.05, 2921.32, 9454
or 2921.42 of the Revised Code. 9455

(B) In case of a reduction, a suspension of more than forty 9456
~~or more~~ work hours in the case of an employee exempt from the 9457
payment of overtime compensation, a suspension of more than 9458
twenty-four ~~or more~~ work hours in the case of an employee required 9459
to be paid overtime compensation, a fine of more than forty ~~or~~ 9460
~~more~~ hours' pay in the case of an employee exempt from the payment 9461
of overtime compensation, a fine of more than twenty-four ~~or more~~ 9462
hours' pay in the case of an employee required to be paid overtime 9463
compensation, or removal, except for the reduction or removal of a 9464
probationary employee, the appointing authority shall serve the 9465
employee with a copy of the order of reduction, fine, suspension, 9466
or removal, which order shall state the reasons for the action. 9467

9468
Within ten days following the date on which the order is 9469
served or, in the case of an employee in the career professional 9470
service of the department of transportation, within ten days 9471
following the filing of a removal order, the employee, except as 9472
otherwise provided in this section, may file an appeal of the 9473
order in writing with the state personnel board of review or the 9474
commission. For purposes of this section, the date on which an 9475
order is served is the date of hand delivery of the order or the 9476
date of delivery of the order by certified United States mail, 9477
whichever occurs first. If an appeal is filed, the board or 9478
commission shall forthwith notify the appointing authority and 9479

shall hear, or appoint a trial board to hear, the appeal within 9480
thirty days from and after its filing with the board or 9481
commission. The board, commission, or trial board may affirm, 9482
disaffirm, or modify the judgment of the appointing authority. 9483
However, in an appeal of a removal order based upon a violation of 9484
a last chance agreement, the board, commission, or trial board may 9485
only determine if the employee violated the agreement and thus 9486
affirm or disaffirm the judgment of the appointing authority. 9487

In cases of removal or reduction in pay for disciplinary 9488
reasons, either the appointing authority or the officer or 9489
employee may appeal from the decision of the state personnel board 9490
of review or the commission, and any such appeal shall be to the 9491
court of common pleas of the county in which the appointing 9492
authority is located, or to the court of common pleas of Franklin 9493
county, as provided by section 119.12 of the Revised Code. 9494

(C) In the case of the suspension for any period of time, or 9495
a fine, demotion, or removal, of a chief of police, a chief of a 9496
fire department, or any member of the police or fire department of 9497
a city or civil service township, who is in the classified civil 9498
service, the appointing authority shall furnish the chief or 9499
member with a copy of the order of suspension, fine, demotion, or 9500
removal, which order shall state the reasons for the action. The 9501
order shall be filed with the municipal or civil service township 9502
civil service commission. Within ten days following the filing of 9503
the order, the chief or member may file an appeal, in writing, 9504
with the commission. If an appeal is filed, the commission shall 9505
forthwith notify the appointing authority and shall hear, or 9506
appoint a trial board to hear, the appeal within thirty days from 9507
and after its filing with the commission, and it may affirm, 9508
disaffirm, or modify the judgment of the appointing authority. An 9509
appeal on questions of law and fact may be had from the decision 9510
of the commission to the court of common pleas in the county in 9511

which the city or civil service township is situated. The appeal 9512
shall be taken within thirty days from the finding of the 9513
commission. 9514

(D) A violation of division (A)(7) of section 2907.03 of the 9515
Revised Code is grounds for termination of employment of a 9516
nonteaching employee under this section. 9517

(E) As used in this section, "last chance agreement" means an 9518
agreement signed by both an appointing authority and an officer or 9519
employee of the appointing authority that describes the type of 9520
behavior or circumstances that, if it occurs, will automatically 9521
lead to removal of the officer or employee without the right of 9522
appeal to the state personnel board of review or the appropriate 9523
commission. 9524

Sec. 124.381. ~~Each~~ (A)(1) Each employee paid in accordance 9525
with section 124.152 of the Revised Code and each employee listed 9526
in division (B)(2) or (4) of section 124.14 of the Revised Code, 9527
including an employee who is not eligible for occupational injury 9528
leave under division (A)(2) of this section, shall receive salary 9529
continuation not to exceed four hundred eighty hours at the 9530
employee's total rate of pay for absence as a result of injury 9531
incurred during the performance of, or arising out of, state 9532
employment. An employee is ineligible to receive salary 9533
continuation until the implementation date established in rules 9534
adopted under division (C)(1) of this section. In any case when an 9535
employee's absence as a result of such an injury extends beyond 9536
four hundred eighty hours, the employee immediately becomes 9537
subject to sections 124.382 and 124.385 of the Revised Code 9538
regarding sick leave and disability leave benefits. 9539

(2) Each employee of the department of rehabilitation and 9540
correction, the department of mental health, the department of 9541
mental retardation and developmental disabilities, or the Ohio 9542

~~veteran's home agency~~ department of veterans services, or each 9543
employee of the department of education who works at the Ohio 9544
schools for the deaf and blind, and each employee of the 9545
department of youth services as established in division (A) of 9546
section 124.14 of the Revised Code who ~~suffers bodily injury~~ 9547
~~inflicted by an inmate, patient, client, youth, or student in the~~ 9548
~~facilities~~ sustains a qualifying physical condition inflicted by a 9549
ward of these agencies during the time the employee is lawfully 9550
carrying out the assigned duties of the employee's position shall 9551
be paid occupational injury leave at the employee's total rate of 9552
pay during the period the employee is disabled as a result of that 9553
~~injury~~ qualifying physical condition, but in no case to exceed ~~one~~ 9554
~~hundred twenty work days~~ nine hundred sixty hours, in lieu of 9555
workers' compensation. Pay made according to this ~~section~~ division 9556
shall not be charged to the employee's accumulation of sick leave 9557
credit. In any case when an employee's disability as a result of 9558
such a qualifying physical condition extends beyond nine hundred 9559
sixty hours, the employee immediately becomes subject to sections 9560
124.382 and 124.385 of the Revised Code regarding sick leave and 9561
disability leave benefits. 9562

(B) An employee who is receiving salary continuation or 9563
occupational injury leave under division (A)(1) or (2) of this 9564
section is not eligible for other paid leave, including holiday 9565
pay, while receiving benefits under either division. While an 9566
employee is receiving salary continuation or occupational injury 9567
leave under division (A)(1) or (2) of this section, vacation leave 9568
credit ceases to accrue to the employee under section 124.134 of 9569
the Revised Code, but sick leave credit and personal leave credit 9570
continue to accrue to the employee under sections 124.382 and 9571
124.386 of the Revised Code. 9572

(C)(1) The director of administrative services shall adopt 9573
rules for the administration of both the salary continuation 9574

program and the occupational injury leave program. The rules shall 9575
include, but not be limited to, provisions for determining a 9576
disability, for filing a claim for leave under this section, and 9577
for allowing or denying claims for the leave. 9578

~~During the time an employee is receiving injury compensation 9579
as provided in this section, the employee shall be exempt from the 9580
accumulation of vacation leave credit under section 124.134 of the 9581
Revised Code but shall continue to receive sick leave credit and 9582
personal leave credit under sections 124.382 and 124.386 of the 9583
Revised Code. 9584~~

~~In any case when an employee's disability, as covered by this 9585
section, extends beyond one hundred twenty work days, the employee 9586
shall immediately become subject to sections 124.382 and 124.385 9587
of the Revised Code regarding sick leave and disability leave 9588
benefits. 9589~~

(2) The director also may adopt rules for the payment of 9590
health benefits while an employee is on workers' compensation 9591
leave. 9592

(D) An appointing authority may apply to the director of 9593
administrative services to grant salary continuation under 9594
division (A)(1) of this section or occupational injury leave in 9595
accordance with under division (A)(2) of this section to law 9596
enforcement personnel employed by the agency. 9597

Sec. 124.382. (A) As used in this section and sections 9598
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 9599

(1) "Pay period" means the fourteen-day period of time during 9600
which the payroll is accumulated, as determined by the director of 9601
administrative services. 9602

(2) "Active pay status" means the conditions under which an 9603
employee is eligible to receive pay, and includes, but is not 9604

limited to, vacation leave, sick leave, personal leave, 9605
bereavement leave, and administrative leave. 9606

(3) "No pay status" means the conditions under which an 9607
employee is ineligible to receive pay and includes, but is not 9608
limited to, leave without pay, leave of absence, and disability 9609
leave. 9610

(4) "Disability leave" means the leave granted pursuant to 9611
section 124.385 of the Revised Code. 9612

(5) "Full-time permanent employee" means an employee whose 9613
regular hours of duty total eighty hours in a pay period in a 9614
state agency and whose appointment is not for a limited period of 9615
time. 9616

(6) "Base rate of pay" means the rate of pay established 9617
under schedule B or C of section 124.15 of the Revised Code or 9618
under schedule E-1, schedule E-1 for step seven only, or schedule 9619
E-2 of section 124.152 of the Revised Code, plus any supplement 9620
provided under section 124.181 of the Revised Code, plus any 9621
supplements enacted into law which are added to schedule B or C of 9622
section 124.15 of the Revised Code or to schedule E-1, schedule 9623
E-1 for step seven only, or schedule E-2 of section 124.152 of the 9624
Revised Code. 9625

(7) "Part-time permanent employee" means an employee whose 9626
regular hours of duty total less than eighty hours in a pay period 9627
in a state agency and whose appointment is not for a limited 9628
period of time. 9629

(B) Each full-time permanent and part-time permanent employee 9630
whose salary or wage is paid directly by warrant of the director 9631
of budget and management shall be credited with sick leave of 9632
three and one-tenth hours for each completed eighty hours of 9633
service, excluding overtime hours worked. Sick leave is not 9634
available for use until it appears on the employee's earning 9635

statement and the compensation described in the earning statement 9636
is available to the employee. 9637

(C) Any sick leave credit provided pursuant to division (B) 9638
of this section, remaining as of the last day of the pay period 9639
preceding the first paycheck the employee receives in December, 9640
shall be converted pursuant to section 124.383 of the Revised 9641
Code. 9642

(D) Employees may use sick leave, provided a credit balance 9643
is available, upon approval of the responsible administrative 9644
officer of the employing unit, for absence due to personal 9645
illness, pregnancy, injury, exposure to contagious disease that 9646
could be communicated to other employees, and illness, injury, or 9647
death in the employee's immediate family. When sick leave is used, 9648
it shall be deducted from the employee's credit on the basis of 9649
absence from previously scheduled work in such increments of an 9650
hour and at such a compensation rate as the director of 9651
administrative services determines. The appointing authority of 9652
each employing unit may require an employee to furnish a 9653
satisfactory, signed statement to justify the use of sick leave. 9654

If, after having utilized the credit provided by this 9655
section, an employee utilizes sick leave that was accumulated 9656
prior to November 15, 1981, compensation for such sick leave used 9657
shall be at a rate as the director determines. 9658

(E)(1) The previously accumulated sick leave balance of an 9659
employee who has been separated from the public service, for which 9660
separation payments pursuant to section 124.384 of the Revised 9661
Code have not been made, shall be placed to the employee's credit 9662
upon the employee's reemployment in the public service, if the 9663
reemployment takes place within ten years of the date on which the 9664
employee was last terminated from public service. 9665

(2) The previously accumulated sick leave balance of an 9666

employee who has separated from a school district shall be placed 9667
to the employee's credit upon the employee's appointment as an 9668
unclassified employee of the state department of education, if all 9669
of the following apply: 9670

(a) The employee accumulated the sick leave balance while 9671
employed by the school district. 9672

(b) The employee did not receive any separation payments for 9673
the sick leave balance. 9674

(c) The employee's employment with the department takes place 9675
within ten years after the date on which the employee separated 9676
from the school district. 9677

(F) An employee who transfers from one public agency to 9678
another shall be credited with the unused balance of the 9679
employee's accumulated sick leave. 9680

(G) The director of administrative services shall establish 9681
procedures to uniformly administer this section. No sick leave may 9682
be granted to a state employee upon or after the employee's 9683
retirement or termination of employment. 9684

(H) As used in this division, "active payroll" means 9685
conditions under which an employee is in active pay status or 9686
eligible to receive pay for an approved leave of absence, 9687
including, but not limited to, occupational injury leave, 9688
disability leave, or workers' compensation. 9689

(1) Employees who are in active payroll status on June 18, 9690
2011, shall receive a one-time credit of additional sick leave in 9691
the pay period that begins on July 1, 2011. Full-time employees 9692
shall receive a one-time credit of thirty-two hours of additional 9693
sick leave or a credit of additional sick leave equivalent to half 9694
the hours of personal leave the employee lost during the 9695
moratorium under division (A) of section 124.386 of the Revised 9696
Code, whichever is less. Part-time employees shall receive a 9697

one-time credit of sixteen hours of additional sick leave. 9698

(2) Employees who are not in active payroll status due to military leave or an absence taken in accordance with the federal "Family and Medical Leave Act" are eligible to receive the one-time additional sick leave credit. 9699
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(3) The one-time additional sick leave credit does not apply to employees of the secretary of state, auditor of state, treasurer of state, or attorney general unless the secretary of state, auditor of state, treasurer of state, or attorney general participated in the moratorium under division (H) of section 124.386 of the Revised Code and notified the director of administrative services on or before July 1, 2009, of the decision to participate in the one-time additional sick leave credit. 9703
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Sec. 124.385. (A) An employee is eligible for disability leave benefits under this section if the employee has completed one year of continuous state service immediately prior to the date of the disability and if any of the following applies: 9711
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(1) The employee is a full-time permanent employee and is eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code. 9715
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(2) The employee is a part-time permanent employee who has worked at least fifteen hundred hours within the twelve-month period immediately preceding the date of disability and is eligible for sick leave credit under division (B) of section 124.382 of the Revised Code. 9718
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(3) The employee is a full-time permanent or part-time permanent employee, is on disability leave or leave of absence for medical reasons, and would be eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code except that the employee is in no pay status due to the employee's 9723
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medical condition. 9728

(B) The director of administrative services, by rule adopted 9729
in accordance with Chapter 119. of the Revised Code, shall 9730
establish a disability leave program. The rule shall include, but 9731
shall not be limited to, the following: 9732

(1) Procedures to be followed for determining disability; 9733

(2) Provisions for the allowance of disability leave due to 9734
illness or injury; 9735

(3) Provisions for the continuation of service credit for 9736
employees granted disability leave, including service credit 9737
towards retirement, as provided by the applicable statute; 9738

(4) The establishment of a minimum level of benefit and of a 9739
waiting period before benefits begin; 9740

(5) Provisions setting a maximum length of benefit and 9741
requiring that employees eligible to apply for disability 9742
retirement shall do so prior to completing the first six months of 9743
their period of disability. The director's rules shall indicate 9744
those employees required to apply for disability retirement. If an 9745
employee is approved to receive disability retirement, the 9746
employee shall receive the retirement benefit and a supplement 9747
payment that equals a percentage of the employee's base rate of 9748
pay and that, when added to the retirement benefit, equals no more 9749
than the percentage of pay received by employees after the first 9750
six months of disability. This supplemental payment shall not be 9751
considered earnable salary, compensation, or salary, and is not 9752
subject to contributions, under Chapter 145., 742., 3307., 3309., 9753
or 5505. of the Revised Code. 9754

(6) Provisions that allow employees to utilize available sick 9755
leave, personal leave, compensatory time, or vacation leave 9756
balances to supplement the benefits payable under this section. 9757
The balances used to supplement the benefits, plus any amount 9758

contributed by the state as provided in division (D) of this 9759
section, shall be paid at the employee's base rate of pay in an 9760
amount sufficient to give employees up to one hundred per cent of 9761
pay for time on disability. 9762

(7) Procedures for appealing denial of payment of a claim, 9763
including the following: 9764

(a) A maximum of thirty days to file an appeal by the 9765
employee; 9766

(b) A maximum of fifteen days for the parties to select a 9767
third-party opinion pursuant to division (F) of this section, 9768
unless an extension is agreed to by the parties; 9769

(c) A maximum of thirty days for the third party to render an 9770
opinion. 9771

(8) Provisions for approving leave of absence for medical 9772
reasons where an employee is in no pay status because the employee 9773
has used all the employee's sick leave, personal leave, vacation 9774
leave, and compensatory time; 9775

(9) Provisions for precluding the payment of benefits if the 9776
injury for which the benefits are sought is covered by a workers' 9777
compensation plan; 9778

(10) Provisions for precluding the payment of benefits in 9779
order to ensure that benefits are provided in a consistent manner. 9780

(C) Except as provided in division (B)(6) of this section, 9781
time off for an employee granted disability leave is not 9782
chargeable to any other leave granted by other sections of the 9783
Revised Code. 9784

(D) While an employee is on an approved disability leave, the 9785
employer's and employee's share of health, life, and other 9786
insurance benefits shall be paid by the state, and the retirement 9787
contribution shall be paid as follows: 9788

(1) The employer's share shall be paid by the state. 9789

(2) For the first three months, the employee's share shall be 9790
paid by the employee. 9791

(3) After the first three months, the employee's share shall 9792
be paid by the state. 9793

(E) The approval for disability leave shall be made by the 9794
director, upon recommendation by the appointing authority. The 9795
director may delegate to any appointing authority the authority to 9796
approve disability benefits for a standard recovery period. 9797

(F) If a request for disability leave is denied based on a 9798
medical determination, the director shall obtain a medical opinion 9799
from a third party. The decision of the third party is binding. 9800

(G) The rule adopted by the director under division (B) of 9801
this section shall not deny disability leave benefits for an 9802
illness or injury to an employee who is a veteran of the United 9803
States armed forces because the employee contracted the illness or 9804
received the injury in the course of or as a result of military 9805
service and the illness or injury is or may be covered by a 9806
compensation plan administered by the United States department of 9807
veterans affairs. 9808

Sec. 124.386. (A) Each full-time permanent employee paid in 9809
accordance with section 124.152 of the Revised Code and those 9810
full-time permanent employees listed in divisions (B)(2) and (4) 9811
of section 124.14 of the Revised Code shall be credited with 9812
thirty-two hours of personal leave each year. Each part-time 9813
permanent employee paid in accordance with section 124.152 of the 9814
Revised Code and those part-time permanent employees listed in 9815
divisions (B)(2) and (4) of section 124.14 of the Revised Code 9816
shall receive a pro-rated personal leave credit as determined by 9817
rule of the director of administrative services. The credit shall 9818

be made to each eligible employee in the first pay the employee 9819
receives in December. Employees, upon giving reasonable notice to 9820
the responsible administrative officer of the appointing 9821
authority, may use personal leave for absence due to mandatory 9822
court appearances, legal or business matters, family emergencies, 9823
unusual family obligations, medical appointments, weddings, 9824
religious holidays not listed in section 124.19 of the Revised 9825
Code, or any other matter of a personal nature. Personal leave may 9826
not be used on a holiday when an employee is scheduled to work. 9827

Personal leave is not available for use until it appears on 9828
the employee's earning statement and the compensation described in 9829
the earning statement is available to the employee. 9830

There shall be a moratorium on personal leave accrual 9831
beginning with the credit employees would have received in 9832
December 2009. Personal leave accrual shall resume with employees 9833
receiving credit in December 2011 and there shall be no 9834
retroactive grant of credit for the period the moratorium was in 9835
effect. 9836

(B) When personal leave is used, it shall be deducted from 9837
the unused balance of the employee's personal leave on the basis 9838
of absence in such increments of an hour as the director of 9839
administrative services determines. Compensation for personal 9840
leave shall be equal to the employee's base rate of pay. 9841

(C) A newly appointed full-time permanent employee or a 9842
~~nonfull-time~~ non-full-time employee who receives a full-time 9843
permanent appointment shall be credited with personal leave of 9844
thirty-two hours, less one and two-tenths hours for each pay 9845
period that has elapsed following the first paycheck the employee 9846
receives in December, until the first day of the pay period during 9847
which the appointment was effective. 9848

(D) The director of administrative services shall allow 9849

employees to elect one of the following options with respect to 9850
the unused balance of personal leave: 9851

(1) Carry forward the balance. The maximum credit that shall 9852
be available to an employee at any one time is forty hours. 9853

(2) Convert the balance to accumulated sick leave, to be used 9854
in the manner provided by section 124.382 of the Revised Code; 9855

(3) Receive a cash benefit. The cash benefit shall equal one 9856
hour of the employee's base rate of pay for every hour of unused 9857
credit that is converted. An employee serving in a temporary work 9858
level who elects to convert unused personal leave to cash shall do 9859
so at the base rate of pay of the employee's normal 9860
classification. Such cash benefit shall not be subject to 9861
contributions to any of the retirement systems, either by the 9862
employee or the employer. 9863

There shall be a moratorium on the payment for conversion of 9864
unused personal leave until December 2011. 9865

(E) A full-time permanent employee who separates from state 9866
service or becomes ineligible to be credited with leave under this 9867
section shall receive a reduction of personal leave credit of one 9868
and two-tenths hours for each pay period that remains beginning 9869
with the first pay period following the date of separation or the 9870
effective date of the employee's ineligibility until the pay 9871
period preceding the next base pay period. After calculation of 9872
the reduction of an employee's personal leave credit, the employee 9873
is entitled to compensation for any remaining personal leave 9874
credit at the employee's current base rate of pay. If the 9875
reduction results in a number of hours less than zero, the cash 9876
equivalent value of such number of hours shall be deducted from 9877
any compensation that remains payable to the employee, or from the 9878
cash conversion value of any vacation or sick leave that remains 9879
credited to the employee. An employee serving in a temporary work 9880

level who is eligible to receive compensation under this section 9881
shall be compensated at the base rate of pay of the employee's 9882
normal classification. 9883

(F) An employee who transfers from one public agency to 9884
another public agency in which the employee is eligible for the 9885
credit provided under this section shall be credited with the 9886
unused balance of personal leave. 9887

(G) The director of administrative services shall establish 9888
procedures to uniformly administer this section. No personal leave 9889
may be granted to a state employee upon or after retirement or 9890
termination of employment. 9891

(H) The moratoria imposed under divisions (A) and (D)(3) of 9892
this section shall apply to employees of the secretary of state, 9893
auditor of state, treasurer of state, and attorney general who are 9894
subject to this section unless the secretary of state, auditor of 9895
state, treasurer of state, or attorney general decides to exempt 9896
the office's employees from the moratoria and so notifies the 9897
director of administrative services in writing on or before July 9898
1, 2009. 9899

Sec. 124.392. (A) As used in this section, ~~"exempt:~~ 9900

(1) "Exempt employee" has the same meaning as in section 9901
124.152 of the Revised Code. 9902

(2) "Fiscal emergency" means a fiscal emergency declared by 9903
the governor under section 126.05 of the Revised Code. 9904

(B) The director of administrative services may establish a 9905
voluntary cost savings program for exempt employees. ~~The 9906~~

(C) The director of administrative services shall establish a 9907
mandatory cost savings program applicable to exempt employees. 9908
Subject to division (C)(1) of this section, the program may 9909
include, but is not limited to, a loss of pay or loss of holiday 9910

pay as determined by the director. The program may be administered 9911
differently among exempt employees based on their classifications, 9912
appointment categories, appointing authorities, or other relevant 9913
distinctions. 9914

(1) Each full-time exempt employee shall participate in the 9915
program for a total of eighty hours of mandatory cost savings in 9916
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 9917
employee shall participate in the program by not receiving holiday 9918
pay during both fiscal year 2010 and fiscal year 2011. Each 9919
employee of the secretary of state, auditor of state, treasurer of 9920
state, and attorney general shall participate in the program 9921
unless the secretary of state, auditor of state, treasurer of 9922
state, or attorney general decides to exempt the officer's 9923
employees from the program and so notifies the director of 9924
administrative services in writing on or before July 1, 2009. 9925

(2) After June 30, 2011, the director of administrative 9926
services, in consultation with the director of budget and 9927
management, may implement mandatory cost savings days applicable 9928
to exempt employees in the event of a fiscal emergency. Each 9929
employee of the secretary of state, auditor of state, treasurer of 9930
state, and attorney general shall participate in the mandatory 9931
cost savings days unless the secretary of state, auditor of state, 9932
treasurer of state, or attorney general decides to exempt the 9933
officer's employees from the mandatory cost savings days and so 9934
notifies the director of administrative services in the manner the 9935
director of administrative services prescribes by rule adopted 9936
under this section. 9937

(D) The director shall adopt rules in accordance with Chapter 9938
119. of the Revised Code to provide for the administration of the 9939
program mandatory cost savings program and days. 9940

Sec. 124.81. (A) Except as provided in division ~~(E)~~(F) of 9941

this section, the department of administrative services in 9942
consultation with the superintendent of insurance shall negotiate 9943
with and, in accordance with the competitive selection procedures 9944
of Chapter 125. of the Revised Code, contract with one or more 9945
insurance companies authorized to do business in this state, for 9946
the issuance of one of the following: 9947

(1) A policy of group life insurance covering all state 9948
employees who are paid directly by warrant of the state auditor, 9949
including elected state officials; 9950

(2) A combined policy, or coordinated policies of one or more 9951
insurance companies or health insuring corporations in combination 9952
with one or more insurance companies providing group life and 9953
health, medical, hospital, dental, or surgical insurance, or any 9954
combination thereof, covering all such employees; 9955

(3) A policy that may include, but is not limited to, 9956
hospitalization, surgical, major medical, dental, vision, and 9957
medical care, disability, hearing aids, prescription drugs, group 9958
life, life, sickness, and accident insurance, group legal 9959
services, or a combination of the above benefits for some or all 9960
of the employees paid in accordance with section 124.152 of the 9961
Revised Code and for some or all of the employees listed in 9962
divisions (B)(2) and (4) of section 124.14 of the Revised Code, 9963
and their immediate dependents. 9964

(B) The department of administrative services in consultation 9965
with the superintendent of insurance shall negotiate with and, in 9966
accordance with the competitive selection procedures of Chapter 9967
125. of the Revised Code, contract with one or more insurance 9968
companies authorized to do business in this state, for the 9969
issuance of a policy of group life insurance covering all 9970
municipal and county court judges. The amount of such coverage 9971
shall be an amount equal to the aggregate salary set forth for 9972
each municipal court judge in sections 141.04 and 1901.11 of the 9973

Revised Code, and set forth for each county court judge in 9974
sections 141.04 and 1907.16 of the Revised Code. On and after the 9975
effective date of the policy of group life insurance coverage, a 9976
municipal or county court judge is ineligible for life insurance 9977
coverage from a county or other political subdivision. 9978

(C) If a state employee uses all accumulated sick leave and 9979
then goes on an extended medical disability, the policyholder 9980
shall continue at no cost to the employee the coverage of the 9981
group life insurance for such employee for the period of such 9982
extended leave, but not beyond three years. 9983

~~(C)~~(D) If a state employee insured under a group life 9984
insurance policy as provided in division (A) of this section is 9985
laid off pursuant to section 124.32 of the Revised Code, such 9986
employee by request to the policyholder, made no later than the 9987
effective date of the layoff, may elect to continue the employee's 9988
group life insurance for the one-year period through which the 9989
employee may be considered to be on laid-off status by paying the 9990
policyholder through payroll deduction or otherwise twelve times 9991
the monthly premium computed at the existing average rate for the 9992
group life case for the amount of the employee's insurance 9993
thereunder at the time of the employee's layoff. The policyholder 9994
shall pay the premiums to the insurance company at the time of the 9995
next regular monthly premium payment for the actively insured 9996
employees and furnish the company appropriate data as to such 9997
laid-off employees. At the time an employee receives written 9998
notice of a layoff, the policyholder shall also give such employee 9999
written notice of the opportunity to continue group life insurance 10000
in accordance with this division. When such laid-off employee is 10001
reinstated for active work before the end of the one-year period, 10002
the employee shall be reclassified as insured again as an active 10003
employee under the group and appropriate refunds for the number of 10004
full months of unearned premium payment shall be made by the 10005

policyholder. 10006

~~(D)~~(E) This section does not affect the conversion rights of 10007
an insured employee when the employee's group insurance terminates 10008
under the policy. 10009

~~(E)~~(F) Notwithstanding division (A) of this section, the 10010
department may provide benefits equivalent to those that may be 10011
paid under a policy issued by an insurance company, or the 10012
department may, to comply with a collectively bargained contract, 10013
enter into an agreement with a jointly administered trust fund 10014
which receives contributions pursuant to a collective bargaining 10015
agreement entered into between this state, or any of its political 10016
subdivisions, and any collective bargaining representative of the 10017
employees of this state or any political subdivision for the 10018
purpose of providing for self-insurance of all risk in the 10019
provision of fringe benefits similar to those that may be paid 10020
pursuant to division (A) of this section, and the jointly 10021
administered trust fund may provide through the self-insurance 10022
method specific fringe benefits as authorized by the rules of the 10023
board of trustees of the jointly administered trust fund. Amounts 10024
from the fund may be used to pay direct and indirect costs that 10025
are attributable to consultants or a third-party administrator and 10026
that are necessary to administer this section. Benefits provided 10027
under this section include, but are not limited to, 10028
hospitalization, surgical care, major medical care, disability, 10029
dental care, vision care, medical care, hearing aids, prescription 10030
drugs, group life insurance, sickness and accident insurance, 10031
group legal services, or a combination of the above benefits, for 10032
the employees and their immediate dependents. 10033

~~(F)~~(G) Notwithstanding any other provision of the Revised 10034
Code, any public employer, including the state, and any of its 10035
political subdivisions, including, but not limited to, any county, 10036
county hospital, municipal corporation, township, park district, 10037

school district, state institution of higher education, public or 10038
special district, state agency, authority, commission, or board, 10039
or any other branch of public employment, and any collective 10040
bargaining representative of employees of the state or any 10041
political subdivision may agree in a collective bargaining 10042
agreement that any mutually agreed fringe benefit including, but 10043
not limited to, hospitalization, surgical care, major medical 10044
care, disability, dental care, vision care, medical care, hearing 10045
aids, prescription drugs, group life insurance, sickness and 10046
accident insurance, group legal services, or a combination 10047
thereof, for employees and their dependents be provided through a 10048
mutually agreed upon contribution to a jointly administered trust 10049
fund. Amounts from the fund may be used to pay direct and indirect 10050
costs that are attributable to consultants or a third-party 10051
administrator and that are necessary to administer this section. 10052
The amount, type, and structure of fringe benefits provided under 10053
this division is subject to the determination of the board of 10054
trustees of the jointly administered trust fund. Notwithstanding 10055
any other provision of the Revised Code, competitive bidding does 10056
not apply to the purchase of fringe benefits for employees under 10057
this division through a jointly administered trust fund. 10058

Sec. 124.821. The health care spending account fund is hereby 10059
created in the state treasury. The director of administrative 10060
services shall use money in the fund to make payments with regard 10061
to the participation of state employees in flexible spending 10062
accounts for certain nonreimbursed medical and dental expenses 10063
under section 125 of the Internal Revenue Code. All investment 10064
earnings on money in the fund shall be credited to the fund. 10065

Sec. 124.822. The dependent care spending account fund is 10066
hereby created in the state treasury. The director of 10067
administrative services shall use money in the fund to make 10068

payments with regard to the participation of state employees in 10069
flexible spending accounts for work-related dependent care 10070
expenses under section 125 of the Internal Revenue Code. All 10071
investment earnings on money in the fund shall be credited to the 10072
fund. 10073

Sec. 124.86. There is hereby created in the state treasury 10074
the employee educational development fund, to be used to pay the 10075
state administrative costs of any education program undertaken 10076
pursuant to specific collective bargaining agreements identified 10077
in uncodified law governing expenditure of the fund. The director 10078
of administrative services shall establish, and shall obtain the 10079
approval of the director of budget and management for, a charge 10080
for each such program that is sufficient only to recover those 10081
costs. All money collected from such a charge shall be deposited 10082
to the credit of the fund, and all interest earned on the fund 10083
shall accrue to the fund. The director of administrative services 10084
shall administer the fund in accordance with the respective 10085
collective bargaining agreements and may adopt rules for the 10086
purpose of this administration. 10087

Sec. 125.081. (A) From the purchases that the department of 10088
administrative services is required by law to make through 10089
competitive selection, the director of administrative services 10090
shall select a number of such purchases, the aggregate value of 10091
which equals approximately fifteen per cent of the estimated total 10092
value of all such purchases to be made in the current fiscal year. 10093
The director shall set aside the purchases selected for 10094
competition only by minority business enterprises, as defined in 10095
division (E)(1) of section 122.71 of the Revised Code. The 10096
competitive selection procedures for such purchases set aside 10097
shall be the same as for all other purchases the department is 10098

required to make through competitive selection, except that only 10099
minority business enterprises certified by the equal employment 10100
opportunity coordinator of the department of administrative 10101
services in accordance with the rules adopted under division 10102
(B)(1) of section 123.151 of the Revised Code and listed by the 10103
director under division (B) of section 125.08 of the Revised Code 10104
shall be qualified to compete. 10105

(B) To the extent that any agency of the state, including 10106
state universities as defined in section 3345.011 of the Revised 10107
Code and the Ohio housing finance agency, the third frontier 10108
commission, the clean Ohio council, and the Ohio school facilities 10109
commission, other than the department of administrative services, 10110
the legislative and judicial branches, boards of elections, and 10111
the adjutant general, is authorized to make purchases, the agency 10112
shall set aside a number of purchases, the aggregate value of 10113
which equals approximately fifteen per cent of the aggregate value 10114
of such purchases for the current fiscal year for competition by 10115
minority business enterprises only. The procedures for such 10116
purchases shall be the same as for all other such purchases made 10117
by the agency, except that only minority business enterprises 10118
certified by the equal employment opportunity coordinator in 10119
accordance with rules adopted under division (B)(1) of section 10120
123.151 of the Revised Code shall be qualified to compete. 10121

In awarding contracts under division (A) or (B) of this 10122
section, the department of administrative services or another 10123
state agency shall comply with section 123.154 of the Revised 10124
Code. 10125

(C) In the case of purchases set aside under division (A) or 10126
(B) of this section, if no bid is submitted by a minority business 10127
enterprise, the purchase shall be made according to usual 10128
procedures. The contracting agency shall from time to time set 10129
aside such additional purchases for which only minority business 10130

enterprises may compete, as are necessary to replace those 10131
purchases previously set aside for which no minority business 10132
enterprises bid and to ensure that, in any fiscal year, the 10133
aggregate amount of contracts awarded to minority business 10134
enterprises will equal approximately fifteen per cent of the total 10135
amount of contracts awarded by the agency. 10136

(D) The provisions of this section shall not preclude any 10137
minority business enterprise from competing for any other state 10138
purchases that are not specifically set aside for minority 10139
business enterprises. 10140

(E) No funds of any state agency shall be expended in any 10141
fiscal year for any purchase for which competitive selection is 10142
required, until the director of the department of administrative 10143
services certifies to the equal employment opportunity 10144
coordinator, the clerk of the senate, and the clerk of the house 10145
of representatives of the general assembly that approximately 10146
fifteen per cent of the aggregate amount of the projected 10147
expenditure for such purchases in the fiscal year has been set 10148
aside as provided for in this section. 10149

(F) Any person who intentionally misrepresents self as 10150
owning, controlling, operating, or participating in a minority 10151
business enterprise for the purpose of obtaining contracts, 10152
subcontracts, or any other benefits under this section shall be 10153
guilty of theft by deception as provided for in section 2913.02 of 10154
the Revised Code. 10155

Sec. 125.20. (A) Within one hundred eighty days after the 10156
effective date of this section, the director of administrative 10157
services shall establish an electronic site accessible through the 10158
internet to publish the following: 10159

(1) A database containing each state employee's year-to-date 10160
gross pay and pay from the most recent pay period. The database 10161

shall contain searchable fields including the name of the agency, position title, and employee name. 10162
10163

(2) A database containing agency expenditures for goods and services that shall contain searchable fields including the name of the agency, expenditure amount, category of good or service for which an expenditure is made, and contractor or vendor name; 10164
10165
10166
10167

(3) A database containing tax credits issued by the director of development to business entities that shall contain searchable fields, including the name under which the tax credit is known, the name of the entity receiving the credit, and the county in which the credit recipient's principal place of business in this state is located. 10168
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(B) Daily, each executive agency shall provide to the department of administrative services information to be published in the databases under division (A) of this section. The director of administrative services may adopt rules governing the means by which information is submitted and databases are updated. 10174
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Sec. 125.22. (A) The department of administrative services shall establish the central service agency to perform routine and provide support for the following boards and commissions: 10179
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10181

(1) Architects board; 10182

(2) Barber board; 10183

(3) State chiropractic board; 10184

(4) State board of cosmetology; 10185

(5) Accountancy board; 10186

(6) State dental board; 10187

(7) State board of optometry; 10188

(8) Ohio occupational therapy, physical therapy, and athletic trainers board; 10189
10190

(9) State board of registration for professional engineers and surveyors;	10191 10192
(10) State board of sanitarian registration;	10193
(11) Board of embalmers and funeral directors;	10194
(12) State board of psychology;	10195
(13) Ohio optical dispensers board;	10196
(14) Board of speech- <u>language</u> pathology and audiology;	10197
(15) Counselor, social worker, and marriage and family therapist board;	10198 10199
(16) State veterinary medical licensing board;	10200
(17) Ohio board of dietetics;	10201
(18) Commission on Hispanic-Latino affairs;	10202
(19) Ohio respiratory care board;	10203
(20) Ohio commission on African American males;	10204
(21) Chemical dependency professionals board;	10205
<u>(21) State medical board;</u>	10206
<u>(22) Board of nursing;</u>	10207
<u>(23) State board of pharmacy;</u>	10208
<u>(24) Ohio medical transportation board;</u>	10209
<u>(25) Ohio athletic commission;</u>	10210
<u>(26) Board of motor vehicle collision repair;</u>	10211
<u>(27) Manufactured homes commission;</u>	10212
<u>(28) Board of orthotics, prosthetics, and pedorthics;</u>	10213
<u>(29) State board of career colleges and schools.</u>	10214
(B)(1) Notwithstanding any other section of the Revised Code	10215
<u>On or before June 30, 2010, the agency, in conjunction with the</u>	10216

individual boards and commissions named in division (A) of the 10217
section, shall develop and implement specific service level 10218
agreements and agency specific addendums to perform and provide 10219
~~the following routine~~ support services for ~~the~~ those boards and 10220
commissions named in division (A) of this section unless the 10221
controlling board exempts a board or commission from this 10222
requirement on the recommendation of the director of 10223
~~administrative services.~~ The service level agreements may provide 10224
for all or some of the following services: 10225

(a) ~~Preparing~~ Making recommendations regarding and preparing 10226
and processing of payroll and other personnel documents; 10227

(b) Preparing and processing vouchers, purchase orders, 10228
encumbrances, and other accounting documents; 10229

(c) Maintaining ledgers of accounts and balances; 10230

(d) Preparing and monitoring budgets and allotment plans in 10231
consultation with the boards and commissions; 10232

(e) Other routine support services that the ~~director of~~ 10233
~~administrative services considers~~ agency and the boards and 10234
commissions consider appropriate to achieve efficiency. 10235

(2) The agency may perform and provide other services which a 10236
board or commission named in division (A) of this section 10237
delegates to the agency and the agency accepts. 10238

(3) The agency may perform and provide any service for any 10239
professional or occupational licensing board not named in division 10240
(A) of this section or any commission if the board or commission 10241
requests such service and the agency accepts. 10242

(C) The director of administrative services shall be the 10243
appointing authority for the agency. 10244

(D) The agency shall determine the fees to be charged to the 10245
boards and commissions, which shall be in proportion to the 10246

services performed or provided for each board or commission. All 10247
services shall be documented in the service level agreements and 10248
addendums signed by the agency and the boards and commissions. 10249

(E) Each board or commission named in division (A) of this 10250
section and any other board or commission requesting services from 10251
the agency shall pay these fees to the agency from the general 10252
revenue fund maintenance account of the board or commission or 10253
from such other fund as the operating expenses of the board or 10254
commission are paid. Any amounts set aside for a fiscal year by a 10255
board or commission to allow for the payment of fees shall be used 10256
only for the services performed or provided by the agency in that 10257
fiscal year. All receipts collected by the agency shall be 10258
deposited in the state treasury to the credit of the central 10259
service agency fund, which is hereby created. All expenses 10260
incurred by the agency in performing or providing services for the 10261
boards or commissions shall be paid from the fund. 10262

(F) ~~Nothing in this section shall be construed as a grant of~~ 10263
~~authority for the~~ The central service agency ~~to~~ may initiate or 10264
deny those personnel or fiscal actions ~~for the boards and~~ 10265
~~commissions~~ that are addressed in a service level agreement or 10266
addendum, subject to the terms and conditions of the agreement or 10267
addendum. The central service agency may in writing initiate or 10268
deny personnel or fiscal actions that are contrary to state law or 10269
policy. The state law or policy shall be stated in the initiation 10270
or denial. 10271

Sec. 125.24. With respect to any contract entered into under 10272
this chapter, which is made by the state or in whole or in part 10273
supported by state funds, a contractor shall comply with any 10274
regulation or ordinance that relates to the health, safety, 10275
status, and welfare of employees and that is enacted by the 10276
political subdivision in which the contract is to be performed. 10277

Sec. 125.831. As used in sections 125.831 to 125.834 of the	10278
Revised Code:	10279
(A) "Alternative fuel" means any of the following fuels used	10280
in a motor vehicle:	10281
(1) E85 blend fuel;	10282
(2) Blended biodiesel;	10283
(3) Natural gas;	10284
(4) Liquefied petroleum gas;	10285
(5) Hydrogen;	10286
(6) <u>Compressed air</u> ;	10287
<u>(7)</u> Any power source, including electricity;	10288
(7) <u>(8)</u> Any fuel not described in divisions (A)(1) to (6) <u>(7)</u>	10289
of this section that the United States department of energy	10290
determines, by final rule, to be substantially not petroleum, and	10291
that would yield substantial energy security and environmental	10292
benefits.	10293
(B) "Biodiesel" means a mono-alkyl ester combustible liquid	10294
fuel that is derived from vegetable oils or animal fats, or any	10295
combination of those reagents that meets the American society for	10296
testing and materials specification for biodiesel fuel (B100)	10297
blend stock distillate fuels and any other standards that the	10298
director of administrative services adopts by rule.	10299
(C) "Blended biodiesel" means a blend of biodiesel with	10300
petroleum based diesel fuel in which the resultant product	10301
contains not less than twenty per cent biodiesel that meets the	10302
American society for testing and materials specification for	10303
blended diesel fuel and any other standards that the director of	10304
administrative services adopts by rule.	10305
(D) "Diesel fuel" means any liquid fuel that is capable of	10306

use in discrete form or as a blend component in the operation of 10307
engines of the diesel type. 10308

(E) "E85 blend fuel" means fuel containing eighty-five per 10309
cent or more ethanol as defined in section 5733.46 of the Revised 10310
Code or containing any other percentage of not less than seventy 10311
per cent ethanol if the United States department of energy 10312
determines, by rule, that the lower percentage is necessary to 10313
provide for the requirements of cold start, safety, or vehicle 10314
functions, and that meets the American society for testing and 10315
materials specification for E85 blend fuel and any other standards 10316
that the director of administrative services adopts by rule. 10317

(F) "Law enforcement officer" means an officer, agent, or 10318
employee of a state agency upon whom, by statute, a duty to 10319
conserve the peace or to enforce all or certain laws is imposed 10320
and the authority to arrest violators is conferred, within the 10321
limits of that statutory duty and authority, but does not include 10322
such an officer, agent, or employee if that duty and authority is 10323
location specific. 10324

(G)(1) "Motor vehicle" means any automobile, car minivan, 10325
cargo van, passenger van, sport utility vehicle, or pickup truck 10326
with a gross vehicle weight of under twelve thousand pounds. 10327

(2) "Motor vehicle" does not include, except for the purposes 10328
of division (C) of section 125.832 of the Revised Code, any 10329
vehicle described in division (G)(1) of this section that is used 10330
by a law enforcement officer and law enforcement agency or any 10331
vehicle that is so described and that is equipped with specialized 10332
equipment that is not normally found in such a vehicle and that is 10333
used to carry out a state agency's specific and specialized duties 10334
and responsibilities. 10335

(H) "Specialized equipment" does not include standard mobile 10336
radios with no capabilities other than voice communication, 10337

exterior and interior lights, or roof-mounted caution lights. 10338

(I) "State agency" means every organized body, office, board, 10339
authority, commission, or agency established by the laws of the 10340
state for the exercise of any governmental or quasi-governmental 10341
function of state government regardless of the funding source for 10342
that entity, other than any state institution of higher education, 10343
the office of the governor, lieutenant governor, auditor of state, 10344
treasurer of state, secretary of state, or attorney general, the 10345
general assembly or any legislative agency, the courts or any 10346
judicial agency, or any state retirement system or retirement 10347
program established by or referenced in the Revised Code. 10348

(J) "State institution of higher education" has the same 10349
meaning as in section 3345.011 of the Revised Code. 10350

Sec. 126.05. On or before the tenth day of each month, the 10351
director of budget and management shall furnish to the governor 10352
statements in such form as the governor requires showing the 10353
condition of the general revenue fund. The statements shall 10354
provide a summary of the status of appropriations to enable the 10355
governor to exercise and maintain effective supervision and 10356
control over the expenditures of the state. The director shall 10357
also furnish statements the governor requests showing the 10358
condition of any other fund. 10359

If the governor ascertains that the available revenue 10360
receipts and balances for the general revenue fund for the current 10361
fiscal year will in all probability be less than the 10362
appropriations for the year, ~~he~~ the governor shall issue such 10363
orders to the state agencies as will prevent their expenditures 10364
and incurred obligations from exceeding such revenue receipts and 10365
balances. 10366

If the governor ascertains that the available revenue 10367
receipts and balances for any fund other than the general revenue 10368

fund for the current fiscal year will in all probability be less 10369
than the appropriations for the year, ~~he~~ the governor may issue 10370
such orders to the state agencies as will prevent their 10371
expenditures and incurred obligations from exceeding such revenue 10372
receipts and balances. 10373

If the governor determines that the available revenue 10374
receipts and balances in any fund or across funds will likely be 10375
less than the appropriations for the year, the governor may 10376
declare a fiscal emergency and may issue such orders as necessary 10377
to the director of budget and management to reduce expenditures, 10378
or to the director of administrative services to implement 10379
personnel actions consistent therewith, including, but not limited 10380
to, mandatory cost savings days under section 124.392 of the 10381
Revised Code. 10382

As used in this section, "expenditures and incurred 10383
obligations" includes all moneys expended or obligated pursuant to 10384
appropriations by the general assembly that are calculated and 10385
distributed pursuant to a distribution formula in law. 10386

Sec. 126.21. (A) The director of budget and management shall 10387
do all of the following: 10388

(1) Keep all necessary accounting records; 10389

(2) Prescribe and maintain the accounting system of the state 10390
and establish appropriate accounting procedures and charts of 10391
accounts; 10392

(3) Establish procedures for the use of written, electronic, 10393
optical, or other communications media for approving and reviewing 10394
payment vouchers; 10395

(4) Reconcile, in the case of any variation between the 10396
amount of any appropriation and the aggregate amount of items of 10397
the appropriation, with the advice and assistance of the state 10398

agency affected by it and the legislative service commission, 10399
totals so as to correspond in the aggregate with the total 10400
appropriation. In the case of a conflict between the item and the 10401
total of which it is a part, the item shall be considered the 10402
intended appropriation. 10403

(5) Evaluate on an ongoing basis and, if necessary, recommend 10404
improvements to the internal controls used in state agencies; 10405

(6) Authorize the establishment of petty cash accounts. The 10406
director may withdraw approval for any petty cash account and 10407
require the officer in charge to return to the state treasury any 10408
unexpended balance shown by the officer's accounts to be on hand. 10409
Any officer who is issued a warrant for petty cash shall render a 10410
detailed account of the expenditures of the petty cash and shall 10411
report when requested the balance of petty cash on hand at any 10412
time. 10413

(7) Process orders, invoices, vouchers, claims, and payrolls 10414
and prepare financial reports and statements; 10415

(8) Perform extensions, reviews, and compliance checks prior 10416
to or after approving a payment as the director considers 10417
necessary; 10418

(9) Issue the official comprehensive annual financial report 10419
of the state. The report shall cover all funds of the state 10420
reporting entity and shall include basic financial statements and 10421
required supplementary information prepared in accordance with 10422
generally accepted accounting principles and other information as 10423
the director provides. All state agencies, authorities, 10424
institutions, offices, retirement systems, and other component 10425
units of the state reporting entity as determined by the director 10426
shall furnish the director whatever financial statements and other 10427
information the director requests for the report, in the form, at 10428
the times, covering the periods, and with the attestation the 10429

director prescribes. The information for state institutions of 10430
higher education, as defined in section 3345.011 of the Revised 10431
Code, shall be submitted to the chancellor by the Ohio board of 10432
regents. The board shall establish a due date by which each such 10433
institution shall submit the information to the board, but no such 10434
date shall be later than one hundred twenty days after the end of 10435
the state fiscal year unless a later date is approved by the 10436
director. 10437

(B) In addition to the director's duties under division (A) 10438
of this section, the director may establish and administer one or 10439
more state payment card programs that permit or require state 10440
agencies to use a payment card to purchase equipment, materials, 10441
supplies, or services in accordance with guidelines issued by the 10442
director. The chief administrative officer of a state agency that 10443
uses a payment card for such purposes shall ensure that purchases 10444
made with the card are made in accordance with the guidelines 10445
issued by the director and do not exceed the unexpended, 10446
unencumbered, unobligated balance in the appropriation to be 10447
charged for the purchase. State agencies may participate in only 10448
those state payment card programs that the director establishes 10449
pursuant to this section. 10450

(C) In addition to the director's duties under divisions (A) 10451
and (B) of this section, the director may enter into any contract 10452
or agreement necessary for and incidental to the performance of 10453
the director's duties or the duties of the office of budget and 10454
management. 10455

(D) In consultation with the director of administrative 10456
services, the director may appoint and fix the compensation of 10457
employees of the office of budget and management whose primary 10458
duties include the consolidation of statewide financing functions 10459
and common transactional processes. 10460

Sec. 126.35. (A) The director of budget and management shall 10461
draw warrants against the treasurer of state pursuant to all 10462
requests for payment that the director has approved under section 10463
126.07 of the Revised Code. 10464

(B) Unless ~~the director of job and family services has~~ 10465
~~provided for the making of payments~~ a cash assistance payment is 10466
to be made by electronic benefit transfer, ~~if a financial~~ 10467
~~institution and account have been designated by the participant or~~ 10468
~~recipient,~~ payment by the director of budget and management to a 10469
participant in the Ohio works first program pursuant to Chapter 10470
5107. of the Revised Code ~~or,~~ a recipient of disability financial 10471
assistance pursuant to Chapter 5115. of the Revised Code, or a 10472
recipient of cash assistance provided under the refugee assistance 10473
program established under section 5101.49 of the Revised Code 10474
shall be made by direct deposit to the account of the participant 10475
or recipient in the financial institution designated under section 10476
329.03 of the Revised Code. Payment by the director of budget and 10477
management to a recipient of benefits distributed through the 10478
medium of electronic benefit transfer pursuant to section 5101.33 10479
of the Revised Code shall be by electronic benefit transfer. 10480
Payment by the director of budget and management as compensation 10481
to an employee of the state who has, pursuant to section 124.151 10482
of the Revised Code, designated a financial institution and 10483
account for the direct deposit of such payments shall be made by 10484
direct deposit to the account of the employee. Payment to any 10485
other payee who has designated a financial institution and account 10486
for the direct deposit of such payment may be made by direct 10487
deposit to the account of the payee in the financial institution 10488
as provided in section 9.37 of the Revised Code. Accounts 10489
maintained by the director of budget and management or the 10490
director's agent in a financial institution for the purpose of 10491
effectuating payment by direct deposit or electronic benefit 10492

transfer shall be maintained in accordance with section 135.18 of 10493
the Revised Code. 10494

(C) All other payments from the state treasury shall be made 10495
by paper warrants or by direct deposit payable to the respective 10496
payees. The director of budget and management may mail the paper 10497
warrants to the respective payees or distribute them through other 10498
state agencies, whichever the director determines to be the better 10499
procedure. 10500

(D) If the average per transaction cost the director of 10501
budget and management incurs in making direct deposits for a state 10502
agency exceeds the average per transaction cost the director 10503
incurs in drawing paper warrants for all public offices during the 10504
same period of time, the director may certify the difference in 10505
cost and the number of direct deposits for the agency to the 10506
director of administrative services. The director of 10507
administrative services shall reimburse the director of budget and 10508
management for such additional costs and add the amount to the 10509
processing charge assessed upon the state agency. 10510

Sec. 127.16. (A) Upon the request of either a state agency or 10511
the director of budget and management and after the controlling 10512
board determines that an emergency or a sufficient economic reason 10513
exists, the controlling board may approve the making of a purchase 10514
without competitive selection as provided in division (B) of this 10515
section. 10516

(B) Except as otherwise provided in this section, no state 10517
agency, using money that has been appropriated to it directly, 10518
shall: 10519

(1) Make any purchase from a particular supplier, that would 10520
amount to fifty thousand dollars or more when combined with both 10521
the amount of all disbursements to the supplier during the fiscal 10522
year for purchases made by the agency and the amount of all 10523

outstanding encumbrances for purchases made by the agency from the 10524
supplier, unless the purchase is made by competitive selection or 10525
with the approval of the controlling board; 10526

(2) Lease real estate from a particular supplier, if the 10527
lease would amount to seventy-five thousand dollars or more when 10528
combined with both the amount of all disbursements to the supplier 10529
during the fiscal year for real estate leases made by the agency 10530
and the amount of all outstanding encumbrances for real estate 10531
leases made by the agency from the supplier, unless the lease is 10532
made by competitive selection or with the approval of the 10533
controlling board. 10534

(C) Any person who authorizes a purchase in violation of 10535
division (B) of this section shall be liable to the state for any 10536
state funds spent on the purchase, and the attorney general shall 10537
collect the amount from the person. 10538

(D) Nothing in division (B) of this section shall be 10539
construed as: 10540

(1) A limitation upon the authority of the director of 10541
transportation as granted in sections 5501.17, 5517.02, and 10542
5525.14 of the Revised Code; 10543

(2) Applying to medicaid provider agreements under Chapter 10544
5111. of the Revised Code or payments or provider agreements under 10545
the disability medical assistance program established under 10546
Chapter 5115. of the Revised Code; 10547

(3) Applying to the purchase of examinations from a sole 10548
supplier by a state licensing board under Title XLVII of the 10549
Revised Code; 10550

(4) Applying to entertainment contracts for the Ohio state 10551
fair entered into by the Ohio expositions commission, provided 10552
that the controlling board has given its approval to the 10553
commission to enter into such contracts and has approved a total 10554

budget amount for such contracts as agreed upon by commission 10555
action, and that the commission causes to be kept itemized records 10556
of the amounts of money spent under each contract and annually 10557
files those records with the clerk of the house of representatives 10558
and the clerk of the senate following the close of the fair; 10559

(5) Limiting the authority of the chief of the division of 10560
mineral resources management to contract for reclamation work with 10561
an operator mining adjacent land as provided in section 1513.27 of 10562
the Revised Code; 10563

(6) Applying to investment transactions and procedures of any 10564
state agency, except that the agency shall file with the board the 10565
name of any person with whom the agency contracts to make, broker, 10566
service, or otherwise manage its investments, as well as the 10567
commission, rate, or schedule of charges of such person with 10568
respect to any investment transactions to be undertaken on behalf 10569
of the agency. The filing shall be in a form and at such times as 10570
the board considers appropriate. 10571

(7) Applying to purchases made with money for the per cent 10572
for arts program established by section 3379.10 of the Revised 10573
Code; 10574

(8) Applying to purchases made by the rehabilitation services 10575
commission of services, or supplies, that are provided to persons 10576
with disabilities, or to purchases made by the commission in 10577
connection with the eligibility determinations it makes for 10578
applicants of programs administered by the social security 10579
administration; 10580

(9) Applying to payments by the department of job and family 10581
services under section 5111.13 of the Revised Code for group 10582
health plan premiums, deductibles, coinsurance, and other 10583
cost-sharing expenses; 10584

(10) Applying to any agency of the legislative branch of the 10585

state government;	10586
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	10587 10588 10589
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	10590 10591 10592 10593
(13) Applying to dues or fees paid for membership in an organization or association;	10594 10595
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	10596 10597
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	10598 10599 10600 10601
(16) Applying to purchases of tickets for passenger air transportation;	10602 10603
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	10604 10605 10606
(18) Applying to the judicial branch of state government;	10607
(19) Applying to purchases of liquor for resale by the division of liquor control;	10608 10609
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	10610 10611 10612
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal	10613 10614 10615

service;	10616
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	10617 10618 10619
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	10620 10621
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	10622 10623 10624 10625
(25) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	10626 10627 10628
(26) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax refund offset program of the internal revenue service of the United States department of the treasury;	10629 10630 10631 10632 10633
(27) Applying to contracts entered into by the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	10634 10635 10636
(28) Applying to payments made by the department of mental health under a physician recruitment program authorized by section 5119.101 of the Revised Code;	10637 10638 10639
(29) Applying to contracts entered into with persons by the director of commerce for unclaimed funds collection and remittance efforts as provided in division (F) of section 169.03 of the Revised Code. The director shall keep an itemized accounting of unclaimed funds collected by those persons and amounts paid to them for their services.	10640 10641 10642 10643 10644 10645

(30) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education; 10646
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(31) Applying to the department of job and family services' purchases of health assistance services under the children's health insurance program part I provided for under section 5101.50 of the Revised Code, the children's health insurance program part II provided for under section 5101.51 of the Revised Code, or the children's health insurance program part III provided for under section 5101.52 of the Revised Code, or the children's buy-in program provided for under sections 5101.5211 to 5101.5216 of the Revised Code; 10651
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(32) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code; 10660
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(33) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code; 10664
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(34) Applying to ~~reimbursements paid to the United States department of veterans affairs for pharmaceutical and patient supply purchases made on behalf of the Ohio veterans' home agency~~ purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs; 10667
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~~(35) Applying to agreements entered into with terminal distributors of dangerous drugs under section 173.79 of the Revised Code;~~ 10673
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~~(36)~~ Applying to payments by the superintendent of the bureau 10676

of criminal identification and investigation to the federal bureau 10677
of investigation for criminal records checks pursuant to section 10678
109.572 of the Revised Code. 10679

(E) When determining whether a state agency has reached the 10680
cumulative purchase thresholds established in divisions (B)(1) and 10681
(2) of this section, all of the following purchases by such agency 10682
shall not be considered: 10683

(1) Purchases made through competitive selection or with 10684
controlling board approval; 10685

(2) Purchases listed in division (D) of this section; 10686

(3) For the purposes of the threshold of division (B)(1) of 10687
this section only, leases of real estate. 10688

(F) As used in this section, "competitive selection," 10689
"purchase," "supplies," and "services" have the same meanings as 10690
in section 125.01 of the Revised Code. 10691

Sec. 131.33. (A) No state agency shall incur an obligation 10692
which exceeds the agency's current appropriation authority. 10693
~~Unexpended~~ Except as provided in division (D) of this section, 10694
unexpended balances of appropriations shall, at the close of the 10695
period for which the appropriations are made, revert to the funds 10696
from which the appropriations were made, except that the director 10697
of budget and management shall transfer such unexpended balances 10698
from the first fiscal year to the second fiscal year of an 10699
agency's appropriations to the extent necessary for voided 10700
warrants to be reissued pursuant to division (C) of section 126.37 10701
of the Revised Code. 10702

Except as provided in this section, appropriations made to a 10703
specific fiscal year shall be expended only to pay liabilities 10704
incurred within that fiscal year. 10705

(B) All payrolls shall be charged to the allotments of the 10706

fiscal quarters in which the applicable payroll vouchers are 10707
certified by the director of budget and management in accordance 10708
with section 126.07 of the Revised Code. As used in this ~~section~~ 10709
division, "payrolls" means any payment made in accordance with 10710
section 125.21 of the Revised Code. 10711

(C) Legal liabilities from prior fiscal years for which there 10712
is no reappropriation authority shall be discharged from the 10713
unencumbered balances of current appropriations. 10714

(D)(1) Federal grant funds obligated by the department of job 10715
and family services for financial allocations to county family 10716
services agencies and local workforce investment boards may, at 10717
the discretion of the director of job and family services, be 10718
available for expenditure for the duration of the federal grant 10719
period of obligation and liquidation, as follows: 10720

(a) At the end of the state fiscal year, all unexpended 10721
county family services agency and local workforce investment board 10722
financial allocations obligated from federal grant funds may 10723
continue to be valid for expenditure during subsequent state 10724
fiscal years. 10725

(b) The financial allocations described in division (D)(1)(a) 10726
of this section shall be reconciled at the end of the federal 10727
grant period of availability or as required by federal law, 10728
regardless of the state fiscal year of the appropriation. 10729

(2) The director of job and family services may adopt rules 10730
in accordance with section 111.15 of the Revised Code, as if they 10731
were internal management rules, as necessary to implement division 10732
(D) of this section. 10733

(3) As used in division (D) of this section: 10734

(a) "County family services agency" has the same meaning as 10735
in section 307.981 of the Revised Code. 10736

(b) "Local workforce investment board" means a local 10737
workforce investment board established under section 117 of the 10738
"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2832, 10739
as amended. 10740

Sec. 133.06. (A) A school district shall not incur, without a 10741
vote of the electors, net indebtedness that exceeds an amount 10742
equal to one-tenth of one per cent of its tax valuation, except as 10743
provided in divisions (G) and (H) of this section and in division 10744
(C) of section 3313.372 of the Revised Code, or as prescribed in 10745
section 3318.052 or 3318.44 of the Revised Code, or as provided in 10746
division (J) of this section. 10747

(B) Except as provided in divisions (E), (F), and (I) of this 10748
section, a school district shall not incur net indebtedness that 10749
exceeds an amount equal to nine per cent of its tax valuation. 10750

(C) A school district shall not submit to a vote of the 10751
electors the question of the issuance of securities in an amount 10752
that will make the district's net indebtedness after the issuance 10753
of the securities exceed an amount equal to four per cent of its 10754
tax valuation, unless the superintendent of public instruction, 10755
acting under policies adopted by the state board of education, and 10756
the tax commissioner, acting under written policies of the 10757
commissioner, consent to the submission. A request for the 10758
consents shall be made at least one hundred five days prior to the 10759
election at which the question is to be submitted. 10760

The superintendent of public instruction shall certify to the 10761
district the superintendent's and the tax commissioner's decisions 10762
within thirty days after receipt of the request for consents. 10763

If the electors do not approve the issuance of securities at 10764
the election for which the superintendent of public instruction 10765
and tax commissioner consented to the submission of the question, 10766
the school district may submit the same question to the electors 10767

on the date that the next special election may be held under 10768
section 3501.01 of the Revised Code without submitting a new 10769
request for consent. If the school district seeks to submit the 10770
same question at any other subsequent election, the district shall 10771
first submit a new request for consent in accordance with this 10772
division. 10773

(D) In calculating the net indebtedness of a school district, 10774
none of the following shall be considered: 10775

(1) Securities issued to acquire school buses and other 10776
equipment used in transporting pupils or issued pursuant to 10777
division (D) of section 133.10 of the Revised Code; 10778

(2) Securities issued under division (F) of this section, 10779
under section 133.301 of the Revised Code, and, to the extent in 10780
excess of the limitation stated in division (B) of this section, 10781
under division (E) of this section; 10782

(3) Indebtedness resulting from the dissolution of a joint 10783
vocational school district under section 3311.217 of the Revised 10784
Code, evidenced by outstanding securities of that joint vocational 10785
school district; 10786

(4) Loans, evidenced by any securities, received under 10787
sections 3313.483, 3317.0210, 3317.0211, and 3317.64 of the 10788
Revised Code; 10789

(5) Debt incurred under section 3313.374 of the Revised Code; 10790

(6) Debt incurred pursuant to division (B)(5) of section 10791
3313.37 of the Revised Code to acquire computers and related 10792
hardware; 10793

(7) Debt incurred under section 3318.042 of the Revised Code. 10794

(E) A school district may become a special needs district as 10795
to certain securities as provided in division (E) of this section. 10796

(1) A board of education, by resolution, may declare its 10797

school district to be a special needs district by determining both 10798
of the following: 10799

(a) The student population is not being adequately serviced 10800
by the existing permanent improvements of the district. 10801

(b) The district cannot obtain sufficient funds by the 10802
issuance of securities within the limitation of division (B) of 10803
this section to provide additional or improved needed permanent 10804
improvements in time to meet the needs. 10805

(2) The board of education shall certify a copy of that 10806
resolution to the superintendent of public instruction with a 10807
statistical report showing all of the following: 10808

(a) A history of and a projection of the growth of the 10809
student population; 10810

(b) The history of and a projection of the growth of the tax 10811
valuation; 10812

(c) The projected needs; 10813

(d) The estimated cost of permanent improvements proposed to 10814
meet such projected needs. 10815

(3) The superintendent of public instruction shall certify 10816
the district as an approved special needs district if the 10817
superintendent finds both of the following: 10818

(a) The district does not have available sufficient 10819
additional funds from state or federal sources to meet the 10820
projected needs. 10821

(b) The projection of the potential average growth of tax 10822
valuation during the next five years, according to the information 10823
certified to the superintendent and any other information the 10824
superintendent obtains, indicates a likelihood of potential 10825
average growth of tax valuation of the district during the next 10826
five years of an average of not less than three per cent per year. 10827

The findings and certification of the superintendent shall be 10828
conclusive. 10829

(4) An approved special needs district may incur net 10830
indebtedness by the issuance of securities in accordance with the 10831
provisions of this chapter in an amount that does not exceed an 10832
amount equal to the greater of the following: 10833

(a) Nine per cent of the sum of its tax valuation plus an 10834
amount that is the product of multiplying that tax valuation by 10835
the percentage by which the tax valuation has increased over the 10836
tax valuation on the first day of the sixtieth month preceding the 10837
month in which its board determines to submit to the electors the 10838
question of issuing the proposed securities; 10839

(b) Nine per cent of the sum of its tax valuation plus an 10840
amount that is the product of multiplying that tax valuation by 10841
the percentage, determined by the superintendent of public 10842
instruction, by which that tax valuation is projected to increase 10843
during the next ten years. 10844

(F) A school district may issue securities for emergency 10845
purposes, in a principal amount that does not exceed an amount 10846
equal to three per cent of its tax valuation, as provided in this 10847
division. 10848

(1) A board of education, by resolution, may declare an 10849
emergency if it determines both of the following: 10850

(a) School buildings or other necessary school facilities in 10851
the district have been wholly or partially destroyed, or condemned 10852
by a constituted public authority, or that such buildings or 10853
facilities are partially constructed, or so constructed or planned 10854
as to require additions and improvements to them before the 10855
buildings or facilities are usable for their intended purpose, or 10856
that corrections to permanent improvements are necessary to remove 10857
or prevent health or safety hazards. 10858

(b) Existing fiscal and net indebtedness limitations make 10859
adequate replacement, additions, or improvements impossible. 10860

(2) Upon the declaration of an emergency, the board of 10861
education may, by resolution, submit to the electors of the 10862
district pursuant to section 133.18 of the Revised Code the 10863
question of issuing securities for the purpose of paying the cost, 10864
in excess of any insurance or condemnation proceeds received by 10865
the district, of permanent improvements to respond to the 10866
emergency need. 10867

(3) The procedures for the election shall be as provided in 10868
section 133.18 of the Revised Code, except that: 10869

(a) The form of the ballot shall describe the emergency 10870
existing, refer to this division as the authority under which the 10871
emergency is declared, and state that the amount of the proposed 10872
securities exceeds the limitations prescribed by division (B) of 10873
this section; 10874

(b) The resolution required by division (B) of section 133.18 10875
of the Revised Code shall be certified to the county auditor and 10876
the board of elections at least seventy-five days prior to the 10877
election; 10878

(c) The county auditor shall advise and, not later than 10879
sixty-five days before the election, confirm that advice by 10880
certification to, the board of education of the information 10881
required by division (C) of section 133.18 of the Revised Code; 10882

(d) The board of education shall then certify its resolution 10883
and the information required by division (D) of section 133.18 of 10884
the Revised Code to the board of elections not less than sixty 10885
days prior to the election. 10886

(4) Notwithstanding division (B) of section 133.21 of the 10887
Revised Code, the first principal payment of securities issued 10888
under this division may be set at any date not later than sixty 10889

months after the earliest possible principal payment otherwise 10890
provided for in that division. 10891

(G) The board of education may contract with an architect, 10892
professional engineer, or other person experienced in the design 10893
and implementation of energy conservation measures for an analysis 10894
and recommendations pertaining to installations, modifications of 10895
installations, or remodeling that would significantly reduce 10896
energy consumption in buildings owned by the district. The report 10897
shall include estimates of all costs of such installations, 10898
modifications, or remodeling, including costs of design, 10899
engineering, installation, maintenance, repairs, and debt service, 10900
and estimates of the amounts by which energy consumption and 10901
resultant operational and maintenance costs, as defined by the 10902
Ohio school facilities commission, would be reduced. 10903

If the board finds after receiving the report that the amount 10904
of money the district would spend on such installations, 10905
modifications, or remodeling is not likely to exceed the amount of 10906
money it would save in energy and resultant operational and 10907
maintenance costs over the ensuing fifteen years, the board may 10908
submit to the commission a copy of its findings and a request for 10909
approval to incur indebtedness to finance the making or 10910
modification of installations or the remodeling of buildings for 10911
the purpose of significantly reducing energy consumption. 10912

If the commission determines that the board's findings are 10913
reasonable, it shall approve the board's request. Upon receipt of 10914
the commission's approval, the district may issue securities 10915
without a vote of the electors in a principal amount not to exceed 10916
nine-tenths of one per cent of its tax valuation for the purpose 10917
of making such installations, modifications, or remodeling, but 10918
the total net indebtedness of the district without a vote of the 10919
electors incurred under this and all other sections of the Revised 10920
Code, except section 3318.052 of the Revised Code, shall not 10921

exceed one per cent of the district's tax valuation. 10922

So long as any securities issued under division (G) of this 10923
section remain outstanding, the board of education shall monitor 10924
the energy consumption and resultant operational and maintenance 10925
costs of buildings in which installations or modifications have 10926
been made or remodeling has been done pursuant to division (G) of 10927
this section and shall maintain and annually update a report 10928
documenting the reductions in energy consumption and resultant 10929
operational and maintenance cost savings attributable to such 10930
installations, modifications, or remodeling. The report shall be 10931
certified by an architect or engineer independent of any person 10932
that provided goods or services to the board in connection with 10933
the energy conservation measures that are the subject of the 10934
report. The resultant operational and maintenance cost savings 10935
shall be certified by the school district treasurer. The report 10936
shall be made available to the commission upon request. 10937

(H) With the consent of the superintendent of public 10938
instruction, a school district may incur without a vote of the 10939
electors net indebtedness that exceeds the amounts stated in 10940
divisions (A) and (G) of this section for the purpose of paying 10941
costs of permanent improvements, if and to the extent that both of 10942
the following conditions are satisfied: 10943

(1) The fiscal officer of the school district estimates that 10944
receipts of the school district from payments made under or 10945
pursuant to agreements entered into pursuant to section 725.02, 10946
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 10947
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 10948
Code, or distributions under division (C) of section 5709.43 of 10949
the Revised Code, or any combination thereof, are, after 10950
accounting for any appropriate coverage requirements, sufficient 10951
in time and amount, and are committed by the proceedings, to pay 10952
the debt charges on the securities issued to evidence that 10953

indebtedness and payable from those receipts, and the taxing 10954
authority of the district confirms the fiscal officer's estimate, 10955
which confirmation is approved by the superintendent of public 10956
instruction; 10957

(2) The fiscal officer of the school district certifies, and 10958
the taxing authority of the district confirms, that the district, 10959
at the time of the certification and confirmation, reasonably 10960
expects to have sufficient revenue available for the purpose of 10961
operating such permanent improvements for their intended purpose 10962
upon acquisition or completion thereof, and the superintendent of 10963
public instruction approves the taxing authority's confirmation. 10964

The maximum maturity of securities issued under division (H) 10965
of this section shall be the lesser of twenty years or the maximum 10966
maturity calculated under section 133.20 of the Revised Code. 10967

(I) A school district may incur net indebtedness by the 10968
issuance of securities in accordance with the provisions of this 10969
chapter in excess of the limit specified in division (B) or (C) of 10970
this section when necessary to raise the school district portion 10971
of the basic project cost and any additional funds necessary to 10972
participate in a project under Chapter 3318. of the Revised Code, 10973
including the cost of items designated by the Ohio school 10974
facilities commission as required locally funded initiatives and 10975
the cost for site acquisition. The school facilities commission 10976
shall notify the superintendent of public instruction whenever a 10977
school district will exceed either limit pursuant to this 10978
division. 10979

(J) A school district whose portion of the basic project cost 10980
of its classroom facilities project under sections 3318.01 to 10981
3318.20 of the Revised Code is greater than or equal to one 10982
hundred million dollars may incur without a vote of the electors 10983
net indebtedness in an amount up to two per cent of its tax 10984
valuation through the issuance of general obligation securities in 10985

order to generate all or part of the amount of its portion of the 10986
basic project cost if the controlling board has approved the 10987
school facilities commission's conditional approval of the project 10988
under section 3318.04 of the Revised Code. The school district 10989
board and the Ohio school facilities commission shall include the 10990
dedication of the proceeds of such securities in the agreement 10991
entered into under section 3318.08 of the Revised Code. No state 10992
moneys shall be released for a project to which this section 10993
applies until the proceeds of any bonds issued under this section 10994
that are dedicated for the payment of the school district portion 10995
of the project are first deposited into the school district's 10996
project construction fund. 10997

Sec. 135.03. Any national bank, any bank doing business under 10998
authority granted by the superintendent of financial institutions, 10999
or any bank doing business under authority granted by the 11000
regulatory authority of another state of the United States, 11001
located in this state ~~and any bank as defined by section 1101.01~~ 11002
~~of the Revised Code, subject to inspection by the superintendent~~ 11003
~~of financial institutions,~~ is eligible to become a public 11004
depository, subject to sections 135.01 to 135.21 of the Revised 11005
Code. No bank shall receive or have on deposit at any one time 11006
public moneys, including public moneys as defined in section 11007
135.31 of the Revised Code, in an aggregate amount in excess of 11008
thirty per cent of its total assets, as shown in its latest report 11009
to the ~~superintendent of financial institutions or~~ comptroller of 11010
the currency, the superintendent of financial institutions, the 11011
federal deposit insurance corporation, or the board of governors 11012
of the federal reserve system. 11013

~~Any domestic association as defined in section 1151.01 of the~~ 11014
~~Revised Code, or any savings bank as defined in section 1161.01 of~~ 11015
~~the Revised Code, federal savings association, any savings and~~ 11016
loan association or savings bank doing business under authority 11017

granted by the superintendent of financial institutions, or any 11018
savings and loan association or savings bank doing business under 11019
authority granted by the regulatory authority of another state of 11020
the United States, located in this state, and authorized to accept 11021
deposits is eligible to become a public depository, subject to 11022
sections 135.01 to 135.21 of the Revised Code. No ~~domestic~~ savings 11023
association, savings and loan association, or savings bank shall 11024
receive or have on deposit at any one time public moneys, 11025
including public moneys as defined in section 135.31 of the 11026
Revised Code, in an aggregate amount in excess of thirty per cent 11027
of its total assets, as shown in its latest report to the 11028
~~superintendent of financial institutions or federal home loan bank~~
~~board office of thrift supervision, the superintendent of~~ 11029
financial institutions, the federal deposit insurance corporation, 11030
or the board of governors of the federal reserve system. 11031
11032

Sec. 135.06. Each eligible institution desiring to be a 11033
public depository of the inactive deposits of the public moneys of 11034
the state or of the inactive deposits of the public moneys of the 11035
subdivision shall, not more than thirty days prior to the date 11036
fixed by section 135.12 of the Revised Code for the designation of 11037
such public depositories, make application therefor in writing to 11038
the proper governing board. Such application shall specify the 11039
maximum amount of such public moneys which the applicant desires 11040
to receive and have on deposit as an inactive deposit at any one 11041
time during the period covered by the designation, provided that, 11042
~~where such applicant is a bank,~~ it shall not apply for more than 11043
thirty per cent of its total assets as revealed by its latest 11044
report to the superintendent of ~~banks or~~ financial institutions, 11045
the comptroller of the currency, ~~and provided that where such~~ 11046
~~applicant is a building and loan association, it shall not apply~~ 11047
~~for more than thirty per cent of its total assets as revealed by~~ 11048
~~its latest report to the superintendent of building and loan~~ 11049

~~associations or the federal home loan bank board~~ the office of 11050
thrift supervision, the federal deposit insurance corporation, or 11051
the board of governors of the federal reserve system, and the rate 11052
of interest which the applicant, ~~whether it be a bank or a~~ 11053
~~building and loan association,~~ will pay thereon, subject to the 11054
limitations of sections 135.01 to 135.21 of the Revised Code. Each 11055
application shall be accompanied by a financial statement of the 11056
applicant, under oath of its cashier, treasurer, or other officer, 11057
in such detail as to show the capital funds of the applicant, as 11058
of the date of its latest report to the superintendent ~~of banks,~~ 11059
~~superintendent of building and loan associations, federal home~~ 11060
~~loan bank board, or~~ of financial institutions, the comptroller of 11061
the currency, the office of thrift supervision, the federal 11062
deposit insurance corporation, or the board of governors of the 11063
federal reserve system, and adjusted to show any changes therein 11064
made prior to the date of the application. Such application may be 11065
combined with an application for designation as a public 11066
depository of active deposits, interim deposits, or both. 11067

11068

Sec. 135.08. Each eligible institution desiring to be a 11069
public depository of interim deposits of the public moneys of the 11070
state or of the interim deposits of the public moneys of the 11071
subdivision shall, not more than thirty days prior to the date 11072
fixed by section 135.12 of the Revised Code for the designation of 11073
public depositories, make application therefor in writing to the 11074
proper governing board. Such application shall specify the maximum 11075
amount of such public moneys which the applicant desires to 11076
receive and have on deposit as interim deposits at any one time 11077
during the period covered by the designation, provided that, ~~where~~ 11078
~~such applicant is a bank,~~ it shall not apply for more than thirty 11079
per cent of its total assets as revealed by its latest report to 11080
the superintendent of ~~banks or~~ financial institutions, the 11081

comptroller of the currency, and ~~provided that where such~~ 11082
~~applicant is a building and loan association, it shall not apply~~ 11083
~~for more than thirty per cent of its total assets as revealed by~~ 11084
~~its latest report to the superintendent of building and loan~~ 11085
~~associations or the federal home loan bank board~~ the office of 11086
thrift supervision, the federal deposit insurance corporation, or 11087
the board of governors of the federal reserve system, and the rate 11088
of interest which the applicant, ~~whether it be a bank or a~~ 11089
~~building and loan association,~~ will pay thereon, subject to the 11090
limitations of sections 135.01 to 135.21 of the Revised Code. 11091

Each application shall be accompanied by a financial 11092
statement of the applicant, under oath of its cashier, treasurer, 11093
or other officer, in such detail as to show the capital funds of 11094
the applicant, as of the date of its latest report to the 11095
superintendent of ~~banks, superintendent of building and loan~~ 11096
~~associations, federal home loan bank board, or~~ financial 11097
institutions, the comptroller of the currency, the office of 11098
thrift supervision, the federal deposit insurance corporation, or 11099
the board of governors of the federal reserve system, and adjusted 11100
to show any changes therein made prior to the date of the 11101
application. Such application may be combined with an application 11102
for designation as a public depository of inactive deposits, 11103
active deposits, or both. 11104

Sec. 135.32. (A) Any national bank, any bank doing business 11105
under authority granted by the superintendent of financial 11106
institutions, or any bank doing business under authority granted 11107
by the regulatory authority of another state of the United States, 11108
located in this state ~~and any bank as defined in section 1101.01~~ 11109
~~of the Revised Code, subject to inspection by the superintendent~~ 11110
~~of financial institutions,~~ is eligible to become a public 11111
depository, subject to sections 135.31 to 135.40 of the Revised 11112
Code. No bank shall receive or have on deposit at any one time 11113

public moneys, including public moneys as defined in section 11114
135.01 of the Revised Code, in an aggregate amount in excess of 11115
thirty per cent of its total assets, as shown in its latest report 11116
to the ~~superintendent of financial institutions or~~ comptroller of 11117
the currency, the superintendent of financial institutions, the 11118
federal deposit insurance corporation, or the board of governors 11119
of the federal reserve system. 11120

(B) Any ~~domestic association as defined in section 1151.01 of~~ 11121
~~the Revised Code, or any savings bank as defined in section~~ 11122
~~1161.01 of the Revised Code,~~ federal savings association, any 11123
savings and loan association or savings bank doing business under 11124
authority granted by the superintendent of financial institutions, 11125
or any savings and loan association or savings bank doing business 11126
under authority granted by the regulatory authority of another 11127
state of the United States, located in this state, and authorized 11128
to accept deposits is eligible to become a public depository, 11129
subject to sections 135.31 to 135.40 of the Revised Code. No 11130
~~domestic~~ savings association, savings and loan association, or 11131
savings bank shall receive or have on deposit at any one time 11132
public moneys, including public moneys as defined in section 11133
135.01 of the Revised Code, in an aggregate amount in excess of 11134
thirty per cent of its total assets, as shown in its latest report 11135
to the ~~superintendent of financial institutions or federal home~~ 11136
~~loan bank board~~ the office of thrift supervision, the 11137
superintendent of financial institutions, the federal deposit 11138
insurance corporation, or the board of governors of the federal 11139
reserve system. 11140

Sec. 141.04. (A) The annual salaries of the chief justice of 11141
the supreme court and of the justices and judges named in this 11142
section payable from the state treasury are as follows, rounded to 11143
the nearest fifty dollars: 11144

(1) For the chief justice of the supreme court, the following amounts effective in the following years:	11145 11146
(a) Beginning January 1, 2000, one hundred twenty-four thousand nine hundred dollars;	11147 11148
(b) Beginning January 1, 2001, one hundred twenty-eight thousand six hundred fifty dollars;	11149 11150
(c) After 2001, the amount determined under division (E)(1) of this section.	11151 11152
(2) For the justices of the supreme court, the following amounts effective in the following years:	11153 11154
(a) Beginning January 1, 2000, one hundred seventeen thousand two hundred fifty dollars;	11155 11156
(b) Beginning January 1, 2001, one hundred twenty thousand seven hundred fifty dollars;	11157 11158
(c) After 2001, the amount determined under division (E)(1) of this section.	11159 11160
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	11161 11162
(a) Beginning January 1, 2000, one hundred nine thousand two hundred fifty dollars;	11163 11164
(b) Beginning January 1, 2001, one hundred twelve thousand five hundred fifty dollars;	11165 11166
(c) After 2001, the amount determined under division (E)(1) of this section.	11167 11168
(4) For the judges of the courts of common pleas, the following amounts effective in the following years:	11169 11170
(a) Beginning January 1, 2000, one hundred thousand five hundred dollars, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant	11171 11172 11173

to section 141.05 of the Revised Code;	11174
(b) Beginning January 1, 2001, one hundred three thousand	11175
five hundred dollars, reduced by an amount equal to the annual	11176
compensation paid to that judge from the county treasury pursuant	11177
to section 141.05 of the Revised Code;	11178
(c) After 2001, the aggregate annual salary amount determined	11179
under division (E)(2) of this section reduced by an amount equal	11180
to the annual compensation paid to that judge from the county	11181
treasury pursuant to section 141.05 of the Revised Code.	11182
(5) For the full-time judges of a municipal court or the	11183
part-time judges of a municipal court of a territory having a	11184
population of more than fifty thousand, the following amounts	11185
effective in the following years, which amounts shall be in	11186
addition to all amounts received pursuant to divisions (B)(1)(a)	11187
and (2) of section 1901.11 of the Revised Code from municipal	11188
corporations and counties:	11189
(a) Beginning January 1, 2000, thirty-two thousand six	11190
hundred fifty dollars;	11191
(b) Beginning January 1, 2001, thirty-five thousand five	11192
hundred dollars;	11193
(c) After 2001, the amount determined under division (E)(3)	11194
of this section.	11195
(6) For judges of a municipal court designated as part-time	11196
judges by section 1901.08 of the Revised Code, other than	11197
part-time judges to whom division (A)(5) of this section applies,	11198
and for judges of a county court, the following amounts effective	11199
in the following years, which amounts shall be in addition to any	11200
amounts received pursuant to division (A) of section 1901.11 of	11201
the Revised Code from municipal corporations and counties or	11202
pursuant to division (A) of section 1907.16 of the Revised Code	11203
from counties:	11204

(a) Beginning January 1, 2000, eighteen thousand eight hundred dollars;	11205 11206
(b) Beginning January 1, 2001, twenty thousand four hundred fifty dollars;	11207 11208
(c) After 2001, the amount determined under division (E)(4) of this section.	11209 11210
(B) Except as provided in section 1901.121 of the Revised Code, except as otherwise provided in this division, and except for the compensation to which the judges described in division (A)(5) of this section are entitled pursuant to divisions (B)(1)(a) and (2) of section 1901.11 of the Revised Code, the annual salary of the chief justice of the supreme court and of each justice or judge listed in division (A) of this section shall be paid in equal monthly installments from the state treasury. If the chief justice of the supreme court or any justice or judge listed in division (A)(2), (3), or (4) of this section delivers a written request to be paid biweekly to the administrative director of the supreme court prior to the first day of January of any year, the annual salary of the chief justice or the justice or judge that is listed in division (A)(2), (3), or (4) of this section shall be paid, during the year immediately following the year in which the request is delivered to the administrative director of the supreme court, biweekly from the state treasury.	11211 11212 11213 11214 11215 11216 11217 11218 11219 11220 11221 11222 11223 11224 11225 11226 11227
(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.	11228 11229 11230 11231 11232 11233 11234
(D) Neither the chief justice of the supreme court nor any	11235

justice or judge of the supreme court, the court of appeals, the 11236
court of common pleas, or the probate court shall hold any other 11237
office of trust or profit under the authority of this state or the 11238
United States. 11239

(E)(1) Each ~~calendar~~ year from 2002 through 2008, the annual 11240
salaries of the chief justice of the supreme court and of the 11241
justices and judges named in divisions (A)(2) and (3) of this 11242
section shall be increased by an amount equal to the adjustment 11243
percentage for that year multiplied by the compensation paid the 11244
preceding year pursuant to division (A)(1), (2), or (3) of this 11245
section. 11246

(2) Each ~~calendar~~ year from 2002 through 2008, the aggregate 11247
annual salary payable under division (A)(4) of this section to the 11248
judges named in that division shall be increased by an amount 11249
equal to the adjustment percentage for that year multiplied by the 11250
aggregate compensation paid the preceding year pursuant to 11251
division (A)(4) of this section and section 141.05 of the Revised 11252
Code. 11253

(3) Each ~~calendar~~ year from 2002 through 2008, the salary 11254
payable from the state treasury under division (A)(5) of this 11255
section to the judges named in that division shall be increased by 11256
an amount equal to the adjustment percentage for that year 11257
multiplied by the aggregate compensation paid the preceding year 11258
pursuant to division (A)(5) of this section and division (B)(1)(a) 11259
of section 1901.11 of the Revised Code. 11260

(4) Each ~~calendar~~ year from 2002 through 2008, the salary 11261
payable from the state treasury under division (A)(6) of this 11262
section to the judges named in that division shall be increased by 11263
an amount equal to the adjustment percentage for that year 11264
multiplied by the aggregate compensation paid the preceding year 11265
pursuant to division (A)(6) of this section and division (A) of 11266
section 1901.11 of the Revised Code from municipal corporations 11267

and counties or division (A) of section 1907.16 of the Revised Code from counties. 11268
11269

(F) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available. 11270
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(G) As used in this section: 11279

(1) The "adjustment percentage" for a year is the lesser of the following: 11280
11281

(a) Three per cent; 11282

(b) The percentage increase, if any, in the consumer price index over the twelve-month period that ends on the thirtieth day of September of the immediately preceding year, rounded to the nearest one-tenth of one per cent. 11283
11284
11285
11286

(2) "Consumer price index" has the same meaning as in section 101.27 of the Revised Code. 11287
11288

(3) "Salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the chief justice of the supreme court or a justice or judge named in this section and paid on the chief justice's or the justice's or judge's behalf by a governmental entity. 11289
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Sec. 145.012. (A) "Public employee," as defined in division (A) of section 145.01 of the Revised Code, does not include any person: 11295
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11297

(1) Who is employed by a private, temporary-help service and performs services under the direction of a public employer or is employed on a contractual basis as an independent contractor under a personal service contract with a public employer;	11298 11299 11300 11301
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	11302 11303 11304
(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	11305 11306 11307
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	11308 11309 11310 11311
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	11312 11313
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	11314 11315 11316 11317 11318
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	11319 11320 11321
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	11322 11323 11324 11325
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension	11326 11327

fund to the public employees retirement system. 11328

(7) Who is a member of the board of health of a city or 11329
general health district, which pursuant to sections 3709.051 and 11330
3709.07 of the Revised Code includes a combined health district, 11331
and whose compensation for attendance at meetings of the board is 11332
set forth in division (B) of section 3709.02 or division (B) of 11333
section 3709.05 of the Revised Code, as appropriate; 11334

(8) Who participates in an alternative retirement plan 11335
established under Chapter 3305. of the Revised Code; 11336

(9) Who is a member of the board of directors of a sanitary 11337
district established under Chapter 6115. of the Revised Code; 11338

(10) Who is a member of the unemployment compensation 11339
advisory council. 11340

(B) No inmate of a correctional institution operated by the 11341
department of rehabilitation and correction, no patient in a 11342
hospital for the mentally ill or criminally insane operated by the 11343
department of mental health, no resident in an institution for the 11344
mentally retarded operated by the department of mental retardation 11345
and developmental disabilities, no resident admitted as a patient 11346
of a veterans' home operated under Chapter 5907. of the Revised 11347
Code, and no resident of a county home shall be considered as a 11348
public employee for the purpose of establishing membership or 11349
calculating service credit or benefits under this chapter. Nothing 11350
in this division shall be construed to affect any service credit 11351
attained by any person who was a public employee before becoming 11352
an inmate, patient, or resident at any institution listed in this 11353
division, or the payment of any benefit for which such a person or 11354
such a person's beneficiaries otherwise would be eligible. 11355

11356

Sec. 145.298. (A) As used in this section: 11357

(1) "State employing unit" means an employing unit described 11358
in division (A)(2) of section 145.297 of the Revised Code. 11359

(2) "State institution" means a state correctional facility, 11360
a state institution for the mentally ill, or a state institution 11361
for the care, treatment, and training of the mentally retarded. 11362

(B) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal 11363
to close a state institution or lay off, within a six-month 11364
period, a number of persons employed at an institution that equals 11365
or exceeds the lesser of fifty or ten per cent of the persons 11366
employed at the institution, the employing unit responsible for 11367
the institution's operation shall establish a retirement incentive 11368
plan for persons employed at the institution. 11369

(2) On and after July 1, 2009, in the event of a proposal to 11370
close a state institution or lay off, within a six-month period, a 11371
number of persons employed at an institution that equals or 11372
exceeds the lesser of two hundred or thirty per cent of the 11373
persons employed at the institution, the employing unit 11374
responsible for the institution's operation shall establish a 11375
retirement incentive plan for persons employed at the institution. 11376

(C) ~~In~~ (1) Prior to July 1, 2009, in the event of a proposal, 11377
other than ~~a proposal~~ the proposals described in division (B) of 11378
this section, to lay off, within a six-month period, a number of 11379
employees of a state employing unit that equals or exceeds the 11380
lesser of fifty or ten per cent of the employing unit's employees, 11381
the employing unit shall establish a retirement incentive plan for 11382
employees of the employing unit. 11383

(2) On and after July 1, 2009, in the event of a proposal, 11384
other than the proposals described in division (B) of this 11385
section, to lay off, within a six-month period, a number of 11386
employees of a state employing unit that equals or exceeds the 11387
lesser of two hundred or thirty per cent of the employing unit's 11388

employees, the employing unit shall establish a retirement 11389
incentive plan for employees of the employing unit. 11390

(D)(1) A retirement incentive plan established under this 11391
section shall be consistent with the requirements of section 11392
145.297 of the Revised Code, except as provided in division (D)(2) 11393
of this section and except that the plan shall go into effect at 11394
the time the layoffs or proposed closings are announced and shall 11395
remain in effect until the date of the layoffs or closings. 11396

(2) A retirement incentive plan established under this 11397
section due to the proposed closing of a state institution by the 11398
department of mental health prior to July 1, 1997, shall be 11399
consistent with the requirements of section 145.297 of the Revised 11400
Code, except as follows: 11401

(a) The employing unit shall purchase at least three years of 11402
service credit for each participating employee, except that it 11403
shall not purchase more service credit than the amount allowed by 11404
division (D) of section 145.297 of the Revised Code; 11405

(b) The plan shall go into effect at the time the proposed 11406
closing is announced and shall remain in effect at least until the 11407
date of the closing. 11408

(3) If the employing unit already has a retirement incentive 11409
plan in effect, the plan shall remain in effect at least until the 11410
date of the layoffs or closings. The employing unit may revise the 11411
existing plan to provide greater benefits, but if it revises the 11412
plan, it shall give written notice of the changes to all employees 11413
who have elected to participate in the original plan, and it shall 11414
provide the greater benefits to all employees who participate in 11415
the plan, whether their elections to participate were made before 11416
or after the date of the revision. 11417

Sec. 148.02. The Ohio public employees deferred compensation 11418

board shall be comprised of a member of the house of 11419
representatives and a member of the senate, who shall not be of 11420
the same political party, each to be appointed to serve at the 11421
pleasure of the member's respective leadership, and the members of 11422
the public employees retirement board as constituted by section 11423
145.04 of the Revised Code, who are hereby created as a separate 11424
legal entity for the purpose of administering a deferred 11425
compensation system for all eligible employees. The public 11426
employees retirement board may utilize its employees and property 11427
in the administration of the system on behalf of the Ohio public 11428
employees deferred compensation board, in consideration of a 11429
reasonable service charge to be applied in a nondiscriminatory 11430
manner to all amounts of compensation deferred under this system. 11431

The Ohio public employees deferred compensation board may 11432
exercise the same powers granted by section 145.09 of the Revised 11433
Code necessary to its functions. The attorney general shall be the 11434
legal adviser of the board. The treasurer of state shall be the 11435
custodian of contributions into the deferred compensation program. 11436

Sec. 148.04. (A) The Ohio public employees deferred 11437
compensation board shall initiate, plan, expedite, and, subject to 11438
an appropriate assurance of the approval of the internal revenue 11439
service, promulgate and offer to all eligible employees, and 11440
thereafter administer on behalf of all participating employees and 11441
continuing members, and alter as required, a program for deferral 11442
of compensation, including a reasonable number of options to the 11443
employee for the investment of deferred funds, ~~including life~~ 11444
~~insurance, annuities, variable annuities, pooled investment funds~~ 11445
~~managed by the board, or other forms of investment approved by the~~ 11446
~~board,~~ always in such form as will assure the desired tax 11447
treatment of such funds. The members of the board are the trustees 11448
of any deferred funds and shall discharge their duties with 11449
respect to the funds solely in the interest of and for the 11450

exclusive benefit of participating employees, continuing members, 11451
and their beneficiaries. With respect to such deferred funds, 11452
section 148.09 of the Revised Code shall apply to claims against 11453
participating employees or continuing members and their employers. 11454

(B)(1) Whenever an individual becomes employed in a position 11455
paid by warrant of the director of budget and management, the 11456
individual's employer shall do both of the following at the time 11457
the employee completes the employee's initial employment 11458
paperwork: 11459

(a) Provide information to the employee either verbally or in 11460
writing regarding the benefits of long-term savings through 11461
deferred compensation; 11462

(b) Secure, in writing, the employee's election to 11463
participate or not participate in a deferred compensation program 11464
offered by the board. 11465

If the employee elects to participate in the deferred 11466
compensation program, the employee also shall execute a 11467
participation agreement to become a member of the program. 11468

An election regarding participation under this section shall 11469
be made in such manner and form as is prescribed by the Ohio 11470
public employees deferred compensation program and shall be filed 11471
with the program. 11472

The employer shall forward each election completed under this 11473
division to the deferred compensation program not later than 11474
thirty days after the date on which the employee's employment 11475
begins. 11476

(2) Every employer of an eligible employee shall contract 11477
with the employee upon the employee's application for 11478
participation in a deferred compensation program offered by the 11479
board. ~~Every retirement system serving an eligible employee shall 11480~~
~~serve as collection agent for compensation deferred by any of its 11481~~

~~members and account for and deliver such sums to the board.~~ 11482

(C) The board shall, subject to any applicable contract 11483
provisions, undertake to obtain as favorable conditions of tax 11484
treatment as possible, both in the initial programs and any 11485
permitted alterations of them or additions to them, as to such 11486
matters as terms of distribution, designation of beneficiaries, 11487
withdrawal upon disability, financial hardship, or termination of 11488
public employment, and other optional provisions. 11489

(D) In no event shall the total of the amount of deferred 11490
compensation to be set aside under a deferred compensation program 11491
and the employee's nondeferred income for any year exceed the 11492
total annual salary or compensation under the existing salary 11493
schedule or classification plan applicable to the employee in that 11494
year. 11495

Such a deferred compensation program shall be in addition to 11496
any retirement or any other benefit program provided by law for 11497
employees of this state. The board shall adopt rules pursuant to 11498
Chapter 119. of the Revised Code to provide any necessary 11499
standards or conditions for the administration of its programs, 11500
including any limits on the portion of a participating employee's 11501
compensation that may be deferred in order to avoid adverse 11502
treatment of the program by the internal revenue service or the 11503
occurrence of deferral, withholding, or other deductions in excess 11504
of the compensation available for any pay period. 11505

Any income deferred under such a plan shall continue to be 11506
included as regular compensation for the purpose of computing the 11507
contributions to and benefits from the retirement system of such 11508
employee. Any sum so deferred shall not be included in the 11509
computation of any federal and state income taxes withheld on 11510
behalf of any such employee. 11511

(E) This section does not limit the authority of any 11512

municipal corporation, county, township, park district, 11513
conservancy district, sanitary district, health district, public 11514
library, county law library, public institution of higher 11515
education, or school district to provide separate authorized plans 11516
or programs for deferring compensation of their officers and 11517
employees in addition to the program for the deferral of 11518
compensation offered by the board. Any municipal corporation, 11519
township, public institution of higher education, or school 11520
district that offers such plans or programs shall include a 11521
reasonable number of options to its officers or employees for the 11522
investment of the deferred funds, including annuities, variable 11523
annuities, regulated investment trusts, or other forms of 11524
investment approved by the municipal corporation, township, public 11525
institution of higher education, or school district, that will 11526
assure the desired tax treatment of the funds. 11527

Sec. 148.05. (A)(1) As used in this division, "personal 11528
history record" means information maintained by the Ohio public 11529
employees deferred compensation board on an individual who is a 11530
participating employee or continuing member that includes the 11531
address, telephone number, social security number, record of 11532
contributions, records of benefits, correspondence with the Ohio 11533
public employees deferred compensation program, or other 11534
information the board determines to be confidential. 11535

(2) The records of the board shall be open to public 11536
inspection, except that the following shall be excluded, except 11537
with the written authorization of the individual concerned: 11538

(a) Information pertaining to an individual's participant 11539
account; 11540

(b) The individual's personal history record. 11541

(B)(1) All medical reports, records, and recommendations of a 11542
participating employee or a continuing member that are in the 11543

possession of the board are privileged. 11544

(2) All tax information of a participating employee, continuing member, or former participant or member that is in the possession of the board shall be confidential to the extent the information is confidential under Title LVII or any other provision of the Revised Code. 11545
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(C) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information: 11550
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(1) If a participating employee, continuing member, or former participant or member is subject to an order issued under section 2907.15 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record or participant account. 11553
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(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section. 11561
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(3) Pursuant to an administrative subpoena issued by a state agency, the board shall furnish the information required by the subpoena. 11565
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(4) The board shall comply with orders issued under section 3105.87 of the Revised Code. 11568
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(D) A statement that contains information obtained from the program's records that is signed by the executive director or the director's designee and to which the board's official seal is affixed, or copies of the program's records to which the signature and seal are attached, shall be received as true copies of the 11570
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board's records in any court or before any officer of this state. 11575
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Sec. 149.308. There is hereby created in the state treasury 11577
the Ohio historical society income tax contribution fund, which 11578
shall consist of money contributed to it under section 5747.113 of 11579
the Revised Code and of contributions made directly to it. Any 11580
person may contribute directly to the fund in addition to or 11581
independently of the income tax refund contribution system 11582
established in section 5747.113 of the Revised Code. 11583

The Ohio historical society shall use money credited to the 11584
fund in furtherance of the public functions with which the society 11585
is charged under section 149.30 of the Revised Code. 11586

Sec. 149.43. (A) As used in this section: 11587

(1) "Public record" means records kept by any public office, 11588
including, but not limited to, state, county, city, village, 11589
township, and school district units, and records pertaining to the 11590
delivery of educational services by an alternative school in this 11591
state kept by the nonprofit or for-profit entity operating the 11592
alternative school pursuant to section 3313.533 of the Revised 11593
Code. "Public record" does not mean any of the following: 11594

(a) Medical records; 11595

(b) Records pertaining to probation and parole proceedings or 11596
to proceedings related to the imposition of community control 11597
sanctions and post-release control sanctions; 11598

(c) Records pertaining to actions under section 2151.85 and 11599
division (C) of section 2919.121 of the Revised Code and to 11600
appeals of actions arising under those sections; 11601

(d) Records pertaining to adoption proceedings, including the 11602
contents of an adoption file maintained by the department of 11603

health under section 3705.12 of the Revised Code;	11604
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11605 11606 11607 11608 11609 11610
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	11611 11612 11613
(g) Trial preparation records;	11614
(h) Confidential law enforcement investigatory records;	11615
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	11616 11617
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	11618 11619
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	11620 11621 11622 11623
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	11624 11625 11626 11627
(m) Intellectual property records;	11628
(n) Donor profile records;	11629
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	11630 11631
(p) Peace officer, parole officer, prosecuting attorney,	11632

assistant prosecuting attorney, correctional employee, youth 11633
services employee, firefighter, or EMT residential and familial 11634
information; 11635

(q) In the case of a county hospital operated pursuant to 11636
Chapter 339. of the Revised Code or a municipal hospital operated 11637
pursuant to Chapter 749. of the Revised Code, information that 11638
constitutes a trade secret, as defined in section 1333.61 of the 11639
Revised Code; 11640

(r) Information pertaining to the recreational activities of 11641
a person under the age of eighteen; 11642

(s) Records provided to, statements made by review board 11643
members during meetings of, and all work products of a child 11644
fatality review board acting under sections 307.621 to 307.629 of 11645
the Revised Code, and child fatality review data submitted by the 11646
child fatality review board to the department of health or a 11647
national child death review database, other than the report 11648
prepared pursuant to division (A) of section 307.626 of the 11649
Revised Code; 11650

(t) Records provided to and statements made by the executive 11651
director of a public children services agency or a prosecuting 11652
attorney acting pursuant to section 5153.171 of the Revised Code 11653
other than the information released under that section; 11654

(u) Test materials, examinations, or evaluation tools used in 11655
an examination for licensure as a nursing home administrator that 11656
the board of examiners of nursing home administrators administers 11657
under section 4751.04 of the Revised Code or contracts under that 11658
section with a private or government entity to administer; 11659

(v) Records the release of which is prohibited by state or 11660
federal law; 11661

(w) Proprietary information of or relating to any person that 11662
is submitted to or compiled by the Ohio venture capital authority 11663

created under section 150.01 of the Revised Code; 11664

(x) Information reported and evaluations conducted pursuant 11665
to section 3701.072 of the Revised Code; 11666

(y) Financial statements and data any person submits for any 11667
purpose to the Ohio housing finance agency or the controlling 11668
board in connection with applying for, receiving, or accounting 11669
for financial assistance from the agency, and information that 11670
identifies any individual who benefits directly or indirectly from 11671
financial assistance from the agency; 11672

(z) Records listed in section 5101.29 of the Revised Code. 11673

(aa) Discharges recorded with a county recorder under section 11674
317.24 of the Revised Code, as specified in division (B)(2) of 11675
that section. 11676

(2) "Confidential law enforcement investigatory record" means 11677
any record that pertains to a law enforcement matter of a 11678
criminal, quasi-criminal, civil, or administrative nature, but 11679
only to the extent that the release of the record would create a 11680
high probability of disclosure of any of the following: 11681

(a) The identity of a suspect who has not been charged with 11682
the offense to which the record pertains, or of an information 11683
source or witness to whom confidentiality has been reasonably 11684
promised; 11685

(b) Information provided by an information source or witness 11686
to whom confidentiality has been reasonably promised, which 11687
information would reasonably tend to disclose the source's or 11688
witness's identity; 11689

(c) Specific confidential investigatory techniques or 11690
procedures or specific investigatory work product; 11691

(d) Information that would endanger the life or physical 11692
safety of law enforcement personnel, a crime victim, a witness, or 11693

a confidential information source. 11694

(3) "Medical record" means any document or combination of 11695
documents, except births, deaths, and the fact of admission to or 11696
discharge from a hospital, that pertains to the medical history, 11697
diagnosis, prognosis, or medical condition of a patient and that 11698
is generated and maintained in the process of medical treatment. 11699

(4) "Trial preparation record" means any record that contains 11700
information that is specifically compiled in reasonable 11701
anticipation of, or in defense of, a civil or criminal action or 11702
proceeding, including the independent thought processes and 11703
personal trial preparation of an attorney. 11704

(5) "Intellectual property record" means a record, other than 11705
a financial or administrative record, that is produced or 11706
collected by or for faculty or staff of a state institution of 11707
higher learning in the conduct of or as a result of study or 11708
research on an educational, commercial, scientific, artistic, 11709
technical, or scholarly issue, regardless of whether the study or 11710
research was sponsored by the institution alone or in conjunction 11711
with a governmental body or private concern, and that has not been 11712
publicly released, published, or patented. 11713

(6) "Donor profile record" means all records about donors or 11714
potential donors to a public institution of higher education 11715
except the names and reported addresses of the actual donors and 11716
the date, amount, and conditions of the actual donation. 11717

(7) "Peace officer, parole officer, prosecuting attorney, 11718
assistant prosecuting attorney, correctional employee, youth 11719
services employee, firefighter, or EMT residential and familial 11720
information" means any information that discloses any of the 11721
following about a peace officer, parole officer, prosecuting 11722
attorney, assistant prosecuting attorney, correctional employee, 11723
youth services employee, firefighter, or EMT: 11724

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's employer from the peace officer's, parole officer's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, youth services employee's, firefighter's, or EMT's compensation unless the amount of the deduction is required by state or federal law;

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A)(7) and (B)(9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a

lawfully constituted fire department of a municipal corporation, 11788
township, fire district, or village. 11789

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 11790
means EMTs-basic, EMTs-I, and paramedics that provide emergency 11791
medical services for a public emergency medical service 11792
organization. "Emergency medical service organization," 11793
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 11794
section 4765.01 of the Revised Code. 11795

(8) "Information pertaining to the recreational activities of 11796
a person under the age of eighteen" means information that is kept 11797
in the ordinary course of business by a public office, that 11798
pertains to the recreational activities of a person under the age 11799
of eighteen years, and that discloses any of the following: 11800

(a) The address or telephone number of a person under the age 11801
of eighteen or the address or telephone number of that person's 11802
parent, guardian, custodian, or emergency contact person; 11803

(b) The social security number, birth date, or photographic 11804
image of a person under the age of eighteen; 11805

(c) Any medical record, history, or information pertaining to 11806
a person under the age of eighteen; 11807

(d) Any additional information sought or required about a 11808
person under the age of eighteen for the purpose of allowing that 11809
person to participate in any recreational activity conducted or 11810
sponsored by a public office or to use or obtain admission 11811
privileges to any recreational facility owned or operated by a 11812
public office. 11813

(9) "Community control sanction" has the same meaning as in 11814
section 2929.01 of the Revised Code. 11815

(10) "Post-release control sanction" has the same meaning as 11816
in section 2967.01 of the Revised Code. 11817

(11) "Redaction" means obscuring or deleting any information 11818
that is exempt from the duty to permit public inspection or 11819
copying from an item that otherwise meets the definition of a 11820
"record" in section 149.011 of the Revised Code. 11821

(12) "Designee" and "elected official" have the same meanings 11822
as in section 109.43 of the Revised Code. 11823

(B)(1) Upon request and subject to division (B)(8) of this 11824
section, all public records responsive to the request shall be 11825
promptly prepared and made available for inspection to any person 11826
at all reasonable times during regular business hours. Subject to 11827
division (B)(8) of this section, upon request, a public office or 11828
person responsible for public records shall make copies of the 11829
requested public record available at cost and within a reasonable 11830
period of time. If a public record contains information that is 11831
exempt from the duty to permit public inspection or to copy the 11832
public record, the public office or the person responsible for the 11833
public record shall make available all of the information within 11834
the public record that is not exempt. When making that public 11835
record available for public inspection or copying that public 11836
record, the public office or the person responsible for the public 11837
record shall notify the requester of any redaction or make the 11838
redaction plainly visible. A redaction shall be deemed a denial of 11839
a request to inspect or copy the redacted information, except if 11840
federal or state law authorizes or requires a public office to 11841
make the redaction. 11842

(2) To facilitate broader access to public records, a public 11843
office or the person responsible for public records shall organize 11844
and maintain public records in a manner that they can be made 11845
available for inspection or copying in accordance with division 11846
(B) of this section. A public office also shall have available a 11847
copy of its current records retention schedule at a location 11848
readily available to the public. If a requester makes an ambiguous 11849

or overly broad request or has difficulty in making a request for 11850
copies or inspection of public records under this section such 11851
that the public office or the person responsible for the requested 11852
public record cannot reasonably identify what public records are 11853
being requested, the public office or the person responsible for 11854
the requested public record may deny the request but shall provide 11855
the requester with an opportunity to revise the request by 11856
informing the requester of the manner in which records are 11857
maintained by the public office and accessed in the ordinary 11858
course of the public office's or person's duties. 11859

(3) If a request is ultimately denied, in part or in whole, 11860
the public office or the person responsible for the requested 11861
public record shall provide the requester with an explanation, 11862
including legal authority, setting forth why the request was 11863
denied. If the initial request was provided in writing, the 11864
explanation also shall be provided to the requester in writing. 11865
The explanation shall not preclude the public office or the person 11866
responsible for the requested public record from relying upon 11867
additional reasons or legal authority in defending an action 11868
commenced under division (C) of this section. 11869

(4) Unless specifically required or authorized by state or 11870
federal law or in accordance with division (B) of this section, no 11871
public office or person responsible for public records may limit 11872
or condition the availability of public records by requiring 11873
disclosure of the requester's identity or the intended use of the 11874
requested public record. Any requirement that the requester 11875
disclose the requestor's identity or the intended use of the 11876
requested public record constitutes a denial of the request. 11877

(5) A public office or person responsible for public records 11878
may ask a requester to make the request in writing, may ask for 11879
the requester's identity, and may inquire about the intended use 11880
of the information requested, but may do so only after disclosing 11881

to the requester that a written request is not mandatory and that 11882
the requester may decline to reveal the requester's identity or 11883
the intended use and when a written request or disclosure of the 11884
identity or intended use would benefit the requester by enhancing 11885
the ability of the public office or person responsible for public 11886
records to identify, locate, or deliver the public records sought 11887
by the requester. 11888

(6) If any person chooses to obtain a copy of a public record 11889
in accordance with division (B) of this section, the public office 11890
or person responsible for the public record may require that 11891
person to pay in advance the cost involved in providing the copy 11892
of the public record in accordance with the choice made by the 11893
person seeking the copy under this division. The public office or 11894
the person responsible for the public record shall permit that 11895
person to choose to have the public record duplicated upon paper, 11896
upon the same medium upon which the public office or person 11897
responsible for the public record keeps it, or upon any other 11898
medium upon which the public office or person responsible for the 11899
public record determines that it reasonably can be duplicated as 11900
an integral part of the normal operations of the public office or 11901
person responsible for the public record. When the person seeking 11902
the copy makes a choice under this division, the public office or 11903
person responsible for the public record shall provide a copy of 11904
it in accordance with the choice made by the person seeking the 11905
copy. Nothing in this section requires a public office or person 11906
responsible for the public record to allow the person seeking a 11907
copy of the public record to make the copies of the public record. 11908

(7) Upon a request made in accordance with division (B) of 11909
this section and subject to division (B)(6) of this section, a 11910
public office or person responsible for public records shall 11911
transmit a copy of a public record to any person by United States 11912
mail or by any other means of delivery or transmission within a 11913

reasonable period of time after receiving the request for the 11914
copy. The public office or person responsible for the public 11915
record may require the person making the request to pay in advance 11916
the cost of postage if the copy is transmitted by United States 11917
mail or the cost of delivery if the copy is transmitted other than 11918
by United States mail, and to pay in advance the costs incurred 11919
for other supplies used in the mailing, delivery, or transmission. 11920

Any public office may adopt a policy and procedures that it 11921
will follow in transmitting, within a reasonable period of time 11922
after receiving a request, copies of public records by United 11923
States mail or by any other means of delivery or transmission 11924
pursuant to this division. A public office that adopts a policy 11925
and procedures under this division shall comply with them in 11926
performing its duties under this division. 11927

In any policy and procedures adopted under this division, a 11928
public office may limit the number of records requested by a 11929
person that the office will transmit by United States mail to ten 11930
per month, unless the person certifies to the office in writing 11931
that the person does not intend to use or forward the requested 11932
records, or the information contained in them, for commercial 11933
purposes. For purposes of this division, "commercial" shall be 11934
narrowly construed and does not include reporting or gathering 11935
news, reporting or gathering information to assist citizen 11936
oversight or understanding of the operation or activities of 11937
government, or nonprofit educational research. 11938

(8) A public office or person responsible for public records 11939
is not required to permit a person who is incarcerated pursuant to 11940
a criminal conviction or a juvenile adjudication to inspect or to 11941
obtain a copy of any public record concerning a criminal 11942
investigation or prosecution or concerning what would be a 11943
criminal investigation or prosecution if the subject of the 11944
investigation or prosecution were an adult, unless the request to 11945

inspect or to obtain a copy of the record is for the purpose of 11946
acquiring information that is subject to release as a public 11947
record under this section and the judge who imposed the sentence 11948
or made the adjudication with respect to the person, or the 11949
judge's successor in office, finds that the information sought in 11950
the public record is necessary to support what appears to be a 11951
justiciable claim of the person. 11952

(9) Upon written request made and signed by a journalist on 11953
or after December 16, 1999, a public office, or person responsible 11954
for public records, having custody of the records of the agency 11955
employing a specified peace officer, parole officer, prosecuting 11956
attorney, assistant prosecuting attorney, correctional employee, 11957
youth services employee, firefighter, or EMT shall disclose to the 11958
journalist the address of the actual personal residence of the 11959
peace officer, parole officer, prosecuting attorney, assistant 11960
prosecuting attorney, correctional employee, youth services 11961
employee, firefighter, or EMT and, if the peace officer's, parole 11962
officer's, prosecuting attorney's, assistant prosecuting 11963
attorney's, correctional employee's, youth services employee's, 11964
firefighter's, or EMT's spouse, former spouse, or child is 11965
employed by a public office, the name and address of the employer 11966
of the peace officer's, parole officer's, prosecuting attorney's, 11967
assistant prosecuting attorney's, correctional employee's, youth 11968
services employee's, firefighter's, or EMT's spouse, former 11969
spouse, or child. The request shall include the journalist's name 11970
and title and the name and address of the journalist's employer 11971
and shall state that disclosure of the information sought would be 11972
in the public interest. 11973

As used in this division, "journalist" means a person engaged 11974
in, connected with, or employed by any news medium, including a 11975
newspaper, magazine, press association, news agency, or wire 11976
service, a radio or television station, or a similar medium, for 11977

the purpose of gathering, processing, transmitting, compiling, 11978
editing, or disseminating information for the general public. 11979

(C)(1) If a person allegedly is aggrieved by the failure of a 11980
public office or the person responsible for public records to 11981
promptly prepare a public record and to make it available to the 11982
person for inspection in accordance with division (B) of this 11983
section or by any other failure of a public office or the person 11984
responsible for public records to comply with an obligation in 11985
accordance with division (B) of this section, the person allegedly 11986
aggrieved may commence a mandamus action to obtain a judgment that 11987
orders the public office or the person responsible for the public 11988
record to comply with division (B) of this section, that awards 11989
court costs and reasonable attorney's fees to the person that 11990
instituted the mandamus action, and, if applicable, that includes 11991
an order fixing statutory damages under division (C)(1) of this 11992
section. The mandamus action may be commenced in the court of 11993
common pleas of the county in which division (B) of this section 11994
allegedly was not complied with, in the supreme court pursuant to 11995
its original jurisdiction under Section 2 of Article IV, Ohio 11996
Constitution, or in the court of appeals for the appellate 11997
district in which division (B) of this section allegedly was not 11998
complied with pursuant to its original jurisdiction under Section 11999
3 of Article IV, Ohio Constitution. 12000

If a requestor transmits a written request by hand delivery 12001
or certified mail to inspect or receive copies of any public 12002
record in a manner that fairly describes the public record or 12003
class of public records to the public office or person responsible 12004
for the requested public records, except as otherwise provided in 12005
this section, the requestor shall be entitled to recover the 12006
amount of statutory damages set forth in this division if a court 12007
determines that the public office or the person responsible for 12008
public records failed to comply with an obligation in accordance 12009

with division (B) of this section. 12010

The amount of statutory damages shall be fixed at one hundred 12011
dollars for each business day during which the public office or 12012
person responsible for the requested public records failed to 12013
comply with an obligation in accordance with division (B) of this 12014
section, beginning with the day on which the requester files a 12015
mandamus action to recover statutory damages, up to a maximum of 12016
one thousand dollars. The award of statutory damages shall not be 12017
construed as a penalty, but as compensation for injury arising 12018
from lost use of the requested information. The existence of this 12019
injury shall be conclusively presumed. The award of statutory 12020
damages shall be in addition to all other remedies authorized by 12021
this section. 12022

The court may reduce an award of statutory damages or not 12023
award statutory damages if the court determines both of the 12024
following: 12025

(a) That, based on the ordinary application of statutory law 12026
and case law as it existed at the time of the conduct or 12027
threatened conduct of the public office or person responsible for 12028
the requested public records that allegedly constitutes a failure 12029
to comply with an obligation in accordance with division (B) of 12030
this section and that was the basis of the mandamus action, a 12031
well-informed public office or person responsible for the 12032
requested public records reasonably would believe that the conduct 12033
or threatened conduct of the public office or person responsible 12034
for the requested public records did not constitute a failure to 12035
comply with an obligation in accordance with division (B) of this 12036
section; 12037

(b) That a well-informed public office or person responsible 12038
for the requested public records reasonably would believe that the 12039
conduct or threatened conduct of the public office or person 12040
responsible for the requested public records would serve the 12041

public policy that underlies the authority that is asserted as 12042
permitting that conduct or threatened conduct. 12043

(2)(a) If the court issues a writ of mandamus that orders the 12044
public office or the person responsible for the public record to 12045
comply with division (B) of this section and determines that the 12046
circumstances described in division (C)(1) of this section exist, 12047
the court shall determine and award to the relator all court 12048
costs. 12049

(b) If the court renders a judgment that orders the public 12050
office or the person responsible for the public record to comply 12051
with division (B) of this section, the court may award reasonable 12052
attorney's fees subject to reduction as described in division 12053
(C)(2)(c) of this section. The court shall award reasonable 12054
attorney's fees, subject to reduction as described in division 12055
(C)(2)(c) of this section when either of the following applies: 12056

(i) The public office or the person responsible for the 12057
public records failed to respond affirmatively or negatively to 12058
the public records request in accordance with the time allowed 12059
under division (B) of this section. 12060

(ii) The public office or the person responsible for the 12061
public records promised to permit the relator to inspect or 12062
receive copies of the public records requested within a specified 12063
period of time but failed to fulfill that promise within that 12064
specified period of time. 12065

(c) Court costs and reasonable attorney's fees awarded under 12066
this section shall be construed as remedial and not punitive. 12067
Reasonable attorney's fees shall include reasonable fees incurred 12068
to produce proof of the reasonableness and amount of the fees and 12069
to otherwise litigate entitlement to the fees. The court may 12070
reduce an award of attorney's fees to the relator or not award 12071
attorney's fees to the relator if the court determines both of the 12072

following: 12073

(i) That, based on the ordinary application of statutory law 12074
and case law as it existed at the time of the conduct or 12075
threatened conduct of the public office or person responsible for 12076
the requested public records that allegedly constitutes a failure 12077
to comply with an obligation in accordance with division (B) of 12078
this section and that was the basis of the mandamus action, a 12079
well-informed public office or person responsible for the 12080
requested public records reasonably would believe that the conduct 12081
or threatened conduct of the public office or person responsible 12082
for the requested public records did not constitute a failure to 12083
comply with an obligation in accordance with division (B) of this 12084
section; 12085

(ii) That a well-informed public office or person responsible 12086
for the requested public records reasonably would believe that the 12087
conduct or threatened conduct of the public office or person 12088
responsible for the requested public records as described in 12089
division (C)(2)(c)(i) of this section would serve the public 12090
policy that underlies the authority that is asserted as permitting 12091
that conduct or threatened conduct. 12092

(D) Chapter 1347. of the Revised Code does not limit the 12093
provisions of this section. 12094

(E)(1) To ensure that all employees of public offices are 12095
appropriately educated about a public office's obligations under 12096
division (B) of this section, all elected officials or their 12097
appropriate designees shall attend training approved by the 12098
attorney general as provided in section 109.43 of the Revised 12099
Code. In addition, all public offices shall adopt a public records 12100
policy in compliance with this section for responding to public 12101
records requests. In adopting a public records policy under this 12102
division, a public office may obtain guidance from the model 12103
public records policy developed and provided to the public office 12104

by the attorney general under section 109.43 of the Revised Code. 12105
Except as otherwise provided in this section, the policy may not 12106
limit the number of public records that the public office will 12107
make available to a single person, may not limit the number of 12108
public records that it will make available during a fixed period 12109
of time, and may not establish a fixed period of time before it 12110
will respond to a request for inspection or copying of public 12111
records, unless that period is less than eight hours. 12112

(2) The public office shall distribute the public records 12113
policy adopted by the public office under division (E)(1) of this 12114
section to the employee of the public office who is the records 12115
custodian or records manager or otherwise has custody of the 12116
records of that office. The public office shall require that 12117
employee to acknowledge receipt of the copy of the public records 12118
policy. The public office shall create a poster that describes its 12119
public records policy and shall post the poster in a conspicuous 12120
place in the public office and in all locations where the public 12121
office has branch offices. The public office may post its public 12122
records policy on the internet web site of the public office if 12123
the public office maintains an internet web site. A public office 12124
that has established a manual or handbook of its general policies 12125
and procedures for all employees of the public office shall 12126
include the public records policy of the public office in the 12127
manual or handbook. 12128

(F)(1) The bureau of motor vehicles may adopt rules pursuant 12129
to Chapter 119. of the Revised Code to reasonably limit the number 12130
of bulk commercial special extraction requests made by a person 12131
for the same records or for updated records during a calendar 12132
year. The rules may include provisions for charges to be made for 12133
bulk commercial special extraction requests for the actual cost of 12134
the bureau, plus special extraction costs, plus ten per cent. The 12135
bureau may charge for expenses for redacting information, the 12136

release of which is prohibited by law. 12137

(2) As used in division (F)(1) of this section: 12138

(a) "Actual cost" means the cost of depleted supplies, 12139
records storage media costs, actual mailing and alternative 12140
delivery costs, or other transmitting costs, and any direct 12141
equipment operating and maintenance costs, including actual costs 12142
paid to private contractors for copying services. 12143

(b) "Bulk commercial special extraction request" means a 12144
request for copies of a record for information in a format other 12145
than the format already available, or information that cannot be 12146
extracted without examination of all items in a records series, 12147
class of records, or data base by a person who intends to use or 12148
forward the copies for surveys, marketing, solicitation, or resale 12149
for commercial purposes. "Bulk commercial special extraction 12150
request" does not include a request by a person who gives 12151
assurance to the bureau that the person making the request does 12152
not intend to use or forward the requested copies for surveys, 12153
marketing, solicitation, or resale for commercial purposes. 12154

(c) "Commercial" means profit-seeking production, buying, or 12155
selling of any good, service, or other product. 12156

(d) "Special extraction costs" means the cost of the time 12157
spent by the lowest paid employee competent to perform the task, 12158
the actual amount paid to outside private contractors employed by 12159
the bureau, or the actual cost incurred to create computer 12160
programs to make the special extraction. "Special extraction 12161
costs" include any charges paid to a public agency for computer or 12162
records services. 12163

(3) For purposes of divisions (F)(1) and (2) of this section, 12164
"surveys, marketing, solicitation, or resale for commercial 12165
purposes" shall be narrowly construed and does not include 12166
reporting or gathering news, reporting or gathering information to 12167

assist citizen oversight or understanding of the operation or 12168
activities of government, or nonprofit educational research. 12169

Sec. 150.01. (A) As used in this chapter: 12170

(1) "Authority" means the Ohio venture capital authority 12171
created under section 150.02 of the Revised Code. 12172

(2) "Issuer" means a port authority organized and existing 12173
under applicable provisions of Chapter 4582. of the Revised Code 12174
that, pursuant to an agreement entered into under division (E) of 12175
section 150.02 of the Revised Code, issues or issued obligations 12176
to fund one or more loans to the program fund. 12177

(3) "Lender" means any person that lends money to the program 12178
fund as provided in this chapter and includes any lender and any 12179
trustee. 12180

~~(3)~~(4) "Loss" means a loss incurred with respect to a 12181
lender's loan to the program fund. Such a loss is incurred only if 12182
and to the extent a program administrator fails to satisfy its 12183
obligations to the lender to make timely payments of principal or 12184
interest as provided in the loan agreement between the lender and 12185
the program administrator. "Loss" does not include either of the 12186
following: 12187

(a) Any loss incurred by the program fund, including a loss 12188
attributable to any investment made by a program administrator; 12189

(b) Any loss of the capital required to be provided by a 12190
program administrator, or income accruing to that capital, under 12191
the agreement entered into under division (B) of section 150.05 of 12192
the Revised Code. 12193

~~(4)~~(5) "Ohio-based business enterprise" means a person that 12194
is engaged in business, that employs at least one individual on a 12195
full-time or part-time basis at a place of business in this state, 12196
including a person engaged in business if that person is a 12197

self-employed individual, and that is in the seed or early stage 12198
of business development requiring initial or early stage funding 12199
or is an established business enterprise developing new methods or 12200
technologies. 12201

~~(5)~~(6) "Ohio-based venture capital fund" means a venture 12202
capital fund having its principal office in this state, where the 12203
majority of the fund's staff are employed and where at least one 12204
investment professional is employed who has at least five years of 12205
experience in venture capital investment. 12206

~~(6)~~(7) "Ohio co-investment fund" means an Ohio-based venture 12207
capital fund managed by the program administrator or a fund 12208
manager appointed by the program administrator that is capitalized 12209
exclusively by program fund investments in accordance with the 12210
investment policy adopted under section 150.03 of the Revised 12211
Code. 12212

(8) "Program fund" means the fund created under section 12213
150.03 of the Revised Code. 12214

(9) "Research and development purposes" has the same meaning 12215
as used in Section 2p of Article VIII, Ohio Constitution, and 12216
includes the development of sites and facilities in this state for 12217
and in support of those research and development purposes. 12218

(10) "Trustee" means a trust company or a bank with corporate 12219
trust powers, in either case having a place of business in this 12220
state and acting in its capacity as a trustee pursuant to a trust 12221
agreement under which an issuer issues obligations to fund loans 12222
to the program fund. 12223

(B) The general assembly declares that its purpose in 12224
enacting Chapter 150. of the Revised Code is to increase the 12225
amount of private investment capital available in this state for 12226
Ohio-based business enterprises in the seed or early stages of 12227
business development and requiring initial or early stage funding, 12228

as well as established Ohio-based business enterprises developing 12229
new methods or technologies, including the promotion of research 12230
and development purposes, thereby increasing employment, creating 12231
additional wealth, and otherwise benefiting the economic welfare 12232
of the people of this state. Accordingly, it is the intention of 12233
the general assembly that the program fund make its investments in 12234
support of Ohio-based business enterprises and that the Ohio 12235
venture capital authority focus its investment policy principally 12236
on venture capital funds investing in such Ohio-based business 12237
enterprises. The general assembly finds and determines that this 12238
chapter and the investment policy, and actions taken under and 12239
consistent therewith, will promote and implement the public 12240
purposes of Section 2p of Article VIII, Ohio Constitution. 12241

Sec. 150.02. (A) There is hereby created the Ohio venture 12242
capital authority, which shall exercise the powers and perform the 12243
duties prescribed by this chapter. The exercise by the authority 12244
of its powers and duties is hereby declared to be an essential 12245
state governmental function. The authority is subject to all laws 12246
generally applicable to state agencies and public officials, 12247
including, but not limited to, Chapter 119. and sections 121.22 12248
and 149.43 of the Revised Code, to the extent those laws do not 12249
conflict with this chapter. 12250

(B) The authority shall consist of ~~nine~~ three voting members, 12251
one of whom shall be the director of development or the director's 12252
designee, and two of whom shall be appointed by the governor. 12253
~~Seven of the members shall be appointed by the governor, with the~~ 12254
~~advice and consent of the senate, from among the general public.~~ 12255
~~All appointed members shall have experience in the field of~~ 12256
~~banking, investments, commercial law, or industry relevant to the~~ 12257
~~purpose of the Ohio venture capital program as stated in section~~ 12258
~~150.01 of the Revised Code. The director of development and tax~~ 12259
~~commissioner or their designees shall be ex officio, nonvoting~~ 12260

~~members.~~ 12261

~~Initial gubernatorial appointees to the authority shall serve 12262
staggered terms, with one term expiring on January 31, 2004, two 12263
terms expiring on January 31, 2005, two terms expiring on January 12264
31, 2006, and two terms expiring on January 31, 2007. Thereafter, 12265
terms of office for all appointees shall be for four years, with 12266
each term ending on the same day of the same month as did the term 12267
that it succeeds. A vacancy on the authority shall be filled in 12268
the same manner as the original appointment, except that a person 12269
appointed to fill a vacancy shall be appointed to the remainder of 12270
the unexpired term. Any appointed member of the authority is 12271
eligible for reappointment.~~ 12272

~~A member of the authority may be removed by the member's 12273
appointing authority for misfeasance, malfeasance, willful neglect 12274
of duty, or other cause, after notice and a public hearing, unless 12275
the notice and hearing are waived in writing by the member.~~ 12276

~~(C) Members of the authority shall serve without 12277
compensation, but shall receive their reasonable and necessary 12278
expenses incurred in the conduct of authority business. The 12279
governor shall designate a member of the authority to serve as 12280
chairperson. A majority of the ~~voting~~ members of the authority 12281
constitutes a quorum, and the affirmative vote of a majority of 12282
the voting members present is necessary for any action taken by 12283
the authority. A vacancy in the voting membership of the authority 12284
does not impair the right of a quorum to exercise all rights and 12285
perform all duties of the authority.~~ 12286

~~(D) The department of development shall provide the authority 12287
with office space and such technical assistance as the authority 12288
requires.~~ 12289

~~(E) The authority and an issuer may cooperate in promoting 12290
the public purposes of the Ohio venture capital program as stated 12291~~

in section 150.01 of the Revised Code and shall enter into such 12292
agreements as the authority and the issuer shall deem appropriate, 12293
with a view to cooperative action and safeguarding of the 12294
respective interests of the parties thereto. Any agreement shall 12295
provide for the rights, duties, and responsibilities of the 12296
parties and any limitations thereon, shall provide for the terms 12297
on which any tax credits to be issued to the issuer or a trustee 12298
pursuant to section 150.07 of the Revised Code shall be issued and 12299
claimed, and shall provide terms as may be mutually satisfactory 12300
to the parties including, but not limited to, requirements for 12301
reporting, and a plan, prepared by the program administrator and 12302
acceptable to the authority and the issuer, designed to evidence 12303
and ensure compliance with division (D) of section 150.03 of the 12304
Revised Code and Section 2p of Article VIII, Ohio Constitution. 12305

Sec. 150.021. (A) There is hereby created the Ohio venture 12306
capital advisory board that, upon request of the Ohio venture 12307
capital authority, shall provide general advice to the authority 12308
on various issues relevant to the purpose of the Ohio venture 12309
capital program as stated in section 150.01 of the Revised Code, 12310
including, but not limited to, the following: 12311

(1) Strategic planning, investment policy, and investment 12312
prohibitions for programs that may be implemented by the 12313
authority; 12314

(2) Budget and investment targets, investment processes, and 12315
other aspects of the professional management and administration of 12316
programs implemented by the authority; 12317

(3) Metrics and methods of measuring the progress and impact 12318
of programs administered by the authority; and 12319

(4) Qualifications and standards for evaluating the 12320
performance of the program administrator and other professionals 12321
and advisors that may be selected and retained to provide services 12322

in connection with programs administered by the authority. 12323

(B) The authority shall not request, and the advisory board shall not offer to the authority, advice about the selection or retention of any specific professional service provider, contractor, or other agent that has been or may be retained by the authority, or about any specific investment that may be considered or has been made by the program administrator. 12324
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(C) The advisory board shall be composed of seven members who shall be appointed by the governor, with the advice and consent of the senate, from among the general public. All appointed members shall have experience with businesses in the seed or early stages of development or investments in such businesses. At least three members of the advisory board shall, on account of their vocations, employment, or affiliations, have experience investing in or managing investments in businesses in the seed or early stages of development. At least two members of the advisory board shall, on account of their vocations, employment, or affiliations, have experience providing professional services to individuals or funds investing in or managing investments in businesses in the seed or early stages of development or to businesses in the seed or early stages of development with respect to the process of seeking and obtaining such investments. The other members of the advisory board may, on account of their vocations, employment, or affiliations, have experience generally in investing in or managing investments in businesses or providing professional services to entities whose primary business is investing in or managing investments in businesses or to businesses with respect to the process of seeking and obtaining investment financing. 12330
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Initial gubernatorial appointees to the board shall serve staggered terms, with two terms expiring on January 31, 2010, two terms expiring on January 31, 2011, and three terms expiring on January 31, 2012. Thereafter, terms of office for all appointees 12351
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shall be for three years, with each term ending on the same day of 12355
the same month as did the term that it succeeds. All members of 12356
the board shall serve at the pleasure of the governor. A vacancy 12357
on the advisory board shall be filled in the same manner as the 12358
original appointment, except that a person appointed to fill a 12359
vacancy shall be appointed to the remainder of the unexpired term. 12360
Any member of the advisory board is eligible for reappointment. 12361

(D) The governor shall designate a member of the advisory 12362
board to serve as chairperson. A majority of all members of the 12363
advisory board constitutes a quorum, and no recommendation shall 12364
be made or advice given by the board without the affirmative vote 12365
of a majority of the members. 12366

(E) Members of the advisory board shall serve without 12367
compensation, but shall receive their reasonable and necessary 12368
expenses incurred in the conduct of board business. The department 12369
of development shall provide office space and facilities for the 12370
advisory board. 12371

Sec. 150.03. Within ninety days after ~~the effective date of~~ 12372
~~this section~~ April 9, 2003, the authority shall establish, and 12373
subsequently may modify as it considers necessary, a written 12374
investment policy governing the investment of money from the 12375
program fund, which is hereby created. The program fund shall 12376
consist of the proceeds of loans acquired by a program 12377
administrator. The authority is subject to Chapter 119. of the 12378
Revised Code with respect to the establishment or modification of 12379
the policy. The policy shall meet all the following requirements: 12380

(A) It is consistent with the purpose of the program stated 12381
in section 150.01 of the Revised Code. 12382

(B) Subject to divisions (C), (D), and (E) of this section, 12383
it permits the investment of money from the program fund in 12384
private, for-profit venture capital funds, including funds of 12385

funds, that invest in enterprises in the seed or early stage of 12386
business development or established business enterprises 12387
developing new methods or technologies, and that demonstrate 12388
potential to generate high levels of successful investment 12389
performance. 12390

(C) It specifies that, exclusive of any program fund money 12391
invested in an Ohio co-investment fund, a program administrator or 12392
fund manager employed by the program administrator shall invest 12393
not less than seventy-five per cent of program fund money under 12394
its investment authority in Ohio-based venture capital funds. 12395

(D) It specifies ~~that~~ all of the following: 12396

(1) That not less than an amount equal to fifty per cent of 12397
program fund money invested in any venture capital fund ~~be~~ is 12398
invested by the venture capital fund in Ohio-based business 12399
enterprises; 12400

(2) That one hundred per cent of program fund money invested 12401
in any Ohio co-investment fund is invested by the Ohio 12402
co-investment fund in Ohio-based business enterprises; and 12403

(3) That, commencing with the first program fund investment 12404
in each venture capital fund, the aggregate amount invested in 12405
Ohio-based business enterprises by all venture capital funds in 12406
which the program fund has invested is not less than the aggregate 12407
amount of all program fund money invested in those venture capital 12408
funds. 12409

(E) It specifies that a program administrator or fund manager 12410
employed by the program administrator shall not invest money from 12411
the program fund in a venture capital fund to the extent that the 12412
total amount of program fund money invested in the venture capital 12413
fund, ~~when combined with any program fund money invested in a~~ 12414
~~venture capital fund under the same management as that venture~~ 12415
~~capital fund,~~ exceeds the lesser of the following: 12416

(1) <u>In the case of an Ohio co-investment fund, the lesser of</u>	12417
<u>the following:</u>	12418
<u>(a) One hundred million dollars;</u>	12419
<u>(b) Fifty per cent of the total amount of capital committed</u>	12420
<u>to all venture capital funds by the program fund.</u>	12421
(2) <u>In the case of any venture capital fund that is not an</u>	12422
<u>Ohio co-investment fund, the lesser of the following:</u>	12423
<u>(a) Ten million dollars;</u>	12424
(2)(a) <u>(b)(i) In the case of an Ohio-based venture capital</u>	12425
fund, fifty per cent of the total amount of capital committed to	12426
the fund from all sources, after accounting for capital committed	12427
from the program fund;	12428
(b) <u>(ii) In the case of any other venture capital fund, twenty</u>	12429
per cent of the total amount of capital committed to the fund from	12430
all sources, after accounting for capital committed from the	12431
program fund.	12432
(F) It specifies that a program administrator or fund manager	12433
employed by the program administrator shall not commit capital	12434
from the program fund to a venture capital fund <u>other than an Ohio</u>	12435
<u>co-investment fund</u> until the venture capital fund receives	12436
commitment of at least the same amount from other investors in the	12437
fund, <u>and shall not permit capital from an Ohio co-investment fund</u>	12438
<u>to be committed to any investment until the Ohio-based business</u>	12439
<u>enterprise in which the investment is to be made receives a</u>	12440
<u>commitment of at least the same amount from other investors that</u>	12441
<u>are independent of and under management independent of the program</u>	12442
<u>administrator and any fund manager employed by the program</u>	12443
<u>administrator.</u>	12444
(G) It specifies the general conditions a private, for-profit	12445
investment fund must meet to be selected as a program	12446

administrator under section 150.05 of the Revised Code, including, 12447
as a significant selection standard, direct experience managing 12448
external or nonproprietary capital in private equity fund of funds 12449
formats. 12450

(H) It specifies the criteria the authority must consider 12451
when making a determination under division (B)(1) of section 12452
150.04 of the Revised Code. 12453

(I) It includes investment standards and general limitations 12454
on allowable investments that the authority considers reasonable 12455
and necessary to achieve the purposes of this chapter as stated in 12456
division (B) of section 150.01 of the Revised Code, minimize the 12457
need for the authority to grant tax credits under section 150.07 12458
of the Revised Code, ensure compliance of the program 12459
administrators with all applicable laws of this state and the 12460
United States, and ensure the safety and soundness of investments 12461
of money from the program fund. 12462

(J) It prohibits the investment of money from the program 12463
fund directly in persons other than venture capital funds, except 12464
for temporary investment in investment grade debt securities or 12465
temporary deposit in interest-bearing accounts or funds pending 12466
permanent investment in venture capital funds. 12467

Sec. 150.04. (A) The investment policy established or 12468
modified under section 150.03 of the Revised Code shall specify 12469
the terms and conditions under which the authority may grant tax 12470
credits under section 150.07 of the Revised Code, subject to that 12471
section and division (B) of this section, to provide security 12472
against lenders' losses. 12473

(B) Nothing in this chapter authorizes the providing of 12474
security against losses on any bases other than the following: 12475

(1) The application first of moneys of the Ohio venture 12476

capital fund, created under section 150.08 of the Revised Code, 12477
that the authority, under the criteria in its investment policy, 12478
determines may be expended without adversely affecting the ability 12479
of the authority to continue fulfilling the purpose of this 12480
chapter as stated in section 150.01 of the Revised Code; and then 12481

(2) The granting of tax credits pursuant to section 150.07 of 12482
the Revised Code, but only to the extent moneys under division 12483
(B)(1) of this section are insufficient, including to fund 12484
reserves maintained by or on behalf of an issuer to the extent 12485
consistent with an agreement between the authority and the issuer 12486
entered into under division (E) of section 150.02 of the Revised 12487
Code. 12488

Sec. 150.05. (A) The authority shall select, as program 12489
administrators, not more than two private, for-profit investment 12490
funds to acquire loans for the program fund and to invest money in 12491
the program fund as prescribed in the investment policy 12492
established or modified by the authority in accordance with 12493
sections 150.03 and 150.04 of the Revised Code. The authority 12494
shall give equal consideration, in selecting these program 12495
administrators, to minority owned and controlled investment funds, 12496
to funds owned and controlled by women, to ventures involving 12497
minority owned and controlled funds, and to ventures involving 12498
funds owned and controlled by women that otherwise meet the 12499
policies and criteria established by the authority. To be eligible 12500
for selection, an investment fund must be incorporated or 12501
organized under Chapter 1701., 1705., 1775., 1776., 1782., or 12502
1783. of the Revised Code, must have an established business 12503
presence in this state, and must be capitalized in accordance with 12504
any state and federal laws applicable to the issuance or sale of 12505
securities. 12506

The authority shall select program administrators only after 12507

soliciting and evaluating requests for proposals as prescribed in 12508
this section. The authority shall publish a notice of a request 12509
for proposals in newspapers of general circulation in this state 12510
once each week for two consecutive weeks before a date specified 12511
by the authority as the date on which it will begin accepting 12512
proposals. The notices shall contain a general description of the 12513
subject of the proposed agreement and the location where the 12514
request for proposals may be obtained. The request for proposals 12515
shall include all the following: 12516

(1) Instructions and information to respondents concerning 12517
the submission of proposals, including the name and address of the 12518
office where proposals are to be submitted; 12519

(2) Instructions regarding the manner in which respondents 12520
may communicate with the authority, including the names, titles, 12521
and telephone numbers of the individuals to whom such 12522
communications shall be directed; 12523

(3) Description of the performance criteria that will be used 12524
to evaluate whether a respondent selected by the authority is 12525
satisfying the authority's investment policy; 12526

(4) Description of the factors and criteria to be considered 12527
in evaluating respondents' proposals, the relative importance of 12528
each factor or criterion, and description of the authority's 12529
evaluation procedure; 12530

(5) Description of any documents that may be incorporated by 12531
reference into the request for proposals, provided that the 12532
request specifies where such documents may be obtained and such 12533
documents are readily available to all interested parties. 12534

After the date specified for receiving proposals, the 12535
authority shall evaluate submitted proposals. The authority may 12536
discuss a respondent's proposal with that respondent to clarify or 12537
revise a proposal or the terms of the agreement. 12538

The authority shall choose for review proposals from at least 12539
three respondents the authority considers qualified to operate the 12540
program in the best interests of the investment policy adopted by 12541
the authority. If three or fewer proposals are submitted, the 12542
authority shall review each proposal. The authority may cancel a 12543
request for proposals at any time before entering into an 12544
agreement with a respondent. The authority shall provide 12545
respondents fair and equal opportunity for such discussions. The 12546
authority may terminate discussions with any respondent upon 12547
written notice to the respondent. 12548

(B) After reviewing the chosen proposals, the authority may 12549
select not more than two such respondents and enter into a written 12550
agreement with each of the selected respondents, provided that at 12551
no time shall there be agreements with more than two persons. 12552

The agreement shall do all of the following: 12553

(1) Specify that borrowing and investing by the program 12554
administrator will be budgeted to guarantee that no tax credits 12555
will be granted during the first four years of the Ohio venture 12556
capital program, and will be structured to ensure that payments of 12557
principal, interest, or interest equivalent due in any fiscal 12558
year, when added to such payments due from any other program 12559
administrator, does not exceed twenty million dollars; 12560

(2) Require investment by the program administrator or the 12561
fund manager employed by the program administrator to be in 12562
compliance with the investment policy established or modified in 12563
accordance with sections 150.03 and 150.04 of the Revised Code 12564
that is in effect at the time the investment is made, and prohibit 12565
the program administrator or fund manager from engaging in any 12566
investment activities other than activities to carry out that 12567
policy; 12568

(3) Require periodic financial reporting by the program 12569

administrator to the authority, which reporting shall include an 12570
annual audit by an independent auditor and such other financial 12571
reporting as is specified in the agreement or otherwise required 12572
by the authority for the purpose of ensuring that the program 12573
administrator is carrying out the investment policy; 12574

(4) Specify any like standards or general limitations in 12575
addition to or in furtherance of investment standards or 12576
limitations that apply pursuant to division (H) of section 150.03 12577
of the Revised Code; 12578

(5) Require the program administrator to apply program fund 12579
revenue first to the payment of principal borrowed by the program 12580
administrator for investment under the program, then to interest 12581
related to that principal, and then to amounts necessary to cover 12582
the program administrator's pro rata share required under division 12583
(B)(9) of this section; and require the program administrator to 12584
pay the authority not less than ninety per cent of the amount by 12585
which program fund revenue attributable to investments under the 12586
program administrator's investment authority exceeds amounts so 12587
applied; 12588

(6) Specify the procedures by which the program administrator 12589
shall certify immediately to the authority the necessity for the 12590
authority to issue tax credit certificates pursuant to contracts 12591
entered into under section 150.07 of the Revised Code; 12592

(7) Specify any general limitations regarding the employment 12593
of a fund manager by the program administrator, in addition to an 12594
express limitation that the fund manager be a person with 12595
demonstrated, substantial, successful experience in the design and 12596
management of seed and venture capital investment programs and in 12597
capital formation. The fund manager may be, but need not be, an 12598
equity owner or affiliate of the program administrator. 12599

(8) Specify the terms and conditions under which the 12600

authority or the program administrator may terminate the 12601
agreement, including in the circumstance that the program 12602
administrator or fund manager violates the investment policy; 12603

(9) Require the program administrator or fund manager 12604
employed by the program administrator to provide capital in the 12605
form of a loan equal to one per cent of the amount of outstanding 12606
loans by lenders to the program fund. The loan from the program 12607
administrator or fund manager shall be on the same terms and 12608
conditions as loans from other lenders, except that the loan from 12609
the program administrator or fund manager shall not be secured by 12610
the Ohio venture capital fund or tax credits available to other 12611
lenders under division (B) of section 150.04 of the Revised Code. 12612
Such capital shall be placed at the same risk as the proceeds from 12613
such loans. The program administrator shall receive a pro rata 12614
share of the net income, including net loss, from the investment 12615
of money from the program fund, but is not entitled to the 12616
security against losses provided under section 150.04 of the 12617
Revised Code. 12618

Sec. 150.051. (A) As used in this section: 12619

(1) "Minority business enterprise" has the meaning defined in 12620
section 122.71 of the Revised Code. 12621

(2) "Women's business enterprise" means a business, or a 12622
partnership, corporation, limited liability company, or joint 12623
venture of any kind, that is owned and controlled by women who are 12624
United States citizens and residents of this state. 12625

(B) The Ohio venture capital authority shall submit annually 12626
to the governor and to the general assembly (under section 101.68 12627
of the Revised Code) a report containing the following 12628
information: 12629

(1) The name of each program administrator that is a minority 12630

business enterprise or a women's business enterprise with which 12631
the authority contracts; 12632

(2) The amount of assets managed by program administrators 12633
that are minority business enterprises or women's business 12634
enterprises, expressed as a percentage of assets managed by 12635
program administrators with which the authority has contracted. 12636

(3) Efforts by the authority to increase utilization of 12637
program administrators that are minority business enterprises or 12638
women's business enterprises. 12639

Sec. 150.07. (A) For the purpose stated in section 150.01 of 12640
the Revised Code, the authority may authorize a lender to claim 12641
one of the refundable tax credits allowed under section 5707.031, 12642
5725.19, 5727.241, 5729.08, 5733.49, or 5747.80 of the Revised 12643
Code. The credits shall be authorized by a written contract with 12644
the lender. The contract shall specify the terms under which the 12645
lender may claim the credit, including the amount of loss, if any, 12646
the lender must incur before the lender may claim the credit; 12647
specify that the credit shall not exceed the amount of the loss; 12648
and specify that the lender may claim the credit only for a loss 12649
certified by a program administrator to the authority under the 12650
procedures prescribed under division (B)(6) of section 150.05 of 12651
the Revised Code. 12652

(B) Tax credits may be authorized at any time after the 12653
authority establishes the investment policy under section 150.03 12654
of the Revised Code, but a tax credit so authorized may not be 12655
claimed until the beginning of the fifth year after the authority 12656
establishes the investment policy. A tax credit may not be claimed 12657
after June 30, ~~2026~~ 2036. 12658

(C)(1) Upon receiving certification of a lender's loss from a 12659
program administrator pursuant to the procedures in the investment 12660
policy, the authority shall issue a tax credit certificate to the 12661

lender, except as otherwise provided in division (D) of this section. 12662
12663

(2) If the lender is a pass-through entity, as defined in section 5733.04 of the Revised Code, then each equity investor in the lender pass-through entity shall be entitled to claim one of the tax credits allowed under division (A) of this section for that equity investor's taxable year in which or with which ends the taxable year of the lender pass-through entity in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. If all equity investors of the lender pass-through entity are not eligible to claim a credit against the same tax set forth in division (A) of this section, then each equity investor may elect to claim a credit against the tax to which the equity investor is subject to in an amount based on the equity investor's distributive or proportionate share of the credit amount set forth in the certificate issued by the authority. 12664
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(3) The certificate shall state the amount of the credit and the calendar year under section 5707.031, 5725.19, 5727.241, or 5729.08, the tax year under section 5733.49, or the taxable year under section 5747.80 of the Revised Code for which the credit may be claimed. The authority, in conjunction with the tax commissioner, shall develop a system for issuing tax credit certificates for the purpose of verifying that any credit claimed is a credit issued under this section and is properly taken in the year specified in the certificate and in compliance with division (B) of this section. 12679
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(D) The authority shall not, in any fiscal year, issue tax credit certificates in a total amount exceeding twenty million dollars. 12689
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(E) Notwithstanding anything in this section or in any other section of this chapter or in Chapter 5707., 5725., 5727., 5729., 12692
12693

5733., or 5747. of the Revised Code, an issuer or a trustee on 12694
behalf of an issuer shall have, subject to the terms of the 12695
agreement entered into by the issuer and the authority under 12696
division (E) of section 150.02 of the Revised Code, the right to 12697
receive and claim the credits authorized under this section and 12698
solely for those purposes shall be deemed a taxpayer under 12699
applicable provisions of each such chapter, entitled to file a tax 12700
return, an amended tax return, or an estimated tax return at such 12701
times as are permitted or required under the applicable chapter, 12702
but solely for the purpose of claiming credits issued to the 12703
issuer or the trustee. Nothing in this section shall require an 12704
issuer or a trustee to file a tax return under any chapter for any 12705
purpose other than claiming such credits if the issuer or trustee 12706
is not otherwise required to make such a filing. 12707

Sec. 152.09. (A) As used in sections 152.06 and 152.09 to 12708
152.33 of the Revised Code: 12709

(1) "Obligations" means bonds, notes, or other evidences of 12710
obligation, including interest coupons pertaining thereto, issued 12711
pursuant to sections 152.09 to 152.33 of the Revised Code. 12712

(2) "State agencies" means the state of Ohio and branches, 12713
officers, boards, commissions, authorities, departments, 12714
divisions, courts, general assembly, or other units or agencies of 12715
the state. "State agency" also includes counties, municipal 12716
corporations, and governmental entities of this state that enter 12717
into leases with the Ohio building authority pursuant to section 12718
152.31 of the Revised Code or that are designated by law as state 12719
agencies for the purpose of performing a state function that is to 12720
be housed by a capital facility for which the Ohio building 12721
authority is authorized to issue revenue obligations pursuant to 12722
sections 152.09 to 152.33 of the Revised Code. 12723

(3) "Bond service charges" means principal, including 12724

mandatory sinking fund requirements for retirement of obligations, 12725
and interest, and redemption premium, if any, required to be paid 12726
by the Ohio building authority on obligations. 12727

(4) "Capital facilities" means buildings, structures, and 12728
other improvements, and equipment, real estate, and interests in 12729
real estate therefor, within the state, and any one, part of, or 12730
combination of the foregoing, for housing of branches and agencies 12731
of state government, including capital facilities for the purpose 12732
of housing personnel, equipment, or functions, or any combination 12733
thereof that the state agencies are responsible for housing, for 12734
which the Ohio building authority is authorized to issue 12735
obligations pursuant to Chapter 152. of the Revised Code, and 12736
includes storage and parking facilities related to such capital 12737
facilities. For purposes of sections 152.10 to 152.15 of the 12738
Revised Code, "capital facilities" includes community or technical 12739
college capital facilities. 12740

(5) "Cost of capital facilities" means the costs of 12741
assessing, planning, acquiring, constructing, reconstructing, 12742
rehabilitating, remodeling, renovating, enlarging, improving, 12743
altering, maintaining, equipping, furnishing, repairing, painting, 12744
decorating, managing, or operating capital facilities, and the 12745
financing thereof, including the cost of clearance and preparation 12746
of the site and of any land to be used in connection with capital 12747
facilities, the cost of participating in capital facilities 12748
pursuant to section 152.33 of the Revised Code, the cost of any 12749
indemnity and surety bonds and premiums on insurance, all related 12750
direct administrative expenses and allocable portions of direct 12751
costs of the authority and lessee state agencies, cost of 12752
engineering and architectural services, designs, plans, 12753
specifications, surveys, and estimates of cost, legal fees, fees 12754
and expenses of trustees, depositories, and paying agents for the 12755
obligations, cost of issuance of the obligations and financing 12756

charges and fees and expenses of financial advisers and 12757
consultants in connection therewith, interest on obligations from 12758
the date thereof to the time when interest is to be covered from 12759
sources other than proceeds of obligations, amounts that represent 12760
the portion of investment earnings to be rebated or to be paid to 12761
the federal government in order to maintain the exclusion from 12762
gross income for federal income tax purposes of interest on those 12763
obligations pursuant to section 148(f) of the Internal Revenue 12764
Code, amounts necessary to establish reserves as required by the 12765
resolutions or the obligations, trust agreements, or indentures, 12766
costs of audits, the reimbursement of all moneys advanced or 12767
applied by or borrowed from any governmental entity, whether to or 12768
by the authority or others, from whatever source provided, for the 12769
payment of any item or items of cost of the capital facilities, 12770
any share of the cost undertaken by the authority pursuant to 12771
arrangements made with governmental entities under division (J) of 12772
section 152.21 of the Revised Code, and all other expenses 12773
necessary or incident to assessing, planning, or determining the 12774
feasibility or practicability with respect to capital facilities, 12775
and such other expenses as may be necessary or incident to the 12776
assessment, planning, acquisition, construction, reconstruction, 12777
rehabilitation, remodeling, renovation, enlargement, improvement, 12778
alteration, maintenance, equipment, furnishing, repair, painting, 12779
decoration, management, or operation of capital facilities, the 12780
financing thereof and the placing of the same in use and 12781
operation, including any one, part of, or combination of such 12782
classes of costs and expenses. 12783

(6) "Governmental entity" means any state agency, municipal 12784
corporation, county, township, school district, and any other 12785
political subdivision or special district in this state 12786
established pursuant to law, and, except where otherwise 12787
indicated, also means the United States or any of the states or 12788
any department, division, or agency thereof, and any agency, 12789

commission, or authority established pursuant to an interstate 12790
compact or agreement. 12791

(7) "Governing body" means: 12792

(a) In the case of a county, the board of county 12793
commissioners or other legislative authority; in the case of a 12794
municipal corporation, the legislative authority; in the case of a 12795
township, the board of township trustees; in the case of a school 12796
district, the board of education; 12797

(b) In the case of any other governmental entity, the 12798
officer, board, commission, authority, or other body having the 12799
general management of the entity or having jurisdiction or 12800
authority in the particular circumstances. 12801

(8) "Available receipts" means fees, charges, revenues, 12802
grants, subsidies, income from the investment of moneys, proceeds 12803
from the sale of goods or services, and all other revenues or 12804
receipts received by or on behalf of any state agency for which 12805
capital facilities are financed with obligations issued under 12806
Chapter 152. of the Revised Code, any state agency participating 12807
in capital facilities pursuant to section 152.33 of the Revised 12808
Code, or any state agency by which the capital facilities are 12809
constructed or financed; revenues or receipts derived by the 12810
authority from the operation, leasing, or other disposition of 12811
capital facilities, and the proceeds of obligations issued under 12812
Chapter 152. of the Revised Code; and also any moneys appropriated 12813
by a governmental entity, gifts, grants, donations, and pledges, 12814
and receipts therefrom, available for the payment of bond service 12815
charges on such obligations. 12816

(9) "Available community or technical college receipts" means 12817
all money received by a community or technical college or 12818
community or technical college district, including income, 12819
revenues, and receipts from the operation, ownership, or control 12820

of facilities, grants, gifts, donations, and pledges and receipts 12821
therefrom, receipts from fees and charges, the allocated state 12822
share of instruction as defined in section 3333.90 of the Revised 12823
Code, and the proceeds of the sale of obligations, including 12824
proceeds of obligations issued to refund obligations previously 12825
issued, but excluding any special fee, and receipts therefrom, 12826
charged pursuant to division (D) of section 154.21 of the Revised 12827
Code. 12828

(10) "Community or technical college," "college," "community 12829
or technical college district," and "district" have the same 12830
meanings as in section 3333.90 of the Revised Code. 12831

(11) "Community or technical college capital facilities" 12832
means auxiliary facilities, education facilities, and housing and 12833
dining facilities, as those terms are defined in section 3345.12 12834
of the Revised Code, to the extent permitted to be financed by the 12835
issuance of obligations under division (A)(2) of section 3357.112 12836
of the Revised Code, that are authorized by sections 3354.121, 12837
3357.112, and 3358.10 of the Revised Code to be financed by 12838
obligations issued by a community or technical college district, 12839
and for which the Ohio building authority is authorized to issue 12840
obligations pursuant to Chapter 152. of the Revised Code, and 12841
includes any one, part of, or any combination of the foregoing, 12842
and further includes site improvements, utilities, machinery, 12843
furnishings, and any separate or connected buildings, structures, 12844
improvements, sites, open space and green space areas, utilities, 12845
or equipment to be used in, or in connection with the operation or 12846
maintenance of, or supplementing or otherwise related to the 12847
services or facilities to be provided by, such facilities. 12848

(12) "Cost of community or technical college capital 12849
facilities" means the costs of acquiring, constructing, 12850
reconstructing, rehabilitating, remodeling, renovating, enlarging, 12851
improving, equipping, or furnishing community or technical college 12852

capital facilities, and the financing thereof, including the cost 12853
of clearance and preparation of the site and of any land to be 12854
used in connection with community or technical college capital 12855
facilities, the cost of any indemnity and surety bonds and 12856
premiums on insurance, all related direct administrative expenses 12857
and allocable portions of direct costs of the authority, community 12858
or technical college or community or technical college district, 12859
cost of engineering, architectural services, design, plans, 12860
specifications and surveys, estimates of cost, legal fees, fees 12861
and expenses of trustees, depositories, bond registrars, and 12862
paying agents for the obligations, cost of issuance of the 12863
obligations and financing costs and fees and expenses of financial 12864
advisers and consultants in connection therewith, interest on the 12865
obligations from the date thereof to the time when interest is to 12866
be covered by available receipts or other sources other than 12867
proceeds of the obligations, amounts that represent the portion of 12868
investment earnings to be rebated or to be paid to the federal 12869
government in order to maintain the exclusion from gross income 12870
for federal income tax purposes of interest on those obligations 12871
pursuant to section 148(f) of the Internal Revenue Code, amounts 12872
necessary to establish reserves as required by the bond 12873
proceedings, costs of audits, the reimbursements of all moneys 12874
advanced or applied by or borrowed from the community or technical 12875
college, community or technical college district, or others, from 12876
whatever source provided, including any temporary advances from 12877
state appropriations, for the payment of any item or items of cost 12878
of community or technical college facilities, and all other 12879
expenses necessary or incident to planning or determining 12880
feasibility or practicability with respect to such facilities, and 12881
such other expenses as may be necessary or incident to the 12882
acquisition, construction, reconstruction, rehabilitation, 12883
remodeling, renovation, enlargement, improvement, equipment, and 12884
furnishing of community or technical college capital facilities, 12885

the financing thereof and the placing of them in use and 12886
operation, including any one, part of, or combination of such 12887
classes of costs and expenses. 12888

(B) Pursuant to the powers granted to the general assembly 12889
under Section 2i of Article VIII, Ohio Constitution, to authorize 12890
the issuance of revenue obligations and other obligations, the 12891
owners or holders of which are not given the right to have excises 12892
or taxes levied by the general assembly for the payment of 12893
principal thereof or interest thereon, the Ohio building authority 12894
may issue obligations, in accordance with Chapter 152. of the 12895
Revised Code, and shall cause the net proceeds thereof, after any 12896
deposits of accrued interest for the payment of bond service 12897
charges and after any deposit of all or such lesser portion as the 12898
authority may direct of the premium received upon the sale of 12899
those obligations for the payment of the bond service charges, to 12900
be applied to the costs of capital facilities designated by or 12901
pursuant to act of the general assembly for housing state agencies 12902
as authorized by Chapter 152. of the Revised Code. The authority 12903
shall provide by resolution for the issuance of such obligations. 12904
The bond service charges and all other payments required to be 12905
made by the trust agreement or indenture securing such obligations 12906
shall be payable solely from available receipts of the authority 12907
pledged thereto as provided in such resolution. The available 12908
receipts pledged and thereafter received by the authority are 12909
immediately subject to the lien of such pledge without any 12910
physical delivery thereof or further act, and the lien of any such 12911
pledge is valid and binding against all parties having claims of 12912
any kind against the authority, irrespective of whether those 12913
parties have notice thereof, and creates a perfected security 12914
interest for all purposes of Chapter 1309. of the Revised Code and 12915
a perfected lien for purposes of any real property interest, all 12916
without the necessity for separation or delivery of funds or for 12917
the filing or recording of the resolution, trust agreement, 12918

indenture, or other agreement by which such pledge is created or 12919
any certificate, statement, or other document with respect 12920
thereto; and the pledge of such available receipts is effective 12921
and the money therefrom and thereof may be applied to the purposes 12922
for which pledged. Every pledge, and every covenant and agreement 12923
made with respect to the pledge, made in the resolution may 12924
therein be extended to the benefit of the owners and holders of 12925
obligations authorized by Chapter 152. of the Revised Code, the 12926
net proceeds of which are to be applied to the costs of capital 12927
facilities, and to any trustee therefor, for the further securing 12928
of the payment of the bond service charges, and all or any rights 12929
under any agreement or lease made under this section may be 12930
assigned for such purpose. Obligations may be issued at one time 12931
or from time to time, and each issue shall be dated, shall mature 12932
at such time or times as determined by the authority not exceeding 12933
forty years from the date of issue, and may be redeemable before 12934
maturity at the option of the authority at such price or prices 12935
and under such terms and conditions as are fixed by the authority 12936
prior to the issuance of the obligations. The authority shall 12937
determine the form of the obligations, fix their denominations, 12938
establish their interest rate or rates, which may be a variable 12939
rate or rates, or the maximum interest rate, and establish within 12940
or without this state a place or places of payment of bond service 12941
charges. 12942

(C) The obligations shall be signed by the authority 12943
chairperson, vice-chairperson, and secretary-treasurer, and the 12944
authority seal shall be affixed. The signatures may be facsimile 12945
signatures and the seal affixed may be a facsimile seal, as 12946
provided by resolution of the authority. Any coupons attached may 12947
bear the facsimile signature of the chairperson. In case any 12948
officer who has signed any obligations, or caused the officer's 12949
facsimile signature to be affixed thereto, ceases to be such 12950
officer before such obligations have been delivered, such 12951

obligations may, nevertheless, be issued and delivered as though 12952
the person who had signed the obligations or caused the person's 12953
facsimile signature to be affixed thereto had not ceased to be 12954
such officer. 12955

Any obligations may be executed on behalf of the authority by 12956
an officer who, on the date of execution, is the proper officer 12957
although on the date of such obligations such person was not the 12958
proper officer. 12959

(D) All obligations issued by the authority shall have all 12960
the qualities and incidents of negotiable instruments and may be 12961
issued in coupon or in registered form, or both, as the authority 12962
determines. Provision may be made for the registration of any 12963
obligations with coupons attached thereto as to principal alone or 12964
as to both principal and interest, their exchange for obligations 12965
so registered, and for the conversion or reconversion into 12966
obligations with coupons attached thereto of any obligations 12967
registered as to both principal and interest, and for reasonable 12968
charges for such registration, exchange, conversion, and 12969
reconversion. The authority may sell its obligations in any manner 12970
and for such prices as it determines, except that the authority 12971
shall sell obligations sold at public or private sale in 12972
accordance with section 152.091 of the Revised Code. 12973

(E) The obligations of the authority, principal, interest, 12974
and any proceeds from their sale or transfer, are exempt from all 12975
taxation within this state. 12976

(F) The authority is authorized to issue revenue obligations 12977
and other obligations under Section 2i of Article VIII, Ohio 12978
Constitution, for the purpose of paying the cost of capital 12979
facilities for housing of branches and agencies of state 12980
government, including capital facilities for the purpose of 12981
housing personnel, equipment, or functions, or any combination 12982
thereof that the state agencies are responsible for housing, as 12983

are authorized by Chapter 152. of the Revised Code, and that are 12984
authorized by the general assembly by the appropriation of lease 12985
payments or other moneys for such capital facilities or by any 12986
other act of the general assembly, but not including the 12987
appropriation of moneys for feasibility studies for such capital 12988
facilities. This division does not authorize the authority to 12989
issue obligations pursuant to Section 2i of Article VIII, Ohio 12990
Constitution, to pay the cost of capital facilities for mental 12991
hygiene and retardation, parks and recreation, or state-supported 12992
or state-assisted institutions of higher education. 12993

(G) The authority is authorized to issue revenue obligations 12994
under Section 2i of Article VIII, Ohio Constitution, on behalf of 12995
a community or technical college district and shall cause the net 12996
proceeds thereof, after any deposits of accrued interest for the 12997
payment of bond service charges and after any deposit of all or 12998
such lesser portion as the authority may direct of the premium 12999
received upon the sale of those obligations for the payment of the 13000
bond service charges, to be applied to the cost of community or 13001
technical college capital facilities, provided that the issuance 13002
of such obligations is subject to the execution of a written 13003
agreement in accordance with division (C) of section 3333.90 of 13004
the Revised Code for the withholding and depositing of funds 13005
otherwise due the district, or the college it operates, in respect 13006
of its allocated state share of instruction. 13007

The authority shall provide by resolution for the issuance of 13008
such obligations. The bond service charges and all other payments 13009
required to be made by the trust agreement or indenture securing 13010
the obligations shall be payable solely from available community 13011
or technical college receipts pledged thereto as provided in the 13012
resolution. The available community or technical college receipts 13013
pledged and thereafter received by the authority are immediately 13014
subject to the lien of such pledge without any physical delivery 13015

thereof or further act, and the lien of any such pledge is valid 13016
and binding against all parties having claims of any kind against 13017
the authority, irrespective of whether those parties have notice 13018
thereof, and creates a perfected security interest for all 13019
purposes of Chapter 1309. of the Revised Code and a perfected lien 13020
for purposes of any real property interest, all without the 13021
necessity for separation or delivery of funds or for the filing or 13022
recording of the resolution, trust agreement, indenture, or other 13023
agreement by which such pledge is created or any certificate, 13024
statement, or other document with respect thereto; and the pledge 13025
of such available community or technical college receipts is 13026
effective and the money therefrom and thereof may be applied to 13027
the purposes for which pledged. Every pledge, and every covenant 13028
and agreement made with respect to the pledge, made in the 13029
resolution may therein be extended to the benefit of the owners 13030
and holders of obligations authorized by this division, and to any 13031
trustee therefor, for the further securing of the payment of the 13032
bond service charges, and all or any rights under any agreement or 13033
lease made under this section may be assigned for such purpose. 13034
Obligations may be issued at one time or from time to time, and 13035
each issue shall be dated, shall mature at such time or times as 13036
determined by the authority not exceeding forty years from the 13037
date of issue, and may be redeemable before maturity at the option 13038
of the authority at such price or prices and under such terms and 13039
conditions as are fixed by the authority prior to the issuance of 13040
the obligations. The authority shall determine the form of the 13041
obligations, fix their denominations, establish their interest 13042
rate or rates, which may be a variable rate or rates, or the 13043
maximum interest rate, and establish within or without this state 13044
a place or places of payment of bond service charges. 13045

Sec. 152.10. The resolution of the Ohio building authority 13046
authorizing the issuance of authority obligations may contain 13047

provisions which shall be part of the contract with the holders of 13048
the obligations as to: 13049

(A) Pledging all or such portion as it determines of the 13050
available receipts of the authority for the payment of bond 13051
service charges and all other payments required to be made by the 13052
trust agreement or indenture securing such obligations, or 13053
restricting the security for a particular issue of obligations to 13054
specific revenues or receipts of the authority; 13055

(B) The acquisition, construction, reconstruction, equipment, 13056
furnishing, improvement, operation, alteration, enlargement, 13057
maintenance, insurance, and repair of capital facilities and sites 13058
therefor, and the duties of the authority with reference thereto; 13059

(C) Other terms of the obligations; 13060

(D) Limitations on the purposes to which the proceeds of the 13061
obligations may be applied; 13062

(E) The rate of rentals or other charges for the use of 13063
capital facilities, the revenues from which are pledged to the 13064
obligations authorized by such resolution, including limitations 13065
upon the power of the authority to modify such rentals or other 13066
charges; 13067

(F) The use of and the expenditures of the revenues of the 13068
authority in such manner and to such extent as shall be 13069
determined, which may include provision for the payment of the 13070
expenses of the operation, maintenance, and repair of capital 13071
facilities, and the operation and administration of the authority 13072
so that such expenses shall be paid or provided as a charge prior 13073
to the payment of bond service charges and all other payments 13074
required to be made by the trust agreement or indenture securing 13075
such obligations; 13076

(G) Limitations on the issuance of additional obligations; 13077

(H) The terms of any trust agreement or indenture securing	13078
the obligations or under which the same may be issued;	13079
(I) Any other or additional agreements with the holders of	13080
the obligations, or the trustee therefor with respect to the	13081
operation of the authority and with respect to its property,	13082
funds, and revenues, and insurance thereof, and of the authority,	13083
its members, officers, and employees;	13084
(J) The deposit and application of funds and the safeguarding	13085
of funds on hand or on deposit without regard to Chapter 131. of	13086
the Revised Code, including any deposits of accrued interest for	13087
the payment of bond service charges and any deposits of premium	13088
for the payment of bond service charges or for the application to	13089
the payment of costs of capital facilities;	13090
(K) Municipal bond insurance, letters of credit, and other	13091
related agreements, the cost of which may be included in the costs	13092
of issuance of the obligations, and the pledge, holding, and	13093
disposition of the proceeds thereof;	13094
(L) A covenant that the state and any using state agency <u>or</u>	13095
<u>any using community or technical college or community or technical</u>	13096
<u>college district</u> shall, so long as such obligations are	13097
outstanding, cause to be charged and collected such revenues and	13098
receipts of, or from, any such using state agency <u>or any such</u>	13099
<u>using community or technical college or community or technical</u>	13100
<u>college district</u> constituting available receipts under the	13101
resolution sufficient in amount to provide for the payment of bond	13102
service charges on such obligations and for the establishment and	13103
maintenance of any reserves, as provided in the resolution for	13104
such obligations, which covenant shall be controlling	13105
notwithstanding any other provision of law pertaining to such	13106
revenues and receipts; provided that no covenant shall require the	13107
general assembly to appropriate money derived from the levying of	13108
excises or taxes for the payment of rent or bond service charges.	13109

Sec. 152.12. (A) As used in this section, "prior community or technical college obligations" means bonds or notes previously issued by a community or technical college district under section 3354.121, 3357.112, or 3358.10 of the Revised Code to pay costs of community or technical college capital facilities.

(B) The Ohio building authority may authorize and issue obligations for the refunding of prior obligations or prior community or technical college obligations for any of the following purposes:

~~(A)(1)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations, when the revenues pledged for the payment of such obligations are insufficient to pay obligations or prior community or technical college obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture;

~~(B)(2)~~ Refunding any obligations previously issued by the authority or any prior community or technical college obligations as an incident to providing funds for reconstructing, equipping, furnishing, improving, extending, or enlarging any capital facilities of the authority or any community or technical college district or community or technical college;

~~(C)(3)~~ Refunding all of the outstanding obligations or prior community or technical college obligations of any issue, both matured and unmatured, when the revenues pledged for the payment of such obligations or prior community or technical college obligations are insufficient to pay obligations which have matured or are about to mature or to maintain reserve or other funds required by the resolution or trust agreement or indenture, if such outstanding obligations or prior community or technical college obligations can be retired by call or at maturity or with

the consent of the holders, whether from the proceeds of the sale 13141
of the refunding obligations or by exchange for the refunding 13142
obligations, provided the principal amount of the refunding 13143
obligations shall not exceed in amount the aggregate of the par 13144
value of the obligations or prior community or technical college 13145
obligations to be retired, any redemption premium, past due and 13146
future interest to the date of maturity or call that cannot 13147
otherwise be paid, and funds to reconstruct, equip, furnish, 13148
improve, enlarge, or extend any capital facilities of the 13149
authority or any community or technical college district or 13150
community or technical college; 13151

~~(D)~~(4) Refunding any obligations previously issued by the 13152
authority or any prior community or technical college obligations 13153
when the refunding obligations will bear interest at a lower rate 13154
than the obligations or prior community or technical college 13155
obligations to be refunded, or when the interest cost of the 13156
refunding obligations computed to the absolute maturity will be 13157
less than the interest cost of the obligations or prior community 13158
or technical college obligations to be refunded; 13159

~~(E)~~(5) Refunding any obligations issued pursuant to section 13160
152.23 of the Revised Code. 13161

(C) Obligations issued pursuant to division ~~(A)~~(B)(1) of this 13162
section shall mature not later than twenty years after their 13163
issuance and obligations issued pursuant to division (B)(2), 13164
~~(C)~~(3), ~~(D)~~(4), or ~~(E)~~(5) of this section shall mature not later 13165
than forty years after their issuance. Except as provided in this 13166
section, the terms of issuance and sale of obligations issued 13167
under this section shall be as provided in ~~Chapter 152. of the~~ 13168
~~Revised Code~~ this chapter for any other obligations for the 13169
benefit of state agencies, community or technical colleges, or 13170
community or technical college districts, as the context requires. 13171
Obligations authorized under this section shall be deemed to be 13172

issued for those purposes for which such prior obligations or 13173
prior community or technical college obligations were issued, and 13174
may be issued in amounts sufficient for funding and retirement of 13175
prior obligations or prior community or technical college 13176
obligations, for establishment of reserves as required by the 13177
refunding obligations or the resolution authorizing such refunding 13178
obligations or the trust agreement or indenture securing the 13179
refunding obligations, and for payment of any fees and expenses 13180
incurred or to be incurred in connection with such issuance and 13181
such refunding. 13182

Sec. 152.15. Obligations issued by the Ohio building 13183
authority do not, and they shall state that they do not, represent 13184
or constitute a debt of the state or any political subdivision, 13185
nor a pledge of the faith and credit of the state or any political 13186
subdivision. Pursuant to Section 2i of Article VIII, Ohio 13187
Constitution, such obligations shall not be deemed to be debts or 13188
bonded indebtedness of the state under other provisions of the 13189
Ohio Constitution. 13190

The holders or owners of obligations issued by the authority 13191
shall have no right to have excises or taxes levied by the general 13192
assembly for the payment of the bond service charges thereon. The 13193
right of such holders and owners to payment of such bond service 13194
charges shall be limited to the available receipts or available 13195
community or technical college receipts pledged thereto in 13196
accordance with ~~Chapter 152. of the Revised Code~~ this chapter, and 13197
each such obligation shall bear on its face a statement to that 13198
effect. Any available receipts or available community or technical 13199
college receipts may be so pledged only to obligations issued for 13200
capital facilities which are in whole or in part useful to, 13201
constructed by, or financed by the department, board, commission, 13202
authority, community or technical college, community or technical 13203
college district, or other agency or instrumentality that receives 13204

the available receipts or available community or technical college 13205
receipts so pledged. 13206

Sec. 152.33. (A) The Ohio building authority is authorized 13207
under Chapter 152. of the Revised Code to issue revenue 13208
obligations and other obligations to pay the cost of capital 13209
facilities described in ~~section~~ sections 111.26 and 307.021 of the 13210
Revised Code and the cost of capital facilities in which one or 13211
more state agencies are participating with the federal government, 13212
municipal corporations, counties, or other governmental entities 13213
or any one or more of them, and in which that portion of the 13214
facility allocated to the participating state agencies is to be 13215
used for the purpose stated in division (F) of section 152.09 of 13216
the Revised Code, when authorized by the general assembly in 13217
accordance with that division. Such participation may be by 13218
grants, loans, or contributions to other participating 13219
governmental entities for any of such capital facilities. Such 13220
obligations shall be deemed to be issued under sections 152.09 and 13221
152.23 of the Revised Code and shall conform to all requirements 13222
of sections 152.09 to 152.17 and 152.23 of the Revised Code. The 13223
right of holders and owners of obligations issued under this 13224
section to payment of bond service charges shall be limited to the 13225
revenues and receipts of the authority derived from rentals or 13226
other charges for use of the capital facilities constructed with 13227
the proceeds of the obligations to which such revenues and 13228
receipts are pledged, including revenues and receipts from or on 13229
behalf of any participating governmental entity. 13230

(B) Any lease of space by a state agency in a capital 13231
facility described in division (A) of this section shall conform 13232
to the requirements of division (D) of section 152.24 of the 13233
Revised Code. 13234

Sec. 153.013. With respect to any contract entered into under 13235

this chapter, which is made by the state or in whole or in part 13236
supported by state funds, a contractor shall comply with any 13237
regulation or ordinance that relates to the health, safety, 13238
status, and welfare of employees and that is enacted by the 13239
political subdivision in which the contract is to be performed. 13240

Sec. 156.01. As used in ~~this chapter~~ sections 156.01 to 13241
156.05 of the Revised Code: 13242

(A) "Avoided capital costs" means a measured reduction in the 13243
cost of future equipment or other capital purchases that results 13244
from implementation of one or more energy or water conservation 13245
measures, when compared to an established baseline for previous 13246
such cost. 13247

(B) "Energy conservation measure" means an installation or 13248
modification of an installation in, or a remodeling of, an 13249
existing building in order to reduce energy consumption and 13250
operating costs. The term includes any of the following: 13251

(1) Installation or modification of insulation in the 13252
building structure and systems within the building; 13253

(2) Installation or modification of storm windows and doors, 13254
multiglazed windows and doors, and heat absorbing or heat 13255
reflective glazed and coated window and door systems; installation 13256
of additional glazing; reductions in glass area; and other window 13257
and door system modifications that reduce energy consumption and 13258
operating costs; 13259

(3) Installation or modification of automatic energy control 13260
systems; 13261

(4) Replacement or modification of heating, ventilating, or 13262
air conditioning systems; 13263

(5) Application of caulking and weather stripping; 13264

(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	13265 13266 13267 13268 13269
(7) Installation or modification of energy recovery systems;	13270
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	13271 13272 13273 13274
(9) Any other modification, installation, or remodeling approved by the director of administrative services as an energy conservation measure for one or more buildings owned by the state.	13275 13276 13277
(B) (C) "Energy saving measure" means the acquisition and installation, by purchase, lease, lease-purchase, lease with an option to buy, or installment purchase, of an energy conservation measure and any attendant architectural and engineering consulting services.	13278 13279 13280 13281 13282
<u>(D) "Energy, water, or wastewater cost savings" means a measured reduction in, as applicable, the cost of fuel, energy or water consumption, wastewater production, or stipulated operation or maintenance resulting from the implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such costs, respectively.</u>	13283 13284 13285 13286 13287 13288
<u>(E) "Operating cost savings" means a measured reduction in the cost of stipulated operation or maintenance created by the installation of new equipment or implementation of a new service, when compared with an established baseline for previous such stipulated costs.</u>	13289 13290 13291 13292 13293
<u>(F) "Water conservation measure" means an installation or modification of an installation in, or a remodeling of, an</u>	13294 13295

<u>existing building or the surrounding grounds in order to reduce</u>	13296
<u>water consumption. The term includes any of the following:</u>	13297
<u>(1) Water-conserving fixture, appliance, or equipment, or the</u>	13298
<u>substitution of a nonwater-using fixture, appliance, or equipment;</u>	13299
<u>(2) Water-conserving, landscape irrigation equipment;</u>	13300
<u>(3) Landscaping measure that reduces storm water runoff</u>	13301
<u>demand and capture and hold applied water and rainfall, including</u>	13302
<u>landscape contouring such as the use of a berm, swale, or terrace</u>	13303
<u>and including the use of a soil amendment, including compost, that</u>	13304
<u>increases the water-holding capacity of the soil;</u>	13305
<u>(4) Rainwater harvesting equipment or equipment to make use</u>	13306
<u>of water collected as part of a storm water system installed for</u>	13307
<u>water quality control;</u>	13308
<u>(5) Equipment for recycling or reuse of water originating on</u>	13309
<u>the premises or from another source, including treated, municipal</u>	13310
<u>effluent;</u>	13311
<u>(6) Equipment needed to capture water for nonpotable uses</u>	13312
<u>from any nonconventional, alternate source, including air</u>	13313
<u>conditioning condensate or gray water;</u>	13314
<u>(7) Any other modification, installation, or remodeling</u>	13315
<u>approved by the board of trustees of a state institution of higher</u>	13316
<u>education as defined in section 3345.011 of the Revised Code as a</u>	13317
<u>water conservation measure for one or more buildings or the</u>	13318
<u>surrounding grounds owned by the institution.</u>	13319
<u>(G) "Water saving measure" means the acquisition and</u>	13320
<u>installation, by the purchase, lease, lease-purchase, lease with</u>	13321
<u>an option to buy, or installment purchases of a water conservation</u>	13322
<u>measure and any attendant architectural and engineering consulting</u>	13323
<u>services.</u>	13324
<u>Sec. 156.02. (A) The director of administrative services may</u>	13325

contract with an energy services company, contractor, architect, 13326
professional engineer, or other person experienced in the design 13327
and implementation of energy conservation measures for a report 13328
containing an analysis and recommendations pertaining to the 13329
implementation of energy conservation measures that would 13330
significantly reduce energy consumption and operating costs in any 13331
buildings owned by the state ~~and, upon request of its board of~~ 13332
~~trustees or managing authority, any building owned by an~~ 13333
~~institution of higher education as defined in section 3345.12 of~~ 13334
~~the Revised Code.~~ The report shall include estimates of all costs 13335
of such measures, including the costs of design, engineering, 13336
installation, maintenance, repairs, and debt service, and 13337
estimates of the amounts by which energy consumption and operating 13338
costs would be reduced. 13339

(B) Upon the request of the board of trustees or managing 13340
authority of a state institution of higher education as defined in 13341
section 3345.011 of the Revised Code, the director may contract 13342
with a water services company, architect, professional engineer, 13343
contractor, or other person experienced in the design and 13344
implementation of energy or water conservation measures for a 13345
report containing an analysis and recommendations pertaining to 13346
the implementation of energy or water conservation measures that 13347
result in energy, water, or wastewater cost savings, operating 13348
cost savings, or avoided capital costs for the institution. The 13349
report shall include estimates of all costs of such installations, 13350
including the costs of design, engineering, installation, 13351
maintenance, repairs, and debt service, and estimates of the 13352
energy, water, or wastewater cost savings, operating cost savings, 13353
and avoided capital costs created. 13354

Sec. 156.03. (A) If the director of administrative services 13355
wishes to enter into an installment payment contract pursuant to 13356
section 156.04 of the Revised Code or any other contract to 13357

implement one or more energy saving measures or, in the case of a 13358
state institution of higher education pursuant to division (B) of 13359
section 156.02 of the Revised Code, energy or water saving 13360
measures, he the director may proceed under Chapter 153. of the 13361
Revised Code, or, alternatively, he the director may request the 13362
controlling board to exempt the contract from Chapter 153. of the 13363
Revised Code. 13364

If the controlling board by a majority vote approves an 13365
exemption, that chapter shall not apply to the contract and 13366
instead the director shall request proposals from at least three 13367
parties for the implementation of the energy or water saving 13368
measures. Prior to providing any interested party a copy of any 13369
such request, the director shall advertise, in a newspaper of 13370
general circulation in the county where the contract is to be 13371
performed, ~~his~~ the director's intent to request proposals for the 13372
implementation of the energy or water saving measures. The notice 13373
shall invite interested parties to submit proposals for 13374
consideration and shall be published at least thirty days prior to 13375
the date for accepting proposals. 13376

(B) Upon receiving the proposals, the director shall analyze 13377
them and, after considering the cost estimates of each proposal 13378
and the availability of funds to pay for each with current 13379
appropriations or by financing the cost of each through an 13380
installment payment contract under section 156.04 of the Revised 13381
Code, may select one or more proposals or reject all proposals. In 13382
selecting proposals, the director shall select the one or more 13383
proposals most likely to result in the greatest savings when the 13384
cost of the proposal is compared to the reduced energy and 13385
operating costs that will result from implementing the proposal. 13386
However, in the case of a state institution of higher education 13387
pursuant to division (B) of section 156.02 of the Revised Code, 13388
the director shall select the one or more proposals most likely to 13389

result in the greatest energy, water, or wastewater savings, 13390
operating costs savings, and avoided capital costs created. 13391

(C)(1) No contract shall be awarded to implement energy 13392
saving measures under this section, other than in the case of a 13393
state institution of higher education, unless the director finds 13394
that one or both of the following circumstances exists, as 13395
applicable: 13396

~~(A)~~(a) In the case of a contract for a cogeneration system 13397
described in division (H) of section 156.01 of the Revised Code, 13398
the cost of the contract is not likely to exceed the amount of 13399
money that would be saved in energy and operating costs over no 13400
more than five years; 13401

~~(B)~~(b) In the case of any contract for any energy saving 13402
measure other than a cogeneration system, the cost of the contract 13403
is not likely to exceed the amount of money that would be saved in 13404
energy and operating costs over no more than ten years. 13405

(2) In the case of a state institution of higher education 13406
pursuant to division (B) of section 156.02 of the Revised Code, no 13407
contract shall be awarded to implement energy or water saving 13408
measures for the institution under this section unless the 13409
director finds that both of the following circumstances exists: 13410

(a) Not less than one-fifteenth of the costs of the contract 13411
shall be paid within two years from the date of purchase; 13412

(b) The remaining balance of the cost of the contract shall 13413
be paid within fifteen years from the date of purchase. 13414

Sec. 156.04. (A) In accordance with this section and section 13415
156.03 of the Revised Code, the director of administrative 13416
services may enter into an installment payment contract for the 13417
implementation of one or more energy or water saving measures. If 13418
the director wishes an installment payment contract to be exempted 13419

from Chapter 153. of the Revised Code, the director shall proceed 13420
pursuant to section 156.03 of the Revised Code. 13421

(B)(1) Any installment payment contract under this section, 13422
other than in the case of a state institution of higher education, 13423
for one or more energy saving measures shall provide that all 13424
payments, except payments for repairs and obligations on 13425
termination of the contract prior to its expiration, are to be a 13426
stated percentage of calculated savings of energy and operating 13427
costs attributable to the one or more measures over a defined 13428
period of time and are to be made only to the extent that those 13429
savings actually occur. No such contract shall contain any of the 13430
following: 13431

~~(1)(a)~~ A requirement of any additional capital investment or 13432
contribution of funds, other than funds available from state or 13433
federal grants; 13434

~~(2)(b)~~ In the case of a contract for an energy saving measure 13435
that is a cogeneration system described in division (H) of section 13436
156.01 of the Revised Code, a payment term longer than five years; 13437

~~(3)(c)~~ In the case of a contract for any energy saving 13438
measure that is not a cogeneration system, a payment term longer 13439
than ten years. 13440

(2) Any installment payment contract under this section for 13441
one or more energy or water saving measures for a state 13442
institution of higher education pursuant to division (B) of 13443
section 156.02 of the Revised Code, shall provide that all 13444
payments, except payments for repairs and obligations on 13445
termination of the contract prior to its expiration, are to be a 13446
stated percentage of calculated energy, water, or wastewater cost 13447
savings, operating costs, and avoided capital costs attributable 13448
to the one or more measures over a defined period of time and are 13449
to be made only to the extent that those calculated amounts 13450

actually occur. No such contract shall contain either of the 13451
following: 13452

(a) A requirement of any additional capital investment or 13453
contribution of funds, other than funds available from state or 13454
federal grants; 13455

(b) A payment term longer than fifteen years. 13456

(C) Any installment payment contract entered into under this 13457
section shall terminate no later than the last day of the fiscal 13458
biennium for which funds have been appropriated to the department 13459
of administrative services by the general assembly and shall be 13460
renewed in each succeeding fiscal biennium in which any balance of 13461
the contract remains unpaid, provided that both an appropriation 13462
for that succeeding fiscal biennium and the certification required 13463
by section 126.07 of the Revised Code are made. 13464

Sec. 166.07. (A) The director of development, with the 13465
approval of the controlling board and subject to the other 13466
applicable provisions of this chapter, may lend moneys in the 13467
facilities establishment fund to persons for the purpose of paying 13468
allowable costs of an eligible project if the director determines 13469
that: 13470

(1) The project is an eligible project and is economically 13471
sound; 13472

(2) The borrower is unable to finance the necessary allowable 13473
costs through ordinary financial channels upon comparable terms; 13474

(3) The amount to be lent from the facilities establishment 13475
fund will not exceed seventy-five per cent of the total allowable 13476
costs of the eligible project, except that if any part of the 13477
amount to be lent from the facilities establishment fund is 13478
derived from the issuance and sale of project financing 13479
obligations the amount to be lent will not exceed ninety per cent 13480

of the total allowable costs of the eligible project; 13481

(4) The eligible project could not be achieved in the local 13482
area in which it is to be located if the portion of the project to 13483
be financed by the loan instead were to be financed by a loan 13484
guaranteed under section 166.06 of the Revised Code; 13485

(5) The repayment of the loan from the facilities 13486
establishment fund will be adequately secured by a mortgage, 13487
assignment, pledge, or lien provided for under section 9.661 of 13488
the Revised Code, at such level of priority as the director may 13489
require; 13490

(6) The borrower will hold at least a ten per cent equity 13491
interest in the eligible project at the time the loan is made. 13492

(B) The determinations of the director under division (A) of 13493
this section shall be conclusive for purposes of the validity of a 13494
loan commitment evidenced by a loan agreement signed by the 13495
director. 13496

(C) In furtherance of the public policy of this chapter, 13497
there is hereby established the micro-lending program for the 13498
purpose of paying the allowable costs of eligible projects of 13499
eligible small businesses. From any amount of the facilities 13500
establishment fund that the general assembly designates for the 13501
purpose of the micro-lending program, the director of development 13502
shall, either directly or indirectly, make loans under this 13503
section to eligible small businesses. The director shall establish 13504
eligibility criteria and loan terms for the program that 13505
supplement eligibility criteria and loan terms otherwise 13506
prescribed for loans under this section, and may prescribe reduced 13507
service charges and fees. For the purpose of lending under the 13508
micro-lending program, the director of development shall give 13509
precedence to projects of eligible small businesses that foster 13510
the development of small entrepreneurial enterprises, 13511

notwithstanding the considerations prescribed by divisions 13512
(A)(1)(a) and (b) of section 166.05 of the Revised Code to the 13513
extent those considerations otherwise may have the effect of 13514
disqualifying projects of eligible small businesses. The director 13515
may enter into agreements with for-profit or non-profit 13516
organizations in this state to originate and administer loans made 13517
under the micro-lending program. 13518

(D) Fees, charges, rates of interest, times of payment of 13519
interest and principal, and other terms, conditions, and 13520
provisions of and security for loans made from the facilities 13521
establishment fund pursuant to this section shall be such as the 13522
director determines to be appropriate and in furtherance of the 13523
purpose for which the loans are made. The moneys used in making 13524
such loans shall be disbursed from the facilities establishment 13525
fund upon order of the director. The director shall give special 13526
consideration in setting the required job creation ratios and 13527
interest rates for loans that are for voluntary actions. 13528

~~(D)~~(E) The director may take actions necessary or appropriate 13529
to collect or otherwise deal with any loan made under this 13530
section, including any action authorized by section 9.661 of the 13531
Revised Code. 13532

~~(E)~~(F) The director may fix service charges for the making of 13533
a loan. Such charges shall be payable at such times and place and 13534
in such amounts and manner as may be prescribed by the director. 13535

Sec. 169.08. (A) Any person claiming a property interest in 13536
unclaimed funds delivered or reported to the state under Chapter 13537
169. of the Revised Code, including the office of child support in 13538
the department of job and family services, pursuant to section 13539
3123.88 of the Revised Code, may file a claim thereto on the form 13540
prescribed by the director of commerce. 13541

(B) The director shall consider matters relevant to any claim 13542

filed under division (A) of this section and shall hold a formal 13543
hearing if requested or considered necessary and receive evidence 13544
concerning such claim. A finding and decision in writing on each 13545
claim filed shall be prepared, stating the substance of any 13546
evidence received or heard and the reasons for allowance or 13547
disallowance of the claim. The evidence and decision shall be a 13548
public record. No statute of limitations shall bar the allowance 13549
of a claim. 13550

(C) For the purpose of conducting any hearing, the director 13551
may require the attendance of such witnesses and the production of 13552
such books, records, and papers as the director desires, and the 13553
director may take the depositions of witnesses residing within or 13554
without this state in the same manner as is prescribed by law for 13555
the taking of depositions in civil actions in the court of common 13556
pleas, and for that purpose the director may issue a subpoena for 13557
any witness or a subpoena duces tecum to compel the production of 13558
any books, records, or papers, directed to the sheriff of the 13559
county where such witness resides or is found, which shall be 13560
served and returned. The fees of the sheriff shall be the same as 13561
that allowed in the court of common pleas in criminal cases. 13562
Witnesses shall be paid the fees and mileage provided for under 13563
section 119.094 of the Revised Code. Fees and mileage shall be 13564
paid from the unclaimed funds trust fund. 13565

(D) Interest is not payable to claimants of unclaimed funds 13566
held by the state. Claims shall be paid from the trust fund. If 13567
the amount available in the trust fund is not sufficient to pay 13568
pending claims, or other amounts disburseable from the trust fund, 13569
the treasurer of state shall certify such fact to the director, 13570
who shall then withdraw such amount of funds from the mortgage 13571
accounts as the director determines necessary to reestablish the 13572
trust fund to a level required to pay anticipated claims but not 13573
more than ten per cent of the net unclaimed funds reported to 13574

date. 13575

The director ~~shall retain in the trust fund, as a fee for~~ 13576
~~administering the funds, five per cent of the total amount of~~ 13577
~~unclaimed funds payable to the claimant and~~ may withdraw the funds 13578
paid to the director by the holders and deposited by the director 13579
with the treasurer of state or in a financial institution as agent 13580
for such funds. Whenever these funds are inadequate to meet the 13581
requirements for the trust fund, the director shall provide for a 13582
withdrawal of funds, within a reasonable time, in such amount as 13583
is necessary to meet the requirements, from financial institutions 13584
in which such funds were retained or placed by a holder and from 13585
other holders who have retained funds, in an equitable manner as 13586
prescribed by the director. In the event that the amount to be 13587
withdrawn from any one such holder is less than five hundred 13588
dollars, the amount to be withdrawn shall be at the discretion of 13589
the director. Such funds may be reimbursed in the amounts 13590
withdrawn when the trust fund has a surplus over the amount 13591
required to pay anticipated claims. Whenever the trust fund has a 13592
surplus over the amount required to pay anticipated claims, the 13593
director may transfer such surplus to the mortgage accounts. 13594

(E) If a claim which is allowed under this section relates to 13595
funds which have been retained by the reporting holder, and if the 13596
funds, on deposit with the treasurer of state pursuant to this 13597
chapter, are insufficient to pay claims, the director may notify 13598
such holder in writing of the payment of the claim and such holder 13599
shall immediately reimburse the state in the amount of such claim. 13600
The reimbursement shall be credited to the unclaimed funds trust 13601
fund. 13602

(F) Any person, including the office of child support, 13603
adversely affected by a decision of the director may appeal such 13604
decision in the manner provided in Chapter 119. of the Revised 13605
Code. 13606

In the event the claimant prevails, the claimant shall be 13607
reimbursed for reasonable attorney's fees and costs. 13608

(G) Notwithstanding anything to the contrary in this chapter, 13609
any holder who has paid moneys to or entered into an agreement 13610
with the director pursuant to section 169.05 of the Revised Code 13611
on certified checks, cashiers' checks, bills of exchange, letters 13612
of credit, drafts, money orders, or travelers' checks, may make 13613
payment to any person entitled thereto, including the office of 13614
child support, and upon surrender of the document, except in the 13615
case of travelers' checks, and proof of such payment, the director 13616
shall reimburse the holder for such payment without interest. 13617

Sec. 173.08. (A) The resident services coordinator program is 13618
established in the department of aging to fund resident services 13619
coordinators. The coordinators shall provide information to 13620
low-income and special-needs tenants, including the elderly, who 13621
live in financially assisted rental housing complexes, and assist 13622
those tenants in identifying and obtaining community and program 13623
services and other benefits for which they are eligible. 13624

(B) The resident services coordinator program fund is hereby 13625
created in the state treasury to support the resident services 13626
coordinator program established pursuant to this section. The fund 13627
consists of all moneys the department of development sets aside 13628
pursuant to division (A)~~(4)~~(3) of section 174.02 of the Revised 13629
Code and moneys the general assembly appropriates to the fund. 13630

Sec. 173.28. (A)(1) As used in this division, "incident" 13631
means the occurrence of a violation with respect to a resident or 13632
recipient, as those terms are defined in section 173.14 of the 13633
Revised Code. A violation is a separate incident for each day it 13634
occurs and for each resident who is subject to it. 13635

In lieu of the fine that may be imposed under division (A) of 13636

section 173.99 of the Revised Code, the director of aging may, 13637
under Chapter 119. of the Revised Code, fine a long-term care 13638
provider or other entity, or a person employed by a long-term care 13639
provider or other entity, for a violation of division (C) of 13640
section 173.24 of the Revised Code. The fine shall not exceed one 13641
thousand dollars per incident. 13642

(2) In lieu of the fine that may be imposed under division 13643
(C) of section 173.99 of the Revised Code, the director may, under 13644
Chapter 119. of the Revised Code, fine a long-term care provider 13645
or other entity, or a person employed by a long-term care provider 13646
or other entity, for violating division (E) of section 173.19 of 13647
the Revised Code by denying a representative of the office of the 13648
state long-term care ombudsperson program the access required by 13649
that division. The fine shall not exceed five hundred dollars for 13650
each day the violation continued. 13651

(B) On request of the director, the attorney general shall 13652
bring and prosecute to judgment a civil action to collect any fine 13653
imposed under division (A)(1) or (2) of this section that remains 13654
unpaid thirty days after the violator's final appeal is exhausted. 13655

(C) All fines collected under this section shall be deposited 13656
into the state treasury to the credit of the state long-term care 13657
ombudsperson program fund created under section 173.26 of the 13658
Revised Code. 13659

Sec. 173.35. (A) As used in this section, "PASSPORT 13660
administrative agency" means an entity under contract with the 13661
department of aging to provide administrative services regarding 13662
the PASSPORT program created under section 173.40 of the Revised 13663
Code. 13664

(B) The department of aging shall administer the residential 13665
state supplement program under which the state supplements the 13666
supplemental security income payments received by aged, blind, or 13667

disabled adults under Title XVI of the "Social Security Act," 49 13668
Stat. 620 (1935), 42 U.S.C.A., as amended. Residential state 13669
supplement payments shall be used for the provision of 13670
accommodations, supervision, and personal care services to 13671
supplemental security income recipients who the department 13672
determines are at risk of needing institutional care. 13673

(C) For an individual to be eligible for residential state 13674
supplement payments, all of the following must be the case: 13675

(1) Except as provided by division (G) of this section, the 13676
individual must reside in one of the following: 13677

(a) An adult foster home certified under section 173.36 of 13678
the Revised Code; 13679

(b) A home or facility, other than a nursing home or nursing 13680
home unit of a home for the aging, licensed by the department of 13681
health under Chapter 3721. or 3722. of the Revised Code and 13682
certified in accordance with standards established by the director 13683
of aging under division (D)(2) of this section; 13684

~~(c) A community alternative home licensed under section 13685
3724.03 of the Revised Code and certified in accordance with 13686
standards established by the director of aging under division 13687
(D)(2) of this section; 13688~~

~~(d)~~ A residential facility as defined in division 13689
(A)(1)(d)(ii) of section 5119.22 of the Revised Code licensed by 13690
the department of mental health and certified in accordance with 13691
standards established by the director of aging under division 13692
(D)(2) of this section; 13693

~~(e)~~(d) An apartment or room used to provide community mental 13694
health housing services certified by the department of mental 13695
health under section 5119.611 of the Revised Code and approved by 13696
a board of alcohol, drug addiction, and mental health services 13697
under division (A)(14) of section 340.03 of the Revised Code and 13698

certified in accordance with standards established by the director 13699
of aging under division (D)(2) of this section. 13700

(2) Effective July 1, 2000, a PASSPORT administrative agency 13701
must have determined that the environment in which the individual 13702
will be living while receiving the payments is appropriate for the 13703
individual's needs. If the individual is eligible for supplemental 13704
security income payments or social security disability insurance 13705
benefits because of a mental disability, the PASSPORT 13706
administrative agency shall refer the individual to a community 13707
mental health agency for the community mental health agency to 13708
issue in accordance with section 340.091 of the Revised Code a 13709
recommendation on whether the PASSPORT administrative agency 13710
should determine that the environment in which the individual will 13711
be living while receiving the payments is appropriate for the 13712
individual's needs. Division (C)(2) of this section does not apply 13713
to an individual receiving residential state supplement payments 13714
on June 30, 2000, until the individual's first eligibility 13715
redetermination after that date. 13716

(3) The individual satisfies all eligibility requirements 13717
established by rules adopted under division (D) of this section. 13718

(D)(1) The directors of aging and job and family services 13719
shall adopt rules in accordance with section 111.15 of the Revised 13720
Code as necessary to implement the residential state supplement 13721
program. 13722

To the extent permitted by Title XVI of the "Social Security 13723
Act," and any other provision of federal law, the director of job 13724
and family services shall adopt rules establishing standards for 13725
adjusting the eligibility requirements concerning the level of 13726
impairment a person must have so that the amount appropriated for 13727
the program by the general assembly is adequate for the number of 13728
eligible individuals. The rules shall not limit the eligibility of 13729
disabled persons solely on a basis classifying disabilities as 13730

physical or mental. The director of job and family services also 13731
shall adopt rules that establish eligibility standards for aged, 13732
blind, or disabled individuals who reside in one of the homes or 13733
facilities specified in division (C)(1) of this section but who, 13734
because of their income, do not receive supplemental security 13735
income payments. The rules may provide that these individuals may 13736
include individuals who receive other types of benefits, 13737
including, social security disability insurance benefits provided 13738
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 13739
42 U.S.C.A. 401, as amended. Notwithstanding division (B) of this 13740
section, such payments may be made if funds are available for 13741
them. 13742

The director of aging shall adopt rules establishing the 13743
method to be used to determine the amount an eligible individual 13744
will receive under the program. The amount the general assembly 13745
appropriates for the program shall be a factor included in the 13746
method that department establishes. 13747

(2) The director of aging shall adopt rules in accordance 13748
with Chapter 119. of the Revised Code establishing standards for 13749
certification of living facilities described in division (C)(1) of 13750
this section. 13751

The directors of aging and mental health shall enter into an 13752
agreement to certify facilities that apply for certification and 13753
meet the standards established by the director of aging under this 13754
division. 13755

(E) The county department of job and family services of the 13756
county in which an applicant for the residential state supplement 13757
program resides shall determine whether the applicant meets income 13758
and resource requirements for the program. 13759

(F) The department of aging shall maintain a waiting list of 13760
any individuals eligible for payments under this section but not 13761

receiving them because moneys appropriated to the department for 13762
the purposes of this section are insufficient to make payments to 13763
all eligible individuals. An individual may apply to be placed on 13764
the waiting list even though the individual does not reside in one 13765
of the homes or facilities specified in division (C)(1) of this 13766
section at the time of application. The director of aging, by 13767
rules adopted in accordance with Chapter 119. of the Revised Code, 13768
shall specify procedures and requirements for placing an 13769
individual on the waiting list and priorities for the order in 13770
which individuals placed on the waiting list are to begin to 13771
receive residential state supplement payments. The rules 13772
specifying priorities may give priority to individuals placed on 13773
the waiting list on or after July 1, 2006, who receive 13774
supplemental security income benefits under Title XVI of the 13775
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 13776
amended. The rules shall not affect the place on the waiting list 13777
of any person who was on the list on July 1, 2006. The rules 13778
specifying priorities may also set additional priorities based on 13779
living arrangement, such as whether an individual resides in a 13780
facility listed in division (C)(1) of this section or has been 13781
admitted to a nursing facility. 13782

(G) An individual in a licensed or certified living 13783
arrangement receiving state supplementation on November 15, 1990, 13784
under former section 5101.531 of the Revised Code shall not become 13785
ineligible for payments under this section solely by reason of the 13786
individual's living arrangement as long as the individual remains 13787
in the living arrangement in which the individual resided on 13788
November 15, 1990. 13789

(H) The department of aging shall notify each person denied 13790
approval for payments under this section of the person's right to 13791
a hearing. On request, the hearing shall be provided by the 13792
department of job and family services in accordance with section 13793

5101.35 of the Revised Code. 13794

Sec. 173.392. (A) The department of aging may pay a person or 13795
government entity for providing community-based long-term care 13796
services under a program the department administers, even though 13797
the person or government entity is not certified under section 13798
173.391 of the Revised Code, if all of the following are the case: 13799

(1) The person or government entity has a contract with the 13800
department of aging or the department's designee to provide the 13801
services in accordance with the contract or has received a grant 13802
from the department or its designee to provide the services in 13803
accordance with a grant agreement; 13804

(2) The contract or grant agreement includes detailed 13805
conditions of participation for providers of services under a 13806
program the department administers and service standards that the 13807
person or government entity is required to satisfy; 13808

(3) The person or government entity complies with the 13809
contract or grant agreement; 13810

(4) The contract or grant is not for medicaid-funded 13811
services, other than services provided under the PACE program 13812
administered by the department of aging under section 173.50 of 13813
the Revised Code. 13814

(B) The director of aging shall adopt rules in accordance 13815
with Chapter 119. of the Revised Code governing both of the 13816
following: 13817

(1) Contracts and grant agreements between the department of 13818
aging or its designee and persons and government entities 13819
regarding community-based long-term care services provided under a 13820
program the department administers; 13821

(2) The department's payment for community-based long-term 13822
care services ~~provided under such a contract~~ this section. 13823

Sec. 173.40. There As used in sections 173.40 and 173.401 of 13824
the Revised Code, "PASSPORT program" means the program created 13825
under this section. 13826

There is hereby created a ~~medicaid waiver component, as~~ 13827
defined in section 5111.85 of the Revised Code, to be known as the 13828
preadmission screening system providing options and resources 13829
today program, or PASSPORT. The PASSPORT program shall provide 13830
home and community-based services as an alternative to nursing 13831
facility placement for aged and disabled medicaid recipients. The 13832
program shall be operated ~~pursuant to a home and community based~~ 13833
as a separate medicaid waiver ~~granted by component, as defined in~~ 13834
section 5111.85 of the Revised Code, until the United States 13835
secretary of health and human services approves the consolidated 13836
federal medicaid waiver sought under section ~~1915 of the "Social~~ 13837
~~Security Act,~~ " 49 Stat. 620 (1935), 42 U.S.C. 1396n, as amended 13838
5111.861 of the Revised Code. The program shall be part of the 13839
consolidated federal medicaid waiver sought under that section if 13840
the United States secretary approves the waiver. The department of 13841
aging shall administer the program through a contract entered into 13842
with the department of job and family services under section 13843
5111.91 of the Revised Code. The director of job and family 13844
services shall adopt rules under section 5111.85 of the Revised 13845
Code and the director of aging shall adopt rules in accordance 13846
with Chapter 119. of the Revised Code to implement the program. 13847

Sec. 173.401. (A) As used in this section: 13848

"Area agency on aging" has the same meaning as in section 13849
173.14 of the Revised Code. 13850

"Long-term care consultation program" means the program the 13851
department of aging is required to develop under section 173.42 of 13852
the Revised Code. 13853

"Long-term care consultation program administrator" or 13854
"administrator" means the department of aging or, if the 13855
department contracts with an area agency on aging or other entity 13856
to administer the long-term care consultation program for a 13857
particular area, that agency or entity. 13858

"Nursing facility" has the same meaning as in section 5111.20 13859
of the Revised Code. 13860

~~"PASSPORT program" means the program created under section 13861
173.40 of the Revised Code. 13862~~

"PASSPORT waiver" means the federal medicaid waiver granted 13863
by the United States secretary of health and human services that 13864
authorizes the PASSPORT program. 13865

(B) The director of job and family services shall submit to 13866
the United States secretary of health and human services an 13867
amendment to the PASSPORT waiver that authorizes additional 13868
enrollments in the PASSPORT program pursuant to this section. 13869
Beginning with the month following the month in which the United 13870
States secretary approves the amendment and each month thereafter, 13871
each area agency on aging shall determine whether individuals who 13872
reside in the area that the area agency on aging serves and are on 13873
a waiting list for the PASSPORT program have been admitted to a 13874
nursing facility. If an area agency on aging determines that such 13875
an individual has been admitted to a nursing facility, the agency 13876
shall notify the long-term care consultation program administrator 13877
serving the area in which the individual resides about the 13878
determination. The administrator shall determine whether the 13879
PASSPORT program is appropriate for the individual and whether the 13880
individual would rather participate in the PASSPORT program than 13881
continue residing in the nursing facility. If the administrator 13882
determines that the PASSPORT program is appropriate for the 13883
individual and the individual would rather participate in the 13884
PASSPORT program than continue residing in the nursing facility, 13885

the administrator shall so notify the department of aging. On 13886
receipt of the notice from the administrator, the department of 13887
aging shall approve the individual's enrollment in the PASSPORT 13888
program regardless of the PASSPORT program's waiting list and even 13889
though the enrollment causes enrollment in the program to exceed 13890
the limit that would otherwise apply. Each quarter, the department 13891
of aging shall certify to the director of budget and management 13892
the estimated increase in costs of the PASSPORT program resulting 13893
from enrollment of individuals in the PASSPORT program pursuant to 13894
this section. 13895

~~(C) Not later than the last day of each calendar year, the 13896
director of job and family services shall submit to the general 13897
assembly a report regarding the number of individuals enrolled in 13898
the PASSPORT program pursuant to this section and the costs 13899
incurred and savings achieved as a result of the enrollments. 13900~~

Sec. 173.402. "Choices program" means the program created 13901
under this section. 13902

There is hereby created the choices program. The program 13903
shall provide home and community-based services. The choices 13904
program shall be operated as a separate medicaid waiver component, 13905
as defined in section 5111.85 of the Revised Code, until the 13906
United States secretary of health and human services approves the 13907
consolidated federal medicaid waiver sought under section 5111.861 13908
of the Revised Code. The program shall be part of the consolidated 13909
federal medicaid waiver sought under that section if the United 13910
States secretary approves the waiver. The department of aging 13911
shall administer the program through a contract entered into with 13912
the department of job and family services under section 5111.91 of 13913
the Revised Code. Subject to federal approval, the program shall 13914
be available statewide. 13915

Sec. 173.403. As used in this section, "medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 13916
13917
13918

An individual enrolled in a medicaid waiver component the department of aging administers may not receive any of the following medicaid state plan services unless the services are provided in conjunction with medicaid case management services provided to the individual: 13919
13920
13921
13922
13923

(A) Home health services; 13924

(B) Private duty nursing services; 13925

(C) Durable medical equipment; 13926

(D) Services of a clinical nurse specialist; 13927

(E) Services of a certified nurse practitioner. 13928

Sec. 173.42. (A) As used in ~~this section~~ sections 173.42 to 173.434 of the Revised Code: 13929
13930

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 13931
13932
13933

(2) "Department of aging-administered medicaid waiver component" means each of the following: 13934
13935

(a) The PASSPORT program created under section 173.40 of the Revised Code; 13936
13937

(b) The choices program created under section 173.402 of the Revised Code; 13938
13939

(c) The assisted living program created under section 5111.89 of the Revised Code; 13940
13941

(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging 13942
13943

administers pursuant to an interagency agreement with the 13944
department of job and family services under section 5111.91 of the 13945
Revised Code. 13946

(3) "Home and community-based services covered by medicaid 13947
components the department of aging administers" means all of the 13948
following: 13949

(a) Medicaid waiver services available to a participant in a 13950
department of aging-administered medicaid waiver component; 13951

(b) The following medicaid state plan services available to a 13952
participant in a department of aging-administered medicaid waiver 13953
component as specified in rules adopted under section 5111.02 of 13954
the Revised Code: 13955

(i) Home health services; 13956

(ii) Private duty nursing services; 13957

(iii) Durable medical equipment; 13958

(iv) Services of a clinical nurse specialist; 13959

(v) Services of a certified nurse practitioner. 13960

(c) Services available to a participant of the PACE program. 13961

(4) "Long-term care consultation" or "consultation" means the 13962
process used to provide services under consultation service made 13963
available by the department of aging or a program administrator 13964
through the long-term care consultation program established 13965
pursuant to this section, including, but not limited to, such 13966
services as the provision of information about long-term care 13967
options and costs, the assessment of an individual's functional 13968
capabilities, and the conduct of all or part of the reviews, 13969
assessments, and determinations specified in sections 5111.202, 13970
5111.204, 5119.061, and 5123.021 of the Revised Code and the rules 13971
adopted under those sections. 13972

(3)(5) "Medicaid" means the medical assistance program 13973

established under Chapter 5111. of the Revised Code. 13974

~~(4)(6)~~ "Nursing facility" has the same meaning as in section 13975
5111.20 of the Revised Code. 13976

~~(5)(7)~~ "PACE program" means the component of the medicaid 13977
program the department of aging administers pursuant to section 13978
173.50 of the Revised Code. 13979

(8) "Program administrator" means an area agency on aging or 13980
other entity under contract with the department of aging to 13981
administer the long-term care consultation program in a geographic 13982
region specified in the contract. 13983

(9) "Representative" means a person acting on behalf of an 13984
individual ~~seeking a long term care consultation, applying for~~ 13985
~~admission to a nursing facility, or residing in a nursing facility~~ 13986
specified in division (G) of this section. A representative may be 13987
a family member, attorney, hospital social worker, or any other 13988
person chosen to act on behalf of the individual. 13989
13990

(B) The department of aging shall develop a long-term care 13991
consultation program whereby individuals or their representatives 13992
are provided with long-term care consultations and receive through 13993
these professional consultations information about options 13994
available to meet long-term care needs and information about 13995
factors to consider in making long-term care decisions. The 13996
long-term care consultations provided under the program may be 13997
provided at any appropriate time, as permitted or required under 13998
this section and the rules adopted under it, including either 13999
prior to or after the individual who is the subject of a 14000
consultation has been admitted to a nursing facility or granted 14001
assistance in receiving home and community-based services covered 14002
by medicaid components the department of aging administers. 14003

(C)(1) The long-term care consultation program shall be 14004

administered by the department of aging, except that the 14005
department may ~~enter into a contract with an area agency on aging~~ 14006
~~or other entity selected by the department under which the program~~ 14007
~~for a particular area is administered by the area agency on aging~~ 14008
~~or other entity pursuant to the contract~~ have the program 14009
administered on a regional basis by one or more program 14010
administrators. The department and each program administrator 14011
shall administer the program in such a manner that all of the 14012
following are included: 14013

(a) Coordination and collaboration with respect to all 14014
available funding sources for long-term care services; 14015

(b) Assessments of individuals regarding their long-term care 14016
service needs; 14017

(c) Assessments of individuals regarding their on-going 14018
eligibility for long-term care services; 14019

(d) Procedures for assisting individuals in obtaining access 14020
to, and coordination of, health and supportive services; 14021

(e) Procedures for monitoring the quality of long-term care 14022
services and supports and the health and welfare of individuals 14023
receiving long-term care services and supports; 14024

(f) Priorities for using available resources efficiently and 14025
effectively. 14026

(2) The procedures specified in division (C)(1)(e) of this 14027
section shall include procedures for assessing the extent to which 14028
long-term care services and supports are provided in a culturally 14029
competent manner. 14030

(D) The program's long-term care consultations ~~provided for~~ 14031
~~purposes of the program~~ shall be provided by individuals certified 14032
by the department under section ~~173.43~~ 173.422 of the Revised 14033
Code. 14034

(E) The information provided through a long-term care consultation shall be appropriate to the individual's needs and situation and shall address all of the following:

(1) The availability of any long-term care options open to the individual;

(2) Sources and methods of both public and private payment for long-term care services;

(3) Factors to consider when choosing among the available programs, services, and benefits;

(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.

(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.

(G)(1) Unless an exemption specified in division (I) of this section is applicable, each ~~individual in~~ of the following ~~categories~~ shall be provided with a long-term care consultation:

(a) ~~Individuals~~ An individual who ~~apply~~ applies or ~~indicate~~ indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for ~~their~~ the individual's care in a nursing facility;

(b) ~~Nursing facility residents who apply or indicate an intention to apply for medicaid;~~

(c) ~~Nursing facility residents who are likely to spend down their resources within six months after admission to a nursing facility to a level at which they are financially eligible for~~

medicaid; 14065

~~(d) Individuals~~ An individual who ~~request~~ requests a 14066
long-term care consultation; 14067

(c) An individual identified by the department or a program 14068
administrator as being likely to benefit from a long-term care 14069
consultation. 14070

(2) In addition to the individuals ~~included in the categories~~ 14071
specified in division (G)(1) of this section, a long-term care 14072
consultations consultation may be provided to a nursing facility 14073
residents who have not applied and have not indicated an intention 14074
to apply for medicaid resident regardless of the source of payment 14075
being used for the resident's care in the nursing facility. The 14076
purpose of the consultations provided to these individuals shall 14077
be to determine continued need for nursing facility services, to 14078
provide information on alternative services, and to make referrals 14079
to alternative services. 14080

(H)(1) ~~When~~ Except as provided in division (H)(2) or (3) of 14081
this section, a long-term care consultation ~~is required to be 14082
provided pursuant to division (G)(1) of this section,~~ the 14083
consultation shall be provided as follows ~~or pursuant to division 14084
(H)(2) or (3) of this section:~~ 14085

(a) If the individual for whom the consultation is being 14086
provided has applied for medicaid and the consultation is being 14087
provided concurrently with the assessment required under section 14088
5111.204 of the Revised Code, the consultation shall be completed 14089
in accordance with the applicable time frames specified in that 14090
section for providing a level of care determination based on the 14091
assessment. 14092

(b) In all other cases, the consultation shall be provided 14093
not later than five calendar days after the department or ~~the 14094
program administrator~~ ~~under contract with the department~~ receives 14095

notice of the reason for which the consultation is ~~required~~ to be 14096
provided pursuant to division (G)~~(1)~~ of this section. 14097

(2) An individual or the individual's representative may 14098
request that a long-term care consultation be provided on a date 14099
that is later than the date required under division (H)(1)(a) or 14100
(b) of this section. 14101

(3) If a long-term care consultation cannot be completed 14102
within the number of days required by division (H)(1) or (2) of 14103
this section, the department or ~~the~~ program administrator ~~under~~ 14104
~~contract with the department~~ may do any of the following: 14105

(a) ~~Exempt~~ In the case of an individual specified in division 14106
(G)(1) of this section, exempt the individual from the 14107
consultation pursuant to rules that may be adopted under division 14108
(L) of this section; 14109

(b) In the case of an applicant for admission to a nursing 14110
facility, provide the consultation after the individual is 14111
admitted to the nursing facility; 14112

(c) In the case of a resident of a nursing facility, provide 14113
the consultation as soon as practicable. 14114

(I) An individual is not required to be provided a long-term 14115
care consultation under division (G)(1) of this section if any of 14116
the following apply: 14117

(1) The department or program administrator has attempted to 14118
provide the consultation, but the individual or the individual's 14119
representative ~~chooses to forego participation in the consultation~~ 14120
~~pursuant to criteria specified in rules adopted under division (L)~~ 14121
~~of this section~~ refuses to cooperate; 14122

(2) The individual is to receive care in a nursing facility 14123
under a contract for continuing care as defined in section 173.13 14124
of the Revised Code; 14125

(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care facility licensed under Chapter 3722. of the Revised Code, or an independent living arrangement;

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

~~(6) The individual is to be transferred from another nursing facility;~~

~~(7) The individual is to be readmitted to a nursing facility following a period of hospitalization;~~

~~(8) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.~~

(J) ~~At the conclusion of an individual's~~ As part of the long-term care consultation program, the department or ~~the~~ program administrator ~~under contract with the department shall provide the~~ assist an individual or individual's representative with a written summary of options and resources available to meet the individual's needs in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. ~~Even though the summary may~~

~~specify that a source of long term care other than care in a nursing facility is appropriate and available, the individual is not required to seek an alternative source of long term care and may be admitted to or continue to reside in a nursing facility~~ The assistance shall include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

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(K) No nursing facility for which an operator has a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code shall admit ~~or retain~~ any individual as a resident, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

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(L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following:

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(1) Procedures for providing long-term care consultations pursuant to this section;

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(2) Information to be provided through long-term care consultations regarding long-term care services that are available;

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(3) ~~Criteria under which an individual or the individual's representative may choose to forego participation in and~~ procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;

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(4) Criteria for exempting individuals from the long-term care consultation requirement;

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(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	14188 14189 14190 14191
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	14192 14193 14194
<u>(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;</u>	14195 14196 14197
<u>(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;</u>	14198 14199 14200 14201
<u>(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.</u>	14202 14203
<u>(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules adopted under section 5111.02 of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal law, the department of health, department of job and family services, or nursing facility holding the data shall grant access to the data on receipt of the request from the department of aging or program administrator.</u>	14204 14205 14206 14207 14208 14209 14210 14211 14212 14213 14214
(M) <u>(N)(1) The director of aging, after providing notice and an opportunity for a hearing, may fine a nursing facility an amount determined by rules the director shall adopt in accordance with Chapter 119. of the Revised Code if for any of the following</u>	14215 14216 14217 14218

reasons: 14219

(a) The nursing facility admits ~~or retains~~ an individual, 14220
without evidence that a long-term care consultation has been 14221
provided, as required by this section; 14222

(b) The nursing facility denies a person attempting to 14223
provide a long-term care consultation access to the facility or a 14224
resident of the facility; 14225

(c) The nursing facility denies the department of aging or 14226
program administrator access to the facility or a resident of the 14227
facility, as the department or administrator considers necessary 14228
to administer the program. 14229

(2) In accordance with section 5111.62 of the Revised Code, 14230
all fines collected under ~~this~~ division (N)(1) of this section 14231
shall be deposited into the state treasury to the credit of the 14232
residents protection fund. 14233

Sec. 173.421. As part of the long-term care consultation 14234
program established under section 173.42 of the Revised Code, the 14235
department of aging may establish procedures for the conduct of 14236
periodic or follow-up long-term care consultations for residents 14237
of nursing facilities, including annual or more frequent 14238
reassessments of the residents' functional capabilities. If the 14239
procedures are established, the department or program 14240
administrator shall assign individuals to nursing facilities to 14241
serve as care managers within the facilities. The individuals 14242
assigned shall be individuals who are certified under section 14243
173.422 of the Revised Code to provide long-term care 14244
consultations. 14245

Sec. ~~173.43~~ 173.422. The department of aging shall certify 14246
individuals who meet certification requirements established by 14247
rule to provide long-term care consultations for purposes of 14248

~~section~~ sections 173.42 and 173.421 of the Revised Code. The 14249
director of aging shall adopt rules in accordance with Chapter 14250
119. of the Revised Code governing the certification process and 14251
requirements. The rules shall specify the education, experience, 14252
or training in long-term care a person must have to qualify for 14253
certification. 14254

Sec. 173.423. If an individual who is the subject of a 14255
long-term care consultation is eligible for and elects to receive 14256
home and community-based services covered by medicaid components 14257
the department of aging administers, the department of aging or 14258
program administrator shall monitor the individual by doing either 14259
or both of the following at least once each year: 14260

(A) Determining whether the services being provided to the 14261
individual are appropriate; 14262

(B) Determining whether changes in the types of services 14263
being provided to the individual should be made. 14264

Sec. 173.424. If, under federal law, an individual's 14265
eligibility for the home and community-based services covered by 14266
medicaid components the department of aging administers is 14267
dependent on the conduct of an assessment or other evaluation of 14268
the individual's needs and capabilities and the development of an 14269
individualized plan of care or services, the department shall 14270
develop and implement all procedures necessary to comply with the 14271
federal law. The procedures shall include the use of long-term 14272
care consultations. 14273

Sec. 173.425. Annually, the department of aging shall prepare 14274
a report regarding the individuals who are the subjects of 14275
long-term care consultations and elect to receive home and 14276
community-based services covered by medicaid components the 14277
department of aging administers. The department shall prepare the 14278

report in consultation with the department of job and family services and office of budget and management. Each annual report shall include all of the following information: 14279
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(A) The total savings achieved by providing home and community-based services covered by medicaid components the department of aging administers rather than services that otherwise would be provided in a nursing facility; 14282
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(B) The average number of days that individuals receive home and community-based services covered by medicaid components the department of aging administers before and after receiving nursing facility services; 14286
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(C) A categorical analysis of the acuity levels of the individuals who receive home and community-based services covered by medicaid components the department of aging administers; 14290
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(D) Any other statistical information the department of aging considers appropriate for inclusion in the report. 14293
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Sec. 173.43. (A) Subject to section 173.433 of the Revised Code, the department of aging shall enter into an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code under which the department of aging is required to establish for each biennium a unified long-term care budget for home and community-based services covered by medicaid components the department of aging administers. The interagency agreement shall require the department of aging to do all of the following: 14295
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(1) Administer the unified long-term care budget in accordance with sections 173.43 to 173.434 of the Revised Code and the general assembly's appropriations for home and community-based services covered by medicaid components the department of aging administers for the applicable biennium; 14304
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<u>(2) Contract with each area agency on aging for assistance in the administration of the unified long-term care budget;</u>	14309 14310
<u>(3) Provide individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers a choice of services that meet the individuals' needs and improve their quality of life;</u>	14311 14312 14313 14314
<u>(4) Provide a continuum of services that meet the life-long needs of individuals who are eligible for home and community-based services covered by medicaid components the department of aging administers.</u>	14315 14316 14317 14318
<u>(B) The director of budget and management shall create new appropriation items as necessary for establishment of the unified long-term care budget.</u>	14319 14320 14321
<u>Sec. 173.431. Subject to section 173.433 of the Revised Code, the department of aging shall ensure that the unified long-term care budget established under section 173.43 of the Revised Code is administered in a manner that provides medicaid coverage of and expands access to all of the following as necessary to meet the needs of individuals receiving home and community-based services covered by medicaid components the department of aging administers:</u>	14322 14323 14324 14325 14326 14327 14328 14329
<u>(A) To the extent permitted by the medicaid waivers authorizing department of aging-administered medicaid waiver components, all of the following medicaid waiver services provided under department of aging-administered medicaid waiver components:</u>	14330 14331 14332 14333 14334
<u>(1) Personal care services;</u>	14335
<u>(2) Home-delivered meals;</u>	14336
<u>(3) Adult day-care;</u>	14337
<u>(4) Homemaker services;</u>	14338

<u>(5) Emergency response services;</u>	14339
<u>(6) Medical equipment and supplies;</u>	14340
<u>(7) Chore services;</u>	14341
<u>(8) Social work counseling;</u>	14342
<u>(9) Nutritional counseling;</u>	14343
<u>(10) Independent living assistance;</u>	14344
<u>(11) Medical transportation;</u>	14345
<u>(12) Nonmedical transportation;</u>	14346
<u>(13) Home care attendant services;</u>	14347
<u>(14) Assisted living services;</u>	14348
<u>(15) Community transition services;</u>	14349
<u>(16) Enhanced community living services;</u>	14350
<u>(17) All other medicaid waiver services provided under</u>	14351
<u>department of aging-administered medicaid waiver components.</u>	14352
<u>(B) All of the following state medicaid plan services as</u>	14353
<u>specified in rules adopted under section 5111.02 of the Revised</u>	14354
<u>Code:</u>	14355
<u>(1) Home health services;</u>	14356
<u>(2) Private duty nursing services;</u>	14357
<u>(3) Durable medical equipment;</u>	14358
<u>(4) Services of a clinical nurse specialist;</u>	14359
<u>(5) Services of a certified nurse practitioner.</u>	14360
<u>(C) The services that the PACE program provides.</u>	14361
<u>Sec. 173.432.</u> <u>Subject to section 173.433 of the Revised Code,</u>	14362
<u>the department of aging or its designee shall provide care</u>	14363
<u>management and authorization services with regard to the state</u>	14364

plan services specified in division (B) of section 173.431 of the 14365
Revised Code that are provided to participants of department of 14366
aging-administered medicaid waiver components. 14367

Sec. 173.433. (A) The director of job and family services 14368
shall do one or more of the following as necessary for the 14369
implementation of sections 173.43 to 173.432 of the Revised Code: 14370

(1) Submit one or more state medicaid plan amendments to the 14371
United States secretary of health and human services; 14372

(2) Request one or more federal medicaid waivers from the 14373
United States secretary; 14374

(3) Submit one or more federal medicaid waiver amendments to 14375
the United States secretary. 14376

(B) No provision of sections 173.43 to 173.432 of the Revised 14377
Code that requires the approval of the United States secretary of 14378
health and human services shall be implemented until the United 14379
States secretary provides the approval. 14380

Sec. 173.434. The director of job and family services shall 14381
adopt rules under section 5111.85 of the Revised Code to authorize 14382
the director of aging to adopt rules that are needed to implement 14383
sections 173.43 to 173.432 of the Revised Code. The director of 14384
aging's rules shall be adopted in accordance with Chapter 119. of 14385
the Revised Code." 14386

Sec. 173.50. (A) Pursuant to a contract entered into with the 14387
department of job and family services as an interagency agreement 14388
under section 5111.91 of the Revised Code, the department of aging 14389
shall carry out the day-to-day administration of the component of 14390
the medicaid program established under Chapter 5111. of the 14391
Revised Code known as the program of all-inclusive care for the 14392
elderly or PACE. The department of aging shall carry out its PACE 14393

administrative duties in accordance with the provisions of the 14394
interagency agreement and all applicable federal laws, including 14395
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-4, 14396
as amended. 14397

(B) The department of aging may adopt rules in accordance 14398
with Chapter 119. of the Revised Code regarding the PACE program, 14399
including rules establishing priorities for enrolling in the 14400
program pursuant to section 173.501 of the Revised Code. The 14401
department's rules are subject to both of the following: 14402

(1) The rules shall be authorized by rules adopted by the 14403
department of job and family services. 14404

(2) The rules shall address only those issues that are not 14405
addressed in rules adopted by the department of job and family 14406
services for the PACE program. 14407

Sec. 173.501. (A) As used in this section: 14408

"Nursing facility" has the same meaning as in section 5111.20 14409
of the Revised Code. 14410

"PACE provider" has the same meaning as in 42 U.S.C. 14411
1396u-4(a)(3). 14412

(B) Each month, the department of aging shall determine 14413
whether individuals who are on a waiting list for the PACE program 14414
have been admitted to a nursing facility. If the department 14415
determines that such an individual has been admitted to a nursing 14416
facility, the department shall notify the PACE provider serving 14417
the area in which the individual resides about the determination. 14418
The PACE provider shall determine whether the PACE program is 14419
appropriate for the individual and whether the individual would 14420
rather participate in the PACE program than continue residing in 14421
the nursing facility. If the PACE provider determines that the 14422
PACE program is appropriate for the individual and the individual 14423

would rather participate in the PACE program than continue 14424
residing in the nursing facility, the PACE provider shall so 14425
notify the department of aging. On receipt of the notice from the 14426
PACE provider, the department of aging shall approve the 14427
individual's enrollment in the PACE program in accordance with 14428
priorities established in rules adopted under section 173.50 of 14429
the Revised Code. Each quarter, the department of aging shall 14430
certify to the director of budget and management the estimated 14431
increase in costs of the PACE program resulting from enrollment of 14432
individuals in the PACE program pursuant to this section. 14433

Sec. 173.70. (A) The director of aging may enter into a 14434
contract with any person under which the person operates a program 14435
for the provision of outpatient prescription drug discounts to any 14436
or all of the following: 14437

(1) Individuals who are sixty years of age or older; 14438

(2) Individuals whose family incomes do not exceed three 14439
hundred per cent of the federal poverty guidelines, as revised 14440
annually by the United States department of health and human 14441
services in accordance with section 673(2) of the "Omnibus Budget 14442
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 14443
amended; 14444

(3) Individuals who are persons with disabilities, as defined 14445
in section 173.06 of the Revised Code. 14446

(B) The director may disclose to the person under contract 14447
information that identifies the individuals who participated in 14448
and individuals who applied for participation in the Ohio's best 14449
Rx program that was operated under former sections 173.71 to 14450
173.91 of the Revised Code. 14451

Sec. 173.99. (A) A long-term care provider, person employed 14452
by a long-term care provider, other entity, or employee of such 14453

other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.

(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.

(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care ombudsperson program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.

(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.

~~(E) Whoever violates division (B) of section 173.90 of the Revised Code is guilty of a misdemeanor of the first degree.~~

Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the department of development for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The department shall administer the fund. The agency shall use money allocated to it for implementing and administering its programs and duties under sections 174.03 and 174.05 of the Revised Code, and the

department shall use the remaining money in the fund for 14485
implementing and administering its programs and duties under 14486
sections 174.03 to 174.06 of the Revised Code. Use of all money 14487
drawn from the fund is subject to the following restrictions: 14488

~~(1) Not more than six per cent of any current year 14489
appropriation authority for the fund shall be used for the 14490
transitional and permanent housing program to make grants to 14491
municipal corporations, counties, townships, and nonprofit 14492
organizations for the acquisition, rehabilitation, renovation, 14493
construction, conversion, operation, and cost of supportive 14494
services for new and existing transitional and permanent housing 14495
for homeless persons. 14496~~

~~(2)(a) Not more than five per cent of the current year 14497
appropriation authority for the fund shall be allocated between 14498
grants to community development corporations for the community 14499
development corporation grant program and grants and loans to the 14500
Ohio community development finance fund, a private nonprofit 14501
corporation. 14502~~

(b) In any year in which the amount in the fund exceeds one 14503
hundred thousand dollars and at least that much is allocated for 14504
the uses described in this section, not less than one hundred 14505
thousand dollars shall be used to provide training, technical 14506
assistance, and capacity building assistance to nonprofit 14507
development organizations. 14508

~~(3)(2) Not more than seven ten per cent of any current year 14509
appropriation authority for the fund shall be used for the 14510
emergency shelter housing grants program to make grants to 14511
private, nonprofit organizations and municipal corporations, 14512
counties, and townships for emergency shelter housing for the 14513
homeless and emergency shelter facilities serving unaccompanied 14514
youth seventeen years of age and younger. The grants shall be 14515
distributed pursuant to rules the director adopts and qualify as 14516~~

matching funds for funds obtained pursuant to the McKinney Act, 14517
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 14518

~~(4)~~(3) In any fiscal year in which the amount in the fund 14519
exceeds the amount awarded pursuant to division (A)~~(2)~~(1)(b) of 14520
this section by at least two hundred fifty thousand dollars, at 14521
least two hundred fifty thousand dollars from the fund shall be 14522
provided to the department of aging for the resident services 14523
coordinator program as established in section 173.08 of the 14524
Revised Code. 14525

~~(5)~~(4) Of all current year appropriation authority for the 14526
fund, not more than five per cent shall be used for 14527
administration. 14528

~~(6)~~(5) Not less than forty-five per cent of the funds awarded 14529
during any one fiscal year shall be for grants and loans to 14530
nonprofit organizations under section 174.03 of the Revised Code. 14531

~~(7)~~(6) Not less than fifty per cent of the funds awarded 14532
during any one fiscal year, excluding the amounts awarded pursuant 14533
to divisions (A)(1) ~~and (2)~~ and ~~(3)~~ of this section, shall be 14534
for grants and loans for activities that provide housing and 14535
housing assistance to families and individuals in rural areas and 14536
small cities that are not eligible to participate as a 14537
participating jurisdiction under the "HOME Investment Partnerships 14538
Act," 104 Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 14539

~~(8) No money in the fund shall be used to pay for any legal 14540
services other than the usual and customary legal services 14541
associated with the acquisition of housing. 14542~~

~~(9)~~(7) Money in the fund may be used as matching money for 14543
federal funds received by the state, counties, municipal 14544
corporations, and townships for the activities listed in section 14545
174.03 of the Revised Code. 14546

(B) If, after the second quarter of any year, it appears to 14547

the director that the full amount of the money in the fund 14548
designated in that year for activities that provide housing and 14549
housing assistance to families and individuals in rural areas and 14550
small cities under division (A) of this section will not be used 14551
for that purpose, the director may reallocate all or a portion of 14552
that amount for other housing activities. In determining whether 14553
or how to reallocate money under this division, the director may 14554
consult with and shall receive advice from the housing trust fund 14555
advisory committee. 14556

Sec. 174.03. (A) The department of development and the Ohio 14557
housing finance agency shall each develop programs under which, in 14558
accordance with rules adopted under this section, they may make 14559
grants, loans, loan guarantees, and loan subsidies to counties, 14560
municipal corporations, townships, local housing authorities, and 14561
nonprofit organizations and may make loans, loan guarantees, and 14562
loan subsidies to private developers and private lenders to assist 14563
in activities that provide housing and housing assistance for 14564
specifically targeted low- and moderate-income families and 14565
individuals. There is no minimum housing project size for awards 14566
under this division for any project that is developed for a 14567
special needs population and that is supported by a social service 14568
agency where the housing project is located. Activities for which 14569
grants, loans, loan guarantees, and loan subsidies may be made 14570
under this section include all of the following: 14571

(1) Acquiring, financing, constructing, leasing, 14572
rehabilitating, remodeling, improving, and equipping publicly or 14573
privately owned housing; 14574

(2) Providing supportive services related to housing and the 14575
homeless, including housing counseling. Not more than twenty per 14576
cent of the current year appropriation authority for the low- and 14577
moderate-income housing trust fund that remains after the award of 14578

funds made pursuant to divisions (A)(1), and (A)(2), ~~and (A)(3)~~ of 14579
section 174.02 of the Revised Code, shall be awarded in any fiscal 14580
year for supportive services. 14581

(3) Providing rental assistance payments or other project 14582
operating subsidies that lower tenant rents; 14583

(4) Improving the quality of life of tenants by providing 14584
education for tenants and residents of manufactured home 14585
communities regarding their rights and responsibilities, planning 14586
and implementing activities designed to improve conflict 14587
resolution and the capacity of tenants to negotiate and mediate 14588
with landlords, and developing tenant and resident councils and 14589
organizations; 14590

(5) Promoting capacity building initiatives related to the 14591
creation of county housing trust funds. 14592

~~(B) Activities listed under division (A) of this section may 14593
include emergency shelter care programs for unaccompanied youth 14594
seventeen years of age and younger.~~ 14595

~~(C)~~ Grants, loans, loan guarantees, and loan subsidies may be 14596
made to counties, municipal corporations, townships, and nonprofit 14597
organizations for the additional purposes of providing technical 14598
assistance, design and finance services and consultation, and 14599
payment of pre-development and administrative costs related to any 14600
of the activities listed above. 14601

~~(D)~~(C) In developing programs under this section, the 14602
department and the agency shall invite, accept, and consider 14603
public comment, and recommendations from the housing trust fund 14604
advisory committee created under section 174.06 of the Revised 14605
Code, on how the programs should be designed to most effectively 14606
benefit low- and moderate-income families and individuals. The 14607
programs developed under this section shall respond collectively 14608
to housing and housing assistance needs of low- and 14609

moderate-income families and individuals statewide. 14610

~~(E)~~(D) The department and the agency, in accordance with 14611
Chapter 119. of the Revised Code, shall each adopt rules to 14612
administer programs developed under this section. The rules shall 14613
prescribe procedures and forms that counties, municipal 14614
corporations, townships, local housing authorities, and nonprofit 14615
organizations shall use in applying for grants, loans, loan 14616
guarantees, and loan subsidies and that private developers and 14617
private lenders shall use in applying for loans, loan guarantees, 14618
and loan subsidies; eligibility criteria for the receipt of funds; 14619
procedures for reviewing and granting or denying applications; 14620
procedures for paying out funds; conditions on the use of funds; 14621
procedures for monitoring the use of funds; and procedures under 14622
which a recipient shall be required to repay funds that are 14623
improperly used. The rules shall do both of the following: 14624

(1) Require each recipient of a grant or loan made from the 14625
low- and moderate-income housing trust fund for activities that 14626
provide, or assist in providing, a rental housing project, to 14627
reasonably ensure that the rental housing project will remain 14628
affordable to those families and individuals targeted for the 14629
rental housing project for the useful life of the rental housing 14630
project or for thirty years, whichever is longer; 14631

(2) Require each recipient of a grant or loan made from the 14632
low- and moderate-income housing trust fund for activities that 14633
provide, or assist in providing, a housing project to prepare and 14634
implement a plan to reasonably assist any families and individuals 14635
displaced by the housing project in obtaining decent affordable 14636
housing. 14637

~~(F)~~(E) In prescribing eligibility criteria and conditions for 14638
the use of funds, neither the department nor the agency is limited 14639
to the criteria and conditions specified in this section and each 14640
may prescribe additional eligibility criteria and conditions that 14641

relate to the purposes for which grants, loans, loan guarantees, 14642
and loan subsidies may be made. However, the department and agency 14643
are limited by the following specifically targeted low- and 14644
moderate-income guidelines: 14645

(1) Not less than seventy-five per cent of the money granted 14646
and loaned under this section in any fiscal year shall be for 14647
activities that provide affordable housing and housing assistance 14648
to families and individuals whose incomes are equal to or less 14649
than fifty per cent of the median income for the county in which 14650
they live, as determined by the department under section 174.04 of 14651
the Revised Code. 14652

(2) Any money granted and loaned under this section in any 14653
fiscal year that is not granted or loaned pursuant to division 14654
(F)(1) of this section shall be for activities that provide 14655
affordable housing and housing assistance to families and 14656
individuals whose incomes are equal to or less than eighty per 14657
cent of the median income for the county in which they live, as 14658
determined by the department under section 174.04 of the Revised 14659
Code. 14660

~~(G)~~(F) In making grants, loans, loan guarantees, and loan 14661
subsidies under this section, the department and the agency shall 14662
give preference to viable projects and activities that benefit 14663
those families and individuals whose incomes are equal to or less 14664
than thirty-five per cent of the median income for the county in 14665
which they live, as determined by the department under section 14666
174.04 of the Revised Code. 14667

~~(H)~~(G) The department and the agency shall monitor the 14668
programs developed under this section to ensure that money granted 14669
and loaned under this section is not used in a manner that 14670
violates division (H) of section 4112.02 of the Revised Code or 14671
discriminates against families with children. 14672

Sec. 174.06. (A) There is hereby created the housing trust 14673
fund advisory committee. The committee consists of fourteen 14674
members the governor appoints as follows to represent 14675
organizations committed to housing and housing assistance for low- 14676
and moderate-income persons: 14677

(1) One member to represent lenders. 14678

(2) One member to represent for-profit builders and 14679
developers. 14680

(3) One member to represent the families and individuals 14681
included in the income groups targeted for housing and housing 14682
assistance under divisions (E) and (F) and ~~(G)~~ of section 174.03 14683
of the Revised Code. 14684

(4) One member to represent religious, civic, or social 14685
service organizations. 14686

(5) One member to represent counties. 14687

(6) One member to represent municipal corporations. 14688

(7) One member to represent townships. 14689

(8) One member to represent local housing authorities. 14690

(9) One member to represent fair housing organizations. 14691

(10) Three members to represent nonprofit organizations. 14692

(11) One member to represent real estate brokers licensed 14693
under Chapter 4735. of the Revised Code. 14694

(12) One member to represent the for-profit rental housing 14695
industry. 14696

(B)(1) Terms of office are for four years, with each term 14697
ending on the same day of the same month as did the term that it 14698
succeeds. Each member shall hold office from the date of 14699
appointment until the end of the term for which the member was 14700

appointed. Vacancies shall be filled in the manner prescribed for 14701
the original appointment. A member appointed to fill a vacancy 14702
occurring prior to the expiration of a term shall hold office for 14703
the remainder of that term. A member shall continue in office 14704
subsequent to the expiration of a term until a successor takes 14705
office or until a period of sixty days has elapsed, whichever 14706
occurs first. 14707

(2) The governor may remove a member for misfeasance, 14708
malfeasance, or willful neglect of duty. 14709

(C)(1) The committee shall select a chairperson from among 14710
its members. The committee shall meet at least once each calendar 14711
year and upon the call of the chair. Members of the committee 14712
serve without compensation, but shall be reimbursed for reasonable 14713
and necessary expenses incurred in the discharge of duties. 14714

(2) The department of development shall provide the committee 14715
with a meeting place, supplies, and staff assistance as the 14716
committee requests. 14717

(D) The committee shall assist the department and the Ohio 14718
housing finance agency in defining housing needs and priorities, 14719
recommend to the department and agency at least annually how the 14720
programs developed under section 174.02 of the Revised Code should 14721
be designed to most effectively benefit low- and moderate-income 14722
persons, consider an allocation of funds for projects of fifteen 14723
units or less, and advise the director of development on whether 14724
and how to reallocate money in the low- and moderate-income 14725
housing trust fund under division (B) of section 174.02 of the 14726
Revised Code. 14727

Sec. 176.05. (A)(1) Notwithstanding any provision of law to 14728
the contrary, the rate of wages payable for the various 14729
occupations covered by sections 4115.03 to 4115.16 of the Revised 14730
Code to persons employed on a project who are not any of the 14731

following shall be determined according to this section:	14732
(a) Qualified volunteers;	14733
(b) Persons required to participate in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code except those engaged in paid employment or subsidized employment pursuant to the activity;	14734 14735 14736 14737 14738
(c) Food stamp <u>Supplemental nutrition assistance program</u> benefit recipients required to participate in employment and training activities established by rules adopted under section 5101.54 of the Revised Code.	14739 14740 14741 14742
An association representing the general contractors or subcontractors that engage in the business of residential construction in a certain locality shall negotiate with the applicable building and construction trades council in that locality an agreement or understanding that sets forth the residential prevailing rate of wages, payable on projects in that locality, for each of the occupations employed on those projects.	14743 14744 14745 14746 14747 14748 14749
(2) Notwithstanding any residential prevailing rate of wages established prior to July 1, 1995, if, by October 1, 1995, the parties are unable to agree under division (A)(1) of this section as to the rate of wages payable for each occupation covered by sections 4115.03 to 4115.16 of the Revised Code, the director of commerce shall establish the rate of wages payable for each occupation.	14750 14751 14752 14753 14754 14755 14756
(3) The residential prevailing rate of wages established under division (A)(1) or (2) of this section shall not be equal to or greater than the prevailing rate of wages determined by the director pursuant to sections 4115.03 to 4115.16 of the Revised Code for any of the occupations covered by those sections.	14757 14758 14759 14760 14761
(B) Except for the prevailing rate of wages determined by the	14762

director pursuant to sections 4115.03 to 4115.16 of the Revised Code, those sections and section 4115.99 of the Revised Code apply to projects.

(C) The residential prevailing rate of wages established under division (A) of this section is not payable to any individual or member of that individual's family who provides labor in exchange for acquisition of the property for homeownership or who provides labor in place of or as a supplement to any rental payments for the property.

(D) For the purposes of this section:

(1) "Project" means any construction, rehabilitation, remodeling, or improvement of residential housing, whether on a single or multiple site for which a person, as defined in section 1.59 of the Revised Code, or municipal corporation, county, or township receives financing, that is financed in whole or in part from state moneys or pursuant to this chapter, section 133.51 or 307.698 of the Revised Code, or Chapter 174. or 175. of the Revised Code, except for any of the following:

(a) The single-family mortgage revenue bonds homeownership program under Chapter 175. of the Revised Code, including owner-occupied dwellings of one to four units;

(b) Projects consisting of fewer than six units developed by any entity that is not a nonprofit organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(c) Projects of fewer than twenty-five units developed by any nonprofit organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code;

(d) Programs undertaken by any municipal corporation, county, or township, including lease-purchase programs, using mortgage revenue bond financing;

(e) Any individual project, that is sponsored or developed by 14794
a nonprofit organization that is exempt from federal income tax 14795
under section 501(c)(3) of the Internal Revenue Code, for which 14796
the federal government or any of its agencies furnishes by loan, 14797
grant, low-income housing tax credit, or insurance more than 14798
twelve per cent of the costs of the project. For purposes of 14799
division (D)(2)(e) of this section, the value of the low-income 14800
housing tax credits shall be calculated as the proceeds from the 14801
sale of the tax credits, less the costs of the sale. 14802

As used in division (D)(1)(e) of this section, "sponsored" 14803
means that a general partner of a limited partnership owning the 14804
project or a managing member of a limited liability company owning 14805
the project is either a nonprofit organization that is exempt from 14806
federal income tax under section 501(c)(3) of the Internal Revenue 14807
Code or a person, as defined in section 1.59 of the Revised Code, 14808
or a limited liability company in which such a nonprofit 14809
organization maintains controlling interest. For purposes of this 14810
division, a general partner of a limited partnership that is a 14811
nonprofit organization described under this division is not 14812
required to be the sole general partner in the limited 14813
partnership, and a managing member of a limited liability company 14814
that is a nonprofit organization described under this division is 14815
not required to be the sole managing member in the limited 14816
liability company. 14817

Nothing in division (D)(1)(e) of this section shall be 14818
construed as permitting unrelated projects to be combined for the 14819
sole purpose of determining the total percentage of project costs 14820
furnished by the federal government or any of its agencies. 14821

(2) A "project" is a "public improvement" and the state or a 14822
political subdivision that undertakes or participates in the 14823
financing of a project is a "public authority," as both of the 14824
last two terms are defined in section 4115.03 of the Revised Code. 14825

(3) "Qualified volunteers" are volunteers who are working 14826
without compensation for a nonprofit organization that is exempt 14827
from federal income tax under section 501(c)(3) of the Internal 14828
Revenue Code, and that is providing housing or housing assistance 14829
only to families and individuals in a county whose incomes are not 14830
greater than one hundred forty per cent of the median income of 14831
that county as determined under section 174.04 of the Revised 14832
Code. 14833

Sec. 307.626. (A) By the first day of April of each year, the 14834
person convening the child fatality review board shall prepare and 14835
submit to the Ohio department of health a report that ~~includes all~~ 14836
~~of~~ summarizes the following information with respect to ~~each the~~ 14837
child ~~death~~ deaths that ~~was~~ were reviewed by the review board in 14838
the previous calendar year: 14839

- (1) The cause of death; 14840
- (2) Factors contributing to death; 14841
- (3) Age; 14842
- (4) Sex; 14843
- (5) Race; 14844
- (6) The geographic location of death; 14845
- (7) The year of death. 14846

The report shall specify the number of child deaths that ~~have~~ 14847
~~not been reviewed since the effective date of this section were~~ 14848
not reviewed during the previous calendar year. 14849

The report may include recommendations for actions that might 14850
prevent other deaths, as well as any other information the review 14851
board determines should be included. 14852

(B) Reports prepared under division (A) of this section shall 14853
be considered public records under section 149.43 of the Revised 14854

Code. 14855

(C) The child fatality review board shall submit individual 14856
data with respect to each child death review into the Ohio 14857
department of health child death review database or the national 14858
child death review database. The individual data shall include the 14859
information specified in division (A) of this section and any 14860
other information the board considers relevant to the review. 14861
Individual data related to a child death review that is contained 14862
in the Ohio department of health child death review database is 14863
not a public record under section 149.43 of the Revised Code. 14864

Sec. 307.629. (A) Except as provided in sections 5153.171 to 14865
5153.173 of the Revised Code, any information, document, or report 14866
presented to a child fatality review board, all statements made by 14867
review board members during meetings of the review board, ~~and~~ all 14868
work products of the review board, and child fatality review data 14869
submitted by the child fatality review board to the department of 14870
health or a national child death review database, other than the 14871
report prepared pursuant to division (A) of section 307.626 of the 14872
Revised Code, are confidential and shall be used by the review 14873
board ~~and,~~ its members, and the department of health only in the 14874
exercise of the proper functions of the review board and the 14875
department. 14876

(B) No person shall permit or encourage the unauthorized 14877
dissemination of the confidential information described in 14878
division (A) of this section. 14879

(C) Whoever violates division (B) of this section is guilty 14880
of a misdemeanor of the second degree. 14881

Sec. 307.79. (A) The board of county commissioners may adopt, 14882
amend, and rescind rules establishing technically feasible and 14883
economically reasonable standards to achieve a level of management 14884

and conservation practices that will abate wind or water erosion 14885
of the soil or abate the degradation of the waters of the state by 14886
soil sediment in conjunction with land grading, excavating, 14887
filling, or other soil disturbing activities on land used or being 14888
developed for nonfarm commercial, industrial, residential, or 14889
other nonfarm purposes, and establish criteria for determination 14890
of the acceptability of those management and conservation 14891
practices. The rules shall be designed to implement the applicable 14892
areawide waste treatment management plan prepared under section 14893
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 14894
(1972), 33 U.S.C.A. 1228, as amended, and to implement phase II of 14895
the storm water program of the national pollutant discharge 14896
elimination system established in 40 C.F.R. Part 122. The rules to 14897
implement phase II of the storm water program of the national 14898
pollutant discharge elimination system shall not be inconsistent 14899
with, more stringent than, or broader in scope than the rules or 14900
regulations adopted by the environmental protection agency under 14901
40 C.F.R. Part 122. The rules adopted under this section shall not 14902
apply inside the limits of municipal corporations or the limits of 14903
townships with a limited home rule government that have adopted 14904
rules under section 504.21 of the Revised Code, to lands being 14905
used in a strip mine operation as defined in section 1513.01 of 14906
the Revised Code, or to land being used in a surface mine 14907
operation as defined in section 1514.01 of the Revised Code. 14908

14909

The rules adopted under this section may require persons to 14910
file plans governing erosion control, sediment control, and water 14911
management before clearing, grading, excavating, filling, or 14912
otherwise wholly or partially disturbing one or more contiguous 14913
acres of land owned by one person or operated as one development 14914
unit for the construction of nonfarm buildings, structures, 14915
utilities, recreational areas, or other similar nonfarm uses. If 14916
the rules require plans to be filed, the rules shall do all of the 14917

following:	14918
(1) Designate the board itself, its employees, or another agency or official to review and approve or disapprove the plans;	14919 14920
(2) Establish procedures and criteria for the review and approval or disapproval of the plans;	14921 14922
(3) Require the designated entity to issue a permit to a person for the clearing, grading, excavating, filling, or other project for which plans are approved and to deny a permit to a person whose plans have been disapproved;	14923 14924 14925 14926
(4) Establish procedures for the issuance of the permits;	14927
(5) Establish procedures under which a person may appeal the denial of a permit.	14928 14929
Areas of less than one contiguous acre shall not be exempt from compliance with other provisions of this section or rules adopted under this section. The rules adopted under this section may impose reasonable filing fees for plan review, permit processing, and field inspections.	14930 14931 14932 14933 14934
No permit or plan shall be required for a public highway, transportation, or drainage improvement or maintenance project undertaken by a government agency or political subdivision in accordance with a statement of its standard sediment control policies that is approved by the board or the chief of the division of soil and water conservation <u>resources</u> in the department of natural resources.	14935 14936 14937 14938 14939 14940 14941
(B) Rules or amendments may be adopted under this section only after public hearings at not fewer than two regular sessions of the board. The board of county commissioners shall cause to be published, in a newspaper of general circulation in the county, notice of the public hearings, including time, date, and place, once a week for two weeks immediately preceding the hearings. The	14942 14943 14944 14945 14946 14947

proposed rules or amendments shall be made available by the board 14948
to the public at the board office or other location indicated in 14949
the notice. The rules or amendments shall take effect on the 14950
thirty-first day following the date of their adoption. 14951

(C) The board of county commissioners may employ personnel to 14952
assist in the administration of this section and the rules adopted 14953
under it. The board also, if the action does not conflict with the 14954
rules, may delegate duties to review sediment control and water 14955
management plans to its employees, and may enter into agreements 14956
with one or more political subdivisions, other county officials, 14957
or other government agencies, in any combination, in order to 14958
obtain reviews and comments on plans governing erosion control, 14959
sediment control, and water management or to obtain other services 14960
for the administration of the rules adopted under this section. 14961

(D) The board of county commissioners or any duly authorized 14962
representative of the board may, upon identification to the owner 14963
or person in charge, enter any land upon obtaining agreement with 14964
the owner, tenant, or manager of the land in order to determine 14965
whether there is compliance with the rules adopted under this 14966
section. If the board or its duly authorized representative is 14967
unable to obtain such an agreement, the board or representative 14968
may apply for, and a judge of the court of common pleas for the 14969
county where the land is located may issue, an appropriate 14970
inspection warrant as necessary to achieve the purposes of this 14971
chapter. 14972

(E)(1) If the board of county commissioners or its duly 14973
authorized representative determines that a violation of the rules 14974
adopted under this section exists, the board or representative may 14975
issue an immediate stop work order if the violator failed to 14976
obtain any federal, state, or local permit necessary for sediment 14977
and erosion control, earth movement, clearing, or cut and fill 14978
activity. In addition, if the board or representative determines 14979

such a rule violation exists, regardless of whether or not the violator has obtained the proper permits, the board or representative may authorize the issuance of a notice of violation. If, after a period of not less than thirty days has elapsed following the issuance of the notice of violation, the violation continues, the board or its duly authorized representative shall issue a second notice of violation. Except as provided in division (E)(3) of this section, if, after a period of not less than fifteen days has elapsed following the issuance of the second notice of violation, the violation continues, the board or its duly authorized representative may issue a stop work order after first obtaining the written approval of the prosecuting attorney of the county if, in the opinion of the prosecuting attorney, the violation is egregious.

Once a stop work order is issued, the board or its duly authorize representative shall request, in writing, the prosecuting attorney of the county to seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules adopted under this section. If the prosecuting attorney seeks an injunction or other appropriate relief, then, in granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred or more than five hundred dollars. Each day of violation of a rule or stop work order issued under this section shall be considered a separate violation subject to a civil fine.

(2) The person to whom a stop work order is issued under this section may appeal the order to the court of common pleas of the county in which it was issued, seeking any equitable or other appropriate relief from that order.

(3) No stop work order shall be issued under this section

against any public highway, transportation, or drainage 15012
improvement or maintenance project undertaken by a government 15013
agency or political subdivision in accordance with a statement of 15014
its standard sediment control policies that is approved by the 15015
board or the chief of the division of soil and water ~~conservation~~ 15016
resources in the department of natural resources. 15017

(F) No person shall violate any rule adopted or order issued 15018
under this section. Notwithstanding division (E) of this section, 15019
if the board of county commissioners determines that a violation 15020
of any rule adopted or administrative order issued under this 15021
section exists, the board may request, in writing, the prosecuting 15022
attorney of the county to seek an injunction or other appropriate 15023
relief in the court of common pleas to abate excessive erosion or 15024
sedimentation and secure compliance with the rules or order. In 15025
granting relief, the court of common pleas may order the 15026
construction of sediment control improvements or implementation of 15027
other control measures and may assess a civil fine of not less 15028
than one hundred or more than five hundred dollars. Each day of 15029
violation of a rule adopted or administrative order issued under 15030
this section shall be considered a separate violation subject to a 15031
civil fine. 15032

Sec. 311.17. Except as provided in a contract entered into 15033
under division (A) of section 3125.141 of the Revised Code, for 15034
the services specified in this section, the sheriff shall charge 15035
the following fees, which the court or its clerk shall tax in the 15036
bill of costs against the judgment debtor or those legally liable 15037
therefor for the judgment: 15038

(A) For the service and return of the following writs and 15039
orders: 15040

(1) Execution: 15041

(a) When money is paid without levy or when no property is 15042

found, twenty <u>thirty</u> dollars;	15043
(b) When levy is made on real property, for the first tract,	15044
twenty-five dollars, and for each additional tract, ten dollars;	15045
(c) When levy is made on goods and chattels, including	15046
inventory, fifty dollars.	15047
(2) Writ of attachment of property, except for purpose of	15048
garnishment, forty dollars;	15049
(3) Writ of attachment for the purpose of garnishment, ten	15050
dollars;	15051
(4) Writ of replevin, forty dollars;	15052
(5) Warrant to arrest, for each person named in the writ, ten	15053
<u>twenty</u> dollars;	15054
(6) Attachment for contempt, for each person named in the	15055
writ, six dollars;	15056
(7) Writ of possession or restitution, sixty dollars;	15057
(8) Subpoena, for each person named in the writ, in either a	15058
civil or criminal case, six <u>ten</u> dollars;	15059
(9) Venire, for each person named in the writ, in either a	15060
civil or criminal case, six dollars;	15061
(10) Summoning each juror, other than on venire, in either a	15062
civil or criminal case, six dollars;	15063
(11) Writ of partition, twenty-five dollars;	15064
(12) Order of sale on partition, for the first tract, fifty	15065
dollars, and for each additional tract, twenty-five dollars;	15066
(13) Other order of sale of real property, for the first	15067
tract, fifty dollars, and for each additional tract, twenty-five	15068
dollars;	15069
(14) Administering oath to appraisers, three dollars each;	15070

(15) Furnishing copies for advertisements, one dollar for each hundred words;	15071 15072
(16) Copy of indictment, for each defendant, five dollars;	15073
(17) All summons, writs, orders, or notices, for the first name, six dollars, and for each additional name, one dollar.	15074 15075
(B) In addition to the fee for service and return:	15076
(1) On each summons, writ, order, or notice, a fee of one dollar <u>two dollars</u> per mile for the first mile, and fifty cents <u>one dollar</u> per mile for each additional mile, going and returning, actual mileage to be charged on each additional name;	15077 15078 15079 15080
(2) Taking bail bond, three dollars;	15081
(3) Jail fees, as follows:	15082
(a) For receiving a prisoner, five dollars each time a prisoner is received, and for discharging or surrendering a prisoner, five dollars each time a prisoner is discharged or surrendered. The departure or return of a prisoner from or to a jail in connection with a program established under section 5147.28 of the Revised Code is not a receipt, discharge, or surrender of the prisoner for purposes of this division.	15083 15084 15085 15086 15087 15088 15089
(b) Taking a prisoner before a judge or court, per day, five dollars;	15090 15091
(c) Calling action, one dollar;	15092
(d) Calling jury, three dollars;	15093
(e) Calling each witness, three dollars;	15094
(f) Bringing prisoner before court on habeas corpus, six dollars.	15095 15096
(4) Poundage on all moneys actually made and paid to the sheriff on execution, decree, or sale of real estate, one and one-half per cent;	15097 15098 15099

(5) Making and executing a deed of land sold on execution, 15100
decree, or order of the court, to be paid by the purchaser, fifty 15101
dollars. 15102

When any of the services described in division (A) or (B) of 15103
this section are rendered by an officer or employee, whose salary 15104
or per diem compensation is paid by the county, the applicable 15105
legal fees and any other extraordinary expenses, including 15106
overtime, provided for the service shall be taxed in the costs in 15107
the case and, when collected, shall be paid into the general fund 15108
of the county. 15109

The sheriff shall charge the same fees for the execution of 15110
process issued in any other state as the sheriff charges for the 15111
execution of process of a substantively similar nature that is 15112
issued in this state. 15113

Sec. 311.32. (A) A sheriff or deputy sheriff who is trained 15114
in the same manner as uniformed employees of the motor carrier 15115
enforcement unit created under section 5503.34 of the Revised Code 15116
may, to the same extent as those employees, enforce compliance 15117
with any provision of Chapters 4919., 4921., and 4923. of the 15118
Revised Code or of a rule or order adopted or issued by the 15119
commission under those chapters regarding commercial motor vehicle 15120
transportation safety, economic, and hazardous materials 15121
requirements. 15122

(B)(1) A sheriff or deputy sheriff under division (A) of this 15123
section shall do both of the following: 15124

(a) Cooperate with the public utilities commission in 15125
carrying out that division and in enforcing any other applicable 15126
laws; 15127

(b) Comply with any rules adopted pursuant to section 4919.80 15128
of the Revised Code. 15129

<u>(2) A uniformed sheriff or deputy sheriff under division (A)</u>	15130
<u>of this section may stop commercial motor vehicles for the purpose</u>	15131
<u>of inspecting those vehicles in carrying out that division.</u>	15132
	15133
Sec. 319.301. (A) This <u>The reductions required by division</u>	15134
<u>(D) of this section does do</u> not apply to any of the following:	15135
(1) Taxes levied at whatever rate is required to produce a	15136
specified amount of tax money, including a tax levied under	15137
section 5705.199 or 5705.211 of the Revised Code, or an amount to	15138
pay debt charges;	15139
(2) Taxes levied within the one per cent limitation imposed	15140
by Section 2 of Article XII, Ohio Constitution;	15141
(3) Taxes provided for by the charter of a municipal	15142
corporation.	15143
(B) As used in this section:	15144
(1) "Real property" includes real property owned by a	15145
railroad.	15146
(2) "Carryover property" means all real property on the	15147
current year's tax list except:	15148
(a) Land and improvements that were not taxed by the district	15149
in both the preceding year and the current year;	15150
(b) Land and improvements that were not in the same class in	15151
both the preceding year and the current year.	15152
(3) "Effective tax rate" means with respect to each class of	15153
property:	15154
(a) The sum of the total taxes that would have been charged	15155
and payable for current expenses against real property in that	15156
class if each of the district's taxes were reduced for the current	15157
year under division (D)(1) of this section without regard to the	15158

application of division (E)(3) of this section divided by 15159

(b) The taxable value of all real property in that class. 15160

(4) "Taxes charged and payable" means the taxes charged and 15161
payable prior to any reduction required by section 319.302 of the 15162
Revised Code. 15163

(C) The tax commissioner shall make the determinations 15164
required by this section each year, without regard to whether a 15165
taxing district has territory in a county to which section 5715.24 15166
of the Revised Code applies for that year. Separate determinations 15167
shall be made for each of the two classes established pursuant to 15168
section 5713.041 of the Revised Code. 15169

(D) With respect to each tax authorized to be levied by each 15170
taxing district, the tax commissioner, annually, shall do both of 15171
the following: 15172

(1) Determine by what percentage, if any, the sums levied by 15173
such tax against the carryover property in each class would have 15174
to be reduced for the tax to levy the same number of dollars 15175
against such property in that class in the current year as were 15176
charged against such property by such tax in the preceding year 15177
subsequent to the reduction made under this section but before the 15178
reduction made under section 319.302 of the Revised Code. In the 15179
case of a tax levied for the first time that is not a renewal of 15180
an existing tax, the commissioner shall determine by what 15181
percentage the sums that would otherwise be levied by such tax 15182
against carryover property in each class would have to be reduced 15183
to equal the amount that would have been levied if the full rate 15184
thereof had been imposed against the total taxable value of such 15185
property in the preceding tax year. A tax or portion of a tax that 15186
is designated a replacement levy under section 5705.192 of the 15187
Revised Code is not a renewal of an existing tax for purposes of 15188
this division. 15189

(2) Certify each percentage determined in division (D)(1) of this section, as adjusted under division (E) of this section, and the class of property to which that percentage applies to the auditor of each county in which the district has territory. The auditor, after complying with section 319.30 of the Revised Code, shall reduce the sum to be levied by such tax against each parcel of real property in the district by the percentage so certified for its class. Certification shall be made by the first day of September except in the case of a tax levied for the first time, in which case certification shall be made within fifteen days of the date the county auditor submits the information necessary to make the required determination.

(E)(1) As used in division (E)(2) of this section, "pre-1982 joint vocational taxes" means, with respect to a class of property, the difference between the following amounts:

(a) The taxes charged and payable in tax year 1981 against the property in that class for the current expenses of the joint vocational school district of which the school district is a part after making all reductions under this section;

(b) The following percentage of the taxable value of all real property in that class:

(i) In 1987, five one-hundredths of one per cent;

(ii) In 1988, one-tenth of one per cent;

(iii) In 1989, fifteen one-hundredths of one per cent;

(iv) In 1990 and each subsequent year, two-tenths of one per cent.

If the amount in division (E)(1)(b) of this section exceeds the amount in division (E)(1)(a) of this section, the pre-1982 joint vocational taxes shall be zero.

As used in divisions (E)(2) and (3) of this section, "taxes

charged and payable" has the same meaning as in division (B)(4) of 15220
this section and excludes any tax charged and payable in 1985 or 15221
thereafter under sections 5705.194 to 5705.197 or section 5705.199 15222
~~or~~ 5705.213, or 5705.219 of the Revised Code. 15223

(2) If in the case of a school district other than a joint 15224
vocational or cooperative education school district any percentage 15225
required to be used in division (D)(2) of this section for either 15226
class of property could cause the total taxes charged and payable 15227
for current expenses to be less than two per cent of the taxable 15228
value of all real property in that class that is subject to 15229
taxation by the district, the commissioner shall determine what 15230
percentages would cause the district's total taxes charged and 15231
payable for current expenses against that class, after all 15232
reductions that would otherwise be made under this section, to 15233
equal, when combined with the pre-1982 joint vocational taxes 15234
against that class, the lesser of the following: 15235

(a) The sum of the rates at which those taxes are authorized 15236
to be levied; 15237

(b) Two per cent of the taxable value of the property in that 15238
class. The auditor shall use such percentages in making the 15239
reduction required by this section for that class. 15240

(3)(a) If in the case of a joint vocational school district 15241
any percentage required to be used in division (D)(2) of this 15242
section for either class of property could cause the total taxes 15243
charged and payable for current expenses for that class to be less 15244
than the designated amount, the commissioner shall determine what 15245
percentages would cause the district's total taxes charged and 15246
payable for current expenses for that class, after all reductions 15247
that would otherwise be made under this section, to equal the 15248
designated amount. The auditor shall use such percentages in 15249
making the reductions required by this section for that class. 15250

(b) As used in division (E)(3)(a) of this section, the
designated amount shall equal the taxable value of all real
property in the class that is subject to taxation by the district
times the lesser of the following:

(i) Two-tenths of one per cent;

(ii) The district's effective rate plus the following
percentage for the year indicated:

WHEN COMPUTING THE	ADD THE FOLLOWING	
TAXES CHARGED FOR	PERCENTAGE:	
1987	0.025%	
1988	0.05%	
1989	0.075%	
1990	0.1%	
1991	0.125%	
1992	0.15%	
1993	0.175%	
1994 and thereafter	0.2%	

(F) No reduction shall be made under this section in the rate
at which any tax is levied.

(G) The commissioner may order a county auditor to furnish
any information the commissioner needs to make the determinations
required under division (D) or (E) of this section, and the
auditor shall supply the information in the form and by the date
specified in the order. If the auditor fails to comply with an
order issued under this division, except for good cause as
determined by the commissioner, the commissioner shall withhold
from such county or taxing district therein fifty per cent of
state revenues to local governments pursuant to section 5747.50 of
the Revised Code or shall direct the department of education to
withhold therefrom fifty per cent of state revenues to school
districts pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the
Revised Code. The commissioner shall withhold the distribution of

such revenues until the county auditor has complied with this 15283
division, and the department shall withhold the distribution of 15284
such revenues until the commissioner has notified the department 15285
that the county auditor has complied with this division. 15286

(H) If the commissioner is unable to certify a tax reduction 15287
factor for either class of property in a taxing district located 15288
in more than one county by the last day of November because 15289
information required under division (G) of this section is 15290
unavailable, the commissioner may compute and certify an estimated 15291
tax reduction factor for that district for that class. The 15292
estimated factor shall be based upon an estimate of the 15293
unavailable information. Upon receipt of the actual information 15294
for a taxing district that received an estimated tax reduction 15295
factor, the commissioner shall compute the actual tax reduction 15296
factor and use that factor to compute the taxes that should have 15297
been charged and payable against each parcel of property for the 15298
year for which the estimated reduction factor was used. The amount 15299
by which the estimated factor resulted in an overpayment or 15300
underpayment in taxes on any parcel shall be added to or 15301
subtracted from the amount due on that parcel in the ensuing tax 15302
year. 15303

A percentage or a tax reduction factor determined or computed 15304
by the commissioner under this section shall be used solely for 15305
the purpose of reducing the sums to be levied by the tax to which 15306
it applies for the year for which it was determined or computed. 15307
It shall not be used in making any tax computations for any 15308
ensuing tax year. 15309

(I) In making the determinations under division (D)(1) of 15310
this section, the tax commissioner shall take account of changes 15311
in the taxable value of carryover property resulting from 15312
complaints filed under section 5715.19 of the Revised Code for 15313
determinations made for the tax year in which such changes are 15314

reported to the commissioner. Such changes shall be reported to 15315
the commissioner on the first abstract of real property filed with 15316
the commissioner under section 5715.23 of the Revised Code 15317
following the date on which the complaint is finally determined by 15318
the board of revision or by a court or other authority with 15319
jurisdiction on appeal. The tax commissioner shall account for 15320
such changes in making the determinations only for the tax year in 15321
which the change in valuation is reported. Such a valuation change 15322
shall not be used to recompute the percentages determined under 15323
division (D)(1) of this section for any prior tax year. 15324

Sec. 319.302. (A)(1) Real property that is not intended 15325
primarily for use in a business activity shall qualify for a 15326
partial exemption from real property taxation. For purposes of 15327
this partial exemption, "business activity" includes all uses of 15328
real property, except farming; leasing property for farming; 15329
occupying or holding property improved with single-family, 15330
two-family, or three-family dwellings; leasing property improved 15331
with single-family, two-family, or three-family dwellings; or 15332
holding vacant land that the county auditor determines will be 15333
used for farming or to develop single-family, two-family, or 15334
three-family dwellings. For purposes of this partial exemption, 15335
"farming" does not include land used for the commercial production 15336
of timber that is receiving the tax benefit under section 5713.23 15337
or 5713.31 of the Revised Code and all improvements connected with 15338
such commercial production of timber. 15339

(2) Each year, the county auditor shall review each parcel of 15340
real property to determine whether it qualifies for the partial 15341
exemption provided for by this section as of the first day of 15342
January of the current tax year. 15343

(B) After complying with section 319.301 of the Revised Code, 15344
the county auditor shall reduce the remaining sums to be levied 15345

against each parcel of real property that is listed on the general 15346
tax list and duplicate of real and public utility property for the 15347
current tax year and that qualifies for partial exemption under 15348
division (A) of this section, and against each manufactured and 15349
mobile home that is taxed pursuant to division (D)(2) of section 15350
4503.06 of the Revised Code and that is on the manufactured home 15351
tax list for the current tax year, by ten per cent, to provide a 15352
partial exemption for that parcel or home. Except as otherwise 15353
provided in sections 323.152, 323.158, 505.06, and 715.263 of the 15354
Revised Code, the amount of the taxes remaining after any such 15355
reduction shall be the real and public utility property taxes 15356
charged and payable on each parcel of real property, including 15357
property that does not qualify for partial exemption under 15358
division (A) of this section, and the manufactured home tax 15359
charged and payable on each manufactured or mobile home, and shall 15360
be the amounts certified to the county treasurer for collection. 15361
Upon receipt of the real and public utility property tax 15362
duplicate, the treasurer shall certify to the tax commissioner the 15363
total amount by which the real property taxes were reduced under 15364
this section, as shown on the duplicate. Such reduction shall not 15365
directly or indirectly affect the determination of the principal 15366
amount of notes that may be issued in anticipation of any tax 15367
levies or the amount of bonds or notes for any planned 15368
improvements. If after application of sections 5705.31 and 5705.32 15369
of the Revised Code and other applicable provisions of law, 15370
including divisions (F) and (I) of section 321.24 of the Revised 15371
Code, there would be insufficient funds for payment of debt 15372
charges on bonds or notes payable from taxes reduced by this 15373
section, the reduction of taxes provided for in this section shall 15374
be adjusted to the extent necessary to provide funds from such 15375
taxes. 15376

(C) The tax commissioner may adopt rules governing the 15377
administration of the partial exemption provided for by this 15378

section. 15379

(D) The determination of whether property qualifies for 15380
partial exemption under division (A) of this section is solely for 15381
the purpose of allowing the partial exemption under division (B) 15382
of this section. 15383

Sec. 319.54. (A) On all moneys collected by the county 15384
treasurer on any tax duplicate of the county, other than estate 15385
tax duplicates, and on all moneys received as advance payments of 15386
personal property and classified property taxes, the county 15387
auditor, on settlement with the treasurer and tax commissioner, on 15388
or before the date prescribed by law for such settlement or any 15389
lawful extension of such date, shall be allowed as compensation 15390
for the county auditor's services the following percentages: 15391

(1) On the first one hundred thousand dollars, two and 15392
one-half per cent; 15393

(2) On the next two million dollars, eight thousand three 15394
hundred eighteen ten-thousandths of one per cent; 15395

(3) On the next two million dollars, six thousand six hundred 15396
fifty-five ten-thousandths of one per cent; 15397

(4) On all further sums, one thousand six hundred sixty-three 15398
ten-thousandths of one per cent. 15399

If any settlement is not made on or before the date 15400
prescribed by law for such settlement or any lawful extension of 15401
such date, the aggregate compensation allowed to the auditor shall 15402
be reduced one per cent for each day such settlement is delayed 15403
after the prescribed date. No penalty shall apply if the auditor 15404
and treasurer grant all requests for advances up to ninety per 15405
cent of the settlement pursuant to section 321.34 of the Revised 15406
Code. The compensation allowed in accordance with this section on 15407
settlements made before the dates prescribed by law, or the 15408

reduced compensation allowed in accordance with this section on 15409
settlements made after the date prescribed by law or any lawful 15410
extension of such date, shall be apportioned ratably by the 15411
auditor and deducted from the shares or portions of the revenue 15412
payable to the state as well as to the county, townships, 15413
municipal corporations, and school districts. 15414

(B) For the purpose of reimbursing county auditors for the 15415
expenses associated with the increased number of applications for 15416
reductions in real property taxes under sections 323.152 and 15417
4503.065 of the Revised Code that ~~results~~ result from the 15418
amendment of those sections by Am. Sub. H.B. 119 of the 127th 15419
general assembly, ~~on the first day of August of each year~~ there 15420
shall be paid from the state's general revenue fund to the county 15421
treasury, to the credit of the real estate assessment fund created 15422
by section 325.31 of the Revised Code, an amount equal to one per 15423
cent of the total annual amount of property tax relief 15424
reimbursement paid to that county under sections 323.156 and 15425
4503.068 of the Revised Code for the preceding tax year. Payments 15426
made under this division shall be made at the same times and in 15427
the same manner as payments made under section 323.156 of the 15428
Revised Code. 15429

(C) From all moneys collected by the county treasurer on any 15430
tax duplicate of the county, other than estate tax duplicates, and 15431
on all moneys received as advance payments of personal property 15432
and classified property taxes, there shall be paid into the county 15433
treasury to the credit of the real estate assessment fund created 15434
by section 325.31 of the Revised Code, an amount to be determined 15435
by the county auditor, which shall not exceed the percentages 15436
prescribed in divisions (C)(1) and (2) of this section. 15437

(1) For payments made after June 30, 2007, and before 2011, 15438
the following percentages: 15439

(a) On the first five hundred thousand dollars, four per 15440

cent;	15441
(b) On the next five million dollars, two per cent;	15442
(c) On the next five million dollars, one per cent;	15443
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	15444 15445
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	15446 15447
(2) For payments made in or after 2011, the following percentages:	15448 15449
(a) On the first five hundred thousand dollars, four per cent;	15450 15451
(b) On the next ten million dollars, two per cent;	15452
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	15453 15454
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	15455 15456 15457 15458
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	15459 15460 15461 15462
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement semiannually with the tax commissioner, shall be allowed, as compensation for the auditor's services under Chapter 5731. of the Revised Code, the following percentages:	15463 15464 15465 15466 15467
(1) Four per cent on the first one hundred thousand dollars;	15468
(2) One-half of one per cent on all additional sums.	15469

Such percentages shall be computed upon the amount collected 15470
and reported at each semiannual settlement, and shall be for the 15471
use of the general fund of the county. 15472

(F) On all cigarette license moneys collected by the county 15473
treasurer, the county auditor, on settlement semiannually with the 15474
treasurer, shall be allowed as compensation for the auditor's 15475
services in the issuing of such licenses one-half of one per cent 15476
of such moneys, to be apportioned ratably and deducted from the 15477
shares of the revenue payable to the county and subdivisions, for 15478
the use of the general fund of the county. 15479

(G) The county auditor shall charge and receive fees as 15480
follows: 15481

(1) For deeds of land sold for taxes to be paid by the 15482
purchaser, five dollars; 15483

(2) For the transfer or entry of land, lot, or part of lot, 15484
or the transfer or entry on or after January 1, 2000, of a used 15485
manufactured home or mobile home as defined in section 5739.0210 15486
of the Revised Code, fifty cents for each transfer or entry, to be 15487
paid by the person requiring it; 15488

(3) For receiving statements of value and administering 15489
section 319.202 of the Revised Code, one dollar, or ten cents for 15490
each one hundred dollars or fraction of one hundred dollars, 15491
whichever is greater, of the value of the real property 15492
transferred or, for sales occurring on or after January 1, 2000, 15493
the value of the used manufactured home or used mobile home, as 15494
defined in section 5739.0210 of the Revised Code, transferred, 15495
except no fee shall be charged when the transfer is made: 15496

(a) To or from the United States, this state, or any 15497
instrumentality, agency, or political subdivision of the United 15498
States or this state; 15499

(b) Solely in order to provide or release security for a debt 15500

or obligation; 15501

(c) To confirm or correct a deed previously executed and 15502
recorded or when a current owner on the general tax list of real 15503
and public utility property and the general duplicate of real and 15504
public utility property is a peace officer, parole officer, 15505
prosecuting attorney, assistant prosecuting attorney, correctional 15506
employee, youth services employee, firefighter, or EMT and is 15507
changing the current owner name listed on the general tax list of 15508
real and public utility property and the general duplicate of real 15509
and public utility property to the initials of the current owner 15510
as prescribed in division (B)(1) of section 319.28 of the Revised 15511
Code; 15512

(d) To evidence a gift, in trust or otherwise and whether 15513
revocable or irrevocable, between husband and wife, or parent and 15514
child or the spouse of either; 15515

(e) On sale for delinquent taxes or assessments; 15516

(f) Pursuant to court order, to the extent that such transfer 15517
is not the result of a sale effected or completed pursuant to such 15518
order; 15519

(g) Pursuant to a reorganization of corporations or 15520
unincorporated associations or pursuant to the dissolution of a 15521
corporation, to the extent that the corporation conveys the 15522
property to a stockholder as a distribution in kind of the 15523
corporation's assets in exchange for the stockholder's shares in 15524
the dissolved corporation; 15525

(h) By a subsidiary corporation to its parent corporation for 15526
no consideration, nominal consideration, or in sole consideration 15527
of the cancellation or surrender of the subsidiary's stock; 15528

(i) By lease, whether or not it extends to mineral or mineral 15529
rights, unless the lease is for a term of years renewable forever; 15530

(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars; 15531
15532
15533

(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home; 15534
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(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others; 15540
15541
15542
15543

(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile home and the transaction is not a gift; 15544
15545
15546
15547

(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 15548
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(o) To a trustee acting on behalf of minor children of the deceased; 15556
15557

(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars; 15558
15559

(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code; 15560
15561

(r) To or from an organization exempt from federal income 15562
taxation under section 501(c)(3) of the "Internal Revenue Code of 15563
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 15564
transfer is without consideration and is in furtherance of the 15565
charitable or public purposes of such organization; 15566

(s) Among the heirs at law or devisees, including a surviving 15567
spouse, of a common decedent, when no consideration in money is 15568
paid or to be paid for the real property or manufactured or mobile 15569
home; 15570

(t) To a trustee of a trust, when the grantor of the trust 15571
has reserved an unlimited power to revoke the trust; 15572

(u) To the grantor of a trust by a trustee of the trust, when 15573
the transfer is made to the grantor pursuant to the exercise of 15574
the grantor's power to revoke the trust or to withdraw trust 15575
assets; 15576

(v) To the beneficiaries of a trust if the fee was paid on 15577
the transfer from the grantor of the trust to the trustee or if 15578
the transfer is made pursuant to trust provisions which became 15579
irrevocable at the death of the grantor; 15580

(w) To a corporation for incorporation into a sports facility 15581
constructed pursuant to section 307.696 of the Revised Code; 15582

(x) Between persons pursuant to section 5302.18 of the 15583
Revised Code; 15584

(y) From a county land reutilization corporation organized 15585
under Chapter 1724. of the Revised Code to a third party. 15586

The auditor shall compute and collect the fee. The auditor 15587
shall maintain a numbered receipt system, as prescribed by the tax 15588
commissioner, and use such receipt system to provide a receipt to 15589
each person paying a fee. The auditor shall deposit the receipts 15590
of the fees on conveyances in the county treasury daily to the 15591

credit of the general fund of the county, except that fees charged 15592
and received under division (G)(3) of this section for a transfer 15593
of real property to a county land reutilization corporation shall 15594
be credited to the county land reutilization corporation fund 15595
established under section 321.263 of the Revised Code. 15596
15597

The real property transfer fee provided for in division 15598
(G)(3) of this section shall be applicable to any conveyance of 15599
real property presented to the auditor on or after January 1, 15600
1968, regardless of its time of execution or delivery. 15601

The transfer fee for a used manufactured home or used mobile 15602
home shall be computed by and paid to the county auditor of the 15603
county in which the home is located immediately prior to the 15604
transfer. 15605

Sec. 321.24. (A) On or before the fifteenth day of February, 15606
in each year, the county treasurer shall settle with the county 15607
auditor for all taxes and assessments that the treasurer has 15608
collected on the general duplicate of real and public utility 15609
property at the time of making the settlement. 15610

(B) On or before the thirtieth day of June, in each year, the 15611
treasurer shall settle with the auditor for all advance payments 15612
of general personal and classified property taxes that the 15613
treasurer has received at the time of making the settlement. 15614

(C) On or before the tenth day of August, in each year, the 15615
treasurer shall settle with the auditor for all taxes and 15616
assessments that the treasurer has collected on the general 15617
duplicates of real and public utility property at the time of 15618
making such settlement, not included in the preceding February 15619
settlement. 15620

(D) On or before the thirty-first day of October, in each 15621

year, the treasurer shall settle with the auditor for all taxes 15622
that the treasurer has collected on the general personal and 15623
classified property duplicates, and for all advance payments of 15624
general personal and classified property taxes, not included in 15625
the preceding June settlement, that the treasurer has received at 15626
the time of making such settlement. 15627

(E) In the event the time for the payment of taxes is 15628
extended, pursuant to section 323.17 of the Revised Code, the date 15629
on or before which settlement for the taxes so extended must be 15630
made, as herein prescribed, shall be deemed to be extended for a 15631
like period of time. At each such settlement, the auditor shall 15632
allow to the treasurer, on the moneys received or collected and 15633
accounted for by the treasurer, the treasurer's fees, at the rate 15634
or percentage allowed by law, at a full settlement of the 15635
treasurer. 15636

(F) Within thirty days after the day of each settlement of 15637
taxes required under divisions (A) and (C) of this section, the 15638
treasurer shall certify to the tax commissioner any adjustments 15639
that have been made to the amount certified previously pursuant to 15640
section 319.302 of the Revised Code and that the settlement has 15641
been completed. Upon receipt of such certification, the 15642
commissioner shall provide for payment to the county treasurer 15643
from the general revenue fund of an amount equal to one-half of 15644
the amount certified by the treasurer in the preceding tax year 15645
under section 319.302 of the Revised Code, less one-half of the 15646
amount computed for all taxing districts in that county for the 15647
current fiscal year under section 5703.80 of the Revised Code for 15648
crediting to the property tax administration fund. Such payment 15649
shall be credited upon receipt to the county's undivided income 15650
tax fund, and the county auditor shall transfer to the county 15651
general fund from the amount thereof the total amount of all fees 15652
and charges which the auditor and treasurer would have been 15653

authorized to receive had such section not been in effect and that 15654
amount had been levied and collected as taxes. The county auditor 15655
shall distribute the amount remaining among the various taxing 15656
districts in the county as if it had been levied, collected, and 15657
settled as real property taxes. The amount distributed to each 15658
taxing district shall be reduced by the total of the amounts 15659
computed for the district under section 5703.80 of the Revised 15660
Code, but the reduction shall not exceed the amount that otherwise 15661
would be distributed to the taxing district under this division. 15662
The tax commissioner shall make available to taxing districts such 15663
information as is sufficient for a taxing district to be able to 15664
determine the amount of the reduction in its distribution under 15665
this section. 15666

(G)(1) Within thirty days after the day of the settlement 15667
required in division (D) of this section, the county treasurer 15668
shall notify the tax commissioner that the settlement has been 15669
completed. Upon receipt of that notification, the commissioner 15670
shall provide for payment to the county treasurer from the general 15671
revenue fund of an amount equal to the amount certified under 15672
former section 319.311 of the Revised Code and paid in the state's 15673
fiscal year 2003 multiplied by the percentage specified in 15674
division (G)(2) of this section. The payment shall be credited 15675
upon receipt to the county's undivided income tax fund, and the 15676
county auditor shall distribute the amount thereof among the 15677
various taxing districts of the county as if it had been levied, 15678
collected, and settled as personal property taxes. The amount 15679
received by a taxing district under this division shall be 15680
apportioned among its funds in the same proportion as the current 15681
year's personal property taxes are apportioned. 15682

(2) Payments required under division (G)(1) of this section 15683
shall be made at the following percentages of the amount certified 15684
under former section 319.311 of the Revised Code and paid under 15685

division (G)(1) of this section in the state's fiscal year 2003:	15686
(a) In fiscal year 2004, ninety per cent;	15687
(b) In fiscal year 2005, eighty per cent;	15688
(c) In fiscal year 2006, sixty-four per cent;	15689
(d) In fiscal year 2007, forty per cent;	15690
(e) In fiscal year 2008, thirty-two per cent;	15691
(f) In fiscal year 2009, sixteen per cent.	15692
After fiscal year 2009, no payments shall be made under	15693
division (G)(1) of this section.	15694
(H)(1) On or before the fifteenth day of April each year, the	15695
county treasurer shall settle with the county auditor for all	15696
manufactured home taxes that the county treasurer has collected on	15697
the manufactured home tax duplicate at the time of making the	15698
settlement.	15699
(2) On or before the fifteenth day of September each year,	15700
the county treasurer shall settle with the county auditor for all	15701
remaining manufactured home taxes that the county treasurer has	15702
collected on the manufactured home tax duplicate at the time of	15703
making the settlement.	15704
(3) If the time for payment of such taxes is extended under	15705
section 4503.06 of the Revised Code, the time for making the	15706
settlement as prescribed by divisions (H)(1) and (2) of this	15707
section is extended for a like period of time.	15708
(I) Within thirty days after the day of each settlement of	15709
taxes required under division (H) of this section <u>On or before the</u>	15710
<u>second Monday in September of each year</u> , the county treasurer	15711
shall certify to the tax commissioner any adjustments that have	15712
been made to the amount certified previously <u>the total amount by</u>	15713
<u>which the manufactured home taxes levied in that year were reduced</u>	15714
pursuant to section 319.302 of the Revised Code and that the	15715

~~settlement has been completed. Upon~~. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to ~~one-half of~~ the amount certified by the treasurer ~~in the current tax year under section 319.302 of the Revised Code~~. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

Sec. 323.156. (A) Within thirty days after a settlement of taxes under divisions ~~(A)~~, and ~~(C)~~, ~~and~~ ~~(H)~~ of section 321.24 of the Revised Code, the county treasurer shall certify to the tax commissioner one-half of the total amount of taxes on real property that were reduced pursuant to section 323.152 of the Revised Code for the preceding tax year, ~~and one-half of the total amount of taxes on manufactured and mobile homes that were reduced pursuant to division (B) of section 323.152 of the Revised Code for the current tax year~~. The commissioner, within thirty days of the receipt of such certifications, shall provide for payment to the county treasurer, from the general revenue fund, of the amount certified, which shall be credited upon receipt to the county's undivided income tax fund, and an amount equal to two per cent of the amount by which taxes were reduced, which shall be credited upon receipt to the county general fund as a payment, in addition to the fees and charges authorized by sections 319.54 and 321.26 of the Revised Code, to the county auditor and treasurer for the

costs of administering the exemption provided under sections 15748
323.151 to 323.159 of the Revised Code. 15749

(B) On or before the second Monday in September of each year, 15750
the county treasurer shall certify to the tax commissioner the 15751
total amount by which the manufactured home taxes levied in that 15752
year were reduced pursuant to division (B) of section 323.152 of 15753
the Revised Code, as evidenced by the certificates of reduction 15754
and the tax duplicate certified to the county treasurer by the 15755
county auditor. The commissioner, within ninety days after the 15756
receipt of such certifications, shall provide for payment to the 15757
county treasurer, from the general revenue fund, of the amount 15758
certified, which shall be credited upon receipt to the county's 15759
undivided income tax fund, and an amount equal to two per cent of 15760
the amount by which taxes were reduced, which shall be credited 15761
upon receipt to the county general fund as a payment, in addition 15762
to the fees and charges authorized by sections 319.54 and 321.26 15763
of the Revised Code, to the county auditor and treasurer for the 15764
costs of administering the exemption provided under sections 15765
323.151 to 323.159 of the Revised Code. 15766

(C) Immediately upon receipt of funds into the county 15767
undivided income tax fund under this section, the auditor shall 15768
distribute the full amount thereof among the taxing districts in 15769
the county as though the total had been paid as taxes by each 15770
person for whom taxes were reduced under sections 323.151 to 15771
323.159 of the Revised Code. 15772

Sec. 323.78. Notwithstanding anything in Chapters 323., 15773
5721., and 5723. of the Revised Code, if the county treasurer ~~of a~~ 15774
~~county having a population of more than one million two hundred~~ 15775
~~thousand as of the most recent decennial census,~~ in any petition 15776
for foreclosure of abandoned lands, elects to invoke the 15777
alternative redemption period, then upon any adjudication of 15778

foreclosure by any court or the board of revision in any 15779
proceeding under section 323.25, sections 323.65 to 323.79, or 15780
section 5721.18 of the Revised Code, the following apply: 15781

(A) Unless otherwise ordered by a motion of the court or 15782
board of revision, the petition shall assert, and any notice of 15783
final hearing shall include, that upon foreclosure of the parcel, 15784
the equity of redemption in any parcel by its owner shall be 15785
forever terminated after the expiration of the alternative 15786
redemption period, that the parcel thereafter may be sold at 15787
sheriff's sale either by itself or together with other parcels as 15788
permitted by law; or that the parcel may, by order of the court or 15789
board of revision, be transferred directly to a municipal 15790
corporation, township, county, school district, or county land 15791
reutilization corporation without appraisal and without a sale, 15792
free and clear of all impositions and any other liens on the 15793
property, which shall be deemed forever satisfied and discharged. 15794

(B) After the expiration of the alternative redemption period 15795
following an adjudication of foreclosure, by order of the court or 15796
board of revision, any equity of redemption is forever 15797
extinguished, and the parcel may be transferred individually or in 15798
lots with other tax-foreclosed properties to a municipal 15799
corporation, township, county, school district, or county land 15800
reutilization corporation without appraisal and without a sale, 15801
upon which all impositions and any other liens subordinate to 15802
liens for impositions due at the time the deed to the property is 15803
conveyed to a purchaser or transferred to a community development 15804
organization, county land reutilization corporation, municipal 15805
corporation, county, township, or school district, shall be deemed 15806
satisfied and discharged. Other than the order of the court or 15807
board of revision so ordering the transfer of the parcel, no 15808
further act of confirmation or other order shall be required for 15809
such a transfer, or for the extinguishment of any right of 15810

redemption. No such parcel shall be transferred to a county land 15811
reutilization corporation after two years following the filing of 15812
its articles of incorporation by the secretary of state. 15813

(C) Upon the expiration of the alternative redemption period 15814
in cases to which the alternative redemption period has been 15815
ordered, if no community development organization, county land 15816
reutilization corporation, municipal corporation, county, 15817
township, or school district has requested title to the parcel, 15818
the court or board of revision may order the property sold as 15819
otherwise provided in Chapters 323. and 5721. of the Revised Code, 15820
and, failing any bid at any such sale, the parcel shall be 15821
forfeited to the state and otherwise disposed of pursuant to 15822
Chapter 5723. of the Revised Code. 15823

Sec. 329.03. (A) As used in this section: 15824

~~(1) "Applicant", "applicant" or "recipient" means an any of~~ 15825
the following: 15826

(1) An applicant for or participant in the Ohio works first 15827
program established under Chapter 5107. of the Revised Code ~~or an;~~ 15828

(2) An applicant for or recipient of disability financial 15829
assistance under Chapter 5115. of the Revised Code; 15830

(3) An applicant for or recipient of cash assistance provided 15831
under the refugee assistance program established under section 15832
5101.49 of the Revised Code. 15833

~~(2) "Voluntary direct deposit" means a system established~~ 15834
~~pursuant to this section under which cash assistance payments to~~ 15835
~~recipients who agree to direct deposit are made by direct deposit~~ 15836
~~by electronic transfer to an account in a financial institution~~ 15837
~~designated under this section.~~ 15838

~~(3) "Mandatory direct deposit" means a system established~~ 15839
~~pursuant to this section under which cash assistance payments to~~ 15840

~~all participants in the Ohio works first program or recipients of
disability financial assistance, other than those exempt under
division (E) of this section, are made by direct deposit by
electronic transfer to an account in a financial institution
designated under this section.~~

~~(B) A board of county commissioners may by adoption of a
resolution require the county department of job and family
services to establish a direct deposit system for distributing
cash assistance payments under Ohio works first, disability
financial assistance, or both, unless the director of job and
family services has provided for those payments to be made by
electronic benefit transfer pursuant to section 5101.33 of the
Revised Code. Voluntary or mandatory direct deposit may be applied
to either of the programs. The resolution shall specify for each
program for which direct deposit is to be established whether
direct deposit is voluntary or mandatory. The board may require
the department to change or terminate direct deposit by adopting a
resolution to change or terminate it. Within ninety days after
adopting a resolution under this division, the board shall certify
one copy of the resolution to the director of job and family
services and one copy to the office of budget and management. The
director of job and family services may adopt rules governing
establishment of direct deposit by county departments of job and
family services.~~

~~The county department of job and family services shall
determine what type of account will be used for direct deposit and
negotiate with financial institutions to determine the charges, if
any, to be imposed by a financial institution for establishing and
maintaining such accounts. Under voluntary direct deposit, the
county department of job and family services may pay all charges
imposed by a financial institution for establishing and
maintaining an account in which direct deposits are made for a~~

~~recipient. Under mandatory direct deposit, the county department~~ 15873
~~of job and family services shall pay all charges imposed by a~~ 15874
~~financial institution for establishing and maintaining such an~~ 15875
~~account.~~ Each county department of job and family services shall 15876
establish a direct deposit system under which cash assistance 15877
payments to recipients who agree to direct deposit are made by 15878
electronic transfer to an account in a financial institution 15879
designated under this section. No financial institution shall 15880
impose any charge for such an account that the institution does 15881
not impose on its other customers for the same type of account. 15882
Direct deposit does not affect the exemption of Ohio works first 15883
and disability financial assistance from attachment, garnishment, 15884
or other like process afforded by sections 5107.75 and 5115.06 of 15885
the Revised Code. 15886

(C) ~~The~~ Each county department of job and family services 15887
shall, ~~within sixty days after a resolution requiring the~~ 15888
~~establishment of direct deposit is adopted, establish procedures~~ 15889
~~governing direct deposit.~~ 15890

~~Within one hundred eighty days after the resolution is~~ 15891
~~adopted, the county department shall~~ do all of the following: 15892

(1) Inform each applicant or recipient that the applicant or 15893
recipient must choose whether to receive cash assistance payments 15894
under the direct deposit system established under this section or 15895
under the electronic benefit transfer system established under 15896
section 5101.33 of the Revised Code; 15897

(2) Inform each applicant and recipient of the conditions 15898
under which the applicant or recipient may change the system used 15899
to receive the cash assistance payments; 15900

(3) Inform each applicant or recipient of the procedures 15901
governing the direct deposit, including in the case of voluntary 15902
direct deposit those that prescribe the conditions under which a 15903

~~recipient may change from one method of payment to another system;~~ 15904

~~(2) Obtain (4) If an applicant or recipient chooses to 15905
receive cash assistance payments under the direct deposit system, 15906
obtain from ~~each~~ the applicant or recipient an authorization form 15907
to designate a financial institution equipped for and authorized 15908
by law to accept direct deposits by electronic transfer and the 15909
account into which the applicant or recipient wishes the payments 15910
to be made, ~~or in the case of voluntary direct deposit states the~~ 15911
~~applicant's or recipient's election to receive such payments in~~ 15912
~~the form of a paper warrant;~~ 15913~~

(5) If an applicant or recipient chooses to receive cash 15914
assistance payments under the electronic benefit transfer system 15915
established under section 5101.33 of the Revised Code, obtain from 15916
the applicant or recipient a signed form to that effect. 15917

The department may require a recipient to complete a new 15918
authorization form whenever the department considers it necessary. 15919

A recipient's designation of a financial institution and 15920
account shall remain in effect until withdrawn in writing or 15921
dishonored by the financial institution, except that no change may 15922
be made in the authorization form until the next eligibility 15923
redetermination of the recipient unless the county department 15924
~~feels~~ determines that good ~~grounds exist~~ cause exists for an 15925
earlier change or the financial institution dishonors the 15926
recipient's account. 15927

(D) An applicant or recipient without an account who ~~either~~ 15928
~~agrees or is required~~ completes an authorization form to receive 15929
cash assistance payments by direct deposit shall have ten days 15930
after receiving the authorization form to designate an account 15931
suitable for direct deposit. If within the required time the 15932
applicant or recipient does not make the designation ~~or requests~~ 15933
~~that the department make the designation, the department~~ recipient 15934

~~shall designate a financial institution and help the recipient to~~ 15935
~~open an account receive cash assistance payments under the~~ 15936
~~electronic benefit transfer system established under section~~ 15937
~~5101.33 of the Revised Code.~~ 15938

~~(E) At the time of giving an applicant or recipient the~~ 15939
~~authorization form, the county department of job and family~~ 15940
~~services of a county with mandatory direct deposit shall inform~~ 15941
~~each applicant or recipient of the basis for exemption and the~~ 15942
~~right to request exemption from direct deposit.~~ 15943

~~Under mandatory direct deposit, an applicant or recipient who~~ 15944
~~wishes to receive payments in the form of a paper warrant shall~~ 15945
~~record on the authorization form a request for exemption under~~ 15946
~~this division and the basis for the exemption.~~ 15947

~~The department shall exempt from mandatory direct deposit any~~ 15948
~~recipient who requests exemption and is any of the following:~~ 15949

~~(1) Over age sixty five;~~ 15950

~~(2) Blind or disabled;~~ 15951

~~(3) Likely, in the judgment of the department, to be caused~~ 15952
~~personal hardship by direct deposit.~~ 15953

~~A recipient granted an exemption under this division shall~~ 15954
~~receive payments for which the recipient is eligible in the form~~ 15955
~~of paper warrants.~~ 15956

~~(F) The county department of job and family services shall~~ 15957
~~bear the full cost of the amount of any replacement warrant issued~~ 15958
~~to a recipient for whom an authorization form as provided in this~~ 15959
~~section has not been obtained within one hundred eighty days after~~ 15960
~~the later of the date the board of county commissioners adopts a~~ 15961
~~resolution requiring payments of financial assistance by direct~~ 15962
~~deposit to accounts of recipients of Ohio works first or~~ 15963
~~disability financial assistance or the date the recipient made~~ 15964

~~application for assistance, and shall not be reimbursed by the~~ 15965
~~state for any part of the cost. Thereafter, the county department~~ 15966
~~of job and family services shall continue to bear the full cost of~~ 15967
~~each replacement warrant issued until the board of county~~ 15968
~~commissioners requires the county department of job and family~~ 15969
~~services to obtain from each such recipient the authorization~~ 15970
~~forms as provided in The director of job and family services may~~ 15971
~~adopt rules governing direct deposit systems established under~~ 15972
~~this section.~~ 15973

Sec. 329.042. ~~The Each county department of job and family~~ 15974
~~services shall certify eligible public assistance and nonpublic~~ 15975
~~assistance households eligible under the "Food Stamp Act of 1964,"~~ 15976
~~78 Stat. 703, 7 U.S.C.A. 2011, as amended, and for the~~ 15977
~~supplemental nutrition assistance program in accordance with~~ 15978
~~federal and state regulations adopted pursuant to such act, law to~~ 15979
~~enable low-income households to participate in the food stamp~~ 15980
~~supplemental nutrition assistance program and thereby to purchase~~ 15981
~~foods having a greater monetary value than is possible under~~ 15982
~~public assistance standard allowances or other low-income budgets.~~ 15983

~~The Each county department of job and family services shall~~ 15984
~~administer the distribution of food stamp supplemental nutrition~~ 15985
~~assistance program benefits under the supervision of the~~ 15986
~~department of job and family services. The benefits shall be~~ 15987
~~distributed by a method approved by the department of job and~~ 15988
~~family services in accordance with the "Food Stamp and Nutrition~~ 15989
~~Act of 1964," 78 Stat. 703, 2008 (7 U.S.C.A. 2011, as amended, et~~ 15990
~~seq.) and regulations issued thereunder.~~ 15991

~~The document referred to as the "authorization to participate~~ 15992
~~card," which shows the face value of the benefits an eligible~~ 15993
~~household is entitled to receive on presentment of the document,~~ 15994
~~shall be issued, immediately upon certification, to a household~~ 15995

~~determined under division (C) of section 5101.54 of the Revised Code to be in immediate need of food assistance by being personally handed by a member of the staff of the county department of job and family services to the member of the household in whose name application was made for participation in the program or the authorized representative of such member of the household.~~

Sec. 329.06. (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on the committee:

- (1) Consumers of family services;
- (2) The public children services agency;
- (3) The child support enforcement agency;
- (4) The county family and children first council;
- (5) Public and private colleges and universities;
- (6) Public entities that provide family services, including boards of health, boards of education, the county board of mental retardation and developmental disabilities, and the board of

alcohol, drug addiction, and mental health services that serves the county;	16026 16027
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	16028 16029 16030 16031
(8) Labor organizations;	16032
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	16033 16034 16035 16036
(B) The county family services planning committee shall do all of the following:	16037 16038
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	16039 16040 16041 16042 16043 16044
(2) At least once a year, review and analyze the county department of job and family services' implementation of the programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:	16045 16046 16047 16048 16049
(a) Return of assistance groups to participation in either program after ceasing to participate;	16050 16051
(b) Teen pregnancy rates among the programs' participants;	16052
(c) The other types of assistance the programs' participants receive, including medical assistance <u>medicaid</u> under Chapter 5111. of the Revised Code, publicly funded child care under Chapter	16053 16054 16055

5104. of the Revised Code, ~~food-stamp~~ supplemental nutrition 16056
assistance program benefits under section 5101.54 of the Revised 16057
Code, and energy assistance under Chapter 5117. of the Revised 16058
Code; 16059

(d) Other issues the committee considers appropriate. 16060

The committee shall make recommendations to the board of 16061
county commissioners and county department of job and family 16062
services regarding the committee's findings. 16063

(3) Conduct public hearings on proposed county profiles for 16064
the provision of social services under section 5101.46 of the 16065
Revised Code; 16066

(4) At the request of the board, make recommendations and 16067
provide assistance regarding the family services provided in the 16068
county; 16069

(5) At any other time the committee considers appropriate, 16070
consult with the board and make recommendations regarding the 16071
family services provided in the county. The committee's 16072
recommendations may address the following: 16073

(a) Implementation and administration of family service 16074
programs; 16075

(b) Use of federal, state, and local funds available for 16076
family service programs; 16077

(c) Establishment of goals to be achieved by family service 16078
programs; 16079

(d) Evaluation of the outcomes of family service programs; 16080

(e) Any other matter the board considers relevant to the 16081
provision of family services. 16082

(C) If there is a committee in existence in a county on 16083
October 1, 1997, that the board of county commissioners determines 16084
is capable of fulfilling the responsibilities of a county family 16085

services planning committee, the board may designate the committee 16086
as the county's family services planning committee and the 16087
committee shall serve in that capacity. 16088

Sec. 340.033. (A) The board of alcohol, drug addiction, and 16089
mental health services shall serve as the planning agency for 16090
alcohol and drug addiction services for the county or counties in 16091
its service district. In accordance with procedures and guidelines 16092
established by the department of alcohol and drug addiction 16093
services, the board shall do all of the following: 16094

(1) Assess alcohol and drug addiction service needs and 16095
evaluate the need for alcohol and drug addiction programs; 16096

(2) According to the needs determined under division (A)(1) 16097
of this section, set priorities and develop plans for the 16098
operation of alcohol and drug addiction programs in cooperation 16099
with other local and regional planning and funding bodies and with 16100
relevant ethnic organizations; 16101

(3) Submit the plan for alcohol and drug addiction services 16102
required by section 3793.05 of the Revised Code to the department 16103
and implement the plan as approved by the department; 16104

(4) Provide to the department information to be included in 16105
the information system or systems established by the department 16106
under section 3793.04 of the Revised Code; 16107

(5) Enter into contracts with alcohol and drug addiction 16108
programs for the provision of alcohol and drug addiction services; 16109

(6) Review and evaluate alcohol and drug addiction programs 16110
in the district, and conduct program audits; 16111

(7) Prepare and submit to the department an annual report of 16112
the alcohol and drug addiction programs in the district; 16113

(8) Receive, compile, and transmit to the department 16114
applications for funding; 16115

(9) Promote, arrange, and implement working agreements with public and private social agencies and with judicial agencies;	16116 16117
(10) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from an alcohol or drug addiction program;	16118 16119 16120
(11) Establish a mechanism for the involvement of persons receiving services in, and obtaining their advice on, matters pertaining to alcohol or drug addiction services;	16121 16122 16123
(12) Recruit and promote local financial support, from private and public sources, for alcohol and drug addiction programs;	16124 16125 16126
(13) Approve fee schedules and related charges, adopt a unit cost schedule, or adopt other methods of payment for services provided by programs under contract pursuant to division (A)(5) of this section, in accordance with guidelines established by the department under section 3793.04 of the Revised Code.	16127 16128 16129 16130 16131
(B) In accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually the board shall audit all alcohol and drug addiction programs provided under contract with the board. The board may contract with private auditors for the performance of these audits. A copy of the fiscal audit report shall be provided to the director of alcohol and drug addiction services, the auditor of state, and the county auditor of each county in the board's district.	16132 16133 16134 16135 16136 16137 16138 16139
(C) In contracting with a program under division (A)(5) of this section, a board shall consider the cost effectiveness of services provided by the program and the program's quality and continuity of care. The board may review cost elements, including salary costs, of the services provided by the program.	16140 16141 16142 16143 16144
A utilization review process shall be established as part of the contract for services. The board may establish this process in	16145 16146

any way that it considers to be the most effective and efficient 16147
in meeting local needs. 16148

(D) If either the board or a program with which it contracts 16149
pursuant to division (A)(5) of this section proposes not to renew 16150
the contract or proposes substantial changes in contract terms on 16151
renewal of the contract, it shall give the other party to the 16152
contract written notice at least one hundred twenty days before 16153
the expiration date of the contract. During the first sixty days 16154
of this period, both parties shall attempt to resolve any dispute 16155
through good faith collaboration and negotiation in order that 16156
services to persons in need will be continued. If the dispute is 16157
not resolved during this time, either party may notify the 16158
department of alcohol and drug addiction services. The department 16159
may require both parties to submit the dispute to a mutually 16160
agreed upon third party with the cost to be shared by the board 16161
and the program. At least twenty days before the expiration of the 16162
contract, unless the board and the program agree to an extension, 16163
the third party shall issue to the board, program, and department, 16164
its recommendations for resolution of the dispute. 16165

The department shall adopt rules pursuant to Chapter 119. of 16166
the Revised Code establishing procedures for this dispute 16167
resolution process. 16168

(E) Section 307.86 of the Revised Code does not apply to 16169
contracts entered into pursuant to division (A)(5) of this 16170
section. 16171

(F)(1) With the prior approval of the department, a board of 16172
alcohol, drug addiction, and mental health services may operate an 16173
alcohol or drug addiction program as follows if there is no 16174
qualified program that is immediately available, willing to 16175
provide services, and able to obtain certification under Chapter 16176
3793. of the Revised Code: 16177

(a) In an emergency situation, any board may operate a program in order to provide essential services for the duration of the emergency;

(b) In a service district with a population of at least one hundred thousand but less than five hundred thousand, a board may operate a program for no longer than one year;

(c) In a service district with a population of less than one hundred thousand, a board may operate a program for no longer than one year, except that such a board may operate a program for longer than one year with the prior approval of the department and the prior approval of the board of county commissioners, or of a majority of the boards of county commissioners if the district is a joint-county district.

(2) The department shall not give a board its approval to operate a program under division (F)(1)(c) of this section unless it determines that the board's program will provide greater administrative efficiency and more or better services than would be available if the board contracted with a program for provision of the services.

(3) The department shall not give a board its approval to operate a program previously operated by a public or private entity unless the board has established to the department's satisfaction that the entity cannot effectively operate the program, or that the entity has requested the board to take over operation of the program.

(4) The department shall review and evaluate the operation of each program operated by a board under this division.

(5) Nothing in this division authorizes a board to administer or direct the daily operation of any program other than a program operated by the board under this division, but a program may contract with a board to receive administrative services or staff

direction from the board under the direction of the governing body 16209
of the program. 16210

(G) If an investigation conducted pursuant to division 16211
(A)(10) of this section substantiates a charge of abuse or 16212
neglect, the board shall take whatever action it determines is 16213
necessary to correct the situation, including notification of the 16214
appropriate authorities. On request, the board shall provide 16215
information about such investigations to the department. 16216

(H) When the board sets priorities and develops plans for the 16217
operation of alcohol and drug addiction programs under division 16218
(A)(2) of this section, the board shall consult with the county 16219
commissioners of the counties in the board's service district 16220
regarding the services described in section 340.15 of the Revised 16221
Code and shall give a priority to those services, except that 16222
those services shall not have priority over services provided to 16223
pregnant women under programs developed in relation to the mandate 16224
established in section 3793.15 of the Revised Code. The plans 16225
shall identify funds the board and public children services 16226
agencies in the board's service district have available to fund 16227
jointly the services described in section 340.15 of the Revised 16228
Code. 16229

Sec. 343.01. (A) In order to comply with division (B) of 16230
section 3734.52 of the Revised Code, the board of county 16231
commissioners of each county shall do one of the following: 16232

(1) Establish, by resolution, and maintain a county solid 16233
waste management district under this chapter that consists of all 16234
the incorporated and unincorporated territory within the county 16235
except as otherwise provided in division (A) of this section; 16236

(2) With the boards of county commissioners of one or more 16237
other counties establish, by agreement, and maintain a joint solid 16238
waste management district under this chapter that consists of all 16239

the incorporated and unincorporated territory within the counties 16240
forming the joint district except as otherwise provided in 16241
division (A) of this section. 16242

If a municipal corporation is located in more than one solid 16243
waste management district, the entire municipal corporation shall 16244
be considered to be included in and shall be under the 16245
jurisdiction of the district in which a majority of the population 16246
of the municipal corporation resides. 16247

A county and joint district established to comply with 16248
division (B) of section 3734.52 of the Revised Code shall have a 16249
population of not less than one hundred twenty thousand unless, in 16250
the instance of a county district, the board of county 16251
commissioners has obtained an exemption from that requirement 16252
under division (C)(1) or (2) of that section. Each joint district 16253
established to comply with an order issued under division (D) of 16254
that section shall have a population of at least one hundred 16255
twenty thousand. 16256

(B) The boards of county commissioners of the counties 16257
establishing a joint district constitute, collectively, the board 16258
of directors of the joint district, except that if a county with a 16259
form of legislative authority other than a board of county 16260
commissioners participates, it shall be represented on the board 16261
of directors by three persons appointed by the legislative 16262
authority. 16263

The agreement to establish and maintain a joint district 16264
shall be ratified by resolution of the board of county 16265
commissioners of each participating county. Upon ratification, the 16266
board of directors shall take control of and manage the joint 16267
district subject to this chapter, except that, in the case of a 16268
joint district formed pursuant to division (C), (D), or (E) of 16269
section 343.012 of the Revised Code, the board of directors shall 16270
take control of and manage the district when the formation of the 16271

district becomes final under the applicable division. A majority 16272
of the board of directors constitutes a quorum, and a majority 16273
vote is required for the board to act. 16274

A county participating in a joint district may contribute 16275
lands or rights or interests therein, money, other personal 16276
property or rights or interests therein, or services to the 16277
district. The agreement shall specify any contributions of 16278
participating counties and the rights of the participating 16279
counties in lands or personal property, or rights or interests 16280
therein, contributed to or otherwise acquired by the joint 16281
district. The agreement may be amended or added to by a majority 16282
vote of the board of directors, but no amendment or addition shall 16283
divest a participating county of any right or interest in lands or 16284
personal property without its consent. 16285

The board of directors may appoint and fix the compensation 16286
of employees of, accept gifts, devises, and bequests for, and take 16287
other actions necessary to control and manage the joint district. 16288
Employees of the district shall be considered county employees for 16289
the purposes of Chapter 124. of the Revised Code and other 16290
provisions of state law applicable to employees. Instead of or in 16291
addition to appointing employees of the district, the board of 16292
directors may agree to use employees of one or more of the 16293
participating counties in the service of the joint district and to 16294
share in their compensation in any manner that may be agreed upon. 16295

The board of directors shall do one of the following: 16296

(1) Designate the county auditor, including any other 16297
official acting in a capacity similar to a county auditor under a 16298
county charter, of a county participating in the joint district as 16299
the fiscal officer of the district, and the county treasurer, or 16300
other official acting in a capacity similar to a county treasurer 16301
under a county charter, of that county as the treasurer of the 16302
district. The designated county officials shall perform any 16303

applicable duties for the district as each typically performs for 16304
the county of which he the individual is an official, except as 16305
otherwise may be provided in any bylaws or resolutions adopted by 16306
the board of directors. The board of directors may pay to that 16307
county any amount agreed upon by the board of directors and the 16308
board of county commissioners of that county to reimburse that 16309
county for the cost properly allocable to the service of its 16310
officials as fiscal officer and treasurer of the joint district. 16311

(2) Appoint one individual who is neither a county auditor 16312
nor a county treasurer, and who may be an employee of the 16313
district, to serve as both the treasurer of the district and its 16314
fiscal officer. That individual shall act as custodian of the 16315
funds of the board and the district and shall maintain all 16316
accounts of the district. Any reference in this chapter or Chapter 16317
3734. of the Revised Code to a county auditor or county treasurer 16318
serving as fiscal officer of a district or custodian of any funds 16319
of a board or district is deemed to refer to an individual 16320
appointed under division (B)(2) of this section. 16321

The fiscal officer of a district shall establish a general 16322
fund and any other necessary funds for the district. 16323

(C) A board of county commissioners of a county district or 16324
board of directors of a joint district may acquire, by purchase or 16325
lease, construct, improve, enlarge, replace, maintain, and operate 16326
such solid waste collection systems within their respective 16327
districts and such solid waste facilities within or outside their 16328
respective districts as are necessary for the protection of the 16329
public health. A board of county commissioners may acquire within 16330
its county real property or any estate, interest, or right 16331
therein, by appropriation or any other method, for use by a county 16332
or joint district in connection with such facilities. 16333
Appropriation proceedings shall be conducted in accordance with 16334
sections 163.01 to 163.22 of the Revised Code. 16335

(D) The sanitary engineer or sanitary engineering department 16336
of a county maintaining a district and any sanitary engineer or 16337
sanitary engineering department of a county in a joint district, 16338
as determined by the board of directors, in addition to other 16339
duties assigned to that engineer or department, shall assist the 16340
board of county commissioners or directors in the performance of 16341
their duties under this chapter and sections 3734.52 to 3734.575 16342
of the Revised Code and shall be charged with any other duties and 16343
services in relation thereto that the board prescribes. A board 16344
may employ registered professional engineers to assist the 16345
sanitary engineer in those duties and also may employ financial 16346
advisers and any other professional services it considers 16347
necessary to assist it in the construction, financing, and 16348
maintenance of solid waste collection or other solid waste 16349
facilities. Such contracts of employment shall not require the 16350
certificate provided in section 5705.41 of the Revised Code. 16351
Payment for such services may be made from the general fund or any 16352
other fund legally available for that use at times that are agreed 16353
upon or as determined by the board of county commissioners or 16354
directors, and the funds may be reimbursed from the proceeds of 16355
bonds or notes issued to pay the cost of any improvement to which 16356
the services related. 16357

(E)(1) The prosecuting attorney of the county shall serve as 16358
the legal advisor of a county district and shall provide such 16359
services to the board of county commissioners of the district as 16360
are required or authorized to be provided to other county boards 16361
under Chapter 309. of the Revised Code, except that, if the board 16362
considers it to be necessary or appropriate, the board, on its own 16363
initiative, may employ an attorney or other legal counsel on an 16364
annual basis to serve as the legal advisor of the district in 16365
place of the prosecuting attorney. When the prosecuting attorney 16366
is serving as the district's legal advisor and the board considers 16367
it to be necessary or appropriate, the board, on its own 16368

initiative, may employ an attorney or other legal counsel to 16369
represent or advise the board regarding a particular matter in 16370
place of the prosecuting attorney. The employment of an attorney 16371
or other legal counsel on an annual basis or in a particular 16372
matter is not subject to or governed by sections 305.14 and 309.09 16373
of the Revised Code. 16374

Notwithstanding the employment of an attorney or other legal 16375
counsel on an annual basis to serve as the district's legal 16376
advisor, the board may require written opinions or instructions 16377
from the prosecuting attorney under section 309.09 of the Revised 16378
Code in matters connected with its official duties as though the 16379
prosecuting attorney were serving as the legal advisor of the 16380
district. 16381

(2) The board of directors of a joint district may designate 16382
the prosecuting attorney of one of the counties forming the 16383
district to serve as the legal advisor of the district. When so 16384
designated, the prosecuting attorney shall provide such services 16385
to the joint district as are required or authorized to be provided 16386
to county boards under Chapter 309. of the Revised Code. The board 16387
of directors may pay to that county any amount agreed upon by the 16388
board of directors and the board of county commissioners of that 16389
county to reimburse that county for the cost properly allocable to 16390
the services of its prosecuting attorney as the legal advisor of 16391
the joint district. When that prosecuting attorney is so serving 16392
and the board considers it to be necessary or appropriate, the 16393
board, on its own initiative, may employ an attorney or other 16394
legal counsel to represent or advise the board regarding a 16395
particular matter in place of the prosecuting attorney. 16396

Instead of designating the prosecuting attorney of one of the 16397
counties forming the district to be the legal advisor of the 16398
district, the board of directors may employ on an annual basis an 16399
attorney or other legal counsel to serve as the district's legal 16400

advisor. Notwithstanding the employment of an attorney or other 16401
legal counsel as the district's legal advisor, the board of 16402
directors may require written opinions or instructions from the 16403
prosecuting attorney of any of the counties forming the district 16404
in matters connected with the board's official duties, and the 16405
prosecuting attorney shall provide the written opinion or 16406
instructions as though ~~he~~ the prosecuting attorney had been 16407
designated to serve as the district's legal advisor under division 16408
(E)(2) of this section. 16409

(F) A board of county commissioners may issue bonds or bond 16410
anticipation notes of the county to pay the cost of preparing 16411
general and detailed plans and other data required for the 16412
construction of solid waste facilities in connection with a county 16413
or joint district. A board of directors of a joint solid waste 16414
management district may issue bonds or bond anticipation notes of 16415
the joint solid waste management district to pay the cost of 16416
preparing general and detailed plans and other data required for 16417
the construction of solid waste facilities in connection with a 16418
joint district. The bonds and notes shall be issued in accordance 16419
with Chapter 133. of the Revised Code, except that the maximum 16420
maturity of bonds issued for that purpose shall not exceed ten 16421
years. Bond anticipation notes may be paid from the proceeds of 16422
bonds issued either to pay the cost of the solid waste facilities 16423
or to pay the cost of the plans and other data. 16424

(G) To the extent authorized by the solid waste management 16425
plan of the district approved under section 3734.521 or 3734.55 of 16426
the Revised Code or subsequent amended plans of the district 16427
approved under section 3734.521 or 3734.56 of the Revised Code, 16428
the board of county commissioners of a county district or board of 16429
directors of a joint district may adopt, publish, and enforce 16430
rules doing any of the following: 16431

(1) Prohibiting or limiting the receipt of solid wastes 16432

generated outside the district or outside a service area 16433
prescribed in the solid waste management plan or amended plan, at 16434
facilities ~~covered by the plan~~ located within the solid waste 16435
management district, consistent with the projections contained in 16436
the plan or amended plan under divisions (A)(6) and (7) of section 16437
3734.53 of the Revised Code, ~~except that~~. However, rules adopted 16438
by a board under division (G)(1) of this section may be adopted 16439
and enforced with respect to facilities in the solid waste 16440
management district that are not owned by a county or the solid 16441
waste management district only if the board submits an application 16442
to the director of environmental protection that demonstrates that 16443
there is insufficient capacity to dispose of all solid wastes that 16444
are generated within the district at the facilities located within 16445
the district and the director approves the application. The 16446
demonstration in the application shall be based on projections 16447
contained in the plan or amended plan of the district. The 16448
director shall establish the form of the application. The approval 16449
or disapproval of such an application by the director is an action 16450
that is appealable under section 3745.04 of the Revised Code. 16451

In addition, the director of environmental protection may 16452
issue an order modifying a rule adopted under division (G)(1) of 16453
this section to allow the disposal in the district of solid wastes 16454
from another county or joint solid waste management district if 16455
all of the following apply: 16456

(a) The district in which the wastes were generated does not 16457
have sufficient capacity to dispose of solid wastes generated 16458
within it for six months following the date of the director's 16459
order; 16460

(b) No new solid waste facilities will begin operation during 16461
those six months in the district in which the wastes were 16462
generated and, despite good faith efforts to do so, it is 16463
impossible to site new solid waste facilities within the district 16464

because of its high population density; 16465

(c) The district in which the wastes were generated has made 16466
good faith efforts to negotiate with other districts to 16467
incorporate its disposal needs within those districts' solid waste 16468
management plans, including efforts to develop joint facilities 16469
authorized under section 343.02 of the Revised Code, and the 16470
efforts have been unsuccessful; 16471

(d) The district in which the wastes were generated has 16472
located a facility willing to accept the district's solid wastes 16473
for disposal within the receiving district; 16474

(e) The district in which the wastes were generated has 16475
demonstrated to the director that the conditions specified in 16476
divisions (G)(1)(a) to (d) of this section have been met; 16477

(f) The director finds that the issuance of the order will be 16478
consistent with the state solid waste management plan and that 16479
receipt of the out-of-district wastes will not limit the capacity 16480
of the receiving district to dispose of its in-district wastes to 16481
less than eight years. 16482

Any order issued under division (G)(1) of this section shall 16483
not become final until thirty days after it has been served by 16484
certified mail upon the county or joint solid waste management 16485
district that will receive the out-of-district wastes. 16486

(2) Governing the maintenance, protection, and use of solid 16487
waste collection or other solid waste facilities located within 16488
its district. The rules adopted under division (G)(2) of this 16489
section shall not establish design standards for solid waste 16490
facilities and shall be consistent with the solid waste provisions 16491
of Chapter 3734. of the Revised Code and the rules adopted under 16492
those provisions. The rules adopted under division (G)(2) of this 16493
section may prohibit any person, municipal corporation, township, 16494
or other political subdivision from constructing, enlarging, or 16495

modifying any solid waste facility until general plans and 16496
specifications for the proposed improvement have been submitted to 16497
and approved by the board of county commissioners or board of 16498
directors as complying with the solid waste management plan or 16499
amended plan of the district. The construction of such a facility 16500
shall be done under the supervision of the county sanitary 16501
engineer or, in the case of a joint district, a county sanitary 16502
engineer designated by the board of directors, and any person, 16503
municipal corporation, township, or other political subdivision 16504
proposing or constructing such improvements shall pay to the 16505
county or joint district all expenses incurred by the board in 16506
connection therewith. The sanitary engineer may enter upon any 16507
public or private property for the purpose of making surveys or 16508
examinations necessary for designing solid waste facilities or for 16509
supervising the construction, enlargement, modification, or 16510
operation of any such facilities. No person, municipal 16511
corporation, township, or other political subdivision shall forbid 16512
or interfere with the sanitary engineer or ~~his~~ the sanitary 16513
engineer's authorized assistants entering upon such property for 16514
that purpose. If actual damage is done to property by the making 16515
of the surveys and examinations, a board shall pay the reasonable 16516
value of that damage to the owner of the property damaged, and the 16517
cost shall be included in the financing of the improvement for 16518
which the surveys and examinations are made. 16519

(3) Governing the development and implementation of a program 16520
for the inspection of solid wastes generated outside the 16521
boundaries of this state that are disposed of at solid waste 16522
facilities included in the district's solid waste management plan 16523
or amended plan. A board of county commissioners or board of 16524
directors or its authorized representative may enter upon the 16525
premises of any solid waste facility included in the district's 16526
solid waste management plan or amended plan for the purpose of 16527
conducting the inspections required or authorized by the rules 16528

adopted under division (G)(3) of this section. No person, 16529
municipal corporation, township, or other political subdivision 16530
shall forbid or interfere with a board of county commissioners or 16531
directors or its authorized representative entering upon the 16532
premises of any such solid waste facility for that purpose. 16533

(4) Exempting the owner or operator of any existing or 16534
proposed solid waste facility provided for in the plan or amended 16535
plan from compliance with any amendment to a township zoning 16536
resolution adopted under section 519.12 of the Revised Code or to 16537
a county rural zoning resolution adopted under section 303.12 of 16538
the Revised Code that rezoned or redistricted the parcel or 16539
parcels upon which the facility is to be constructed or modified 16540
and that became effective within two years prior to the filing of 16541
an application for a permit required under division (A)(2)(a) of 16542
section 3734.05 of the Revised Code to open a new or modify an 16543
existing solid waste facility. 16544

(H) A board of county commissioners or board of directors may 16545
enter into a contract with any person, municipal corporation, 16546
township, or other political subdivision for the operation and 16547
maintenance of any solid waste facilities regardless of whether 16548
the facilities are owned or leased by the county or joint district 16549
or the contractor. 16550

(I)(1) No person, municipal corporation, township, or other 16551
political subdivision shall tamper with or damage any solid waste 16552
facility constructed under this chapter or any apparatus or 16553
accessory connected therewith or pertaining thereto, fail or 16554
refuse to comply with the applicable rules adopted by a board of 16555
county commissioners or directors under division (G)(1), (2), (3), 16556
or (4) of this section, refuse to permit an inspection or 16557
examination by a sanitary engineer as authorized under division 16558
(G)(2) of this section, or refuse to permit an inspection by a 16559
board of county commissioners or directors or its authorized 16560

representative as required or authorized by rules adopted under 16561
division (G)(3) of this section. 16562

(2) If the board of county commissioners of a county district 16563
or board of directors of a joint district has established facility 16564
designations under section 343.013, 343.014, or 343.015 of the 16565
Revised Code, or the director has established facility 16566
designations in the initial or amended plan of the district 16567
prepared and ordered to be implemented under section 3734.521, 16568
3734.55, or 3734.56 of the Revised Code, no person, municipal 16569
corporation, township, or other political subdivision shall 16570
deliver, or cause the delivery of, any solid wastes generated 16571
within a county or joint district to any solid waste facility 16572
other than the facility designated under section 343.013, 343.014, 16573
or 343.015 of the Revised Code, or in the initial or amended plan 16574
of the district prepared and ordered to be implemented under 16575
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 16576
applicable. Upon the request of a person or the legislative 16577
authority of a municipal corporation or township, the board of 16578
county commissioners of a county district or board of directors of 16579
a joint district may grant a waiver authorizing the delivery of 16580
all or any portion of the solid wastes generated in a municipal 16581
corporation or township to a solid waste facility other than the 16582
facility designated under section 343.013, 343.014, or 343.015 of 16583
the Revised Code, or in the initial or amended plan of the 16584
district prepared and ordered to be implemented under section 16585
3734.521, 3734.55, or 3734.56 of the Revised Code, as applicable, 16586
regardless of whether the other facility is located within or 16587
outside of the district, if the board finds that delivery of those 16588
solid wastes to the other facility is not inconsistent with the 16589
projections contained in the district's initial or amended plan 16590
under divisions (A)(6) and (7) of section 3734.53 of the Revised 16591
Code as approved or ordered to be implemented and will not 16592
adversely affect the implementation and financing of the 16593

district's initial or amended plan pursuant to the implementation 16594
schedule contained in it under divisions (A)(12)(a) to (d) of that 16595
section. The board shall act on a request for such a waiver within 16596
ninety days after receiving the request. Upon granting such a 16597
waiver, the board shall send notice of that fact to the director. 16598
The notice shall indicate to whom the waiver was granted. Any 16599
waiver or authorization granted by a board on or before October 16600
29, 1993, shall continue in force until the board takes action 16601
concerning the same entity under this division or until action is 16602
taken under division (G) of section 343.014 of the Revised Code. 16603

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 16604
apply to the construction, operation, use, repair, enlargement, or 16605
modification of either of the following: 16606

(1) A solid waste facility owned by a generator of solid 16607
wastes when the solid waste facility exclusively disposes of solid 16608
wastes generated at one or more premises owned by the generator 16609
regardless of whether the facility is located on a premises where 16610
the wastes are generated; 16611

(2) A facility that exclusively disposes of wastes that are 16612
generated from the combustion of coal, or from the combustion of 16613
primarily coal in combination with scrap tires, that is not 16614
combined in any way with garbage at one or more premises owned by 16615
the generator. 16616

(K)(1) A member of the board of county commissioners of a 16617
county solid waste management district, member of the board of 16618
directors of a joint solid waste management district, member of 16619
the board of trustees of a regional solid waste management 16620
authority managing a county or joint solid waste management 16621
district, or officer or employee of any solid waste management 16622
district, for the purposes of sections 102.03, 102.04, 2921.41, 16623
and 2921.42 of the Revised Code, shall not be considered to be 16624
directly or indirectly interested in, or improperly influenced by, 16625

any of the following: 16626

(a) A contract entered into under this chapter or section 16627
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 16628
the district and any county forming the district, municipal 16629
corporation or township located within the district, or health 16630
district having territorial jurisdiction within the district, of 16631
which that member, officer, or employee also is an officer or 16632
employee, but only to the extent that any interest or influence 16633
could arise from ~~his~~ holding public office or employment with the 16634
political subdivision or health district; 16635

(b) A contract entered into under this chapter or section 16636
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 16637
the district and a county planning commission organized under 16638
section 713.22 of the Revised Code, or regional planning 16639
commission created under section 713.21 of the Revised Code, 16640
having territorial jurisdiction within the district, of which that 16641
member also is a member, officer, or employee, but only to the 16642
extent that any interest or influence could arise from ~~his~~ holding 16643
public office or employment with the commission; 16644

(c) An expenditure of money made by the district for the 16645
benefit of any county forming the district, municipal corporation 16646
or township located within the district, or health district or 16647
county or regional planning commission having territorial 16648
jurisdiction within the district, of which that member also is a 16649
member, officer, or employee, but only to the extent that any 16650
interest or influence could arise from ~~his~~ holding public office 16651
or employment with the political subdivision, health district, or 16652
commission; 16653

(d) An expenditure of money made for the benefit of the 16654
district by any county forming the district, municipal corporation 16655
or township located within the district, or health district or 16656
county or regional planning commission having territorial 16657

jurisdiction within the district, of which that member also is a 16658
member, officer, or employee, but only to the extent that any 16659
interest or influence could arise from ~~his~~ holding public office 16660
or employment with the political subdivision, health district, or 16661
commission. 16662

(2) A solid waste management district, county, municipal 16663
corporation, township, health district, or planning commission 16664
described or referred to in divisions (K)(1)(a) to (d) of this 16665
section shall not be construed to be the business associate of a 16666
person who is concurrently a member of the board of county 16667
commissioners, directors, or trustees, or an officer or employee, 16668
of the district and an officer or employee of that municipal 16669
corporation, county, township, health district, or planning 16670
commission for the purposes of sections 102.03, 2921.42, and 16671
2921.43 of the Revised Code. Any person who is concurrently a 16672
member of the board of county commissioners, directors, or 16673
trustees, or an officer or employee, of a solid waste management 16674
district so described or referred to and an officer or employee of 16675
a county, municipal corporation, township, health district, or 16676
planning commission so described or referred to may participate 16677
fully in deliberations concerning and vote on or otherwise 16678
participate in the approval or disapproval of any contract or 16679
expenditure of funds described in those divisions as a member of 16680
the board of county commissioners or directors, or an officer or 16681
employee, of a county or joint solid waste management district; 16682
member of the board of trustees, or an officer or employee, of a 16683
regional solid waste management authority managing a county or 16684
joint solid waste management district; member of the legislative 16685
authority, or an officer or employee, of a county forming the 16686
district; member of the legislative authority, or an officer or 16687
employee, of a municipal corporation or township located within 16688
the district; member of the board of health, or an officer or 16689
employee, of a health district having territorial jurisdiction 16690

within the district; or member of the planning commission, or an officer or employee of a county or regional planning commission having territorial jurisdiction within the district.

(3) Nothing in division (K)(1) or (2) of this section shall be construed to exempt any member of the board of county commissioners, directors, or trustees, or an officer or employee, of a solid waste management district from a conflict of interest arising because of a personal or private business interest.

(4) A member of the board of county commissioners of a county solid waste management district, board of directors of a joint solid waste management district, or board of trustees of a regional solid waste management authority managing a county or joint solid waste management district, or an officer or employee, of any such solid waste management district, neither shall be disqualified from holding any other public office or position of employment nor be required to forfeit any other public office or position of employment by reason of ~~his~~ serving as a member of the board of county commissioners, directors, or trustees, or as an officer or employee, of the district, notwithstanding any requirement to the contrary under the common law of this state or the Revised Code.

(L) As used in this chapter:

(1) "Board of health," "disposal," "health district," "scrap tires," and "solid waste transfer facility" have the same meanings as in section 3734.01 of the Revised Code.

(2) "Change in district composition" and "change" have the same meaning as in section 3734.521 of the Revised Code.

(3)(a) Except as provided in division (L)(3)(b) or (c), and (d), of this section, "solid wastes" has the same meaning as in section 3734.01 of the Revised Code.

(b) If the solid waste management district is not one that

resulted from proceedings for a change in district composition 16722
under sections 343.012 and 3734.521 of the Revised Code, until 16723
such time as an amended solid waste management plan is approved 16724
under section 3734.56 of the Revised Code, "solid wastes" need not 16725
include scrap tires unless the solid waste management policy 16726
committee established under section 3734.54 of the Revised Code 16727
for the district chooses to include the management of scrap tires 16728
in the district's initial solid waste management plan prepared 16729
under sections 3734.54 and 3734.55 of the Revised Code. 16730

(c) If the solid waste management district is one resulting 16731
from proceedings for a change in district composition under 16732
sections 343.012 and 3734.521 of the Revised Code and if the 16733
change involves an existing district that is operating under 16734
either an initial solid waste management plan approved or prepared 16735
and ordered to be implemented under section 3734.55 of the Revised 16736
Code or an initial or amended plan approved or prepared and 16737
ordered to be implemented under section 3734.521 of the Revised 16738
Code that does not provide for the management of scrap tires and 16739
scrap tire facilities, until such time as the amended plan of the 16740
district resulting from the change is approved under section 16741
3734.56 of the Revised Code, "solid wastes" need not include scrap 16742
tires unless the solid waste management policy committee 16743
established under division (C) of section 3734.521 of the Revised 16744
Code for the district chooses to include the management of scrap 16745
tires in the district's initial or amended solid waste management 16746
plan prepared under section 3734.521 of the Revised Code in 16747
connection with the change proceedings. 16748

(d) If the policy committee chooses to include the management 16749
of scrap tires in an initial plan prepared under sections 3734.54 16750
and 3734.55 of the Revised Code or in an initial or amended plan 16751
prepared under section 3734.521 of the Revised Code, the board of 16752
county commissioners or directors shall execute all of the duties 16753

imposed and may exercise any or all of the rights granted under 16754
this section for the purpose of managing solid wastes that consist 16755
of scrap tires. 16756

(4)(a) Except as provided in division (L)(4)(b) or (c), and 16757
(d) of this section, "facility" has the same meaning as in section 16758
3734.01 of the Revised Code and also includes any solid waste 16759
transfer, recycling, or resource recovery facility. 16760

(b) If the solid waste management district is not one that 16761
resulted from proceedings for a change in district composition 16762
under sections 343.012 and 3734.521 of the Revised Code, until 16763
such time as an amended solid waste management plan is approved 16764
under section 3734.56 of the Revised Code, "facility" need not 16765
include any scrap tire collection, storage, monocell, monofill, or 16766
recovery facility unless the solid waste management policy 16767
committee established under section 3734.54 of the Revised Code 16768
for the district chooses to include the management of scrap tire 16769
facilities in the district's initial solid waste management plan 16770
prepared under sections 3734.54 and 3734.55 of the Revised Code. 16771

(c) If the solid waste management district is one resulting 16772
from proceedings for a change in district composition under 16773
sections 343.012 and 3734.521 of the Revised Code and if the 16774
change involves an existing district that is operating under 16775
either an initial solid waste management plan approved under 16776
section 3734.55 of the Revised Code or an initial or amended plan 16777
approved or prepared and ordered to be implemented under section 16778
3734.521 of the Revised Code that does not provide for the 16779
management of scrap tires and scrap tire facilities, until such 16780
time as the amended plan of the district resulting from the change 16781
is approved under section 3734.56 of the Revised Code, "facility" 16782
need not include scrap tires unless the solid waste management 16783
policy committee established under division (C) of section 16784
3734.521 of the Revised Code for the district chooses to include 16785

the management of scrap tires in the district's initial or amended 16786
solid waste management plan prepared under section 3734.521 of the 16787
Revised Code in connection with the change proceedings. 16788

(d) If the policy committee chooses to include the management 16789
of scrap tires in an initial plan prepared under sections 3734.54 16790
and 3734.55 of the Revised Code or in an initial or amended plan 16791
prepared under section 3734.521 of the Revised Code, the board of 16792
county commissioners or directors shall execute all of the duties 16793
imposed and may exercise any or all of the rights granted under 16794
this section for the purpose of managing solid waste facilities 16795
that are scrap tire collection, storage, monocell, monofill, or 16796
recovery facilities. 16797

Sec. 504.21. (A) The board of township trustees of a township 16798
that has adopted a limited home rule government may, for the 16799
unincorporated territory in the township, adopt, amend, and 16800
rescind rules establishing technically feasible and economically 16801
reasonable standards to achieve a level of management and 16802
conservation practices that will abate wind or water erosion of 16803
the soil or abate the degradation of the waters of the state by 16804
soil sediment in conjunction with land grading, excavating, 16805
filling, or other soil disturbing activities on land used or being 16806
developed in the township for nonfarm commercial, industrial, 16807
residential, or other nonfarm purposes, and establish criteria for 16808
determination of the acceptability of those management and 16809
conservation practices. The rules shall be designed to implement 16810
the applicable areawide waste treatment management plan prepared 16811
under section 208 of the "Federal Water Pollution Control Act," 86 16812
Stat. 816 (1972), 33 U.S.C.A. 1228, as amended, and to implement 16813
phase II of the storm water program of the national pollutant 16814
discharge elimination system established in 40 C.F.R. Part 122. 16815
The rules to implement phase II of the storm water program of the 16816
national pollutant discharge elimination system shall not be 16817

inconsistent with, more stringent than, or broader in scope than 16818
the rules or regulations adopted by the environmental protection 16819
agency under 40 C.F.R. Part 122. The rules adopted under this 16820
section shall not apply inside the limits of municipal 16821
corporations, to lands being used in a strip mine operation as 16822
defined in section 1513.01 of the Revised Code, or to land being 16823
used in a surface mine operation as defined in section 1514.01 of 16824
the Revised Code. 16825

The rules adopted under this section may require persons to 16826
file plans governing erosion control, sediment control, and water 16827
management before clearing, grading, excavating, filling, or 16828
otherwise wholly or partially disturbing one or more contiguous 16829
acres of land owned by one person or operated as one development 16830
unit for the construction of nonfarm buildings, structures, 16831
utilities, recreational areas, or other similar nonfarm uses. If 16832
the rules require plans to be filed, the rules shall do all of the 16833
following: 16834

(1) Designate the board itself, its employees, or another 16835
agency or official to review and approve or disapprove the plans; 16836

(2) Establish procedures and criteria for the review and 16837
approval or disapproval of the plans; 16838

(3) Require the designated entity to issue a permit to a 16839
person for the clearing, grading, excavating, filling, or other 16840
project for which plans are approved and to deny a permit to a 16841
person whose plans have been disapproved; 16842

(4) Establish procedures for the issuance of the permits; 16843

(5) Establish procedures under which a person may appeal the 16844
denial of a permit. 16845

Areas of less than one contiguous acre shall not be exempt 16846
from compliance with other provisions of this section or rules 16847
adopted under this section. The rules adopted under this section 16848

may impose reasonable filing fees for plan review, permit 16849
processing, and field inspections. 16850

No permit or plan shall be required for a public highway, 16851
transportation, or drainage improvement or maintenance project 16852
undertaken by a government agency or political subdivision in 16853
accordance with a statement of its standard sediment control 16854
policies that is approved by the board or the chief of the 16855
division of soil and water ~~conservation~~ resources in the 16856
department of natural resources. 16857

(B) Rules or amendments may be adopted under this section 16858
only after public hearings at not fewer than two regular sessions 16859
of the board of township trustees. The board shall cause to be 16860
published, in a newspaper of general circulation in the township, 16861
notice of the public hearings, including time, date, and place, 16862
once a week for two weeks immediately preceding the hearings. The 16863
proposed rules or amendments shall be made available by the board 16864
to the public at the board office or other location indicated in 16865
the notice. The rules or amendments shall take effect on the 16866
thirty-first day following the date of their adoption. 16867

(C) The board of township trustees may employ personnel to 16868
assist in the administration of this section and the rules adopted 16869
under it. The board also, if the action does not conflict with the 16870
rules, may delegate duties to review sediment control and water 16871
management plans to its employees, and may enter into agreements 16872
with one or more political subdivisions, other township officials, 16873
or other government agencies, in any combination, in order to 16874
obtain reviews and comments on plans governing erosion control, 16875
sediment control, and water management or to obtain other services 16876
for the administration of the rules adopted under this section. 16877

(D) The board of township trustees or any duly authorized 16878
representative of the board may, upon identification to the owner 16879
or person in charge, enter any land upon obtaining agreement with 16880

the owner, tenant, or manager of the land in order to determine 16881
whether there is compliance with the rules adopted under this 16882
section. If the board or its duly authorized representative is 16883
unable to obtain such an agreement, the board or representative 16884
may apply for, and a judge of the court of common pleas for the 16885
county where the land is located may issue, an appropriate 16886
inspection warrant as necessary to achieve the purposes of this 16887
section. 16888

(E)(1) If the board of township trustees or its duly 16889
authorized representative determines that a violation of the rules 16890
adopted under this section exists, the board or representative may 16891
issue an immediate stop work order if the violator failed to 16892
obtain any federal, state, or local permit necessary for sediment 16893
and erosion control, earth movement, clearing, or cut and fill 16894
activity. In addition, if the board or representative determines 16895
such a rule violation exists, regardless of whether or not the 16896
violator has obtained the proper permits, the board or 16897
representative may authorize the issuance of a notice of 16898
violation. If, after a period of not less than thirty days has 16899
elapsed following the issuance of the notice of violation, the 16900
violation continues, the board or its duly authorized 16901
representative shall issue a second notice of violation. Except as 16902
provided in division (E)(3) of this section, if, after a period of 16903
not less than fifteen days has elapsed following the issuance of 16904
the second notice of violation, the violation continues, the board 16905
or its duly authorized representative may issue a stop work order 16906
after first obtaining the written approval of the prosecuting 16907
attorney of the county in which the township is located if, in the 16908
opinion of the prosecuting attorney, the violation is egregious. 16909

Once a stop work order is issued, the board or its duly 16910
authorized representative shall request, in writing, the 16911
prosecuting attorney to seek an injunction or other appropriate 16912

relief in the court of common pleas to abate excessive erosion or 16913
sedimentation and secure compliance with the rules adopted under 16914
this section. If the prosecuting attorney seeks an injunction or 16915
other appropriate relief, then, in granting relief, the court of 16916
common pleas may order the construction of sediment control 16917
improvements or implementation of other control measures and may 16918
assess a civil fine of not less than one hundred or more than five 16919
hundred dollars. Each day of violation of a rule or stop work 16920
order issued under this section shall be considered a separate 16921
violation subject to a civil fine. 16922

(2) The person to whom a stop work order is issued under this 16923
section may appeal the order to the court of common pleas of the 16924
county in which it was issued, seeking any equitable or other 16925
appropriate relief from that order. 16926

(3) No stop work order shall be issued under this section 16927
against any public highway, transportation, or drainage 16928
improvement or maintenance project undertaken by a government 16929
agency or political subdivision in accordance with a statement of 16930
its standard sediment control policies that is approved by the 16931
board or the chief of the division of soil and water ~~conservation~~ 16932
resources in the department of natural resources. 16933

(F) No person shall violate any rule adopted or order issued 16934
under this section. Notwithstanding division (E) of this section, 16935
if the board of township trustees determines that a violation of 16936
any rule adopted or administrative order issued under this section 16937
exists, the board may request, in writing, the prosecuting 16938
attorney of the county in which the township is located, to seek 16939
an injunction or other appropriate relief in the court of common 16940
pleas to abate excessive erosion or sedimentation and secure 16941
compliance with the rules or order. In granting relief, the court 16942
of common pleas may order the construction of sediment control 16943
improvements or implementation of other control measures and may 16944

assess a civil fine of not less than one hundred or more than five 16945
hundred dollars. Each day of violation of a rule adopted or 16946
administrative order issued under this section shall be considered 16947
a separate violation subject to a civil fine. 16948

Sec. 718.04. (A) No municipal corporation other than the ~~city~~ 16949
municipal corporation of residence shall levy a tax on the income 16950
of any member or employee of the Ohio general assembly including 16951
the lieutenant governor which income is received as a result of 16952
services rendered as such member or employee and is paid from 16953
appropriated funds of this state. 16954

(B) No municipal corporation other than the municipal 16955
corporation of residence and the city of Columbus shall levy a tax 16956
on the income of the chief justice or a justice of the supreme 16957
court received as a result of services rendered as the chief 16958
justice or justice. No municipal corporation other than the 16959
municipal corporation of residence shall levy a tax on the income 16960
of a judge sitting by assignment of the chief justice or on the 16961
income of a district court of appeals judge sitting in multiple 16962
locations within the district, received as a result of services 16963
rendered as a judge. 16964

Sec. 721.15. (A) Personal property not needed for municipal 16965
purposes, the estimated value of which is less than one thousand 16966
dollars, may be sold by the board or officer having supervision or 16967
management of that property. If the estimated value of that 16968
property is one thousand dollars or more, it shall be sold only 16969
when authorized by an ordinance of the legislative authority of 16970
the municipal corporation and approved by the board, officer, or 16971
director having supervision or management of that property. When 16972
so authorized, the board, officer, or director shall make a 16973
written contract with the highest and best bidder after 16974
advertisement for not less than two or more than four consecutive 16975

weeks in a newspaper of general circulation within the municipal 16976
corporation, or with a board of county commissioners upon such 16977
lawful terms as are agreed upon, as provided by division (B)(1) of 16978
section 721.27 of the Revised Code. 16979

(B) When the legislative authority finds, by resolution, that 16980
the municipal corporation has vehicles, equipment, or machinery 16981
which is obsolete, or is not needed or is unfit for public use, 16982
that the municipal corporation has need of other vehicles, 16983
equipment, or machinery of the same type, and that it will be in 16984
the best interest of the municipal corporation that the sale of 16985
obsolete, unneeded, or unfit vehicles, equipment, or machinery be 16986
made simultaneously with the purchase of the new vehicles, 16987
equipment, or machinery of the same type, the legislative 16988
authority may offer to sell, or authorize a board, officer, or 16989
director of the municipal corporation having supervision or 16990
management of the property to offer to sell, those vehicles, 16991
equipment, or machinery and to have the selling price credited 16992
against the purchase price of other vehicles, equipment, or 16993
machinery and to consummate the sale and purchase by a single 16994
contract with the lowest and best bidder to be determined by 16995
subtracting from the selling price of the vehicles, equipment, or 16996
machinery to be purchased by the municipal corporation the 16997
purchase price offered for the municipally-owned vehicles, 16998
equipment, or machinery. When the legislative authority or the 16999
authorized board, officer, or director of a municipal corporation 17000
advertises for bids for the sale of new vehicles, equipment, or 17001
machinery to the municipal corporation, they may include in the 17002
same advertisement a notice of willingness to accept bids for the 17003
purchase of municipally-owned vehicles, equipment, or machinery 17004
which is obsolete, or is not needed or is unfit for public use, 17005
and to have the amount of those bids subtracted from the selling 17006
price as a means of determining the lowest and best bidder. 17007

(C) If the legislative authority of the municipal corporation determines that municipal personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the legislative authority may discard or salvage that property.

(D) Notwithstanding anything to the contrary in division (A) or (B) of this section and regardless of the property's value, the legislative authority of a municipal corporation may sell personal property, including motor vehicles acquired for the use of municipal officers and departments, and road machinery, equipment, tools, or supplies, which is not needed for public use, or is obsolete or unfit for the use for which it was acquired, by internet auction. The legislative authority shall adopt, during each calendar year, a resolution expressing its intent to sell that property by internet auction. The resolution shall include a description of how the auctions will be conducted and shall specify the number of days for bidding on the property, which shall be no less than ~~fifteen~~ ten days, including Saturdays, Sundays, and legal holidays. The resolution shall indicate whether the municipal corporation will conduct the auction or the legislative authority will contract with a representative to conduct the auction and shall establish the general terms and conditions of sale. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

After adoption of the resolution, the legislative authority shall publish, in a newspaper of general circulation in the municipal corporation, notice of its intent to sell unneeded, obsolete, or unfit municipal personal property by internet auction. The notice shall include a summary of the information provided in the resolution and shall be published at least twice.

The second and any subsequent notice shall be published not less 17040
than ten nor more than twenty days after the previous notice. A 17041
similar notice also shall be posted continually throughout the 17042
calendar year in a conspicuous place in the offices of the village 17043
clerk or city auditor, and the legislative authority, and, if the 17044
municipal corporation maintains a website on the internet, the 17045
notice shall be posted continually throughout the calendar year at 17046
that website. 17047

When the property is to be sold by internet auction, the 17048
legislative authority or its representative may establish a 17049
minimum price that will be accepted for specific items and may 17050
establish any other terms and conditions for the particular sale, 17051
including requirements for pick-up or delivery, method of payment, 17052
and sales tax. This type of information shall be provided on the 17053
internet at the time of the auction and may be provided before 17054
that time upon request after the terms and conditions have been 17055
determined by the legislative authority or its representative. 17056

Sec. 737.39. (A) A municipal police officer who is trained in 17057
the same manner as uniformed employees of the motor carrier 17058
enforcement unit created under section 5503.34 of the Revised Code 17059
may, to the same extent as those employees, enforce compliance 17060
with any provision of Chapters 4919., 4921., and 4923. of the 17061
Revised Code or of a rule or order adopted or issued under those 17062
chapters regarding commercial motor vehicle transportation safety, 17063
economic, and hazardous materials requirements. 17064

(B)(1) A municipal police officer acting under division (A) 17065
of this section shall do both of the following: 17066

(a) Cooperate with the public utilities commission in 17067
carrying out that division and in enforcing any other applicable 17068
laws; 17069

(b) Comply with any rules adopted pursuant to section 4919.80 17070

of the Revised Code. 17071

(2) A uniformed municipal police officer under division (A) 17072
of this section may stop commercial motor vehicles for the purpose 17073
of inspecting those vehicles in carrying out that division. 17074
17075

Sec. 901.041. There is hereby created in the state treasury 17076
the sustainable agriculture program fund. The fund shall consist 17077
of money credited to it, including, without limitation, federal 17078
money. The director of agriculture shall use money in the fund to 17079
support programs and activities that advance sustainable 17080
agriculture, including administrative costs incurred by the 17081
department of agriculture in administering the programs and 17082
activities. 17083

Sec. 901.20. (A) The director of agriculture may do either or 17084
both of the following: 17085

(1) Reserve exhibition space for exhibitors to exhibit their 17086
goods in trade shows held in this country or in any other country. 17087
The director may charge and collect fees from any exhibitor who 17088
uses space reserved by the director under division (A)(1) of this 17089
section. 17090

(2) Conduct or cause to be conducted seminars or other 17091
educational programs for the benefit of farmers and other 17092
producers in this state who are interested in exporting their 17093
goods overseas. The director may charge and collect fees from any 17094
person who attends a seminar or other educational program 17095
conducted under division (A)(2) of this section. 17096

(B) There is hereby created in the state treasury the Ohio 17097
proud, international, and domestic market development fund. Fees 17098
collected under division (A) of this section shall be deposited 17099
into the fund. The fund shall be used solely to carry out the 17100

purposes of that division. 17101

Sec. 901.32. Funds and the proceeds of the trust assets ~~which~~ 17102
~~that~~ are not authorized to be administered by the secretary of 17103
agriculture of the United States under section 901.31 of the 17104
Revised Code shall be paid to and received by the director of 17105
agriculture, and paid by ~~him~~ the director into the state treasury 17106
to the credit of the Ohio farm loan fund, which is hereby created. 17107
Money credited to the fund may be expended or obligated by the 17108
director for ~~such of the rural rehabilitation purposes permissible~~ 17109
~~under the charter of the now dissolved Ohio rural rehabilitation~~ 17110
~~corporation as are agreed upon by the director and the secretary~~ 17111
~~of agriculture or for the purposes of section 901.31 of the~~ 17112
Revised Code benefiting the state. 17113

All moneys received from investment of the fund shall be 17114
credited to the fund. 17115

All moneys received by the director resulting from the 17116
operation of the fund shall be credited to the fund. 17117

Sec. 901.43. (A) The director of agriculture may authorize 17118
any department of agriculture laboratory to perform a laboratory 17119
service for any person, organization, political subdivision, state 17120
agency, federal agency, or other entity, whether public or 17121
private. The director shall adopt and enforce rules to provide for 17122
the rendering of a laboratory service. 17123

(B) The director may charge a reasonable fee for the 17124
performance of a laboratory service, except when the service is 17125
performed on an official sample taken by the director acting 17126
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 17127
Revised Code; by a board of health acting as the licenser of 17128
retail food establishments or food service operations under 17129
Chapter 3717. of the Revised Code; or by the director of health 17130

acting as the licensor of food service operations under Chapter 17131
3717. of the Revised Code. The director of agriculture shall adopt 17132
rules specifying what constitutes an official sample. 17133

The director shall publish a list of laboratory services 17134
offered, together with the fee for each service. 17135

(C) The director may enter into a contract with any person, 17136
organization, political subdivision, state agency, federal agency, 17137
or other entity for the provision of a laboratory service. 17138

(D)(1) The director may adopt rules establishing standards 17139
for accreditation of laboratories and laboratory services and in 17140
doing so may adopt by reference existing or recognized standards 17141
or practices. 17142

(2) The director may inspect and accredit laboratories and 17143
laboratory services, and may charge a reasonable fee for the 17144
inspections and accreditation. 17145

(E)(1) There is hereby created in the state treasury the 17146
animal ~~health~~ and ~~food safety~~ consumer analytical laboratory fund. 17147
Moneys from the following sources shall be deposited into the 17148
state treasury to the credit of the fund: all moneys collected by 17149
the director under this section that are from fees generated by a 17150
laboratory service performed by the department and related to the 17151
diseases of animals, all moneys so collected that are from fees 17152
generated for the inspection and accreditation of laboratories and 17153
laboratory services related to the diseases of animals, all moneys 17154
collected by the director under this section that are from fees 17155
generated by a laboratory service performed by the consumer 17156
analytical laboratory, ~~and~~ all moneys so collected that are from 17157
fees generated for the inspection and accreditation of 17158
laboratories and laboratory services not related to weights and 17159
measures, and all moneys collected under Chapters 942., 943., and 17160
953. of the Revised Code. The director may use the moneys held in 17161

the fund to pay the expenses necessary to operate the animal 17162
industry laboratory and the consumer analytical laboratory, 17163
including the purchase of supplies and equipment. 17164

(2) All moneys collected by the director under this section 17165
that are from fees generated by a laboratory service performed by 17166
the weights and measures laboratory, and all moneys so collected 17167
that are from fees generated for the inspection and accreditation 17168
of laboratories and laboratory services related to weights and 17169
measures, shall be deposited in the state treasury to the credit 17170
of the weights and measures laboratory fund, which is hereby 17171
created in the state treasury. The moneys held in the fund may be 17172
used to pay the expenses necessary to operate the division of 17173
weights and measures, including the purchase of supplies and 17174
equipment. 17175

Sec. 901.91. The director of agriculture may assess the 17176
operating funds of the department of agriculture to pay a share of 17177
the department's central support and administrative costs. The 17178
assessments shall be based on a plan that the director develops 17179
and submits to the director of budget and management not later 17180
than the fifteenth day of July of the fiscal year in which the 17181
assessments are to be made. If the director of budget and 17182
management approves the plan, assessments shall be paid from the 17183
funds designated in the plan and credited by means of intrastate 17184
transfer voucher to the department of agriculture central support 17185
indirect costs fund, which is hereby created in the state 17186
treasury. The fund shall be administered by the director of 17187
agriculture and used to pay central support and administrative 17188
costs of the department of agriculture. 17189

Sec. 903.082. (A) The director of agriculture may determine 17190
that an animal feeding facility that is not a medium concentrated 17191
animal feeding operation or small concentrated animal feeding 17192

operation as defined in section 903.01 of the Revised Code 17193
nevertheless shall be required to be permitted as a medium or 17194
small concentrated animal feeding operation when all of the 17195
following apply: 17196

(1) The director has received from the chief of the division 17197
of soil and water ~~conservation~~ resources in the department of 17198
natural resources a copy of an order issued under section 1511.02 17199
of the Revised Code that specifies that the animal feeding 17200
facility has caused agricultural pollution by failure to comply 17201
with standards established under that section and that the animal 17202
feeding facility therefore should be required to be permitted as a 17203
medium or small concentrated animal feeding operation. 17204

(2) The director or the director's authorized representative 17205
has inspected the animal feeding facility. 17206

(3) The director or the director's authorized representative 17207
finds that the facility is not being operated in a manner that 17208
protects the waters of the state. 17209

(B) If an animal feeding facility is required to be permitted 17210
in accordance with this section, the owner or operator of the 17211
facility shall apply to the director for a permit to operate as a 17212
concentrated animal feeding operation. In a situation in which 17213
best management practices cannot be implemented without modifying 17214
the existing animal feeding facility, the owner or operator of the 17215
facility also shall apply for a permit to install for the 17216
facility. 17217

(C) In the case of an animal feeding facility for which a 17218
permit to operate is required under this section, a permit to 17219
operate shall not be required after the end of the five-year term 17220
of the permit if the problems that caused the facility to be 17221
required to obtain the permit have been corrected to the 17222
director's satisfaction. 17223

Sec. 903.11. (A) The director of agriculture may enter into 17224
contracts or agreements to carry out the purposes of this chapter 17225
with any public or private person, including the Ohio state 17226
university extension service, the natural resources conservation 17227
service in the United States department of agriculture, the 17228
environmental protection agency, the division of soil and water 17229
~~conservation~~ resources in the department of natural resources, and 17230
soil and water conservation districts established under Chapter 17231
1515. of the Revised Code. However, the director shall not enter 17232
into a contract or agreement with a private person for the review 17233
of applications for permits to install, permits to operate, NPDES 17234
permits, or review compliance certificates that are issued under 17235
this chapter or for the inspection of a facility regulated under 17236
this chapter or with any person for the issuance of any of those 17237
permits or certificates or for the enforcement of this chapter and 17238
rules adopted under it. 17239

(B) The director may administer grants and loans using moneys 17240
from the federal government and other sources, public or private, 17241
for carrying out any of the director's functions. Nothing in this 17242
chapter shall be construed to limit the eligibility of owners or 17243
operators of animal feeding facilities or other agricultural 17244
enterprises to receive moneys from the water pollution control 17245
loan fund established under section 6111.036 of the Revised Code 17246
and the nonpoint source pollution management fund established 17247
under section 6111.037 of the Revised Code. 17248

The director of agriculture shall provide the director of 17249
environmental protection with written recommendations for 17250
providing financial assistance from those funds to agricultural 17251
enterprises. The director of environmental protection shall 17252
consider the recommendations in developing priorities for 17253
providing financial assistance from the funds. 17254

Sec. 903.25. An owner or operator of an animal feeding facility who holds a permit to install, a permit to operate, a review compliance certificate, or a NPDES permit or who is operating under an operation and management plan, as defined in section 1511.01 of the Revised Code, approved by the chief of the division of soil and water ~~conservation~~ resources in the department of natural resources under section 1511.02 of the Revised Code or by the supervisors of the appropriate soil and water conservation district under section 1515.08 of the Revised Code shall not be required by any political subdivision of the state or any officer, employee, agency, board, commission, department, or other instrumentality of a political subdivision to obtain a license, permit, or other approval pertaining to manure, insects or rodents, odor, or siting requirements for installation of an animal feeding facility.

Sec. 905.32. (A) No person shall manufacture or distribute in this state any type of fertilizer until a license to manufacture or distribute has been obtained by the manufacturer or distributor from the department of agriculture upon payment of a five dollar fee:

(1) For each fixed (permanent) location at which fertilizer is manufactured in this state;

(2) For each mobile unit used to manufacture fertilizer in this state;

(3) For each location out of the state from which fertilizer is distributed in this state to nonlicensees.

All licenses shall be valid for one year beginning on the first day of December of a calendar year through the thirtieth day of November of the following calendar year. A renewal application for a license shall be submitted no later than the thirtieth day

of November each year. A person who submits a renewal application 17285
for a license after the thirtieth day of November shall include 17286
with the application a late filing fee of ten dollars. 17287

(B) An application for license shall include: 17288

(1) The name and address of the licensee; 17289

(2) The name and address of each bulk distribution point in 17290
the state, not licensed for fertilizer manufacture and 17291
distribution. 17292

The name and address shown on the license shall be shown on 17293
all labels, pertinent invoices, and bulk storage for fertilizers 17294
distributed by the licensee in this state. 17295

(C) The licensee shall inform the director of agriculture in 17296
writing of additional distribution points established during the 17297
period of the license. 17298

(D) All money collected under this section shall be credited 17299
to the pesticide, fertilizer, and lime program fund created in 17300
section 921.22 of the Revised Code. 17301

Sec. 905.33. (A) Except as provided in division (C) of this 17302
section, no person shall distribute in this state a specialty 17303
fertilizer until it is registered by the manufacturer or 17304
distributor with the department of agriculture. An application, in 17305
duplicate, for each brand and product name of each grade of 17306
specialty fertilizer shall be made on a form furnished by the 17307
director of agriculture and shall be accompanied with a fee of 17308
fifty dollars for each brand and product name of each grade. 17309
Labels for each brand and product name of each grade shall 17310
accompany the application. Upon the approval of an application by 17311
the director, a copy of the registration shall be furnished the 17312
applicant. All registrations shall be valid for one year beginning 17313
on the first day of December of a calendar year through the 17314

thirtieth day of November of the following calendar year. 17315

(B) An application for registration shall include the 17316
following: 17317

(1) Name and address of the manufacturer or distributor; 17318

(2) The brand and product name; 17319

(3) The grade; 17320

(4) The guaranteed analysis; 17321

(5) The package sizes for persons that package fertilizers 17322
only in containers of ten pounds or less. 17323

(C)(1) No person who engages in the business of applying 17324
custom mixed fertilizer to lawns, golf courses, recreation areas, 17325
or other real property that is not used for agricultural 17326
production shall be required to register the custom mixed 17327
fertilizer as a specialty fertilizer in accordance with division 17328
(A) of this section if the fertilizer ingredients of the custom 17329
mixed fertilizer are registered as specialty fertilizers and the 17330
inspection fee described in division (A) of section 905.36 of the 17331
Revised Code is paid. 17332

(2) No person who engages in the business of blending custom 17333
mixed fertilizer for use on lawns, golf courses, recreation areas, 17334
or other real property that is not used for agricultural 17335
production shall be required to register the custom mixed 17336
fertilizer as a specialty fertilizer in accordance with division 17337
(A) of this section if the facility holds a nonagricultural 17338
production custom mixed fertilizer blender license issued under 17339
section 905.331 of the Revised Code. 17340

(D) A person who engages in the business of applying or 17341
blending custom mixed fertilizer as described in division (C) of 17342
this section shall maintain an original or a copy of an invoice or 17343
document of sale for all fertilizer the person applies or 17344

distributes for one year following the date of the application or 17345
distribution, and, upon the director's request, shall furnish the 17346
director with the invoice or document of sale for the director's 17347
review. 17348

(E) All money collected under this section shall be credited 17349
to the pesticide, fertilizer, and lime program fund created in 17350
section 921.22 of the Revised Code. 17351

Sec. 905.331. No person who engages in the business of 17352
blending a custom mixed fertilizer for use on lawns, golf courses, 17353
recreation areas, or other real property that is not used for 17354
agricultural production shall fail to register a specialty 17355
fertilizer in accordance with division (A) of section 905.33 of 17356
the Revised Code unless the person has obtained an annual 17357
nonagricultural production custom mixed fertilizer blender license 17358
from the director of agriculture. 17359

A license issued under this section shall be valid from the 17360
first day of December of a calendar year through the thirtieth day 17361
of November of the following calendar year. A renewal application 17362
for a nonagricultural production custom mixed fertilizer blender 17363
license shall be submitted to the director no later than the 17364
thirtieth day of November each year and shall include the name and 17365
address of the applicant and of the premises where the blending 17366
occurs and a one-hundred-dollar fee. A person who submits a 17367
renewal application for a license after the thirtieth day of 17368
November shall include with the application a late filing fee of 17369
ten dollars. All nonagricultural production custom mixed 17370
fertilizer blender licenses expire on the thirtieth day of 17371
November each year. 17372

A person holding a nonagricultural production custom mixed 17373
fertilizer blender license shall pay the inspection fees described 17374
in division (A) of section 905.36 of the Revised Code for each 17375

product being blended. 17376

All money collected under this section shall be credited to 17377
the pesticide, fertilizer, and lime program fund created in 17378
section 921.22 of the Revised Code. 17379

Sec. 905.36. (A) A licensee or registrant, except registrants 17380
who package specialty fertilizers only in containers of ten pounds 17381
or less, shall pay the director of agriculture for all fertilizers 17382
distributed in this state an inspection fee at the rate of 17383
twenty-five cents per ton or twenty-eight cents per metric ton. 17384
Licensees and registrants shall specify on an invoice whether the 17385
per ton inspection fee has been paid or whether payment of the fee 17386
is the responsibility of the purchaser of the fertilizer. The 17387
payment of this inspection fee by a licensee or registrant shall 17388
exempt all other persons from the payment of this fee. 17389

(B) Every licensee or registrant shall file with the director 17390
an annual tonnage report that includes the number of net tons or 17391
metric tons of fertilizer distributed to nonlicensees or 17392
nonregistrants in this state by grade; packaged; bulk, dry or 17393
liquid. The report shall be filed on or before the thirtieth day 17394
of November of each calendar year and shall include data from the 17395
period beginning on the first day of November of the year 17396
preceding the year in which the report is due through the 17397
thirty-first day of October of the year in which the report is 17398
due. The licensee or registrant, except registrants who package 17399
specialty fertilizers only in containers of ten pounds or less, 17400
shall include with this statement the inspection fee at the rate 17401
stated in division (A) of this section. For a tonnage report that 17402
is not filed or payment of inspection fees that is not made on or 17403
before the thirtieth day of November of the applicable calendar 17404
year, a penalty of fifty dollars or ten per cent of the amount 17405
due, whichever is greater, shall be assessed against the licensee 17406

or registrant. The amount of fees due, plus penalty, shall 17407
constitute a debt and become the basis of a judgment against the 17408
licensee or registrant. For tonnage reports found to be incorrect, 17409
a penalty of fifteen per cent of the amount due shall be assessed 17410
against the licensee or registrant and shall constitute a debt and 17411
become the basis of a judgment against the licensee or registrant. 17412
17413

(C) No information furnished under this section shall be 17414
disclosed by any employee of the department of agriculture in such 17415
a way as to divulge the operation of any person required to make 17416
such a report. The filing by a licensee or registrant of a sales 17417
volume tonnage statement required by division (B) of this section 17418
thereby grants permission to the director to verify the same with 17419
the records of the licensee or registrant. 17420

(D) All money collected under this section shall be credited 17421
to the pesticide, fertilizer, and lime program fund created in 17422
section 921.22 of the Revised Code. 17423

Sec. 905.50. If the director of agriculture has taken an 17424
official sample of a fertilizer or mixed fertilizer and determined 17425
that it constitutes mislabeled fertilizer pursuant to rules 17426
adopted under section 905.40 of the Revised Code, the person who 17427
labeled the fertilizer or mixed fertilizer shall pay a penalty to 17428
the consumer of the mislabeled fertilizer or, if the consumer 17429
cannot be determined with reasonable diligence or is not 17430
available, to the director ~~for deposit into~~ to be credited to the 17431
~~commercial feed pesticide, fertilizer, seed, and lime inspection~~ 17432
~~and laboratory program~~ fund created under section ~~905.38~~ 921.22 of 17433
the Revised Code. The amount of the penalty shall be calculated in 17434
accordance with either division (A) or (B) of this section, 17435
whichever method of calculation yields the largest amount. 17436

(A)(1) A penalty required to be paid under this section may 17437

be calculated as follows: 17438

(a) Five dollars for each percentage point of total nitrogen 17439
or phosphorus in the fertilizer that is below the percentage of 17440
nitrogen or phosphorus guaranteed on the label, multiplied by the 17441
number of tons of mislabeled fertilizer that have been sold to the 17442
consumer; 17443

(b) Three dollars for each percentage point of potash in the 17444
fertilizer that is below the percentage of potash guaranteed on 17445
the label, multiplied by the number of tons of mislabeled 17446
fertilizer that have been sold to the consumer. 17447

(2) In the case of a fertilizer that contains a quantity of 17448
nitrogen, phosphorus, or potash that is more than five percentage 17449
points below the percentages guaranteed on the label, the 17450
penalties calculated under division (A)(1) of this section shall 17451
be tripled. 17452

(3) No penalty calculated under division (A) of this section 17453
shall be less than twenty-five dollars. 17454

(B) A penalty required to be paid under this section may be 17455
calculated by multiplying the market value of one unit of the 17456
mislabeled fertilizer by the number of units of the mislabeled 17457
fertilizer that have been sold to the consumer. 17458

(C) Upon making a determination under this section that a 17459
person has mislabeled fertilizer or mixed fertilizer, the director 17460
shall determine the parties to whom the penalty imposed by this 17461
section is required to be paid and, in accordance with division 17462
(A) or (B) of this section, as applicable, shall calculate the 17463
amount of the penalty required to be paid to each such party. 17464
After completing those determinations and calculations, the 17465
director shall issue to the person who allegedly mislabeled the 17466
fertilizer or mixed fertilizer a notice of violation. The notice 17467
shall be accompanied by an order requiring, and specifying the 17468

manner of, payment of the penalty imposed by this section to the 17469
parties in the amounts set forth in the determinations and 17470
calculations required by this division. The order shall be issued 17471
in accordance with Chapter 119. of the Revised Code. 17472

No person shall violate a term or condition of an order 17473
issued under this division. 17474

Sec. 905.51. As used in sections 905.51 to ~~905.66~~ 905.65 of 17475
the Revised Code: 17476

(A) "Liming material" means all materials, the calcium and 17477
magnesium content of which is used to neutralize soil acidity, and 17478
includes the oxide, hydrate, carbonate, and silicate forms, as 17479
defined by rule, or combinations of those forms. "Liming material" 17480
includes materials such as the following: 17481

(1) Limestone; 17482

(2) Hydrated lime; 17483

(3) Burnt lime; 17484

(4) Industrial by-product; 17485

(5) Marl and shell. 17486

(B) "Bulk" means in a nonpackaged form. 17487

(C) "Label" means any written or printed matter on the 17488
package, or tag attached thereto. 17489

(D) "Manufacture" means to process, crush, grind, pelletize, 17490
or blend. 17491

(E) "Person" means any partnership, association, firm, or 17492
corporation, company, society, individual or combination of 17493
individuals, institution, park, or public agency administered by 17494
the state or any subdivision of the state. 17495

(F) "Product name" means a coined or specific designation 17496

applied to an individual liming material.	17497
(G) "Sale" means an exchange or offer to exchange ownership, or a transfer or offer to transfer custody.	17498 17499
(H) "Ton" means a net weight of two thousand pounds.	17500
(I) "Metric ton" means a measure of weight equal to one thousand kilograms.	17501 17502
(J) "Pelletized lime" means a finely ground limestone product or manufactured material that is held together in a granulated form by a water soluble binding agent and that is capable of neutralizing soil acidity.	17503 17504 17505 17506
(K) "Water treatment lime sludge" means lime sludge generated during the process of treating water supplies having levels of heavy metals at or below the levels permitted in standards adopted by the director of environmental protection governing the land application of lime sludge so generated.	17507 17508 17509 17510 17511
(L) "Distribute" means to offer for sale, sell, barter, or otherwise supply liming material in this state.	17512 17513
(M) "Official sample" means any sample of liming material taken and designated as "official" by the director of agriculture or the director's designee.	17514 17515 17516
(N) "Effective neutralizing power" means the neutralizing value of liming material based on the total neutralizing power and fineness that is expressed as a dry weight percentage.	17517 17518 17519
(O) "Fineness index" means the percentage by weight of a liming material that will pass designated sieves, calculated to account for particle size distribution by adding the amounts arrived at under divisions (O)(1), (2), and (3) of this section as follows:	17520 17521 17522 17523 17524
(1) Two-tenths multiplied by the percentage of material passing a number eight United States standard sieve minus the	17525 17526

percentage of material passing a number twenty United States
standard sieve. 17527
17528

(2) Six-tenths multiplied by the percentage of material 17529
passing a number twenty United States standard sieve minus the 17530
percentage of material passing a number sixty United States 17531
standard sieve. 17532

(3) One multiplied by the percentage of material passing a 17533
number sixty United States standard sieve. 17534

Sec. 905.52. (A) Except as provided in section 905.53 of the 17535
Revised Code, no person shall manufacture, sell, or distribute in 17536
this state liming material without a license to do so issued by 17537
the department of agriculture. 17538

(B) Each such license expires on the thirty-first day of 17539
December of each year and shall be renewed according to the 17540
standard renewal procedure of sections 4745.01 to 4745.03 of the 17541
Revised Code. 17542

(C) Each application for issuance or renewal of such a 17543
license shall: 17544

(1) Include the name and address of the applicant and the 17545
name and address of each bulk distribution point from which the 17546
applicant's liming material will be distributed in this state; 17547

(2) Be accompanied by a license fee of fifty dollars: 17548

(a) For each location at which liming material is 17549
manufactured in this state; 17550

(b) For each location out of the state from which liming 17551
material is distributed or sold in this state to nonlicensees. 17552

(3) Be accompanied by a label for each product name and 17553
grade. 17554

(D) The name and address of the applicant shown on the 17555

application shall be shown on all labels, pertinent invoices, and 17556
bulk storage for liming material distributed or sold by the 17557
licensee in this state. 17558

(E) The licensee shall inform the department in writing of 17559
additional distribution points established during the period of 17560
the license. 17561

(F) All money collected under this section shall be credited 17562
to the pesticide, fertilizer, and lime program fund created in 17563
section 921.22 of the Revised Code. 17564

Sec. 905.56. (A) Each licensee shall file with the department 17565
of agriculture an annual tonnage report that includes the number 17566
of net tons of liming material sold or distributed to a 17567
non-licensee in this state, by county, by oxide and hydrate forms, 17568
and by grade as defined in section 905.54 of the Revised Code, 17569
within forty days after the thirty-first day of December of each 17570
calendar year. The inspection fee at the rate stated in division 17571
(B) of this section shall accompany this report. 17572

(B) Each licensee who sells or distributes more than 17573
twenty-five hundred tons of agricultural liming material in this 17574
state shall pay to the department an inspection fee. The 17575
inspection fee is one fourth of one cent for each ton in excess of 17576
twenty-five hundred tons, as reported in the tonnage report 17577
required by division (A) of this section. The maximum inspection 17578
fee is three hundred dollars. 17579

(C) If a tonnage report is not filed, or if the inspection 17580
fee is not paid within ten days after the due date, a penalty of 17581
ten per cent of the amount due, with a minimum penalty of ten 17582
dollars, shall be assessed against the licensee. The amount of fee 17583
due, plus penalty, shall constitute a debt and shall become the 17584
basis of a judgment against the licensee. Such remedy is in 17585
addition to the remedy provided in section 905.62 of the Revised 17586

Code. 17587

(D) The director of agriculture may inspect the inventories, 17588
books, and records of any licensee in order to verify a tonnage 17589
report. If the director finds that a tonnage report is erroneous, 17590
the director may adjust the inspection fee, may assess any balance 17591
due against the licensee, and may impose a penalty not to exceed 17592
ten per cent of the balance due, or may refund any overpayment. 17593

(E) All money collected under this section shall be credited 17594
to the pesticide, fertilizer, and lime program fund created in 17595
section 921.22 of the Revised Code. 17596

Sec. 907.13. No person shall label agricultural, vegetable, 17597
or flower seed that is intended for sale in this state unless the 17598
person holds a valid seed labeler permit that has been issued by 17599
the director of agriculture in accordance with this section. 17600

A person who wishes to obtain a seed labeler permit shall 17601
file an application with the director on a form that the director 17602
provides and shall submit a permit fee in the amount of ten 17603
dollars. Such a person who labels seed under more than one name or 17604
at more than one address shall obtain a separate seed labeler 17605
permit and pay a separate permit fee for each name and address. 17606

The applicant shall include the applicant's full name and 17607
address on the application together with any additional 17608
information that the director requires by rules adopted under 17609
section 907.10 of the Revised Code. If the applicant's address is 17610
not within this state or it does not represent a location in this 17611
state where the director can collect samples of the applicant's 17612
seed for analysis, then the applicant shall include on the 17613
application an address within this state where samples of the 17614
applicant's seed may be collected for those purposes or shall 17615
agree to provide the director or the director's authorized 17616
representative with seeds for sampling upon request. 17617

Upon receipt of a complete application accompanied by the 17618
ten-dollar permit fee, the director shall issue a seed labeler's 17619
permit to the applicant. All seed labeler permits that are issued 17620
under this section shall expire on the thirty-first day of 17621
December of each year regardless of the date on which a permit was 17622
issued during that year. 17623

Each person who obtains a seed labeler permit shall label the 17624
seed that the person intends for sale in this state in accordance 17625
with the requirements established in sections 907.01 to 907.17 of 17626
the Revised Code. Each person who holds a valid seed labeler 17627
permit shall keep the permit posted in a conspicuous place in the 17628
principal seed room from which the person sells seed and shall 17629
comply with the reporting and fee requirements that are 17630
established in section 907.14 of the Revised Code. 17631

All money collected under this section shall be credited to 17632
the commercial feed and seed fund created in section 923.46 of the 17633
Revised Code. 17634

Sec. 907.14. (A) A person who holds a valid seed labeler 17635
permit issued under section 907.13 of the Revised Code shall 17636
report to the director of agriculture concerning the amount of 17637
seed that the person sells in this state. The report shall be made 17638
semiannually on a form that the director prescribes and provides. 17639
One semiannual report shall be filed with the director prior to 17640
the first day of February of each year with respect to all sales 17641
that the person made during the period from the first day of July 17642
to the thirty-first day of December of the preceding year. The 17643
second semiannual report shall be filed prior to the first day of 17644
August of each year with respect to all sales that the person made 17645
during the period from the first day of January to the thirtieth 17646
day of June of that year. 17647

(B) A person who holds a valid seed labeler permit shall 17648

include with each semiannual report a seed fee based on the amount 17649
of the seed that the person sold during that reporting period as 17650
follows: 17651

(1) For soybeans and small grains, including barley, oats, 17652
rye, wheat, triticale, and spelt, four cents per one hundred 17653
pounds; 17654

(2) For corn and grain sorghum, five cents per one hundred 17655
pounds; 17656

(3)(a) For any of the following seed sold at wholesale or 17657
retail or on consignment or commission, two per cent of the 17658
wholesale value of the containers of seed or, if the seed is not 17659
sold wholesale, two per cent of the retail value of the containers 17660
of seed: 17661

(i) Vegetable and flower seed sold in containers, other than 17662
hermetically sealed containers, of eight ounces or less; 17663

(ii) Flower seed sold in hermetically sealed containers that 17664
contain fewer than three hundred seeds; 17665

(iii) Vegetable seed sold in hermetically sealed containers 17666
that contain fewer than one thousand seeds. 17667

(b) The fees established pursuant to divisions (B)(3)(a)(ii) 17668
and (iii) of this section apply to both of the following: 17669

(i) Seed sold in hermetically sealed containers that contain 17670
the amount of seeds specified in division (B)(3)(a)(ii) or (iii) 17671
of this section, as applicable; 17672

(ii) Seed sold in hermetically sealed containers that do not 17673
clearly state the number of seeds that they contain. 17674

(c) Except as otherwise provided in division (B)(3)(b)(ii) of 17675
this section, if the weight of seed in a container, or the 17676
quantity of seed in a container, exceeds the applicable weight or 17677
quantity specified in division (B)(3)(a)(i), (ii), or (iii) of 17678

this section, the fee established in division (B)(4) of this 17679
section applies. 17680

(4) For alfalfa, clover, grass, native grass, mixtures 17681
containing any of these, and all agricultural, vegetable, and 17682
flower seeds not specified in divisions (B)(1) to (3) of this 17683
section, ten cents per one hundred pounds. 17684

If the total amount of the seed fee that is due is less than 17685
five dollars, the person shall pay the minimum seed fee, which is 17686
five dollars. 17687

(C) For each failure to report in full the amount of seed 17688
sold or to submit the required seed fees in full by the due date, 17689
a person who holds a valid seed labeler permit shall pay a penalty 17690
of ten per cent of the amount due or fifty dollars, whichever is 17691
greater. Failure to pay either the fee or the penalty within 17692
thirty days after the due date is cause for suspension or 17693
revocation by the director of the seed labeler permit or refusal, 17694
without a hearing, to issue a subsequent seed labeler permit for 17695
which the person applies. 17696

(D) This section does not apply to governmental entities that 17697
donate seed for conservation purposes. 17698

(E) All money collected under this section shall be credited 17699
to the commercial feed and seed fund created in section 923.46 of 17700
the Revised Code. 17701

Sec. 907.30. (A) No person shall apply legume inoculants to 17702
seed for sale in ~~Ohio~~, this state for others or to a customer's 17703
order unless ~~he shall have~~ the person has obtained from the 17704
director of agriculture a legume inoculator's license for each 17705
such place of business where seed is inoculated. Application for 17706
such a license shall be made on a form obtainable from the 17707
director and shall be accompanied by a fee of five dollars. ~~Said~~ 17708

The application shall include the name of the brand, or brands of legume inoculant to be used together with the name of the manufacturer, and the name of the process or technique used to apply the inoculant to the seed. All such licenses shall expire each year on the thirty-first day of January and shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03, ~~inclusive,~~ of the Revised Code.

(B) The legume inoculator shall keep for a period of eighteen months, records ~~which~~ that shall include complete data concerning the source and lot number of the inoculant material used, the rate and date of application, and the lot identity by owner and lot number, if any, of the seed to which the material was applied.

(C) All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 907.31. Any person who submits an application for the registration of a brand of legume inoculant shall pay annually, prior to the first day of January, a registration and inspection fee in the amount of fifty dollars per brand.

The registration shall be renewed according to the standard renewal procedure established in Chapter 4745. of the Revised Code.

All money collected under this section shall be credited to the commercial feed and seed fund created in section 923.46 of the Revised Code.

Sec. 915.24. (A) There is hereby created in the state treasury the food safety fund. All of the following moneys shall be credited to the fund:

(1) Bakery registration fees and fines received under sections 911.02 to 911.20 of the Revised Code;

(2) Cannery license fees and renewal fees received under sections 913.01 to 913.05 of the Revised Code;	17739 17740
(3) Moneys received under sections 913.22 to 913.28 of the Revised Code;	17741 17742
(4) License fees, fines, and penalties recovered for the violation of sections 915.01 to 915.12 of the Revised Code;	17743 17744
(5) License fees collected under sections 915.14 to 915.23 of the Revised Code;	17745 17746
(6) License fees, other fees, and fines collected by or for the director of agriculture under Chapter 3717. of the Revised Code;	17747 17748 17749
(7) Fees collected under section 3715.04 of the Revised Code for the issuance of certificates of health and freesale;	17750 17751
<u>(8) Registration fees and other fees collected by the director under section 3715.041 of the Revised Code.</u>	17752 17753
(B) The director of agriculture shall use the moneys deposited into the food safety fund to administer and enforce the laws pursuant to which the moneys were collected.	17754 17755 17756
Sec. 918.08. (A) Except as provided in division (F) of this section, no person shall operate an establishment without first licensing the establishment with the department of agriculture. The owner of an establishment desiring a license with the department may make application therefor on forms provided by the department. If after inspection the director of agriculture finds that an establishment is in compliance with this chapter and rules adopted under it, the director shall notify the owner of the establishment and, upon receipt of the required license fee, the establishment shall be permitted to operate. However, if after inspection the director finds that an establishment is not in compliance with this chapter and rules adopted under it, the	17757 17758 17759 17760 17761 17762 17763 17764 17765 17766 17767 17768

director shall deny the license application. The applicant may 17769
appeal the denial of the license application in accordance with 17770
Chapter 119. of the Revised Code. The license shall expire 17771
annually on the thirty-first day of March and, if the director 17772
finds that the establishment is in compliance with this chapter 17773
and rules adopted under it, shall be renewed according to the 17774
standard renewal procedure of sections 4745.01 to 4745.03 of the 17775
Revised Code. 17776

(B) The annual license fee for each establishment, or a 17777
renewal thereof, is ~~fifty~~ one hundred dollars. All fees collected 17778
under this section shall be deposited into the poultry and meat 17779
products fund created in section 918.15 of the Revised Code. 17780

(C) If after inspection the director determines that an 17781
establishment licensed under division (A) of this section is 17782
operating in violation of this chapter or the rules adopted 17783
thereunder, the director shall notify the licensee in writing of 17784
the violation and give the licensee ten days from the date of 17785
notice to cease or correct the conditions causing the violation. 17786
If the conditions causing the violation continue after the 17787
expiration of the ten-day period, the director may do either of 17788
the following: 17789

(1) Impose progressive enforcement actions as provided in 17790
division (D)(1) of this section in the same manner as inspectors; 17791

(2) Suspend or revoke the establishment's license in 17792
accordance with Chapter 119. of the Revised Code. 17793

(D)(1) If an inspector determines that an establishment 17794
licensed under division (A) of this section is operating in 17795
violation of sections 918.01 to 918.12 of the Revised Code and 17796
rules adopted under those sections, the inspector may notify the 17797
licensee in writing of the violation. The inspector immediately 17798
may impose progressive enforcement actions, including withholding 17799

the mark of inspection, suspension of inspection, suspension of 17800
inspection held in abeyance, and withdrawal of inspection. The 17801
progressive enforcement actions may be taken prior to affording 17802
the licensee an opportunity for a hearing. As authorized in 17803
division (C) of section 119.06 of the Revised Code, a decision to 17804
impose a progressive enforcement action is immediately appealable 17805
to a higher authority within the department who is classified by 17806
the director as a district supervisor and who is designated by the 17807
director to hear the appeal. If the district supervisor affirms 17808
the enforcement action of the inspector, the licensee may appeal 17809
the enforcement action in accordance with Chapter 119. of the 17810
Revised Code. 17811

(2) As used in division (D)(1) of this section, "suspension 17812
of inspection held in abeyance" means a period of time during 17813
which a suspension of inspection is lifted because an 17814
establishment has presented the director with a corrective action 17815
plan that, if implemented properly, would bring the establishment 17816
into compliance with this chapter and rules adopted under it. 17817

(E) If in the opinion of the director the establishment is 17818
being operated under such insanitary conditions as to be a hazard 17819
to public health, or if the director determines that an 17820
establishment is not in compliance with its hazard analysis 17821
critical control point plan as required by rules, the director may 17822
condemn or retain the product on hand and immediately withdraw 17823
inspection from the establishment until the insanitary conditions 17824
are corrected or until the establishment is in compliance with its 17825
hazard analysis critical control point plan, as applicable. The 17826
director may take those actions prior to an adjudication hearing 17827
as required under section 119.06 of the Revised Code. The director 17828
subsequently shall afford a hearing upon the request of the owner 17829
or operator of the establishment. 17830

(F) Any person operating an establishment as defined in 17831

section 918.01 of the Revised Code who also operates on the same 17832
premises an establishment as defined in section 918.21 of the 17833
Revised Code shall apply either for licensure under section 918.08 17834
of the Revised Code or for licensure under section 918.28 of the 17835
Revised Code, but not for both, as the director shall determine. 17836

(G) If the director determines that the owner or operator of 17837
or any person employed by an establishment licensed under division 17838
(A) of this section forcibly assaulted, resisted, opposed, 17839
impeded, intimidated, or interfered with any person while that 17840
person was engaged in, or because of the person's performance of, 17841
official duties under sections 918.01 to 918.12 of the Revised 17842
Code or the rules adopted under those sections, the director 17843
immediately may withdraw inspection from the establishment prior 17844
to an adjudication hearing as required under section 119.06 of the 17845
Revised Code. 17846

(H) In addition to any remedies provided by law and 17847
irrespective of whether or not there exists an adequate remedy at 17848
law, the director may apply to the court of common pleas of the 17849
county in which a violation of sections 918.01 to 918.12 of the 17850
Revised Code or rules adopted under those sections occurs for a 17851
temporary or permanent injunction or other appropriate relief 17852
concerning the violation. 17853

Sec. 918.28. (A) Except as provided in division (F) of 17854
section 918.08 of the Revised Code, application for a license to 17855
operate an establishment shall be made to the director of 17856
agriculture on forms provided by the department of agriculture. 17857
The director shall inspect the establishment and if, upon 17858
inspection, the establishment is found to be in compliance with 17859
this chapter and rules adopted under it, the director shall so 17860
notify the owner of the establishment and, upon receipt of the 17861
annual license fee of ~~fifty~~ one hundred dollars, shall issue the 17862

owner a license. However, if after inspection the director finds 17863
that an establishment is not in compliance with this chapter and 17864
rules adopted under it, the director shall deny the license 17865
application. The applicant may appeal the denial of the license 17866
application in accordance with Chapter 119. of the Revised Code. 17867
The license shall expire on the thirty-first day of March of each 17868
year and, if the director finds that the establishment is in 17869
compliance with this chapter and rules adopted under it, shall be 17870
renewed according to the standard renewal procedures of sections 17871
4745.01 to 4745.03 of the Revised Code. 17872

(B) If after inspection the director determines that an 17873
establishment licensed under this section is operating in 17874
violation of this chapter or a rule or order adopted or issued 17875
under authority thereof, the director shall notify the licensee in 17876
writing of the violation, giving the licensee ten days from the 17877
date of the notice to correct the conditions causing the 17878
violation. If the conditions are not corrected within the ten-day 17879
period, the director may do either of the following: 17880

(1) Impose progressive enforcement actions as provided in 17881
division (C)(1) of this section in the same manner as inspectors; 17882

(2) Suspend or revoke the license in accordance with Chapter 17883
119. of the Revised Code. 17884

(C)(1) If an inspector determines that an establishment 17885
licensed under division (A) of this section is operating in 17886
violation of sections 918.21 to 918.31 of the Revised Code and 17887
rules adopted under those sections, the inspector may notify the 17888
licensee in writing of the violation. The inspector immediately 17889
may impose progressive enforcement actions, including withholding 17890
the mark of inspection, suspension of inspection, suspension of 17891
inspection held in abeyance, and withdrawal of inspection. The 17892
progressive enforcement actions may be taken prior to affording 17893

the licensee an opportunity for a hearing. As authorized in 17894
division (C) of section 119.06 of the Revised Code, a decision to 17895
impose a progressive enforcement action is immediately appealable 17896
to a higher authority within the department who is classified by 17897
the director as a district supervisor and who is designated by the 17898
director to hear the appeal. If the district supervisor affirms 17899
the enforcement action of the inspector, the licensee may appeal 17900
the enforcement action in accordance with Chapter 119. of the 17901
Revised Code. 17902

(2) As used in division (C)(1) of this section, "suspension 17903
of inspection held in abeyance" means a period of time during 17904
which a suspension of inspection is lifted because an 17905
establishment has presented the director with a corrective action 17906
plan that, if implemented properly, would bring the establishment 17907
into compliance with this chapter and rules adopted under it. 17908

(D) If in the opinion of the director the establishment is 17909
being operated under such insanitary conditions as to be a hazard 17910
to public health, or if the director determines that an 17911
establishment is not in compliance with its hazard analysis 17912
critical control point plan as required by rules, the director may 17913
condemn or retain the product on hand and immediately withdraw 17914
inspection from the establishment until such time as the 17915
insanitary conditions are corrected or until the establishment is 17916
in compliance with its hazard analysis critical control point 17917
plan, as applicable. 17918

(E) If the director determines that the owner or operator of 17919
or any person employed by an establishment licensed under division 17920
(A) of this section forcibly assaulted, resisted, opposed, 17921
impeded, intimidated, or interfered with any person while that 17922
person was engaged in, or because of the person's performance of, 17923
official duties under sections 918.21 to 918.31 of the Revised 17924
Code or the rules adopted under those sections, the director 17925

immediately may withdraw inspection from the establishment prior 17926
to an adjudication hearing as required under section 119.06 of the 17927
Revised Code. 17928

(F) In addition to any remedies provided by law and 17929
irrespective of whether or not there exists an adequate remedy at 17930
law, the director may apply to the court of common pleas of the 17931
county in which a violation of sections 918.21 to 918.31 of the 17932
Revised Code or rules adopted under those sections occurs for a 17933
temporary or permanent injunction or other appropriate relief 17934
concerning the violation. 17935

Sec. 921.02. (A) No person shall distribute a pesticide 17936
within this state unless the pesticide is registered with the 17937
director of agriculture under this chapter. Registrations shall be 17938
issued for a period of time established by rule and shall be 17939
renewed in accordance with deadlines established by rule. 17940
Registration is not required if a pesticide is shipped from one 17941
plant or warehouse to another plant or warehouse operated by the 17942
same person and used solely at that plant or warehouse as a 17943
constituent part to make a pesticide that is registered under this 17944
chapter, or if the pesticide is distributed under the provisions 17945
of an experimental use permit issued under section 921.03 of the 17946
Revised Code or an experimental use permit issued by the United 17947
States environmental protection agency. 17948

(B) The applicant for registration of a pesticide shall file 17949
a statement with the director on a form provided by the director, 17950
which shall include all of the following: 17951

(1) The name and address of the applicant and the name and 17952
address of the person whose name will appear on the label, if 17953
other than the applicant's name; 17954

(2) The brand and product name of the pesticide; 17955

(3) Any necessary information required for completion of the 17956
department of agriculture's application for registration, 17957
including the agency registration number; 17958

(4) A complete copy of the labeling accompanying the 17959
pesticide and a statement of all claims to be made for it, 17960
including the directions for use and the use classification as 17961
provided for in the federal act. 17962

(C) The director, when the director considers it necessary in 17963
the administration of this chapter, may require the submission of 17964
the complete formula of any pesticide including the active and 17965
inert ingredients. 17966

(D) The director may require a full description of the tests 17967
made and the results thereof upon which the claims are based for 17968
any pesticide. The director shall not consider any data submitted 17969
in support of an application, without permission of the applicant, 17970
in support of any other application for registration unless the 17971
other applicant first has offered to pay reasonable compensation 17972
for producing the test data to be relied upon and the data are not 17973
protected from disclosure by section 921.04 of the Revised Code. 17974
In the case of a renewal of registration, a statement shall be 17975
required only with respect to information that is different from 17976
that furnished when the pesticide was registered or last 17977
registered. 17978

(E) The director may require any other information to be 17979
submitted with an application. 17980

Any applicant may designate any portion of the required 17981
registration information as a trade secret or confidential 17982
business information. Upon receipt of any required registration 17983
information designated as a trade secret or confidential business 17984
information, the director shall consider the designated 17985
information as confidential and shall not reveal or cause to be 17986

revealed any such designated information without the consent of 17987
the applicants, except to persons directly involved in the 17988
registration process described in this section or as required by 17989
law. 17990

(F) Beginning January 1, 2007, each applicant shall pay a 17991
registration and inspection fee of one hundred fifty dollars for 17992
each product name and brand registered for the company whose name 17993
appears on the label. If an applicant files for a renewal of 17994
registration after the deadline established by rule, the applicant 17995
shall pay a penalty fee of seventy-five dollars for each product 17996
name and brand registered for the applicant. The penalty fee shall 17997
be added to the original fee and paid before the renewal 17998
registration is issued. In addition to any other remedy available 17999
under this chapter, if a pesticide that is not registered pursuant 18000
to this section is distributed within this state, the person 18001
required to register the pesticide shall do so and shall pay a 18002
penalty fee of seventy-five dollars for each product name and 18003
brand registered for the applicant. The penalty fee shall be added 18004
to the original fee of one hundred fifty dollars and paid before 18005
the registration is issued. 18006

(G) Provided that the state is authorized by the 18007
administrator of the United States environmental protection agency 18008
to register pesticides to meet special local needs, the director 18009
shall require the information set forth under divisions (B), (C), 18010
(D), and (E) of this section and shall register any such pesticide 18011
after determining that all of the following conditions are met: 18012

(1) Its composition is such as to warrant the proposed claims 18013
for it. 18014

(2) Its labeling and other material required to be submitted 18015
comply with the requirements of the federal act and of this 18016
chapter, and rules adopted thereunder. 18017

(3) It will perform its intended function without 18018
unreasonable adverse effects on the environment. 18019

(4) When used in accordance with widespread and commonly 18020
recognized practice, it will not generally cause unreasonable 18021
adverse effects on the environment. 18022

(5) The classification for general or restricted use is in 18023
conformity with the federal act. 18024

The director shall not make any lack of essentiality a 18025
criterion for denying the registration of any pesticide. When two 18026
pesticides meet the requirements of division (G) of this section, 18027
the director shall not register one in preference to the other. 18028

(H)(1) The director may refuse to register a pesticide if the 18029
application for registration fails to comply with this section. 18030

(2) The director may suspend or revoke a pesticide 18031
registration after a hearing in accordance with Chapter 119. of 18032
the Revised Code for a pesticide that fails to meet the claims 18033
made for it on its label. 18034

(3) The director may immediately suspend a pesticide 18035
registration, prior to a hearing, when the director believes that 18036
the pesticide poses an immediate hazard to human or animal health 18037
or a hazard to the environment. Not later than fifteen days after 18038
suspending the registration, the director shall determine whether 18039
the pesticide poses such a hazard. If the director determines that 18040
no hazard exists, the director shall lift the suspension of the 18041
registration. If the director determines that a hazard exists, the 18042
director shall revoke the registration in accordance with Chapter 18043
119. of the Revised Code. 18044

(I) All money collected under this section shall be credited 18045
to the pesticide, fertilizer, and lime program fund created in 18046
section 921.22 of the Revised Code. 18047

Sec. 921.06. (A)(1) No individual shall do any of the	18048
following without having a commercial applicator license issued by	18049
the director of agriculture:	18050
(a) Apply pesticides for a pesticide business without direct	18051
supervision;	18052
(b) Apply pesticides as part of the individual's duties while	18053
acting as an employee of the United States government, a state,	18054
county, township, or municipal corporation, or a park district,	18055
port authority, or sanitary district created under Chapter 1545.,	18056
4582., or 6115. of the Revised Code, respectively;	18057
(c) Apply restricted use pesticides. Division (A)(1)(c) of	18058
this section does not apply to a private applicator or an	18059
immediate family member or a subordinate employee of a private	18060
applicator who is acting under the direct supervision of that	18061
private applicator.	18062
(d) If the individual is the owner of a business other than a	18063
pesticide business or an employee of such an owner, apply	18064
pesticides at any of the following publicly accessible sites that	18065
are located on the property:	18066
(i) Food service operations that are licensed under Chapter	18067
3717. of the Revised Code;	18068
(ii) Retail food establishments that are licensed under	18069
Chapter 3717. of the Revised Code;	18070
(iii) Golf courses;	18071
(iv) Rental properties of more than four apartment units at	18072
one location;	18073
(v) Hospitals or medical facilities as defined in section	18074
3701.01 of the Revised Code;	18075
(vi) Child day-care centers or school child day-care centers	18076

as defined in section 5104.01 of the Revised Code; 18077

(vii) Facilities owned or operated by a school district 18078
established under Chapter 3311. of the Revised Code, including an 18079
education service center, a community school established under 18080
Chapter 3314. of the Revised Code, or a chartered or nonchartered 18081
nonpublic school that meets minimum standards established by the 18082
state board of education; 18083

(viii) Colleges as defined in section 3365.01 of the Revised 18084
Code; 18085

(ix) Food processing establishments as defined in section 18086
3715.021 of the Revised Code; 18087

(x) Any other site designated by rule. 18088

(e) Conduct authorized diagnostic inspections. 18089

(2) Divisions (A)(1)(a) to (d) of this section do not apply 18090
to an individual who is acting as a trained serviceperson under 18091
the direct supervision of a commercial applicator. 18092

(3) Licenses shall be issued for a period of time established 18093
by rule and shall be renewed in accordance with deadlines 18094
established by rule. The fee for each such license shall be 18095
established by rule. If a license is not issued or renewed, the 18096
application fee shall be retained by the state as payment for the 18097
reasonable expense of processing the application. The director 18098
shall by rule classify by pesticide-use category licenses to be 18099
issued under this section. A single license may include more than 18100
one pesticide-use category. No individual shall be required to pay 18101
an additional license fee if the individual is licensed for more 18102
than one category. 18103

The fee for each license or renewal does not apply to an 18104
applicant who is an employee of the department of agriculture 18105
whose job duties require licensure as a commercial applicator as a 18106

condition of employment. 18107

(B) Application for a commercial applicator license shall be 18108
made on a form prescribed by the director. Each application for a 18109
license shall state the pesticide-use category or categories of 18110
license for which the applicant is applying and other information 18111
that the director determines essential to the administration of 18112
this chapter. 18113

(C) If the director finds that the applicant is competent to 18114
apply pesticides and conduct diagnostic inspections and that the 18115
applicant has passed both the general examination and each 18116
applicable pesticide-use category examination as required under 18117
division (A) of section 921.12 of the Revised Code, the director 18118
shall issue a commercial applicator license limited to the 18119
pesticide-use category or categories for which the applicant is 18120
found to be competent. If the director rejects an application, the 18121
director may explain why the application was rejected, describe 18122
the additional requirements necessary for the applicant to obtain 18123
a license, and return the application. The applicant may resubmit 18124
the application without payment of any additional fee. 18125

(D)(1) A person who is a commercial applicator shall be 18126
deemed to hold a private applicator's license for purposes of 18127
applying pesticides on agricultural commodities that are produced 18128
by the commercial applicator. 18129

(2) A commercial applicator shall apply pesticides only in 18130
the pesticide-use category or categories in which the applicator 18131
is licensed under this chapter. 18132

(E) All money collected under this section shall be credited 18133
to the pesticide, fertilizer, and lime program fund created in 18134
section 921.22 of the Revised Code. 18135

Sec. 921.09. (A)(1) No person shall own or operate a 18136

pesticide business without obtaining a license from the director 18137
of agriculture. Licenses shall be issued for a period of time 18138
established by rule and shall be renewed in accordance with 18139
deadlines established by rule. 18140

(2) A person applying for a pesticide business license shall 18141
register each location that is owned by the person and used for 18142
the purpose of engaging in the pesticide business. 18143

(B) Any person who owns or operates a pesticide business 18144
outside of this state, but engages in the business of applying 18145
pesticides to properties of another for hire in this state, shall 18146
obtain a license for the person's principal out-of-state location 18147
from the director. In addition, the person shall register each 18148
location that is owned by the person in this state and used for 18149
the purpose of engaging in the pesticide business. 18150

(C)(1) The person applying for a pesticide business license 18151
shall file a statement with the director, on a form provided by 18152
the director, that shall include all of the following: 18153

(a) The address of the principal place of business of the 18154
pesticide business; 18155

(b) The address of each location that the person intends to 18156
register under division (A)(2) or (B) of this section; 18157

(c) Any other information that the director determines 18158
necessary and that the director requires by rule. 18159

(2) Each applicant shall pay a license fee established by 18160
rule for the pesticide business plus an additional fee established 18161
by rule for each pesticide business registered location specified 18162
in the application. The license may be renewed upon payment of a 18163
renewal fee established by rule plus an additional fee established 18164
by rule for each pesticide business registered location. A copy of 18165
the license shall be maintained and conspicuously displayed at 18166

each such location. 18167

(3) The issuance of a pesticide business license constitutes 18168
registration of any pesticide business location identified in the 18169
application under division (C)(1) of this section. 18170

(4) The owner or operator of a pesticide business shall 18171
notify the director not later than fifteen days after any change 18172
occurs in the information required under division (C)(1)(a) or (b) 18173
of this section. 18174

(D) The owner or operator of a pesticide business shall 18175
employ at least one commercial applicator for each pesticide 18176
business registered location the owner or operator owns or 18177
operates. 18178

(E) The owner or operator of a pesticide business is 18179
responsible for the acts of each employee in the handling, 18180
application, and use of pesticides and in the conducting of 18181
diagnostic inspections. The pesticide business license is subject 18182
to denial, modification, suspension, or revocation after a hearing 18183
for any violation of this chapter or any rule adopted or order 18184
issued under it. The director may levy against the owner or 18185
operator any civil penalties authorized by division (B) of section 18186
921.16 of the Revised Code for any violation of this chapter or 18187
any rule adopted or order issued under it that is committed by the 18188
owner or operator or by the owner's or operator's officer, 18189
employee, or agent. 18190

(F) The director may modify a license issued under this 18191
section by one of the following methods: 18192

(1) Revoking a licensee's authority to operate out of a 18193
particular pesticide business registered location listed under 18194
division (C)(1)(b) of this section; 18195

(2) Preventing a licensee from operating within a specific 18196
pesticide-use category. 18197

(G) The director may deny a pesticide business license to any person whose pesticide business license has been revoked within the previous thirty-six months. 18198
18199
18200

(H) Each pesticide business registered location that is owned by a pesticide business is subject to inspection by the director. 18201
18202

(I) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code. 18203
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Sec. 921.11. (A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following: 18206
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(a) Licensed under section 921.06 of the Revised Code; 18208

(b) Licensed under division (B) of this section; 18209

(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator; 18210
18211

(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator. 18212
18213
18214

(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following: 18215
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18217

(a) Licensed under section 921.06 of the Revised Code; 18218

(b) Licensed under division (B) of this section. 18219

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is 18220
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essential to the administration of this chapter. The fee for each 18227
license shall be established by rule. Licenses shall be issued for 18228
a period of time established by rule and shall be renewed in 18229
accordance with deadlines established by rule. If a license is not 18230
issued or renewed, the state shall retain any fee submitted as 18231
payment for reasonable expenses of processing the application. 18232

(C) An individual who is licensed under this section shall 18233
use or directly supervise the use of a restricted use pesticide 18234
only for the purpose of producing agricultural commodities on 18235
property that is owned or rented by the individual or the 18236
individual's employer. 18237

(D) All money collected under this section shall be credited 18238
to the pesticide, fertilizer, and lime program fund created in 18239
section 921.22 of the Revised Code. 18240

Sec. 921.13. (A) Any person who is acting in the capacity of 18241
a pesticide dealer or who advertises or assumes to act as a 18242
pesticide dealer at any time shall obtain a pesticide dealer 18243
license from the director of agriculture. Licenses shall be issued 18244
for a period of time established by rule and shall be renewed in 18245
accordance with deadlines established by rule. A license is 18246
required for each location or outlet within this state from which 18247
the person distributes pesticides. 18248

Any pesticide dealer who has no pesticide dealer outlets in 18249
this state and who distributes restricted use pesticides directly 18250
into this state shall obtain a pesticide dealer license from the 18251
director for the pesticide dealer's principal out-of-state 18252
location or outlet and for each sales person operating in the 18253
state. 18254

The applicant shall include a license fee established by rule 18255
with the application for a license. The application shall be made 18256
on a form prescribed by the director. 18257

Each pesticide dealer shall submit records to the director of 18258
all of the restricted use pesticides the pesticide dealer has 18259
distributed, as specified by the director, and duplicate records 18260
shall be retained by the pesticide dealer for a period of time 18261
established by rules. 18262

(B) This section does not apply to any federal, state, 18263
county, or municipal agency that provides pesticides for its own 18264
programs. 18265

(C) Each licensed pesticide dealer is responsible for the 18266
acts of each employee in the solicitation and sale of pesticides 18267
and all claims and recommendations for use of pesticides. The 18268
pesticide dealer's license is subject to denial, suspension, or 18269
revocation after a hearing for any violation of this chapter 18270
whether committed by the pesticide dealer or by the pesticide 18271
dealer's officer, agent, or employee. 18272

(D) All money collected under this section shall be credited 18273
to the pesticide, fertilizer, and lime program fund created in 18274
section 921.22 of the Revised Code. 18275

Sec. 921.16. (A) The director of agriculture shall adopt 18276
rules the director determines necessary for the effective 18277
enforcement and administration of this chapter. The rules may 18278
relate to, but are not limited to, the time, place, manner, and 18279
methods of application, materials, and amounts and concentrations 18280
of application of pesticides, may restrict or prohibit the use of 18281
pesticides in designated areas during specified periods of time, 18282
and shall encompass all reasonable factors that the director 18283
determines necessary to minimize or prevent damage to the 18284
environment. In addition, the rules shall establish the deadlines 18285
and time periods for registration, registration renewal, late 18286
registration renewal, and failure to register under section 921.02 18287
of the Revised Code; the fees for registration, registration 18288

renewal, late registration renewal, and failure to register under 18289
section 921.02 of the Revised Code that shall apply until the fees 18290
that are established under that section take effect on January 1, 18291
2007; and the fees, deadlines, and time periods for licensure and 18292
license renewal under sections 921.06, 921.09, 921.11, and 921.13 18293
of the Revised Code. 18294

(B) The director shall adopt rules that establish a schedule 18295
of civil penalties for violations of this chapter, or any rule or 18296
order adopted or issued under it, provided that the civil penalty 18297
for a first violation shall not exceed five thousand dollars and 18298
the civil penalty for each subsequent violation shall not exceed 18299
ten thousand dollars. In determining the amount of a civil penalty 18300
for a violation, the director shall consider factors relevant to 18301
the severity of the violation, including past violations and the 18302
amount of actual or potential damage to the environment or to 18303
human beings. All money collected under this division shall be 18304
credited to the pesticide, fertilizer, and lime program fund 18305
created in section 921.22 of the Revised Code. 18306

(C) The director shall adopt rules that set forth the 18307
conditions under which the director: 18308

(1) Requires that notice or posting be given of a proposed 18309
application of a pesticide; 18310

(2) Requires inspection, condemnation, or repair of equipment 18311
used to apply a pesticide; 18312

(3) Will suspend, revoke, or refuse to issue any pesticide 18313
registration for a violation of this chapter; 18314

(4) Requires safe handling, transportation, storage, display, 18315
distribution, and disposal of pesticides and their containers; 18316

(5) Ensures the protection of the health and safety of 18317
agricultural workers storing, handling, or applying pesticides, 18318

and all residents of agricultural labor camps, as that term is 18319
defined in section 3733.41 of the Revised Code, who are living or 18320
working in the vicinity of pesticide-treated areas; 18321

(6) Requires a record to be kept of all pesticide 18322
applications made by each commercial applicator and by any trained 18323
serviceperson acting under the commercial applicator's direct 18324
supervision and of all restricted use pesticide applications made 18325
by each private applicator and by any immediate family member or 18326
subordinate employee of that private applicator who is acting 18327
under the private applicator's direct supervision as required 18328
under section 921.14 of the Revised Code; 18329

(7) Determines the pesticide-use categories of diagnostic 18330
inspections that must be conducted by a commercial applicator; 18331

(8) Requires a record to be kept of all diagnostic 18332
inspections conducted by each commercial applicator and by any 18333
trained service person. 18334

(D) The director shall prescribe standards for the licensure 18335
of applicators of pesticides consistent with those prescribed by 18336
the federal act and the regulations adopted under it or prescribe 18337
standards that are more restrictive than those prescribed by the 18338
federal act and the regulations adopted under it. The standards 18339
may relate to the use of a pesticide or to an individual's 18340
pesticide-use category. 18341

The director shall take into consideration standards of the 18342
United States environmental protection agency. 18343

(E) The director may adopt rules setting forth the conditions 18344
under which the director will: 18345

(1) Collect and examine samples of pesticides or devices; 18346

(2) Specify classes of devices that shall be subject to this 18347
chapter; 18348

(3) Prescribe other necessary registration information.	18349
(F) The director may adopt rules that do either or both of the following:	18350 18351
(1) Designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if the director considers it necessary, to further restrict such use;	18352 18353 18354 18355 18356
(2) Define what constitutes "acting under the instructions and control of a commercial applicator" as used in the definition of "direct supervision" in division (Q)(1) of section 921.01 of the Revised Code. In adopting a rule under division (F)(2) of this section, the director shall consider the factors associated with the use of pesticide in the various pesticide-use categories. Based on consideration of the factors, the director may define "acting under the instructions and control of a commercial applicator" to include communications between a commercial applicator and a trained serviceperson that are conducted via landline telephone or a means of wireless communication. Any rules adopted under division (F)(2) of this section shall be drafted in consultation with representatives of the pesticide industry.	18357 18358 18359 18360 18361 18362 18363 18364 18365 18366 18367 18368 18369
(G) Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.	18370 18371 18372 18373
(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than human beings and other than bacteria, viruses, and other microorganisms on or in living human beings or other living animals, that is injurious to health or the environment.	18374 18375 18376 18377 18378
(I) The director may make reports to the United States	18379

environmental protection agency, in the form and containing the 18380
information the agency may require. 18381

(J) The director shall adopt rules for the application, use, 18382
storage, and disposal of pesticides if, in the director's 18383
judgment, existing programs of the United States environmental 18384
protection agency necessitate such rules or pesticide labels do 18385
not sufficiently address issues or situations identified by the 18386
department of agriculture or interested state agencies. 18387

(K) The director shall adopt rules establishing all of the 18388
following: 18389

(1) Standards, requirements, and procedures for the 18390
examination and re-examination of commercial applicators and 18391
private applicators; 18392

(2) With respect to training programs that the director may 18393
require commercial applicators and private applicators to 18394
complete: 18395

(a) Standards and requirements that a training program must 18396
satisfy in order to be offered by the director or the director's 18397
representative or in order to be approved by the director if a 18398
third party wishes to offer it; 18399

(b) Eligibility standards and requirements that must be 18400
satisfied by third parties who wish to provide the training 18401
programs; 18402

(c) Procedures that third parties must follow in order to 18403
submit a proposed training program to the director for approval; 18404

(d) Criteria that the director must consider when determining 18405
whether to authorize a commercial applicator or private applicator 18406
to participate in a training program instead of being required to 18407
pass a re-examination. 18408

(3) Training requirements for a trained serviceperson. 18409

(L) The director shall adopt all rules under this chapter in accordance with Chapter 119. of the Revised Code.

Sec. 921.22. The pesticide, fertilizer, and lime program fund is hereby created in the state treasury. ~~The portion of the money in the fund that is collected under this chapter shall be used to carry out the purposes of this chapter. The portion of the money in the fund that is collected under section 927.53 of the Revised Code shall be used to carry out the purposes specified in that section, the portion of the money in the fund that is collected under section 927.69 of the Revised Code shall be used to carry out the purposes specified in that section, and the portion of the money in the fund that is collected under section 927.701 of the Revised Code shall be used to carry out the purposes of that section.~~ The fund shall consist of ~~fees collected under sections 921.01 to 921.15, division (F) of section 927.53, and section 927.69 of the Revised Code, money collected under section 927.701~~ money credited to it under this chapter and Chapter 905. of the Revised Code, and rules adopted under them and all fines, penalties, costs, and damages, except court costs, that are collected by either the director of agriculture or the attorney general in consequence of any violation of ~~this chapter~~ those chapters or rules adopted under them. The director shall use money in the fund to administer and enforce those chapters and rules adopted under them.

The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide upon request, an annual report classifying the receipts and disbursements that pertain to pesticides, fertilizers, or lime.

Sec. 921.27. (A) If the director of agriculture has reasonable cause to believe that a pesticide or device is being distributed, stored, transported, or used in violation of this

chapter or of any rules, it shall be subject to seizure on 18441
complaint of the director to a court of competent jurisdiction in 18442
the locality in which the pesticide or device is located. 18443

(B) If the article is condemned, it shall, after entry or 18444
decree, be disposed of by destruction or sale as the court may 18445
direct and the proceeds, if the article is sold, less legal costs, 18446
shall be paid to the pesticide, fertilizer, and lime program fund 18447
created in section 921.22 of the Revised Code. The article shall 18448
not be sold contrary to this section. Upon payment of costs and 18449
execution and delivery of a good and sufficient bond conditioned 18450
that the article shall not be disposed of unlawfully, the court 18451
may direct that the article be delivered to the owner thereof for 18452
relabeling or reprocessing. 18453

Sec. 921.29. Fines, penalties, costs, and damages assessed 18454
against a person in consequence of violations of this chapter, as 18455
provided in this chapter or any other section of the Revised Code, 18456
shall be a lien in favor of the state upon the real and personal 18457
property of the person, upon the filing of a judgment or an order 18458
of the director of agriculture with the county in which the real 18459
and personal property is located. The real and personal property 18460
of the person shall be liable to execution for the fines, 18461
penalties, costs, and damages by the attorney general, who shall 18462
deposit any proceeds from an execution upon the property in the 18463
pesticide, fertilizer, and lime program fund created in section 18464
921.22 of the Revised Code. 18465

Sec. 923.44. (A)(1) Except as otherwise provided in divisions 18466
(A)(2), (3), and (4) of this section, the first distributor of a 18467
commercial feed shall pay the director of agriculture a semiannual 18468
inspection fee at the rate of twenty-five cents per ton, with a 18469
minimum payment of twenty-five dollars, on all commercial feeds 18470
distributed by the first distributor in this state. 18471

18472

(2) The semiannual inspection fee required under division 18473
(A)(1) of this section shall not be paid by the first distributor 18474
of a commercial feed if the distribution is made to an exempt 18475
buyer who shall be responsible for the fee. The director shall 18476
establish an exempt list consisting of those buyers who are 18477
responsible for the fee. 18478

(3) The semiannual inspection fee shall not be paid on a 18479
commercial feed if the fee has been paid by a previous 18480
distributor. 18481

(4) The semiannual inspection fee shall not be paid on 18482
customer-formula feed if the fee has been paid on the commercial 18483
feeds that are used as components in that customer-formula feed. 18484

(B) Each distributor or exempt buyer who is required to pay a 18485
fee under division (A)(1) or (2) of this section shall file a 18486
semiannual statement with the director that includes the number of 18487
net tons of commercial feed distributed by the distributor or 18488
exempt buyer in this state, within thirty days after the thirtieth 18489
day of June and within thirty days after the thirty-first day of 18490
December, respectively, of each calendar year. 18491

The inspection fee at the rate stated in division (A)(1) of 18492
this section shall accompany the statement. For a tonnage report 18493
that is not filed or payment of inspection fees that is not made 18494
within fifteen days after the due date, a penalty of ten per cent 18495
of the amount due, with a minimum penalty of fifty dollars shall 18496
be assessed against the distributor or exempt buyer. The amount of 18497
fees due, plus penalty, shall constitute a debt and become the 18498
basis of a judgment against the distributor or exempt buyer. 18499

(C) No information furnished under this section shall be 18500
disclosed by an employee of the department of agriculture in such 18501
a way as to divulge the operation of any person required to make 18502

such a report. 18503

(D) All money collected under this section shall be credited 18504
to the commercial feed and seed fund created in section 923.46 of 18505
the Revised Code. 18506

Sec. 923.46. ~~All moneys collected by the director of~~ 18507
~~agriculture under sections 923.41 to 923.55 of the Revised Code~~ 18508
~~shall be deposited into the state treasury to the credit of the~~ 18509
~~The commercial feed, fertilizer, and seed, and lime inspection and~~ 18510
~~laboratory fund is hereby created in section 905.38 the state~~ 18511
~~treasury. The fund shall consist of money credited to it under~~ 18512
~~this chapter and Chapter 907. of the Revised Code.~~ 18513

The director shall ~~prepare and provide a report concerning~~ 18514
~~the fund in accordance with section 905.381 of the Revised Code~~ 18515
keep accurate records of all receipts into and disbursements from 18516
the fund and shall prepare, and provide upon request, an annual 18517
report classifying the receipts and disbursements that pertain to 18518
commercial feed or seed. 18519

Sec. 927.51. As used in sections 927.51 to ~~927.74~~ 927.73 of 18520
the Revised Code: 18521

(A) "Collected plant" means any plant dug or gathered from 18522
any wood lot, field, forest, or any other location in which such a 18523
plant is found growing in its native habitat. 18524

(B) "Collector" means any person who collects, for sale, 18525
plants from wood lots, fields, forests, or other native habitat. 18526

(C) "Dealer" means any person other than a nurseryman who 18527
offers for sale, sells, or distributes nursery stock, either 18528
exclusively or in connection with other merchandise, in or from 18529
any nursery, store, sales ground, stand, lot, truck, railway car, 18530
or other vehicle. "Dealer" includes any landscaper who sells or 18531
offers for sale nursery stock as a part of a grounds improvement 18532

project ~~which~~ that may involve the installation of such plants. 18533

(D) "Hardy," when applied to plants and bulbs, whether wild 18534
or cultivated, means capable of surviving the normal winter 18535
temperatures of this state. 18536

(E) "Host" means any plant or plant product from which any 18537
pest derives its food supply, or upon which it depends for its 18538
well being or to complete any part of its life cycle. 18539

(F) "Infested" means containing or harboring one or more 18540
pests or infected with one or more pests. 18541

(G) "Nursery" means any grounds or premises on or in which 18542
nursery stock is propagated or grown for sale. 18543

(H) "Nurseryman" means a person who owns, leases, manages, or 18544
is in charge of a nursery. 18545

(I) "Nursery stock" means: 18546

(1) Any hardy tree, shrub, plant, or bulb, whether wild or 18547
cultivated, except turfgrass, and any cutting, graft, scion, or 18548
bud thereof; 18549

(2) Any nonhardy plant, or plant part, ~~which~~ that is to be 18550
offered for sale in any state ~~which~~ that requires inspection and 18551
certification of ~~such~~ the plant or plant part as a condition of 18552
entrance therein. 18553

(J) "Person" means any corporation, company, society, 18554
association, partnership, individual or combination of 18555
individuals, institution, park, or any public agency administered 18556
by the state or any subdivision of the state. 18557

(K) "Pest" means any insect, mite, nematode, bacteria, 18558
fungus, virus, parasitic plant, or any other organism or any stage 18559
of any such organism ~~which~~ that causes, or is capable of causing, 18560
injury, disease, or damage to any plant, plant part, or plant 18561
product. 18562

(L) "Place of business" means each separate location from which nursery stock is sold, offered for sale, or distributed.

(M) "Intensive production area" means a place where nursery stock is propagated or grown using greenhouses, liner beds, lath beds, or containers.

(N) "Nonintensive production area" means any place where nursery stock is propagated or grown as field stock.

(O) "Forced floral plants" means plants with desirable flower characteristics in which the bloom is artificially induced at an unnatural time of the year.

Sec. 927.52. (A) The director of agriculture shall adopt and enforce any rules that are necessary to carry out sections 927.51 to ~~927.74~~ 927.73 of the Revised Code.

(B) The director may revoke, suspend, or refuse to issue any nursery certificate or dealer's license for any violation of sections 927.51 to 927.71 of the Revised Code, or of any rules adopted under those sections.

(C) The director may publish reports describing nursery inspection and pest control operations authorized by sections 927.51 to 927.71 of the Revised Code.

Sec. 927.53. (A) Each collector or dealer who sells, offers, or exposes for sale, or distributes nursery stock within this state, or ships nursery stock to other states, shall pay an annual license fee of ~~fifty~~ one hundred twenty-five dollars to the director of agriculture for each place of business the collector or dealer operates.

(B)(1) Each dealer shall furnish the director, annually, an affidavit that the dealer will buy and sell only nursery stock which has been inspected and certified by an official state or

federal inspector. 18592

(2) Each dealer's license expires on the thirty-first day of 18593
December of each year. Each licensed dealer shall apply for 18594
renewal of the dealer's license prior to the first day of January 18595
of each year and in accordance with the standard renewal procedure 18596
of sections 4745.01 to 4745.03 of the Revised Code. 18597

(C) Each licensed nurseryperson shall post conspicuously in 18598
the nurseryperson's principal place of business, the certificate 18599
which is issued to the nurseryperson in accordance with section 18600
927.61 of the Revised Code. 18601

(D) Each licensed nurseryperson, or dealer, shall post 18602
conspicuously in each place of business, each certificate or 18603
license which is issued to the nurseryperson or dealer in 18604
compliance with this section or section 927.61 of the Revised 18605
Code. 18606

(E)(1) Each nurseryperson who produces, sells, offers for 18607
sale, or distributes woody nursery stock within the state, or 18608
ships woody nursery stock to other states, shall pay to the 18609
director an annual inspection fee of ~~fifty~~ one hundred dollars 18610
plus ~~four~~ eleven dollars per acre, or fraction thereof, of growing 18611
nursery stock in intensive production areas and ~~two~~ seven dollars 18612
per acre, or fraction thereof, of growing nursery stock in 18613
nonintensive production areas, as applicable. 18614

(2) Each nurseryperson who limits production and sales of 18615
nursery stock to brambles, herbaceous, perennial, and other 18616
nonwoody plants, shall pay to the director an inspection fee of 18617
~~thirty~~ one hundred dollars, plus ~~four~~ eleven dollars per acre, or 18618
fraction thereof, of growing nursery stock in intensive and 18619
nonintensive production areas. 18620

(F) ~~On and after the effective date of this amendment, the~~ 18621
~~following additional fees shall be assessed:~~ 18622

~~(1) Each collector or dealer who pays a fee under division (A) of this section shall pay an additional fee of twenty five dollars.~~ 18623
18624
18625

~~(2) Each nursery person who pays fees under division (E)(1) of this section shall pay additional fees as follows:~~ 18626
18627

~~(a) Fifteen dollars for the inspection fee;~~ 18628

~~(b) Fifty cents per acre, or fraction thereof, of growing nursery stock in intensive production areas;~~ 18629
18630

~~(c) One dollar and fifty cents per acre, or fraction thereof, of growing nursery stock in nonintensive production areas.~~ 18631
18632

~~(3) Each nursery person who pays fees under division (E)(2) of this section shall pay additional fees as follows:~~ 18633
18634

~~(a) Thirty five dollars for the inspection fee;~~ 18635

~~(b) Fifty cents per acre, or fraction thereof, of growing stock in intensive and nonintensive production areas. The~~ 18636
18637

~~The fees collected under division (F) of this section shall be deposited into the state treasury credited to the credit of the pesticide plant pest program fund created in Chapter 921. section 927.54 of the Revised Code. Moneys so credited to the fund shall be used to pay the costs incurred by the department of agriculture in administering this chapter, including employing a minimum of two additional inspectors.~~ 18638
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Sec. 927.54. The plant pest program fund is hereby created in the state treasury. The fund shall consist of money credited to it under this chapter and any rules adopted under it. The director of agriculture shall use money in the fund to administer this chapter. 18645
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The director shall keep accurate records of all receipts into and disbursements from the fund and shall prepare, and provide 18650
18651

upon request, an annual report classifying the receipts and 18652
disbursements that pertain to plant pests. 18653

Sec. 927.56. (A) Each nurseryman, dealer, or collector of 18654
nursery stock, who resides in or has his principal place of 18655
business in another state and who sends nursery stock into this 18656
state without having a bona fide order in advance for all such 18657
nursery stock, shall obtain the same license ~~which~~ that is 18658
required by section 927.53 of the Revised Code. 18659

(B) The director of agriculture may enter into such 18660
reciprocal contracts and agreements as ~~he~~ the director determines 18661
proper and expedient, with the proper authorities of other states 18662
or of the federal government to regulate the shipment, sale, and 18663
distribution of nursery stock in this state by persons residing in 18664
or located in another state, in accordance with sections 927.51 to 18665
~~927.74, inclusive,~~ 927.73 of the Revised Code. 18666

Sec. 927.69. To effect the purpose of sections 927.51 to 18667
~~927.74~~ 927.73 of the Revised Code, the director of agriculture or 18668
the director's authorized representative may: 18669

(A) Make reasonable inspection of any premises in this state 18670
and any property therein or thereon; 18671

(B) Stop and inspect in a reasonable manner, any means of 18672
conveyance moving within this state upon probable cause to believe 18673
it contains or carries any pest, host, commodity, or other article 18674
that is subject to sections 927.51 to 927.72 of the Revised Code; 18675

(C) Conduct inspections of agricultural products that are 18676
required by other states, the United States department of 18677
agriculture, other federal agencies, or foreign countries to 18678
determine whether the products are infested. If, upon making such 18679
an inspection, the director or the director's authorized 18680
representative determines that an agricultural product is not 18681

infested, the director or the director's authorized representative 18682
may issue a certificate, as required by other states, the United 18683
States department of agriculture, other federal agencies, or 18684
foreign countries, indicating that the product is not infested. 18685

If the director charges fees for any of the certificates, 18686
agreements, or inspections specified in this section, the fees 18687
shall be as follows: 18688

(1) Phyto sanitary certificates, twenty-five dollars for 18689
those collectors or dealers that are licensed under section 927.53 18690
of the Revised Code; 18691

(2) Phyto sanitary certificates, one hundred dollars for all 18692
others; 18693

(3) Compliance agreements, twenty forty dollars; 18694

~~(3) Solid wood packing certificates, twenty dollars;~~ 18695

(4) Agricultural products and their conveyances inspections, 18696
an amount equal to the hourly rate of pay in the highest step in 18697
the pay range, including fringe benefits, of a plant pest control 18698
specialist multiplied by the number of hours worked by such a 18699
specialist in conducting an inspection. 18700

The director may adopt rules under section 927.52 of the 18701
Revised Code that define the certificates, agreements, and 18702
inspections. 18703

The fees shall be ~~deposited into the state treasury credited~~ 18704
~~to the credit of the pesticide plant pest program fund created in~~ 18705
~~Chapter 921. section 927.54 of the Revised Code. Money credited to~~ 18706
~~the fund shall be used to pay the costs incurred by the department~~ 18707
~~of agriculture in administering this chapter, including employing~~ 18708
~~a minimum of two additional inspectors.~~ 18709

Sec. 927.70. (A) No person shall knowingly permit any plant 18710
pest ~~which~~ that has been determined to be destructive or 18711

dangerously harmful by the director of agriculture, in compliance 18712
with procedures required by division (A) of section 927.52 of the 18713
Revised Code, to exist in or on ~~his~~ the person's premises. 18714

(B) Whenever the director or ~~his~~ the director's authorized 18715
representative finds any article or commodity to be infested or 18716
has reason to believe it to be infested, or finds that a host or 18717
pest exists on any premises, or is in transit in this state, ~~he~~ 18718
the director may: 18719

(1) Upon giving notice to the owner or ~~his~~ the owner's agent 18720
in possession thereof, seize, quarantine, treat, or otherwise 18721
dispose of ~~such~~ the pest, host, article, or commodity in such 18722
manner as ~~he~~ the director determines necessary to suppress, 18723
control, eradicate, or to prevent or retard the spread of a pest; 18724

(2) Order ~~such~~ the owner or agent to so treat or otherwise 18725
dispose of the pest, host, article, or commodity. 18726

(C) If the owner or person in charge of ~~such~~ the premises 18727
refuses or neglects to carry out the orders of the director within 18728
seven days after receiving written notice, the director may treat 18729
the premises; treat or destroy the infested plants or plant 18730
material; or apply any other preventive or remedial measure ~~which~~ 18731
~~he~~ that the director determines necessary. The expense of any such 18732
preventative or remedial measures shall be assessed, collected, 18733
and enforced, as taxes are assessed, collected, and enforced, 18734
against the premises upon which ~~such~~ the expense was incurred. The 18735
amount of ~~such~~ the expense when collected shall be ~~paid to the~~ 18736
~~director and by him deposited with the treasurer of state~~ credited 18737
to the plant pest program fund created in section 927.54 of the 18738
Revised Code. 18739

Sec. 927.701. (A) As used in this section, "gypsy moth" means 18740
the live insect, *Lymantria dispar*, in any stage of development. 18741
18742

(B) The director of agriculture may establish a voluntary gypsy moth suppression program under which a landowner may request that the department of agriculture have the landowner's property aerially sprayed to suppress the presence of gypsy moths in exchange for payment from the landowner of a portion of the cost of the spraying. To determine the ~~amount of payment that is due from a landowner~~ total cost per acre, the department ~~first~~ shall determine the projected cost per acre to the department of gypsy moth suppression activities for the year in which the landowner's request is made. The cost shall be calculated by determining the total expense of aerial spraying for gypsy moths to be incurred by the department in that year divided by the total number of acres proposed to be sprayed in that year. With respect to a landowner add the per-acre cost of the product selected by the landowner to suppress gypsy moths and the per-acre cost of applying the product as determined by the director in rules. To determine the aggregate total cost, the department shall multiply the total cost per acre by the number of acres that the landowner requests to be sprayed. The department shall add to that amount any administrative costs that it incurs in billing the landowner and collecting payment. ~~The amount that the landowner shall pay to the department shall not exceed fifty per cent of the resulting amount. The portion of the cost that is assessed to the landowner, if any, shall be determined by the funding that is allocated to the department by the federal and state gypsy moth suppression programs.~~

(C) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures under which a landowner may make a request under division (B) of this section, to establish the per-acre cost of applying product to suppress gypsy moths, and to establish provisions governing agreements between the department and landowners concerning gypsy moth suppression together with any other provisions that the director considers appropriate to administer this section.

(D) The director shall deposit all money collected under this 18776
section ~~into the state treasury~~ to the credit of the ~~pesticide~~ 18777
~~plant pest~~ program fund created in ~~Chapter 921. section 927.54~~ of 18778
the Revised Code. Money credited to the fund under this section 18779
shall be used for the suppression of gypsy moths in accordance 18780
with this section. 18781

Sec. 927.71. (A) The director of agriculture, in accordance 18782
with Chapter 119. of the Revised Code, may quarantine: 18783

(1) This state or any portion thereof when ~~he~~ the director 18784
determines that such action is necessary to prevent or retard the 18785
spread of a pest into, within, or from this state; 18786

(2) Any other state or portion thereof when ~~he~~ the director 18787
determines that a pest exists therein and that such action is 18788
necessary to prevent or retard its spread into this state. 18789

(B) The director may limit the application of a quarantine to 18790
the infested portions of the quarantined area and appropriate 18791
environs, to be known as the regulated area, and may, without 18792
further hearing, extend the regulated area to include additional 18793
portions of the quarantined area either: 18794

(1) Upon publication of a notice to that effect in such 18795
newspapers in the quarantined area as ~~he~~ the director may select; 18796

(2) Upon written notice to those concerned. 18797

(C) Following establishment of a quarantine, no person shall 18798
move any regulated article described in the quarantine, or move 18799
the pest against which the quarantine is established, within, 18800
from, into, or through this state contrary to ~~regulations~~ 18801
~~promulgated~~ rules adopted by the director without prior permission 18802
or order of the director. 18803

(D) A ~~regulation~~ rule may restrict the movement of a pest and 18804
any regulated article from the quarantined or regulated area in 18805

this state into or through other parts of this state or other 18806
states and from the quarantine or regulated area in other states 18807
into or through this state and may impose such inspection, 18808
disinfection, certification, permit, or other requirements as the 18809
director determines necessary to effectuate the purpose of 18810
sections 927.51 to ~~927.74, inclusive,~~ 927.73 of the Revised Code. 18811

Sec. 942.01. As used in sections 942.01 to 942.13 of the 18812
Revised Code: 18813

(A) "Conveyance" means a vehicle, trailer, or compartment 18814
that is used to transport raw rendering material. 18815

(B) "Garbage" means all waste material derived in whole or in 18816
part from the meat of any animal, including fish and poultry, or 18817
other animal material, and other refuse of any character that has 18818
been associated with such waste material resulting from the 18819
handling, preparation, cooking, or consumption of food. 18820

~~(B)~~(C) "Person" means any individual, corporation, 18821
partnership, association, society, company, firm, or other legal 18822
entity. 18823

~~(C)~~(D) "Raw rendering material" has the same meaning as in 18824
section 953.21 of the Revised Code. 18825

(E) "Treated garbage" means any edible garbage for 18826
consumption by swine that has been heated at boiling point while 18827
being agitated, except in steam cooking equipment, to ensure that 18828
the garbage is heated throughout for thirty minutes under the 18829
supervision of a person licensed pursuant to section 942.02 of the 18830
Revised Code. 18831

Sec. 942.02. (A) No person shall feed on ~~his~~ the person's 18832
premises, or permit the feeding of, treated garbage to swine 18833
without a license to do so issued by the department of 18834
agriculture. 18835

(B) An application for a license to feed treated garbage shall be made in writing on a form prescribed by the director of agriculture. 18836
18837
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(C) A license shall be renewed before the thirty-first day of December of each year, and an application for renewal shall be filed before the thirtieth day of November of each year. 18839
18840
18841

(D) The fee for the license shall be ~~fifty~~ one hundred dollars per annum. A late fee of fifty dollars shall be paid for each application that is received after the thirtieth day of November each year. 18842
18843
18844
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(E) All money collected under this section shall be credited to the animal and consumer analytical laboratory fund created in section 901.43 of the Revised Code. 18846
18847
18848

Sec. 942.06. (A) Equipment used for handling garbage, except for the containers in which the garbage is treated, and conveyances shall not subsequently be used in the feeding of swine unless first cleaned and disinfected in accordance with directions on the labels of one of the following disinfectants approved by the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 136, as amended: 18849
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(1) A registered brand of sodium orthophenylphenate; 18856

(2) A registered cresylic disinfectant, provided that the conditions set forth under 9 C.F.R. 71.10 and 77.11 are met; 18857
18858

(3) Disinfectants with tuberculocidal claims and labeled as efficacious against any species within the viral genus herpes. 18859
18860

(B) Treated or untreated garbage that is not fed to swine and materials associated with such garbage shall be disposed of in a manner consistent with all applicable federal and state laws and in an area inaccessible to the swine. 18861
18862
18863
18864

(C) All refuse resulting from feeding treated garbage to 18865

swine, that is not fed to swine shall be disposed of in a manner 18866
so as to prevent the attraction of insects and rodents or the 18867
contamination of adjoining property. 18868

(D) The premises, vehicles, and equipment used in the feeding 18869
of treated garbage to swine shall be subject to inspection by the 18870
department of agriculture during regular business hours. If the 18871
director of agriculture or ~~his~~ the director's designee is denied 18872
access to any premises as authorized under this division, ~~he~~ the 18873
director or the director's designee may apply to any court of 18874
competent jurisdiction for a search warrant authorizing access to 18875
the requested premises. Upon receipt of an application for a 18876
search warrant, the court may issue a search warrant for the 18877
purposes requested. 18878

(E)(1) The owner of the premises, vehicles, and equipment 18879
used in the feeding of treated garbage to swine and licensed 18880
pursuant to section 942.02 of the Revised Code shall be 18881
responsible for cleaning and disinfecting them with no expense to 18882
the department. 18883

(2) The owner of a conveyance is responsible for cleaning and 18884
disinfecting the conveyance with no expense to the department. 18885

Sec. 942.13. This chapter does not apply to ~~any~~ either of the 18886
following: 18887

(A) An individual who feeds garbage from ~~his~~ the individual's 18888
household to ~~his~~ the individual's own animals or ~~to any~~ an 18889
individual who only feeds bakery waste, candy waste, eggs, 18890
vegetables, or dairy products to swine; 18891

(B) Rendered products. As used in this division, "rendered 18892
product" means raw rendering material that has been ground and 18893
heated to a minimum temperature of two hundred thirty degrees 18894
Fahrenheit to make products such as animal, poultry, or fish 18895

protein, grease, or tallow. 18896

Sec. 943.01. As used in sections 943.01 to 943.18 of the 18897
Revised Code: 18898

(A) "Animals" or "livestock" means horses, mules, and other 18899
equidae, cattle, sheep, and goats and other bovidae, swine and 18900
other suidae, poultry, alpacas, and llamas. 18901

(B) "Dealer" or "broker" means any person found by the 18902
department of agriculture buying, receiving, selling, 18903
slaughtering, with the exception of those persons designated by 18904
division (B)(1) of section 918.10 of the Revised Code, exchanging, 18905
negotiating, or soliciting the sale, resale, exchange, or transfer 18906
of any animals in an amount of more than two hundred fifty head of 18907
cattle, horses, or other equidae or five hundred head of sheep, 18908
goats, or other bovidae ~~ex,~~ swine and other suidae ~~ex,~~ poultry, 18909
alpacas, or llamas during any one year. "Dealer" or "broker" does 18910
not mean any of the following: 18911

(1) Any railroad or other carrier transporting animals either 18912
interstate or intrastate; 18913

(2) Any person who by dispersal sale is permanently 18914
discontinuing the business of farming, dairying, breeding, 18915
raising, or feeding animals; 18916

(3) Any person who sells livestock that has been raised from 18917
birth on the premises of the person; 18918

(4) Any person who buys or receives animals for grazing or 18919
feeding purposes at a premises owned or controlled by the person 18920
and sells or disposes of the animals after the minimum grazing or 18921
feeding period of thirty days; 18922

(5) Any person who places livestock in facilities other than 18923
the person's own pursuant to a written agreement for feeding or 18924
finishing, provided that the person retains legal and equitable 18925

title to the livestock during the term of the agreement. 18926

The exemptions set forth in divisions (B)(1) to (5) of this 18927
section are exclusive of those activities requiring licensure 18928
under this chapter, so that a person shall be deemed to be a 18929
dealer or broker or subject to divisions (B)(1) to (5) of this 18930
section, but shall not be, or be subject to, both. No person who 18931
is a licensed dealer or broker and whose license is suspended 18932
shall have livestock or animals exempted pursuant to divisions 18933
(B)(1) to (5) of this section. 18934

(C) "Employee" means any person employed by a dealer or 18935
broker to act in the dealer's or broker's behalf to buy, sell, 18936
exchange, negotiate, or solicit sale or resale of animals in the 18937
dealer's or broker's name. 18938

(D) "Small dealer" means any person found by the department 18939
buying, receiving, selling, slaughtering, with the exception of 18940
those persons designated by division (B)(1) of section 918.10 of 18941
the Revised Code, exchanging, negotiating, or soliciting the sale, 18942
resale, exchange, or transfer of any animals in an amount of two 18943
hundred fifty head or less of cattle, horses, or other equidae or 18944
five hundred head or less of sheep, goats, or other bovidae, swine 18945
or other suidae, poultry, alpacas, or llamas during any one year. 18946

Sec. 943.02. (A) No person shall act as a small dealer, 18947
dealer, or broker without first being licensed. No person shall be 18948
an employee of more than one small dealer, dealer, or broker. 18949
Except as provided in division (B) of this section, no person 18950
holding a license as a small dealer, dealer, or broker shall be an 18951
employee. No employee shall act for any small dealer, dealer, or 18952
broker unless the small dealer, dealer, or broker is licensed, and 18953
has designated the employee to act in ~~his~~ the small dealer's, 18954
dealer's, or broker's behalf and has notified the department of 18955
agriculture in ~~his~~ the application for license or has given 18956

official notice in writing of the appointment of the employee. The 18957
small dealer, dealer, or broker shall be accountable and 18958
responsible for all contracts pertaining to the purchase, 18959
exchange, or sale of livestock made by the employee. The small 18960
dealer, dealer, or broker who terminates the services of an 18961
employee shall notify the department in writing of the employee's 18962
termination. No person who is a licensed small dealer, dealer, or 18963
broker shall have livestock exempted pursuant to divisions (B)(1) 18964
~~through (5)~~ to (6) of section 943.01 of the Revised Code. 18965

(B) A small dealer, dealer, or broker may be an employee of 18966
other small dealers, dealers, or brokers only when ~~he~~ the small 18967
dealer, dealer, or broker so employed is a soliciting agent for a 18968
video auction. 18969

(C) The director of agriculture shall define by rule 18970
"soliciting agent" and "video auction" for the purposes of this 18971
section. 18972

Sec. 943.031. (A) Application for a license as a small dealer 18973
shall be made in writing to the department of agriculture. The 18974
application shall state the nature of the business, the municipal 18975
corporation or township, county, and post-office address of the 18976
location where the business is to be conducted, the name of any 18977
employee who is authorized to act in the small dealer's behalf, 18978
and any additional information that the department prescribes. 18979

(B) The applicant shall satisfy the department of the 18981
applicant's character and good faith in seeking to engage in the 18982
business of a small dealer. The department then shall issue to the 18983
applicant a license to conduct the business of a small dealer at 18984
the place named in the application. Licenses, unless revoked, 18985
shall expire annually on the thirty-first day of March and shall 18986
be renewed according to the standard renewal procedure established 18987

in sections 4745.01 to 4745.03 of the Revised Code. 18988

(C) No license shall be issued by the department to a small dealer having weighing facilities until the applicant has filed with the department a copy of a scale test certificate showing the weighing facilities to be in satisfactory condition, a copy of the license of each weigher employed by the applicant, and a certificate of inspection by the department showing livestock market facilities to be in satisfactory sanitary condition. 18989
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(D) No licensed small dealer shall employ as an employee a person who, as a small dealer, dealer, or broker, previously defaulted on contracts pertaining to the purchase, exchange, or sale of livestock until the licensee does both of the following: 18996
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18999

(1) Appears at a hearing before the director of agriculture or the director's designee conducted in accordance with Chapter 119. of the Revised Code pertaining to that person; 19000
19001
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(2) Signs and files with the director an agreement that guarantees, without condition, all contracts pertaining to the purchase, exchange, or sale of livestock made by the person while in the employ of the licensee. The director shall prescribe the form and content of the agreement. 19003
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(E) A licensed small dealer is not required to maintain financial responsibility or furnish proof of financial responsibility. 19008
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19010

Sec. 943.04. (A) Fees for the initial issuance of any license issued pursuant to sections 943.02 and, 943.03, and 943.031 of the Revised Code, shall be paid to the department of agriculture. 19011
19012
19013

(B) All annual renewal fees for ~~such~~ the licenses shall be paid by the applicant for ~~such~~ the renewal of a license on or before the thirty-first day of March of each year to the treasurer of state. ~~Such~~ Except for license fees for small dealers, the fees 19014
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shall be based on the number of head of livestock purchased, sold, 19018
or exchanged, in this state, whichever is the greatest, during the 19019
preceding calendar year. ~~Such~~ Those fees for dealers or brokers 19020
shall be as follows: 19021

Less than 1,000 head ~~\$10.00~~ \$50.00 per annum; 19022

For 1,001 to 10,000 head ~~\$25.00~~ \$125.00 per annum; 19023

For more than 10,000 head ~~\$50.00~~ \$250.00 per 19024
annum. 19025

In the event a dealer or broker operates more than one place 19026
where livestock is purchased, sold, or exchanged, a fee shall be 19027
paid for each ~~such~~ place, but only the original purchase, sale, 19028
or exchange shall be counted in computing the amount of the fee to 19029
be paid for each ~~such~~ place operated by ~~such~~ the dealer or broker. 19030
Shipment between yards owned or operated by ~~such~~ the dealer or 19031
broker shall be exempt. 19032

A late fee of one hundred dollars shall be paid for each 19033
dealer or broker license renewal application that is received 19034
after the thirty-first day of March each year. 19035

(C)(1) A fee of twenty-five dollars shall be paid by each 19036
small dealer. 19037

If a small dealer operates more than one place where 19038
livestock is purchased, sold, or exchanged, a fee shall be paid 19039
for each place, but only the original purchase, sale, or exchange 19040
shall be counted in computing the amount of fee to be paid for 19041
each place operated by the small dealer. Shipment between yards 19042
owned or operated by the small dealer shall be exempt. 19043

(2) A late fee of twenty-five dollars shall be paid for each 19044
small dealer license renewal application that is received after 19045
the thirty-first day of March each year. 19046

(D) A fee of twenty dollars shall be paid by each employee 19047

that is appointed by a small dealer, dealer, or broker as provided 19048
in section 943.02 of the Revised Code. 19049

(E) A fee of ~~five~~ ten dollars shall be paid by each licensed 19050
weigher. 19051

(F) All ~~fees and charges~~ money collected under section 943.03 19052
of the Revised Code, and under this section shall be ~~paid into the~~ 19053
~~state treasury, and shall be~~ credited to the ~~general revenue~~ 19054
animal and consumer analytical laboratory fund created in section 19055
901.43 of the Revised Code. 19056

Sec. 943.05. (A) The director of agriculture may refuse to 19057
grant or may suspend a small dealer's, dealer's, or broker's 19058
license, without prior hearing, ~~when he determines~~ after 19059
determining from evidence presented to ~~him~~ the director that there 19060
is reasonable cause to believe any of the following situations 19061
exist: 19062

(1) Where the applicant or licensee or an employee has 19063
violated the laws of the state or official regulations governing 19064
the interstate or intrastate movement, shipment, or transportation 19065
of animals, or has been convicted of a crime involving moral 19066
turpitude or convicted of a felony; 19067

(2) Where there have been false or misleading statements as 19068
to the health or physical condition of the animals with regard to 19069
official tests or quantity of animals, or the practice of fraud or 19070
misrepresentation in connection therewith or in the buying or 19071
receiving of animals or receiving, selling, exchanging, 19072
soliciting, or negotiating the sale, resale, exchange, weighing, 19073
or shipment of animals; 19074

(3) Where the applicant or licensee acts as a small dealer, 19075
dealer, or broker for a person attempting to conduct business in 19076
violation of section 943.02 of the Revised Code, after the notice 19077

of the violation has been given to the licensee by the department 19078
of agriculture; 19079

(4) Where the applicant or licensee or employee fails to 19080
practice measures of sanitation, disinfection, and inspection as 19081
required by sections 943.01 to 943.18 of the Revised Code, or 19082
prescribed by the department, of premises or vehicles used for the 19083
yarding, holding, or transporting of animals; 19084

(5) Where there has been a failure to keep records required 19085
by the department or where there is a refusal on the part of the 19086
applicant or licensee or employee to produce records of 19087
transactions in the carrying on of the business for which the 19088
license is granted; 19089

(6) Where the applicant or licensee providing weighing 19090
facilities used for, in connection with, or incident to the 19091
purchase or sale of livestock for the account of the licensee or 19092
others, fails to maintain and operate the weighing facilities in 19093
accordance with sections 943.08 and 943.10 of the Revised Code; 19094

(7) Where the applicant or licensee in the conduct of the 19095
business covered by the license fails to maintain and operate 19096
weighing facilities in accordance with sections 943.08 and 943.10 19097
of the Revised Code or fails to cause its livestock to be weighed 19098
by licensed weighers as provided in those sections; 19099

(8) ~~Where~~ With regard to a dealer or broker licensee, where 19100
the licensee fails to maintain a bond or deposit, or letter of 19101
credit, if applicable, or fails to adjust the bond or deposit upon 19102
thirty days' notice or refuses or neglects to pay the fees or 19103
inspection charges required to be paid; 19104

(9) Where the licensee has been suspended by order of the 19105
secretary of agriculture of the United States department of 19106
agriculture under provisions of the "Packers and Stockyards Act of 19107
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended; 19108

(10) ~~Where~~ With regard to a dealer or broker licensee, where 19109
the surety company, trustee, or issuer of a letter of credit of 19110
the licensee issues a notice of termination of the licensee's bond 19111
agreement, deposit agreement, or letter of credit. 19112

(B) When the director refuses to grant or suspends a small 19113
dealer's, ~~dealer's,~~ or broker's license, ~~he~~ the director or ~~his~~ 19114
the director's designee may hand deliver the order. The licensee 19115
to whom a suspension order is issued shall be afforded a hearing 19116
in accordance with Chapter 119. of the Revised Code, after which 19117
the director shall reinstate, revoke, or suspend for a longer or 19118
indefinite period the suspended license. 19119

Sec. 943.06. Every small dealer, ~~dealer,~~ and broker licensed 19120
under section 943.03 or 943.031 of the Revised Code, as 19121
applicable, and carrying on or conducting business under ~~such~~ that 19122
license, shall post in a conspicuous place in or at the place of 19123
business of ~~such~~ the licensee a copy of ~~such~~ the license furnished 19124
by the department of agriculture, to be kept so posted and exposed 19125
for inspection by any person. 19126

Sec. 943.07. Each small dealer, ~~dealer,~~ or broker leasing, 19127
renting, operating, or owning livestock yards, pens, premises, or 19128
vehicles in which animals are quartered, fed, held, or 19129
transported, shall have a veterinary inspector approved by the 19130
department of agriculture, inspect, when directed, all such yards, 19131
premises, and vehicles and shall thoroughly and completely 19132
disinfect all such yards, pens, premises, and vehicles under the 19133
direction of the veterinary inspector and as prescribed by the 19134
department. The cost of ~~such~~ the inspection and disinfection shall 19135
be borne by ~~such~~ the small dealer, ~~dealer,~~ or broker. 19136

The department shall not require such veterinary inspection 19137
of yards, pens, premises, or other facilities where veterinary 19138

inspection is regularly maintained by the United States department 19139
of agriculture, or by the municipal corporation in which the same 19140
are located, or where livestock is transported to markets or 19141
slaughtering establishments where such inspection is maintained. 19142

The department may adopt ~~and promulgate~~ adequate sanitary 19143
requirements covering the construction and maintenance of 19144
buildings, pens, and chutes on all premises regularly used for the 19145
assembling, receiving, handling, feeding, watering, holding, 19146
buying, or selling of livestock, and may prescribe and enforce 19147
rules ~~and regulations~~ for the purpose of carrying into effect 19148
sections 943.01 to 943.18 of the Revised Code. ~~Such~~ Those sections 19149
shall not apply to railroads subject to the "Interstate Commerce 19150
Act of 1887," 24 Stat. 379, 49 U.S.C.A. 1. 19151

Sec. 943.13. The department of agriculture shall require 19152
inspection, tests, and treatments necessary to prevent the spread 19153
of diseases of all animals sold or transferred from pens, yards, 19154
premises, or vehicles by ~~brokers or~~ small dealers, dealers, or 19155
brokers except when such animals are immediately delivered to a 19156
slaughtering establishment. ~~Such~~ The inspection, tests, and 19157
treatments shall be made by a veterinary inspector approved by the 19158
department and shall be made and reported as prescribed by the 19159
department. The fees for ~~such~~ that service shall be paid by the 19160
~~broker or~~ small dealer, dealer, or broker. This section shall not 19161
apply to a person operating a slaughtering establishment at which 19162
antemortem veterinary inspection is regularly maintained. 19163

The director of agriculture, without a prior hearing, may 19164
revoke the approval of a veterinary inspector. A person to whom an 19165
order of revocation is issued shall be afforded a hearing in 19166
accordance with sections 119.01 to 119.13 of the Revised Code. 19167

Animals sold through a livestock auction market shall be 19168
accompanied by a release as may be prescribed by the department 19169

and issued by the ~~broker or~~ small dealer, dealer, or broker. Such 19170
The release shall state the date, number and kind of animals 19171
moved, point of origin, and buyer. 19172

Animals sold for slaughter may be identified by an ear tag, a 19173
livestock paint brand, or other prescribed identification, 19174
whenever the department finds such identification necessary. 19175

Operators of livestock auction markets shall furnish and 19176
maintain cattle chutes suitable for restraining animals for 19177
careful inspection and shall provide suitable laboratory space for 19178
the veterinary inspector. All swine pens shall be paved and 19179
maintained so that they can be cleaned and disinfected. All 19180
diseased animals shall be segregated by species and held in 19181
designated pens constructed to facilitate cleaning and 19182
disinfecting. 19183

Sec. 943.14. (A) The department of agriculture or any of its 19184
authorized agents may inspect the records of any licensee or 19185
employee at any time to determine the origin and destination of 19186
any livestock handled by the licensee and to determine if sections 19187
943.01 to 943.18 of the Revised Code, or the rules ~~promulgated~~ 19188
adopted thereunder, have been violated. 19189

(B) A small dealer, dealer, or broker, employee, or person 19190
described in division (B)(4) of section 943.01 of the Revised 19191
Code, who acquires or disposes of an animal by any means, shall 19192
make a record of the name and address of the person from whom the 19193
animal was acquired and to whom disposed. The record also shall 19194
show the individual identification of each animal at the time of 19195
acquisition or disposal. These records shall be maintained for a 19196
period of ~~twenty-four~~ sixty months or longer from the date of 19197
acquisition or disposal. 19198

(C) The individual identification in division (B) of this 19199
section shall be in a manner or form approved by the department. 19200

(D) A person who is a soliciting agent for a video auction 19201
pursuant to division (B) of section 943.02 of the Revised Code 19202
shall maintain records in a manner or form approved by the 19203
department. 19204

Sec. 943.16. All fines imposed and collected under section 19205
943.99 of the Revised Code, shall be ~~paid to the department of~~ 19206
~~agriculture and by it paid into the state treasury~~ credited to the 19207
animal and consumer analytical laboratory fund created in section 19208
901.43 of the Revised Code. 19209

Sec. 953.21. As used in this chapter: 19210

(A) "Animal" means any animal, other than ~~man~~ a human being, 19211
and includes domestic fowl, wild birds, fish, and reptiles, living 19212
or dead. 19213

(B) "Licensee" means any person who is licensed in accordance 19214
with this chapter. 19215

(C) "Loading platform" means any place operated by a licensee 19216
for loading dead animals, or parts thereof, onto trucks to take 19217
them to a rendering plant or composting facility. 19218

(D) "Person" means any natural person, partnership, 19219
association, or corporation. 19220

(E) "Raw rendering material" means any body, part of a body, 19221
or product of a body of any dead animal that is unwholesome, 19222
condemned, inedible, or otherwise unfit for human consumption. 19223

(F) "Rendering plant" means any premises where raw rendering 19224
materials are converted into fats, oils, feeds, fertilizer, and 19225
other products. 19226

(G) "Composting facility" means any premises, including 19227
~~structure~~ structures and equipment, operating in accordance with 19228
rules adopted under section 3734.02 of the Revised Code and used 19229

for the controlled decomposition of organic solid material, 19230
including dead animals, that stabilizes the organic fraction of 19231
the material. 19232

(H) "Conveyance" means a vehicle, trailer, or compartment. 19233

Sec. 953.22. (A) No person shall engage in the business of 19234
disposing of, picking up, rendering, or collecting raw rendering 19235
material or transporting the material to a composting facility 19236
without a license to do so from the department of agriculture. 19237

(B) This chapter does not apply to any of the following: 19238

~~(1) Operations on any premises that are licensed in 19239
compliance with Chapter 918. of the Revised Code or are subject to 19240
federal meat inspection and render only raw rendering material 19241
that is produced on the premises;~~ 19242

~~(2) A farmer who slaughters his the farmer's own animals, 19243
raised by ~~him~~ the farmer on ~~his~~ the farmer's own farm, processes 19244
~~his the farmer's~~ own meat therefrom, and disposes of ~~his the~~ 19245
farmer's raw rendering material only by delivery to a person 19246
licensed under section 953.23 of the Revised Code; 19247~~

~~(3)(2) A person whose only connection with raw rendering 19248
material is curing hides and skins; 19249~~

~~(4)(3) A person whose only connection with raw rendering 19250
material is operating a pet cemetery; 19251~~

~~(5)(4) A person who is conducting composting, as defined in 19252
section 1511.01 of the Revised Code, in accordance with section 19253
1511.022 of the Revised Code; 19254~~

(5) A person whose only connection with raw rendering 19255
material is trapping wild animals in accordance with a nuisance 19256
wild animal permit issued by the chief of the division of wildlife 19257
in the department of natural resources under rules adopted 19258
pursuant to section 1531.08 of the Revised Code; 19259

(6) A county dog warden or animal control officer who 19260
transports raw rendering material only for disposal purposes. 19261

Sec. 953.23. (A) Application for a license shall be made to 19262
the department of agriculture on a form prescribed by the 19263
department. 19264

(B) Each application shall include all of the following: 19265

(1) The name and address of the applicant; 19266

(2) The applicant's proposed place of business; 19267

(3) A detailed statement of the method that the applicant 19268
intends to use to dispose of, pick up, render, or collect raw 19269
rendering material or to transport it to a composting facility; 19270

(4) Such other relevant information as the department may 19271
require. 19272

(C) Each applicant shall submit the annual license fee with 19273
~~his~~ the application. 19274

(1) The license fee for a person applying for an annual 19275
license to pick up or collect raw rendering material and dispose 19276
of the material to a licensee or in accordance with divisions (B) 19277
and (C) of section 953.26 of the Revised Code, or to transport raw 19278
rendering material to a composting facility, is twenty-five 19279
dollars per conveyance that is used to pick up or collect and 19280
dispose of or to transport raw rendering material. A late fee of 19281
ten dollars per conveyance shall be charged for each application 19282
that is received after the thirtieth day of November each year. 19283

(2) The license fee for a person applying for an annual 19284
license to pick up or collect raw rendering material and to 19285
operate one or more rendering plants is ~~one~~ three hundred dollars 19286
for each such plant. A late fee of one hundred dollars shall be 19287
charged for each application that is received after the thirtieth 19288
day of November each year. 19289

(D) On receipt of an application and fee, under this section, 19290
the department shall inspect the means of conveyance and premises 19291
that the applicant proposes to use to dispose of, collect, pick 19292
up, or render raw rendering material or to transport it to a 19293
composting facility for profit. 19294

(E) If the department finds that the applicant's means of 19295
conveyance, premises, and operation meet the requirements of this 19296
chapter and rules adopted thereunder, the department shall issue a 19297
license to the applicant to dispose of, pick up, render, or 19298
collect for profit raw rendering material or to transport it to a 19299
composting facility for profit. 19300

(F) Each license issued under this section shall expire on 19301
the thirty-first day of December of each year. Each person 19302
licensed under this section shall make application for renewal of 19303
~~his~~ the person's license no later than the thirtieth day of 19304
November of each year. 19305

(G) Application for renewal shall be in accordance with the 19306
requirements of this section for initial application for a license 19307
and the standard renewal procedure of sections 4745.01 to 4745.03 19308
of the Revised Code. 19309

(H) All money collected under this section shall be credited 19310
to the animal and consumer analytical laboratory fund created in 19311
section 901.43 of the Revised Code. 19312

Sec. 955.201. (A) As used in this section and in section 19313
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 19314
corporation organized by that name under Chapter 1702. of the 19315
Revised Code that consists of humane societies, veterinarians, 19316
animal shelters, companion animal breeders, dog wardens, ~~and~~ or 19317
similar individuals and entities. 19318

(B) The Ohio pet fund shall do all of the following: 19319

(1) Establish eligibility criteria for organizations that may receive financial assistance from the pets program funding board created in section 955.202 of the Revised Code. Those organizations may include any of the following:

(a) An animal shelter as defined in section 4729.01 of the Revised Code;

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats;

(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and ~~the primary~~ a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals.

(2) Establish procedures for applying for financial assistance from the pets program funding board. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought.

(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the pets program funding board may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations;

(4) Establish procedures for the disbursement of moneys the pets program funding board receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code;

(5) Advertise or otherwise provide notification of the availability of financial assistance from the pets program funding board for eligible organizations;

(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code.	19350 19351
(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the pets program funding board if any of the following applies:	19352 19353 19354 19355
(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.	19356 19357
(b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:	19358 19359 19360
(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;	19361 19362 19363
(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	19364 19365
(iii) Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;	19366 19367 19368 19369
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	19370 19371 19372
(v) The food stamp <u>supplemental nutrition assistance</u> program established under the "Food Stamp and Nutrition Act of 1977," 91 Stat. 958, <u>2008 (7 U.S.C.A. 2011, as amended, et seq.)</u> administered by the department of job and family services under section 5101.54 of the Revised Code;	19373 19374 19375 19376 19377
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act	19378 19379

of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered 19380
by the department of health under section 3701.132 of the Revised 19381
Code; 19382

(vii) Supplemental security income under Title XVI of the 19383
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as 19384
amended; 19385

(viii) Social security disability insurance benefits provided 19386
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 19387
42 U.S.C.A. 401, as amended. 19388

(c) The owner of the dog or cat submits to the eligible 19389
organization operating the sterilization program either of the 19390
following: 19391

(i) A certificate of adoption showing that the dog or cat was 19392
adopted from a licensed animal shelter, a municipal, county, or 19393
regional pound, or a holding and impoundment facility that 19394
contracts with a municipal corporation; 19395

(ii) A certificate of adoption showing that the dog or cat 19396
was adopted through a nonprofit corporation operating an animal 19397
adoption referral service whose holding facility, if any, is 19398
licensed in accordance with state law or a municipal ordinance. 19399

(2) The Ohio pet fund shall determine the type of documentary 19400
evidence that must be presented by the owner of a dog or cat to 19401
show that the income of the owner's family does not exceed one 19402
hundred fifty per cent of the federal poverty guideline or that 19403
the owner is eligible under division (C)(1)(b) of this section. 19404

(D) As used in division (C) of this section, "federal poverty 19405
guideline" means the official poverty guideline as revised 19406
annually by the United States department of health and human 19407
services in accordance with section 673(2) of the "Omnibus Budget 19408
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 19409
amended, for a family size equal to the size of the family of the 19410

person whose income is being determined. 19411

Sec. 1321.20. (A) Every person licensed or registered under 19412
this chapter shall pay to the superintendent of financial 19413
institutions, prior to the last day of June, an annual license or 19414
certificate of registration fee. On or about the fifteenth day of 19415
April of each year, the superintendent shall determine the license 19416
or certificate fees to be charged, pursuant to sections 1321.03, 19417
1321.05, ~~1321.53~~, and 1321.73 of the Revised Code. Such 19418
determination shall be made by dividing the appropriation for the 19419
consumer finance section of the division of financial institutions 19420
for the current fiscal year by the number of licenses and 19421
certificates issued as of the date of the computation. In no event 19422
shall the amount of the fee exceed three hundred dollars, except 19423
that the maximum fee which may be charged insurance premium 19424
finance companies licensed under section 1321.73 of the Revised 19425
Code shall not exceed three hundred seventy-five dollars. Prior to 19426
the first day of June of each year, the superintendent shall 19427
inform each person licensed or registered under this chapter of 19428
the amount of the license or certificate fee for the succeeding 19429
fiscal year as determined by this section. 19430

(B)(1) Each person licensed under Chapter 4727. of the 19431
Revised Code who is subject to annual license renewal under 19432
division (E)(1) of section 4727.03 of the Revised Code shall, 19433
prior to the last day of June, pay to the superintendent a fee 19434
equal to twice the amount of the fee determined by the 19435
superintendent pursuant to division (A) of this section. However, 19436
in no event shall the amount of the fee exceed three hundred 19437
dollars. 19438

(2) Each person licensed under Chapter 4727. of the Revised 19439
Code who is subject to biennial license renewal under division 19440
(E)(2) of section 4727.03 of the Revised Code shall, prior to the 19441

date the license expires, pay to the superintendent a fee equal to 19442
four times the amount of the fee determined by the superintendent 19443
pursuant to division (A) of this section. However, in no event 19444
shall the amount of the fee exceed six hundred dollars. 19445

(C) The fee for a license or certificate issued pursuant to 19446
Chapter 1321., 4727., or 4728. of the Revised Code after the first 19447
day of January of the year the license or certificate expires 19448
shall be equal to one-half the amount determined according to 19449
divisions (A) and (B) of this section or in accordance with 19450
section 4728.03 of the Revised Code. 19451

(D) If the renewal fees billed by the superintendent pursuant 19452
to divisions (A) and (B) of this section are less than the 19453
estimated expenditures of the consumer finance section of the 19454
division of financial institutions, as determined by the 19455
superintendent, for the following fiscal year, the superintendent 19456
may assess each person licensed pursuant to section 1321.04 ~~or~~ 19457
~~registered pursuant to section 1321.53~~ of the Revised Code at a 19458
rate sufficient to equal in the aggregate the difference between 19459
the renewal fees billed and the estimated expenditures. Each 19460
person shall pay the assessed amount to the superintendent prior 19461
to the last day of June. In no case shall the assessment exceed 19462
ten cents per each one hundred dollars of interest (excluding 19463
charge-off recoveries), points, loan origination charges, and 19464
credit line charges collected by that person during the previous 19465
calendar year. If an assessment is imposed under this division, it 19466
shall not be less than two hundred fifty dollars per licensee or 19467
registrant and shall not exceed thirty thousand dollars less the 19468
total renewal fees paid pursuant to division (A) of this section 19469
by each licensee or registrant. 19470

Sec. 1321.51. As used in sections 1321.51 to 1321.60 of the 19471
Revised Code: 19472

(A) "Person" means an individual, partnership, association,	19473
trust, corporation, or any other legal entity.	19474
(B) "Certificate" means a certificate of registration issued	19475
under sections 1321.51 to 1321.60 of the Revised Code.	19476
(C) "Registrant" means a person to whom one or more	19477
certificates <u>of registration</u> have been issued <u>under sections</u>	19478
<u>1321.51 to 1321.60 of the Revised Code.</u>	19479
(D) "Principal amount" means the amount of cash paid to, or	19480
paid or payable for the account of, the borrower, and includes any	19481
charge, fee, or expense that is financed by the borrower at	19482
origination of the loan or during the term of the loan.	19483
(E) "Interest" means all charges payable directly or	19484
indirectly by a borrower to a registrant as a condition to a loan	19485
or an application for a loan, however denominated, but does not	19486
include default charges, deferment charges, insurance charges or	19487
premiums, court costs, loan origination charges, check collection	19488
charges, credit line charges, points, prepayment penalties, or	19489
other fees and charges specifically authorized by law.	19490
(F) "Interest-bearing loan" means a loan in which the debt is	19491
expressed as the principal amount and interest is computed,	19492
charged, and collected on unpaid principal balances outstanding	19493
from time to time.	19494
(G) "Precomputed loan" means a loan in which the debt is a	19495
sum comprising the principal amount and the amount of interest	19496
computed in advance on the assumption that all scheduled payments	19497
will be made when due.	19498
(H) "Actuarial method" means the method of allocating	19499
payments made on a loan between the principal amount and interest	19500
whereby a payment is applied first to the accumulated interest and	19501
the remainder to the unpaid principal amount.	19502

(I) "Applicable charge" means the amount of interest 19503
attributable to each monthly installment period of the loan 19504
contract. The applicable charge is computed as if each installment 19505
period were one month and any charge for extending the first 19506
installment period beyond one month is ignored. In the case of 19507
loans originally scheduled to be repaid in sixty-one months or 19508
less, the applicable charge for any installment period is that 19509
proportion of the total interest contracted for, as the balance 19510
scheduled to be outstanding during that period bears to the sum of 19511
all of the periodic balances, all determined according to the 19512
payment schedule originally contracted for. In all other cases, 19513
the applicable charge for any installment period is that which 19514
would have been made for such period had the loan been made on an 19515
interest-bearing basis, based upon the assumption that all 19516
payments were made according to schedule. 19517

(J) "Broker" means a person who acts as an intermediary or 19518
agent in finding, arranging, or negotiating loans, other than 19519
residential mortgage loans, and charges or receives a fee for 19520
these services. 19521

(K) "Annual percentage rate" means the ratio of the interest 19522
on a loan to the unpaid principal balances on the loan for any 19523
period of time, expressed on an annual basis. 19524

(L) "Point" means a charge equal to one per cent of either of 19525
the following: 19526

(1) The principal amount of a precomputed loan or 19527
interest-bearing loan; 19528

(2) The original credit line of an open-end loan. 19529

(M) "Prepayment penalty" means a charge for prepayment of a 19530
loan at any time prior to five years from the date the loan 19531
contract is executed. 19532

(N) "Refinancing" means a loan the proceeds of which are used 19533

in whole or in part to pay the unpaid balance of a prior loan made 19534
by the same registrant to the same borrower under sections 1321.51 19535
to 1321.60 of the Revised Code. 19536

(O) "Superintendent of financial institutions" includes the 19537
deputy superintendent for consumer finance as provided in section 19538
1181.21 of the Revised Code. 19539

(P)(1) "Mortgage loan originator" means an individual who for 19540
compensation or gain, or in anticipation of compensation or gain, 19541
does any of the following: 19542

(a) Takes or offers to take a residential mortgage loan 19543
application; 19544

(b) Assists or offers to assist a borrower in obtaining or 19545
applying to obtain a residential mortgage loan by, among other 19546
things, advising on loan terms, including rates, fees, and other 19547
costs; 19548

(c) Offers or negotiates terms of a residential mortgage 19549
loan; 19550

(d) Issues or offers to issue a commitment for a residential 19551
mortgage loan to a borrower. 19552

(2) "Mortgage loan originator" does not include any of the 19553
following: 19554

(a) An individual who performs purely administrative or 19555
clerical tasks on behalf of a mortgage loan originator; 19556

(b) A person licensed pursuant to Chapter 4735. of the 19557
Revised Code, or under the similar law of another state, who 19558
performs only real estate brokerage activities permitted by that 19559
license, provided the person is not compensated by a mortgage 19560
lender, mortgage broker, mortgage loan originator, or by any agent 19561
thereof; 19562

(c) A person solely involved in extensions of credit relating 19563

to timeshare plans, as that term is defined in 11 U.S.C. 101, in 19564
effect on January 1, 2008; 19565

(d) A person acting solely as a loan processor or 19566
underwriter, who does not represent to the public, through 19567
advertising or other means of communicating, including the use of 19568
business cards, stationery, brochures, signs, rate lists, or other 19569
promotional items, that the person can or will perform any of the 19570
activities of a mortgage loan originator; 19571

(e) A loan originator licensed under sections 1322.01 to 19572
1322.12 of the Revised Code, when acting solely under that 19573
authority; 19574

(f) A licensed attorney who negotiates the terms of a 19575
residential mortgage loan on behalf of a client as an ancillary 19576
matter to the attorney's representation of the client, unless the 19577
attorney is compensated by a lender, a mortgage broker, or another 19578
mortgage loan originator, or by any agent thereof; 19579

(g) Any person engaged in the retail sale of manufactured or 19580
mobile homes if, in connection with financing those retail sales, 19581
the person only assists the borrower by providing or transmitting 19582
the loan application and does not do any of the following: 19583

(i) Offer or negotiate the residential mortgage loan rates or 19584
terms; 19585

(ii) Provide any counseling with borrowers about residential 19586
mortgage loan rates or terms; 19587

(iii) Receive any payment or fee from any company or 19588
individual for assisting the borrower obtain or apply for 19589
financing to purchase the manufactured or mobile home; 19590

(iv) Assist the borrower in completing the residential 19591
mortgage loan application. 19592

(3) An individual acting exclusively as a servicer engaging 19593

in loss mitigation efforts with respect to existing mortgage 19594
transactions shall not be considered a mortgage loan originator 19595
for purposes of sections 1321.51 to 1321.60 of the Revised Code 19596
until July 1, 2011, if such delay is approved by the United States 19597
department of housing and urban development. 19598

(O) "Residential mortgage loan" means any loan primarily for 19599
personal, family, or household use that is secured by a mortgage 19600
on a dwelling or on residential real estate upon which is 19601
constructed or intended to be constructed a dwelling. For purposes 19602
of this division, "dwelling" has the same meaning as in the "Truth 19603
in Lending Act," 82 Stat. 146, 15 U.S.C. 1602. 19604

(R) "Nationwide mortgage licensing system and registry" means 19605
a mortgage licensing system developed and maintained by the 19606
conference of state bank supervisors and the American association 19607
of residential mortgage regulators, or their successor entities, 19608
for the licensing and registration of mortgage loan originators, 19609
or any system established by the secretary of housing and urban 19610
development pursuant to the "Secure and Fair Enforcement for 19611
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 19612

(S) "Registered mortgage loan originator" means an individual 19613
to whom both of the following apply: 19614

(1) The individual is a mortgage loan originator and an 19615
employee of a depository institution, a subsidiary that is owned 19616
and controlled by a depository institution and regulated by a 19617
federal banking agency, or an institution regulated by the farm 19618
credit administration. 19619

(2) The individual is registered with, and maintains a unique 19620
identifier through, the nationwide mortgage licensing system and 19621
registry. 19622

(T) "Administrative or clerical tasks" means the receipt, 19623
collection, and distribution of information common for the 19624

processing or underwriting of a loan in the mortgage industry, and 19625
communication with a consumer to obtain information necessary for 19626
the processing or underwriting of a residential mortgage loan. 19627

(U) "Federal banking agency" means the board of governors of 19628
the federal reserve system, the comptroller of the currency, the 19629
director of the office of thrift supervision, the national credit 19630
union administration, and the federal deposit insurance 19631
corporation. 19632

(V) "Loan processor or underwriter" means an individual who 19633
performs clerical or support duties at the direction of and 19634
subject to the supervision and instruction of a mortgage loan 19635
originator or registered mortgage loan originator. For purposes of 19636
this division, "clerical or support duties" includes the following 19637
activities: 19638

(1) The receipt, collection, distribution, and analysis of 19639
information common for the processing or underwriting of a 19640
residential mortgage loan; 19641

(2) Communicating with a borrower to obtain the information 19642
necessary for the processing or underwriting of a loan, to the 19643
extent the communication does not include offering or negotiating 19644
loan rates or terms or counseling borrowers about residential 19645
mortgage loan rates or terms. 19646

(W) "Real estate brokerage activity" means any activity that 19647
involves offering or providing real estate brokerage services to 19648
the public, including all of the following: 19649

(1) Acting as a real estate agent or real estate broker for a 19650
buyer, seller, lessor, or lessee of real property; 19651

(2) Bringing together parties interested in the sale, 19652
purchase, lease, rental, or exchange of real property; 19653

(3) Negotiating, on behalf of any party, any portion of a 19654

contract relating to the sale, purchase, lease, rental, or 19655
exchange of real property, other than in connection with providing 19656
financing for any such transaction; 19657

(4) Engaging in any activity for which a person engaged in 19658
that activity is required to be registered or licensed as a real 19659
estate agent or real estate broker under any applicable law; 19660

(5) Offering to engage in any activity, or to act in any 19661
capacity, described in division (W) of this section. 19662

(X) "Licensee" means any person that has been issued a 19663
mortgage loan originator license under sections 1321.51 to 1321.60 19664
of the Revised Code. 19665

(Y) "Unique identifier" means a number or other identifier 19666
that permanently identifies a mortgage loan originator and is 19667
assigned by protocols established by the nationwide mortgage 19668
licensing system and registry or federal banking agencies to 19669
facilitate electronic tracking of mortgage loan originators and 19670
uniform identification of, and public access to, the employment 19671
history of and the publicly adjudicated disciplinary and 19672
enforcement actions against mortgage loan originators. 19673

(Z) "State" in the context of referring to states in addition 19674
to Ohio means any state of the United States, the district of 19675
Columbia, any territory of the United States, Puerto Rico, Guam, 19676
American Samoa, the trust territory of the Pacific islands, the 19677
virgin islands, and the northern Mariana islands. 19678

(AA) "Depository institution" has the same meaning as in 19679
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 19680
U.S.C. 1813, and includes any credit union doing business under 19681
authority granted by the superintendent of financial institutions, 19682
the national credit union administration, or the credit union 19683
regulatory authority of any other state of the United States. 19684

(BB) "Bona fide third party" means a person that is not an 19685

employee of, related to, or affiliated with, the registrant, and 19686
that is not used for the purpose of circumvention or evasion of 19687
sections 1321.51 to 1321.60 of the Revised Code. 19688

(CC) "Nontraditional mortgage product" means any mortgage 19689
product other than a thirty-year fixed rate mortgage. 19690

(DD) "Employee" means an individual for whom a registrant or 19691
applicant, in addition to providing a wage or salary, pays social 19692
security and unemployment taxes, provides workers' compensation 19693
coverage, and withholds local, state, and federal income taxes. 19694
"Employee" also includes any individual who acts as a mortgage 19695
loan originator or operations manager of the registrant, but for 19696
whom the registrant is prevented by law from making income tax 19697
withholdings. 19698

(EE) "Operations manager" means the employee or owner 19699
responsible for the everyday operations, compliance requirements, 19700
and management of a registrant or applicant that makes or proposes 19701
to make loans secured by an interest in real estate. 19702

(FF) "Consumer reporting agency" has the same meaning as in 19703
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C. 1681a, 19704
as amended. 19705

(GG) "Mortgage broker" has the same meaning as in section 19706
1322.01 of the Revised Code. 19707

Sec. 1321.52. (A)(1) No person, on that person's own behalf 19708
or on behalf of any other person, shall do ~~either~~ any of the 19709
following without having first obtained a certificate of 19710
registration from the division of financial institutions: 19711

(a) Advertise, solicit, or hold out that the person is 19712
engaged in the business of making residential mortgage loans 19713
secured by a mortgage on a borrower's real estate which is other 19714
than a first lien on the real estate; 19715

(b) Engage in the business of lending or collecting the person's own or another person's money, credit, or choses in action for ~~such~~ non-first lien residential mortgage loans;

(c) Employ or compensate mortgage loan originators licensed or who should be licensed under sections 1321.51 to 1321.60 of the Revised Code to conduct the business of making residential mortgage loans;

(d) Make loans in this state of the type set forth in division (C) of this section that are unsecured or are secured by other than real property, which loans are for more than five thousand dollars at a rate of interest greater than permitted by section 1343.01 or other specific provisions of the Revised Code.

(2) Each person issued a certificate of registration is subject to all the rules prescribed under sections 1321.51 to 1321.60 of the Revised Code.

(B)(1) All loans made to persons who at the time are residents of this state are considered as made within this state and subject to the laws of this state, regardless of any statement in the contract or note to the contrary, except as follows:

(a) If the loan is primarily secured by a lien on real property in another state and is arranged by a mortgage loan originator licensed by that state, the borrower may by choice of law designate that the transaction be governed by the law where the real property is located if the other state has consumer protection laws covering the borrower that are applicable to the transaction.

(b) If the loan is for the purpose of purchasing goods acquired by the borrower when the borrower is outside of this state, the loan may be governed by the laws of the other state.

(2) Nothing in division (B)(1) of this section prevents a choice of law or requires registration or licensure of persons

outside of this state in a transaction involving the solicitation 19747
of residents of this state to obtain non-real estate secured loans 19748
that require the borrowers to physically visit a lender's 19749
out-of-state office to apply for and obtain the disbursement of 19750
loan funds. 19751

(C) A registrant may make unsecured loans, loans secured by a 19752
mortgage on a borrower's real estate which is a first lien or 19753
other than a first lien on the real estate, loans secured by other 19754
than real estate, and loans secured by any combination of 19755
mortgages and security interests, on terms and conditions provided 19756
by sections 1321.51 to 1321.60 of the Revised Code. 19757

(D)(1) If a lender that is subject to sections 1321.51 to 19758
1321.60 of the Revised Code makes a loan in violation of division 19759
(A)(1) of this section, the lender has no right to collect, 19760
receive, or retain any interest or charges on that loan. 19761

(2) If a registrant applies to the division for a renewal of 19762
the registrant's certificate after the date required by division 19763
~~(A)(4)~~(A)(8) of section 1321.53 of the Revised Code, but prior to 19764
the first day of ~~August~~ February of that year, and the division 19765
approves the application, division (D)(1) of this section does not 19766
apply with respect to any loan made by the registrant while the 19767
registrant's certificate was expired. 19768

(3) If a person's registration under sections 1321.51 to 19769
1321.60 of the Revised Code terminates due to nonrenewal or 19770
otherwise but the person continues to engage in the business of 19771
collecting or servicing non-first lien residential mortgage loans 19772
in violation of division (A)(1) of this section, the 19773
superintendent of financial institutions may take administrative 19774
action, including action on any subsequent application for a 19775
certificate of registration. In addition, no late fee, bad check 19776
charge except as incurred, charge related to default or cost to 19777
realize on its security interest, or prepayment penalty on 19778

non-first lien residential mortgage loans shall be collected or 19779
retained by a person who is in violation of division (A)(1)(b) of 19780
this section. Nothing in division (D)(3) of this section prevents 19781
or otherwise precludes any other actions or penalties provided by 19782
law or modifies a defense of holder in due course that a 19783
subsequent purchaser servicing the residential mortgage loan may 19784
raise. 19785

(E)(1) No individual shall engage in the business of a 19786
mortgage loan originator without first obtaining and maintaining 19787
annually a license pursuant to section 1321.532 of the Revised 19788
Code from the division of financial institutions. A mortgage loan 19789
originator shall be employed or associated with a registrant or 19790
exempt entity, but shall not be employed by or associated with 19791
more than one registrant or exempt entity at any one time. 19792

(2) An individual acting under the individual's authority as 19793
a registered mortgage loan originator shall not be required to be 19794
licensed under division (E)(1) of this section. 19795

(F)(1) Each licensee shall register with, and maintain a 19796
valid unique identifier issued by, the nationwide mortgage 19797
licensing system and registry. 19798

(2) No person shall use a licensee's unique identifier for 19799
any purpose other than as set forth in the "Secure and Fair 19800
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 19801
12 U.S.C. 5101. 19802

(G)(1) If a person that is subject to sections 1321.51 to 19803
1321.60 of the Revised Code makes a loan in violation of division 19804
(A)(1)(d) of this section and subsequently sells or assigns that 19805
loan, the person is liable to the borrower for any interest paid 19806
on that loan to the holder or assignee in excess of the rate that 19807
would be applicable in the absence of sections 1321.51 to 1321.60 19808
of the Revised Code, in addition to any interest or charges paid 19809

on that loan to the unauthorized lender as provided by division 19810
(D)(1) of this section. 19811

(2) If a person that is subject to sections 1321.51 to 19812
1321.60 of the Revised Code makes a residential mortgage loan in 19813
violation of division (A)(1)(b) or (c) of this section and 19814
subsequently sells or assigns that loan, the lender is liable to 19815
the borrower for any interest paid on that loan to the holder or 19816
assignee in excess of the rate set forth in division (B)(4) of 19817
section 1343.01 of the Revised Code, in addition to any interest 19818
or charges paid on that loan to the unauthorized lender as 19819
provided by division (D)(1) of this section. 19820

Sec. 1321.521. The superintendent of financial institutions 19821
may, by rule, expand the definition of mortgage loan originator in 19822
section 1321.51 of the Revised Code by adding individuals or may 19823
exempt additional individuals or persons from that definition, if 19824
the superintendent finds that the addition or exemption is 19825
consistent with the purposes fairly intended by the policy and 19826
provisions of sections 1321.51 to 1321.60 of the Revised Code and 19827
the "Secure and Fair Enforcement for Mortgage Licensing Act of 19828
2008," 122 Stat. 2810, 12 U.S.C. 5101. 19829

Rules authorized by this section shall be adopted in 19830
accordance with Chapter 119. of the Revised Code. 19831

Sec. 1321.53. (A)(1) An application for a certificate of 19832
registration under sections 1321.51 to 1321.60 of the Revised Code 19833
shall contain an undertaking by the applicant to abide by those 19834
sections. The application shall be in writing, under oath, and in 19835
the form prescribed by the division of financial institutions, 19836
shall give the location where the business is to be conducted and 19837
the names and addresses of the partners, officers, or trustees of 19838
the applicant, and shall contain any further relevant information 19839

that the division may require. Applicants that are foreign 19840
corporations shall obtain and maintain a license pursuant to 19841
Chapter 1703. of the Revised Code before a certificate is issued 19842
or renewed. 19843

(2) Upon the filing of the application and the payment by the 19844
applicant of a nonrefundable two hundred dollars as an dollar 19845
investigation fee and an, a nonrefundable three hundred dollar 19846
annual registration fee as determined by the superintendent of 19847
financial institutions pursuant to section 1321.20 of the Revised 19848
Code, and any additional fee required by the nationwide mortgage 19849
licensing system and registry, the division shall investigate the 19850
relevant facts. If the application involves investigation outside 19851
this state, the applicant may be required by the division to 19852
advance sufficient funds to pay any of the actual expenses of such 19853
investigation, when it appears that these expenses will exceed two 19854
hundred dollars. An itemized statement of any of these expenses 19855
which the applicant is required to pay shall be furnished to the 19856
applicant by the division. No certificate shall be issued unless 19857
all the required fees have been submitted to the division, ~~and no~~ 19858
~~registration fee or investigation fee will be returned after a~~ 19859
~~certificate has been issued.~~ 19860

(3) All applicants making loans secured by an interest in 19861
real estate shall designate an employee or owner of the applicant 19862
as the applicant's operations manager. While acting as the 19863
operations manager, the employee or owner shall not be employed by 19864
any other registrant or mortgage broker. Each registrant making 19865
residential mortgage loans secured by an interest in real estate 19866
shall have a designated operations manager who has at least three 19867
years of experience in the mortgage or lending field acceptable to 19868
the superintendent, and is a licensed mortgage loan originator. 19869

(4) The investigation undertaken upon application shall 19870
include both a civil and criminal records check of the applicant 19871

including any individual whose identity is required to be 19872
disclosed in the application. Where the applicant is a business 19873
entity the superintendent shall have the authority to require a 19874
civil and criminal background check of those persons that in the 19875
determination of the superintendent have the authority to direct 19876
and control the operations of the applicant. 19877

(5)(a) Notwithstanding division (K) of section 121.08 of the 19878
Revised Code, the superintendent of financial institutions shall 19879
obtain a criminal history records check and, as part of that 19880
records check, request that criminal record information from the 19881
federal bureau of investigation be obtained. To fulfill this 19882
requirement, the superintendent shall do either of the following: 19883

(i) Request the superintendent of the bureau of criminal 19884
identification and investigation, or a vendor approved by the 19885
bureau, to conduct a criminal records check based on the 19886
applicant's fingerprints or, if the fingerprints are unreadable, 19887
based on the applicant's social security number, in accordance 19888
with division (A)(12) of section 109.572 of the Revised Code; 19889

(ii) Authorize the nationwide mortgage licensing system and 19890
registry to request a criminal history background check as set 19891
forth in division (C) of section 1321.531 of the Revised Code. 19892

(b) Any fee required under division (C)(3) of section 109.572 19893
of the Revised Code or by the nationwide mortgage licensing system 19894
and registry shall be paid by the applicant. 19895

(6) If an application for a certificate of registration does 19896
not contain all of the information required under division (A)(1) 19897
of this section, and if such information is not submitted to the 19898
division within ninety days after the ~~application is filed~~ 19899
superintendent requests the information in writing, the 19900
superintendent may consider the application withdrawn ~~and may~~ 19901
retain the investigation fee. 19902

~~(4)~~(7) If the division finds that the financial responsibility, experience, character, and general fitness of the applicant ~~are such as to~~ command the confidence of the public and ~~to~~ warrant the belief that the business will be operated honestly and fairly in compliance with ~~and within~~ the purposes of sections 1321.51 to 1321.60 of the Revised Code and the rules adopted thereunder, and that the applicant has the requisite bond or applicable net worth and assets required by division (B) of this section, the division shall thereupon issue a certificate of registration to the applicant. The certificate superintendent shall not use a credit score as the sole basis for a registration denial.

(a) Certificates of registration issued on or after July 1, 2009, shall annually expire on the first thirty-first day of July next after its issue, and on the first day of July in each succeeding year December, unless renewed by the filing of a renewal application and payment of an annual fee, and any assessment, as determined by the superintendent pursuant to section 1321.20 of the Revised Code, and any additional fee required by the nationwide mortgage licensing system and registry, on or before the last day of June December of each year. No other fee or assessment shall be required of a registrant by the state or any political subdivision of the this state.

(b) Registrants shall timely file renewal applications on forms prescribed by the division of financial institutions and provide any further information that the division may require.

(c) As a condition of renewal, registrants shall provide proof that the designated operations manager successfully completed the testing required under section 1321.535 of the Revised Code and the continuing education requirements set forth in section 1321.536 of the Revised Code.

(d) Renewal shall not be granted if the applicant's

certificate of registration is subject to an order of suspension, 19935
revocation, or an unpaid and past due fine imposed by the 19936
superintendent. 19937

(e) If the division ~~does not so find~~ finds the applicant does 19938
not meet the conditions set forth in this section, it shall ~~enter~~ 19939
~~an order denying~~ issue a notice of intent to deny the application, 19940
and forthwith notify the applicant of the denial, the grounds for 19941
the denial, and the applicant's reasonable opportunity to be heard 19942
on the action in accordance with Chapter 119. of the Revised Code. 19943
~~In the event of denial, the division shall return the registration~~ 19944
~~fee but retain the investigation fee.~~ 19945

~~(5)~~(8) If there is a change of ~~ten~~ five per cent or more in 19946
the ownership of a registrant, the division may make any 19947
investigation necessary to determine whether any fact or condition 19948
exists that, if it had existed at the time of the original 19949
application for a certificate of registration, the fact or 19950
condition would have warranted the division to deny the 19951
application under division (A)~~(4)~~(7) of this section. If such a 19952
fact or condition is found, the division may, in accordance with 19953
Chapter 119. of the Revised Code, revoke the registrant's 19954
certificate. 19955

(B) Each registrant that engages in lending under sections 19956
1321.51 to 1321.60 of the Revised Code shall, if not bonded 19957
pursuant to section 1321.533 of the Revised Code, maintain both of 19958
the following: 19959

(1) A net worth of at least fifty thousand dollars; 19960

(2) For each certificate of registration, assets of at least 19961
fifty thousand dollars either in use or readily available for use 19962
in the conduct of the business. 19963

(C) Not more than one place of business shall be maintained 19964
under the same certificate, but the division may issue additional 19965

certificates to the same registrant upon compliance with sections 19966
1321.51 to 1321.60 of the Revised Code, governing the issuance of 19967
a single certificate. No change in the place of business of a 19968
registrant to a location outside the original municipal 19969
corporation shall be permitted under the same certificate without 19970
the approval of a new application, the payment of the registration 19971
fee ~~as determined by the superintendent pursuant to section~~ 19972
~~1321.20 of the Revised Code~~ and, if required by the 19973
superintendent, the payment of an investigation fee of two hundred 19974
dollars. When a registrant wishes to change its place of business 19975
within the same municipal corporation, it shall give written 19976
notice of the change in advance to the division, which shall 19977
provide a certificate for the new address without cost. If a 19978
registrant changes its name, prior to making loans under the new 19979
name it shall give written notice of the change to the division, 19980
which shall provide a certificate in the new name without cost. 19981
Sections 1321.51 to 1321.60 of the Revised Code do not limit the 19982
loans of any registrant to residents of the community in which the 19983
registrant's place of business is situated. Each certificate shall 19984
be kept conspicuously posted in the place of business of the 19985
registrant and is not transferable or assignable. 19986

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 19987
apply to any of the following: 19988

(1) ~~Persons~~ Entities chartered and lawfully doing business 19989
under the authority of any law of this state, another state, or 19990
the United States ~~relating to banks~~ as a bank, savings ~~banks~~ bank, 19991
trust ~~companies~~ company, savings and loan ~~associations~~ 19992
association, or credit ~~unions~~ union, or a subsidiary of any such 19993
entity, which subsidiary is regulated by a federal banking agency 19994
and is owned and controlled by such a depository institution; 19995

(2) Life, property, or casualty insurance companies licensed 19996
to do business in this state; 19997

(3) Any person that is a lender making a loan pursuant to sections 1321.01 to 1321.19 of the Revised Code or a business loan as described in division (B)(6) of section 1343.01 of the Revised Code; 19998
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(4) Any ~~political subdivision, or any governmental agency or other public entity, corporation, instrumentality, or any entity included under division (B)(3) of section 1343.01 of the Revised Code~~ agency, in or of the United States or any state of the United States; 20002
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(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code. 20007
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(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business. 20010
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Sec. 1321.531. (A) An application for a mortgage loan originator license shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and all other required fees, including any fees required by the nationwide mortgage licensing system and registry. 20014
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(B) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licensees or other persons subject to or involved in their licensure. 20021
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(C) In connection with applying for a mortgage loan 20027

originator license, the applicant shall furnish to the nationwide mortgage licensing system and registry the following information concerning the applicant's identity: 20028
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(1) The applicant's fingerprints for submission to the federal bureau of investigation, and any other governmental agency or entity authorized to receive such information, for purposes of a state, national, and international criminal history background check; 20031
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(2) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following: 20036
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(a) An independent credit report from a consumer reporting agency; 20040
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(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction. 20042
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(D) In order to effectuate the purposes of divisions (C)(1) and (C)(2)(b) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to divisions (C)(2)(a) and (b) of this section. 20044
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(E) Upon the filing of the application, payment of the application fee, and payment of any additional fee, including any fee required by the nationwide mortgage licensing system and registry, the superintendent shall investigate the applicant as set forth in division (E) of this section. 20054
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(1)(a) Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number in accordance with division (A)(12) of section 109.572 of the Revised Code;

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of this section.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant.

(2) The superintendent of financial institutions shall conduct a civil records check.

(3) If, in order to issue a license to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed one hundred dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay.

(F) If an application for a mortgage loan originator license does not contain all of the information required under this section, and if that information is not submitted to the

superintendent within ninety days after the superintendent 20090
requests the information in writing, the superintendent may 20091
consider the application withdrawn. 20092

Sec. 1321.532. (A) Upon the conclusion of the investigation 20093
required under division (E) of section 1321.531 of the Revised 20094
Code, the superintendent of financial institutions shall issue a 20095
mortgage loan originator license to the applicant if the 20096
superintendent finds that all of the following conditions are met: 20097

(1) The application is accompanied by the application fee and 20098
any additional fee required by the nationwide mortgage licensing 20099
system and registry. 20100

(a) If a check or other draft instrument is returned to the 20101
superintendent for insufficient funds, the superintendent shall 20102
notify the applicant by certified mail, return receipt requested, 20103
that the application will be withdrawn unless the applicant, 20104
within thirty days after receipt of the notice, submits the 20105
application fee and a one-hundred-dollar penalty to the 20106
superintendent. If the applicant does not submit the application 20107
fee and penalty within that time period, or if any check or other 20108
draft instrument used to pay the fee or penalty is returned to the 20109
superintendent for insufficient funds, the application shall be 20110
withdrawn immediately without a hearing. 20111

(b) If a check or other draft instrument is returned to the 20112
superintendent for insufficient funds after the license has been 20113
issued, the superintendent shall notify the licensee by certified 20114
mail, return receipt requested, that the license issued in 20115
reliance on the check or other draft instrument will be canceled 20116
unless the licensee, within thirty days after receipt of the 20117
notice, submits the application fee and a one-hundred-dollar 20118
penalty to the superintendent. If the licensee does not submit the 20119
application fee and penalty within that time period, or if any 20120

check or other draft instrument used to pay the fee or penalty is 20121
returned to the superintendent for insufficient funds, the license 20122
shall be canceled immediately without a hearing, and the licensee 20123
shall cease activity as a mortgage loan originator. 20124

(2) The applicant complies with sections 1321.51 to 1321.60 20125
of the Revised Code. 20126

(3) The applicant has not had a mortgage loan originator 20127
license, or comparable authority, revoked in any governmental 20128
jurisdiction. 20129

(4) The applicant has not been convicted of, or pleaded 20130
guilty to, any of the following: 20131

(a) During the seven-year period immediately preceding the 20132
date of application for licensure, a felony in a domestic, 20133
foreign, or military court. 20134

(b) At any time prior to the date of application for 20135
licensure, a felony involving an act of fraud, dishonesty, or a 20136
breach of trust, theft, or money laundering in a domestic, 20137
foreign, or military court; 20138

(c) During the seven-year period immediately preceding the 20139
date of application for licensure, a misdemeanor involving theft 20140
in a domestic, foreign, or military court. 20141

(5) Based on the totality of the circumstances and 20142
information submitted in the application, the applicant has proven 20143
to the division of financial institutions, by a preponderance of 20144
the evidence, that the applicant is of good business repute, 20145
appears qualified to act as a mortgage loan originator, and has 20146
fully complied with sections 1321.51 to 1321.60 of the Revised 20147
Code and rules adopted thereunder. 20148

(6) The applicant successfully completed the written test 20149
required under section 1321.535 of the Revised Code and the 20150

education requirements set forth in section 1321.534 of the 20151
Revised Code. 20152

(7) The applicant is covered under a valid bond in compliance 20153
with section 1321.533 of the Revised Code. 20154

(8) The applicant's financial responsibility, character, and 20155
general fitness command the confidence of the public and warrant 20156
the belief that the loan originator will operate honestly and 20157
fairly in compliance with the purposes of sections 1321.51 to 20158
1321.60 of the Revised Code. The superintendent shall not use a 20159
credit score as the sole basis for a license denial. 20160

(B) The license issued under division (A) of this section may 20161
be renewed annually on or before the thirty-first day of December 20162
if the superintendent finds that all of the following conditions 20163
are met: 20164

(1) The renewal application is accompanied by a nonrefundable 20165
renewal fee of one hundred fifty dollars, and any additional fee 20166
required by the nationwide mortgage licensing system and registry. 20167
If a check or other draft instrument is returned to the 20168
superintendent for insufficient funds, the superintendent shall 20169
notify the licensee by certified mail, return receipt requested, 20170
that the license renewed in reliance on the check or other draft 20171
instrument will be canceled unless the licensee, within thirty 20172
days after receipt of the notice, submits the renewal fee and a 20173
one-hundred-dollar penalty to the superintendent. If the licensee 20174
does not submit the renewal fee and penalty within that time 20175
period, or if any check or other draft instrument used to pay the 20176
fee or penalty is returned to the superintendent for insufficient 20177
funds, the license shall be canceled immediately without a 20178
hearing, and the licensee shall cease activity as a mortgage loan 20179
originator. 20180

(2) The applicant has completed at least eight hours of 20181

continuing education as required under section 1321.536 of the 20182
Revised Code. 20183

(3) The applicant meets the conditions set forth in divisions 20184
(A)(2) to (8) of this section. 20185

(4) The applicant's license is not subject to an order of 20186
suspension or an unpaid and past due fine imposed by the 20187
superintendent. 20188

(C)(1) Subject to division (C)(2) of this section, if a 20189
license renewal application or fee, including any additional fee 20190
required by nationwide mortgage licensing system and registry, is 20191
received by the superintendent after the thirty-first day of 20192
December, the license shall not be considered renewed, and the 20193
applicant shall cease activity as a mortgage loan originator. 20194

(2) Division (C)(1) of this section shall not apply if the 20195
applicant, no later than the thirty-first day of January, submits 20196
the renewal application and fee, including any additional fee 20197
required by nationwide mortgage licensing system and registry, and 20198
a one-hundred-dollar penalty to the superintendent. 20199

(D) Mortgage loan originator licenses issued on or after July 20200
1, 2009, shall annually expire on the thirty-first day of 20201
December. 20202

Sec. 1321.533. (A)(1) A registrant engaged in residential 20203
mortgage loan activity shall not conduct business in this state, 20204
unless the registrant has obtained and maintains in effect at all 20205
times a corporate surety bond issued by a bonding company or 20206
insurance company authorized to do business in this state. 20207

(a) The bond shall be in favor of the superintendent of 20208
financial institutions. 20209

(b) The bond shall be in the penal sum of the greater of: 20210

(i) Fifty thousand dollars and an additional penal sum of ten 20211

thousand dollars for each location, in excess of one, at which the 20212
registrant conducts business; or 20213

(ii) One half per cent of the aggregate loan amount of 20214
residential mortgage loans originated in the immediately preceding 20215
calendar year, but not exceeding two hundred fifty thousand 20216
dollars. 20217

(c) The term of the bond shall coincide with the term of 20218
registration. 20219

(d) A copy of the bond shall be filed with the 20220
superintendent. 20221

(e) The bond shall be for the exclusive benefit of any 20222
borrower injured by a violation by an employee, licensee, or 20223
registrant of any provision of sections 1321.51 to 1321.60 of the 20224
Revised Code or the rules adopted thereunder. 20225

(f) The aggregate liability of the corporate surety for any 20226
and all breaches of the conditions of the bond shall not exceed 20227
the penal sum of the bond. 20228

(2) An individual licensed as a mortgage loan originator and 20229
employed or associated with an exempt entity as set forth in 20230
division (P)(2) of section 1321.51 of the Revised Code shall not 20231
conduct business in this state, unless the licensee has obtained 20232
and maintains in effect at all times a corporate surety bond 20233
issued by a bonding company or insurance company authorized to do 20234
business in this state. 20235

(a) The bond shall be in favor of the superintendent. 20236

(b) The bond shall be in the penal sum of the greater of: 20237

(i) Fifty thousand dollars; or 20238

(ii) One half per cent of the aggregate loan amount of 20239
residential mortgage loans originated in the immediately preceding 20240
calendar year, but not exceeding two hundred fifty thousand 20241

dollars. 20242

(c) The term of the bond shall coincide with the term of 20243
licensure. 20244

(d) A copy of the bond shall be filed with the 20245
superintendent. 20246

(e) The bond shall be for the exclusive benefit of any 20247
borrower injured by a violation by the licensee of any provision 20248
of sections 1321.51 to 1321.60 of the Revised Code or the rules 20249
adopted thereunder. 20250

(f) The aggregate liability of the corporate surety for any 20251
and all breaches of the conditions of the bond shall not exceed 20252
the penal sum of the bond. 20253

(B)(1) The registrant or licensee shall give notice to the 20254
superintendent by certified mail of any action that is brought by 20255
a borrower against the licensee, registrant, or any mortgage loan 20256
originator of the registrant alleging injury by a violation of any 20257
provision of sections 1321.51 to 1321.60 of the Revised Code, and 20258
of any judgment that is entered against the licensee, registrant, 20259
or mortgage loan originator of the registrant by a borrower 20260
injured by a violation of any provision of sections 1321.51 to 20261
1321.60 of the Revised Code. The notice shall provide details 20262
sufficient to identify the action or judgment, and shall be filed 20263
with the superintendent within ten days after the commencement of 20264
the action or notice to the registrant or licensee of entry of a 20265
judgment. An exempt entity securing bonding for the licensees in 20266
their employ shall report those actions by a borrower in the same 20267
manner as is required of registrants. 20268

(2) A corporate surety, within ten days after it pays any 20269
claim or judgment, shall give notice to the superintendent by 20270
certified mail of the payment, with details sufficient to identify 20271
the person and the claim or judgment paid. 20272

(C) Whenever the penal sum of the corporate surety bond is reduced by one or more recoveries or payments, the registrant or licensee shall furnish a new or additional bond under this section, so that the total or aggregate penal sum of the bond or bonds equals the sum required by this section, or shall furnish an endorsement executed by the corporate surety reinstating the bond to the required penal sum of it. 20273
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(D) The liability of the corporate surety on the bond to the superintendent and to any borrower injured by a violation of any provision of sections 1321.51 to 1321.60 of the Revised Code shall not be affected in any way by any misrepresentation, breach of warranty, or failure to pay the premium, by any act or omission upon the part of the registrant or licensee, by the insolvency or bankruptcy of the registrant or licensee, or by the insolvency of the registrant's or licensee's estate. The liability for any act or omission that occurs during the term of the corporate surety bond shall be maintained and in effect for at least two years after the date on which the corporate surety bond is terminated or canceled. 20280
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(E) The corporate surety bond shall not be canceled by the registrant, the licensee, or the corporate surety except upon notice to the superintendent by certified mail, return receipt requested. The cancellation shall not be effective prior to thirty days after the superintendent receives the notice. 20292
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(F) No registrant or licensee shall fail to comply with this section. Any registrant or licensee that fails to comply with this section shall cease all mortgage lender or mortgage loan originator activity in this state until the registrant or licensee has complied with this section. 20297
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Sec. 1321.534. (A) Mortgage loan originator applicants shall submit evidence acceptable to the superintendent of financial 20302
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institutions that, except as set forth in division (D) of this 20304
section, the applicant has successfully completed at least 20305
twenty-four hours of pre-licensing instruction consisting of the 20306
following: 20307

(1) Twenty hours of instruction in a course or program of 20308
study reviewed and approved by the nationwide mortgage licensing 20309
system and registry. 20310

(2) Four hours of instruction in a course or program of study 20311
reviewed and approved by the superintendent concerning state 20312
lending law and the Ohio consumer sales practices act, Chapter 20313
1345. of the Revised Code, as it applies to registrants and 20314
licensees. 20315

(B) A person having successfully completed the pre-licensing 20316
education requirements reviewed and approved by the nationwide 20317
mortgage licensing system and registry for any state within the 20318
previous five years shall be granted credit toward completion of 20319
the pre-licensing education requirements of this state. 20320

(C) Review and approval of a pre-licensing education course 20321
shall include review and approval of the course provider. 20322

(D) Notwithstanding division (A) of this section, if the 20323
nationwide mortgage licensing system and registry fails to have in 20324
place an approval program to ensure that all pre-licensing 20325
education courses meet the criteria set forth in division (A) of 20326
this section, then the superintendent shall require, until that 20327
program is in place, evidence that the applicant has successfully 20328
completed twenty-four hours of live classroom instruction in a 20329
course or program of study approved by the superintendent that 20330
consists of at least all of the following: 20331

(1) Four hours of instruction concerning state and federal 20332
mortgage lending laws, which shall include no less than two hours 20333

<u>on this chapter;</u>	20334
<u>(2) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;</u>	20335
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<u>(3) Four hours of instruction concerning the loan application process;</u>	20338
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<u>(4) Two hours of instruction concerning the underwriting process;</u>	20340
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<u>(5) Two hours of instruction concerning the secondary market for mortgage loans;</u>	20342
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<u>(6) Four hours of instruction concerning the loan closing process;</u>	20344
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<u>(7) Two hours of instruction covering basic mortgage financing concepts and terms;</u>	20346
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<u>(8) Two hours of instruction concerning the ethical responsibilities of a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1321.593 of the Revised Code.</u>	20348
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<u>Sec. 1321.535. (A) Each person designated to act as operations manager for a registrant shall submit to a written test approved by the superintendent of financial institutions. An individual shall not be considered to have passed the written test unless the individual achieves a test score of not less than seventy-five per cent correct answers to all questions.</u>	20352
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<u>(B) Each applicant for a mortgage loan originator license shall submit to a written test that is developed and approved by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.</u>	20358
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(1) The test shall adequately measure the applicant's knowledge and comprehension in appropriate subject matters, including ethics and federal and state law related to mortgage origination, fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues. 20364
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(2) An individual shall not be considered to have passed the test unless the individual achieves a test score of at least seventy-five per cent correct answers on all questions and at least seventy-five per cent correct answers on all questions relating to Ohio lending laws and the Ohio consumer sales practices act. 20369
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(3) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. 20375
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(4) After failing three consecutive tests, an individual shall be required to wait at least six months before taking the test again. 20378
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(5) If a mortgage loan originator fails to maintain a valid license for a period of five years or longer, the individual shall be required to retake the test. 20381
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(C) Notwithstanding division (B) of this section, until the nationwide mortgage licensing system and registry implements a testing process that meets the criteria set forth in that division, the superintendent shall require evidence that the mortgage loan originator applicant or person designated under division (A)(3) of section 1321.53 of the Revised Code passed a written test acceptable to the superintendent. 20384
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Sec. 1321.536. (A) Each mortgage loan originator licensee and each person designated under division (A)(3) of section 1321.53 of the Revised Code to act as operations manager for a registrant 20391
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shall complete at least eight hours of continuing education every 20394
calendar year. To fulfill this requirement, the eight hours of 20395
continuing education must be offered in a course or program of 20396
study reviewed and approved by the nationwide mortgage licensing 20397
system and registry. The course or program of study shall include 20398
all of the following: 20399

(1) Three hours of applicable federal law and regulations; 20400

(2) Two hours of ethics, which shall include instruction on 20401
fraud, consumer protection, and fair lending issues; 20402

(3) Two hours of training related to lending standards for 20403
the nontraditional mortgage product marketplace. 20404

(B) Continuing education courses shall be reviewed and 20405
approved by the nationwide mortgage licensing system and registry 20406
based upon reasonable standards. 20407

(C) The following conditions apply to the continuing 20408
education required by this section: 20409

(1) An individual cannot take the same approved course in the 20410
same or successive years to meet the annual requirement for 20411
continuing education. 20412

(2) An individual can only receive credit for a continuing 20413
education course in the year in which the course is taken, unless 20414
the individual is making up a deficiency in continuing education 20415
pursuant to a rule or order of the superintendent of financial 20416
institutions. 20417

(3) An individual who subsequently becomes unlicensed must 20418
complete the continuing education requirement for the last year in 20419
which the license was held prior to the issuance of a new or 20420
renewed license. 20421

(4) A licensed mortgage loan originator who is approved as an 20422
instructor of an approved continuing education course may receive 20423

credit for the licensee's own annual continuing education 20424
requirement at the rate of two credit hours for every one hour 20425
taught. 20426

(5) A person having successfully completed a continuing 20427
education course approved by the nationwide mortgage licensing 20428
system and registry for any state shall receive credit toward 20429
completion of the continuing education requirement of this state. 20430

(D) Notwithstanding division (B) of this section, until the 20431
nationwide mortgage licensing system and registry implements a 20432
review and approval process, the superintendent shall require 20433
evidence that the licensee or person designated under division 20434
(A)(3) of section 1321.53 of the Revised Code has successfully 20435
completed at least eight hours of continuing education in a course 20436
or program of study approved by the superintendent. 20437

Sec. 1321.54. (A) The division of financial institutions may 20438
adopt, in accordance with Chapter 119. of the Revised Code, 20439
reasonable rules that are necessary for the enforcement of to 20440
administer and enforce sections 1321.51 to 1321.60 of the Revised 20441
Code and ~~that are consistent with those sections. Each rule shall~~ 20442
~~contain a reference to the section, division, or paragraph of the~~ 20443
~~Revised Code to which it applies. The division shall send by~~ 20444
~~regular mail to each registrant a copy of each rule that is~~ 20445
~~adopted pursuant to this section~~ to carry out the purposes of 20446
those sections. 20447

(B)(1) The division ~~shall~~ may, upon written notice to the 20448
registrant or licensee stating the contemplated action, the 20449
grounds for the action, and the registrant's or licensee's 20450
reasonable opportunity to be heard on the action in accordance 20451
with Chapter 119. of the Revised Code, revoke, suspend, or refuse 20452
to renew any certificate or license issued under sections 1321.51 20453
to 1321.60 of the Revised Code, ~~or impose a monetary fine,~~ if it 20454

~~finds that the registrant has continued to violate those sections, 20455
after receiving notice of the violation or violations from the 20456
division, or is in default in the payment of the annual assessment 20457
or certificate of registration fee prescribed in section 1321.20 20458
of the Revised Code. The any of the following: 20459~~

(a) A violation of or failure to comply with any provision of 20460
sections 1321.51 to 1321.60 of the Revised Code or the rules 20461
adopted thereunder, any federal lending law, or any other law 20462
applicable to the business conducted under a certificate of 20463
registration or license; 20464

(b) The person has been convicted of or pleaded guilty to any 20465
criminal felony offense in a domestic, foreign, or military court; 20466

(c) The person has been convicted of or pleaded guilty to any 20467
criminal offense involving theft, receiving stolen property, 20468
embezzlement, forgery, fraud, passing bad checks, money 20469
laundering, breach of trust, dishonesty, or drug trafficking, or 20470
any criminal offense involving money or securities, in a domestic, 20471
foreign, or military court; 20472

(d) The person's mortgage lender certificate of registration 20473
or mortgage loan originator license, or comparable authority, has 20474
been revoked in any governmental jurisdiction. 20475

(2) In addition to, or in lieu of, any revocation, 20476
suspension, or denial, the division may impose a monetary fine 20477
after administrative hearing or in settlement of matters subject 20478
to claims under division (B)(1)(a) of this section. 20479

(3) Subject to division (D)(3) of section 1321.52 of the 20480
Revised Code, the revocation, suspension, or refusal to renew 20481
shall not impair the obligation of any pre-existing lawful 20482
contract made under sections 1321.51 to 1321.60 of the Revised 20483
Code; provided, however, that a prior registrant shall make good 20484
faith efforts to promptly transfer the registrant's collection 20485

rights to another registrant or person exempt from registration, 20486
or be subject to additional monetary fines and legal or 20487
administrative action by the division. Nothing in division (B)(3) 20488
of this section shall limit a court's ability to impose a cease 20489
and desist order preventing any further business or servicing 20490
activity. 20491

(C)(1) The superintendent of financial institutions may 20492
impose a fine of not more than one thousand dollars for each day a 20493
violation of sections 1321.51 to 1321.60 of the Revised Code, or 20494
any rule adopted thereunder, is committed, repeated, or continued. 20495
If the registrant or licensee engages in a pattern of repeated 20496
violations, the superintendent may impose a fine of not more than 20497
two thousand dollars for each day the violation is committed, 20498
repeated, or continued. All fines collected pursuant to this 20499
section shall be paid to the treasurer of state to the credit of 20500
the consumer finance fund created in section 1321.21 of the 20501
Revised Code. In determining the amount of a fine to be imposed 20502
pursuant to this section, the superintendent may consider all of 20503
the following to the extent it is known to the division of 20504
financial institutions: 20505

(a) The seriousness of the violation; 20506

(b) The registrant's or licensee's good faith efforts to 20507
prevent the violation; 20508

(c) The registrant's or licensee's history regarding 20509
violations and compliance with division orders; 20510

(d) The registrant's or licensee's financial resources; 20511

(e) Any other matters the superintendent considers 20512
appropriate in enforcing sections 1321.51 to 1321.60 of the 20513
Revised Code. 20514

(2) Monetary fines imposed under this division shall not 20515
exceed twenty five thousand dollars preclude any criminal fine 20516

imposed pursuant to section 1321.99 of the Revised Code. 20517

~~(C)~~(D) The superintendent ~~of financial institutions~~ may 20518
investigate alleged violations of sections 1321.51 to 1321.60 of 20519
the Revised Code, or the rules adopted thereunder, or complaints 20520
concerning any such violation. The superintendent may make 20521
application to the court of common pleas for an order enjoining 20522
any ~~such~~ violation and, upon a showing by the superintendent that 20523
a person has committed, or is about to commit, ~~such~~ a violation, 20524
the court shall grant an injunction, restraining order, or other 20525
appropriate relief. The superintendent, in making application to 20526
the court of common pleas for an order enjoining a person from 20527
acting as a registrant or mortgage loan originator in violation of 20528
division (A) or (E) of section 1321.52 of the Revised Code, may 20529
also seek and obtain civil penalties for that unregistered or 20530
unlicensed conduct in an amount not to exceed five thousand 20531
dollars per violation. 20532

~~(D)~~(E) In conducting an investigation pursuant to this 20533
section, the superintendent may compel, by subpoena, witnesses to 20534
testify in relation to any matter over which the superintendent 20535
has jurisdiction, and may require the production or photocopying 20536
of any book, record, or other document pertaining to such matter. 20537
If a person fails to file any statement or report, obey any 20538
subpoena, give testimony, produce any book, record, or other 20539
document as required by such a subpoena, or permit photocopying of 20540
any book, record, or other document subpoenaed, the court of 20541
common pleas of any county in this state, upon application made to 20542
it by the superintendent, shall compel obedience by attachment 20543
proceedings for contempt, as in the case of disobedience of the 20544
requirements of a subpoena issued from the court, or a refusal to 20545
testify therein. 20546

~~(E)~~(F) If the superintendent determines that a person is 20547
engaged in, or is believed to be engaged in, activities that may 20548

constitute a violation of sections 1321.51 to 1321.60 of the Revised Code or the rules adopted thereunder, the superintendent may, after notice and a hearing conducted in accordance with Chapter 119. of the Revised Code, issue a cease and desist order. The superintendent, in taking administrative action to enjoin a person from acting as a registrant or mortgage loan originator in violation of division (A) or (E) of section 1321.52 of the Revised Code, may also seek and impose fines for those violations in an amount not to exceed five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(G) The superintendent shall regularly report violations of sections 1321.51 to 1321.60 of the Revised Code, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry pursuant to division (E) of section 1321.55 of the Revised Code.

(H)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the certificate of registration or license of a person who is convicted of or pleads guilty to a violation of sections 1321.51 to 1321.60 of the Revised Code or any criminal offense described in division (B)(1) of this section;

(b) Suspend the certificate of registration of a registrant who violates division (F) of section 1321.533 of the Revised Code;

(c) Suspend the certificate of registration or license of a person who fails to comply with a request made by the superintendent under this section or section 1321.55 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent may, in accordance with Chapter 119. of the Revised Code, subsequently revoke any registration or license suspended under division (H)(1) of this section.

(3) The superintendent shall, in accordance with Chapter 119. 20580
of the Revised Code, adopt rules establishing the maximum amount 20581
of time a suspension under division (H)(1) of this section may 20582
continue before a hearing is conducted. 20583

Sec. 1321.55. (A) Every registrant shall keep records 20584
pertaining to loans made under sections 1321.51 to 1321.60 of the 20585
Revised Code. Such records shall be segregated from records 20586
pertaining to transactions that are not subject to these sections 20587
of the Revised Code. Every registrant shall preserve records 20588
pertaining to loans made under sections 1321.51 to 1321.60 of the 20589
Revised Code for at least ~~two~~ four years after making the final 20590
entry on such records. Accounting systems maintained in whole or 20591
in part by mechanical or electronic data processing methods that 20592
provide information equivalent to that otherwise required are 20593
acceptable for this purpose. At least once each eighteen-month 20594
cycle, the division of financial institutions shall make or cause 20595
to be made an examination of records pertaining to loans made 20596
under sections 1321.51 to 1321.60 of the Revised Code, for the 20597
purpose of determining whether the registrant is complying with 20598
these sections and of verifying the registrant's annual report. 20599

(B)(1) As required by the superintendent of financial 20600
institutions, each registrant shall file with the division each 20601
year a report under oath or affirmation, on forms supplied by the 20602
division, concerning the business and operations for the preceding 20603
calendar year. Whenever a registrant operates two or more 20604
registered offices or whenever two or more affiliated registrants 20605
operate registered offices, then a composite report of the group 20606
of registered offices may be filed in lieu of individual reports. 20607

(2) The division shall publish annually an analysis of the 20608
information required under division (B)(1) of this section, but 20609
the individual reports shall not be public records and shall not 20610

be open to public inspection or otherwise subject to the 20611
provisions of section 149.43 of the Revised Code. 20612

(3) Each mortgage licensee shall submit to the nationwide 20613
mortgage licensing system and registry call reports or other 20614
reports of condition, which shall be in such form and shall 20615
contain such information as the nationwide mortgage licensing 20616
system and registry may require. 20617

~~(C) All information obtained by the superintendent or the~~ 20618
~~superintendent's deputies, examiners, assistants, agents, or~~ 20619
~~clerks by reason of their official position, including information~~ 20620
~~obtained by such persons from the annual report of a registrant or~~ 20621
~~in the course of examining a registrant or investigating an~~ 20622
~~applicant for a certificate, is privileged and confidential. All~~ 20623
~~such information shall remain privileged and confidential for all~~ 20624
~~purposes except when it is necessary for the superintendent and~~ 20625
~~the superintendent's deputies, examiners, assistants, agents, or~~ 20626
~~clerks to take official action regarding the affairs of the~~ 20627
~~registrant or in connection with criminal proceedings. Such~~ 20628
~~information may also be introduced into evidence or disclosed when~~ 20629
~~and in the manner authorized in section 1181.25 of the Revised~~ 20630
~~Code.~~ 20631

~~(D) No person is in violation of sections 1321.51 to 1321.60~~ 20632
~~of the Revised Code for any act taken or omission made in reliance~~ 20633
~~on a written notice, interpretation, or examination report from~~ 20634
~~the superintendent.~~ 20635

~~(E) This section does not prevent the division from releasing~~ 20636
~~to or exchanging with other financial institution regulatory~~ 20637
~~authorities information relating to registrants.~~ 20638

~~(F) For purposes of this section, "financial institution~~ 20639
~~regulatory authority" includes a regulator of a business activity~~ 20640
~~in which a registrant is engaged, or has applied to engage in, to~~ 20641

~~the extent that the regulator has jurisdiction over a registrant engaged in that business activity. A registrant is engaged in a business activity, and a regulator of that business activity has jurisdiction over the registrant, whether the registrant conducts the activity directly or a subsidiary or affiliate of the registrant conducts the activity~~ (1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (C)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent to take official action regarding the affairs of a registrant or licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may also be introduced into evidence or disclosed when and in the manner authorized by section 1181.25 of the Revised Code.

(D) All application information, except social security numbers, employer identification numbers, financial account numbers, the identity of the institution where financial accounts are maintained, personal financial information, fingerprint cards and the information contained on such cards, and criminal background information, is a public record as defined in section 149.43 of the Revised Code.

(E) This section does not prevent the division of financial institutions from releasing to or exchanging with other financial institution regulatory authorities information relating to registrants and licensees. For this purpose, a "financial institution regulatory authority" includes a regulator of a

business activity in which a registrant or licensee is engaged, or 20673
has applied to engage in, to the extent that the regulator has 20674
jurisdiction over a registrant or licensee engaged in that 20675
business activity. A registrant or licensee is engaged in a 20676
business activity, and a regulator of that business activity has 20677
jurisdiction over the registrant or licensee, whether the 20678
registrant or licensee conducts the activity directly or a 20679
subsidiary or affiliate of the registrant or licensee conducts the 20680
activity. 20681

(1) Any confidentiality or privilege arising under federal or 20682
state law with respect to any information or material provided to 20683
the nationwide mortgage licensing system and registry shall 20684
continue to apply to the information or material after the 20685
information or material has been provided to the nationwide 20686
mortgage licensing system and registry. The information and 20687
material so provided may be shared with all state and federal 20688
regulatory officials with mortgage industry oversight authority 20689
without the loss of confidentiality or privilege protections 20690
provided by federal law or the law of any state. Information or 20691
material described in division (E)(1) of this section to which 20692
confidentiality or privilege applies shall not be subject to any 20693
of the following: 20694

(a) Disclosure under any federal or state law governing 20695
disclosure to the public of information held by an officer or an 20696
agency of the federal government or of the respective state; 20697

(b) Subpoena or discovery, or admission into evidence, in any 20698
private civil action or administrative process, unless the person 20699
to whom such information or material pertains waives, in whole or 20700
in part and at the discretion of the person, any privilege held by 20701
the nationwide mortgage licensing system and registry with respect 20702
to that information or material. 20703

(2) The superintendent, in order to promote more effective 20704

regulation and reduce regulatory burden through supervisory 20705
information sharing, may enter into sharing arrangements with 20706
other governmental agencies, the conference of state bank 20707
supervisors, and the American association of residential mortgage 20708
regulators. 20709

(3) Any state law, including the public records law, relating 20710
to the disclosure of confidential supervisory information or any 20711
information or material described in division (E)(1) of this 20712
section that is inconsistent with that division shall be 20713
superseded by the requirements of that division. 20714

(F) This section shall not apply with respect to information 20715
or material relating to the employment history of, and publicly 20716
adjudicated disciplinary and enforcement actions against, mortgage 20717
loan originators that is included in the nationwide mortgage 20718
licensing system and registry for access by the public. 20719

(G) This section does not prevent the division from releasing 20720
information relating to registrants and licensees to the attorney 20721
general, to the superintendent of real estate and professional 20722
licensing for purposes relating to the administration of Chapters 20723
4735. and 4763. of the Revised Code, to the superintendent of 20724
insurance for purposes relating to the administration of Chapter 20725
3953. of the Revised Code, to the commissioner of securities for 20726
purposes relating to the administration of Chapter 1707. of the 20727
Revised Code, or to local law enforcement agencies and local 20728
prosecutors. Information the division releases pursuant to this 20729
section remains confidential. 20730

(H) The superintendent of financial institutions shall, by 20731
rule adopted in accordance with Chapter 119. of the Revised Code, 20732
establish a process by which mortgage loan originators may 20733
challenge information provided to the nationwide mortgage 20734
licensing system and registry by the superintendent. 20735

(I) No person, in connection with any examination or investigation conducted by the superintendent under sections 1321.51 to 1321.60 of the Revised Code, shall knowingly do any of the following: 20736
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(1) Circumvent, interfere with, obstruct, or fail to cooperate, including making a false or misleading statement, failing to produce records, or intimidating or suborning any witness; 20740
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(2) Withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information; 20744
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(3) Tamper with, alter, or manufacture any evidence. 20746

Sec. 1321.551. (A) No registrant shall conduct the business of making loans under sections 1321.51 to 1321.60 of the Revised Code in any office, room, or place of business in which any other business is solicited or engaged in, or in association or conjunction with any other such business, if the superintendent of financial institutions finds, pursuant to a hearing conducted in accordance with Chapter 119. of the Revised Code, that the other business is of such a nature that the conduct tends to conceal evasion of sections 1321.51 to 1321.60 of the Revised Code or of the rules adopted under those sections, and orders the registrant in writing to desist from the conduct. 20747
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(B) The business of a mortgage loan originator shall principally be transacted at an office of the registrant with whom the licensee is employed or associated, which office is registered in accordance with division (A)(1) of section 1321.52 of the Revised Code. Each original mortgage loan originator license shall be deposited with and maintained at the registrant's main office. A copy of the mortgage loan originator license shall be maintained and displayed at the office where the mortgage loan originator principally transacts business. 20758
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(C) If a mortgage loan originator's employment or association is terminated for any reason, the registrant shall return the original mortgage loan originator license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to another registrant by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent, or may request in writing that the superintendent hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a mortgage loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement.

(D) A registrant may employ or be associated with a mortgage loan originator on a temporary basis pending the transfer of the mortgage loan originator's license to the registrant, if the registrant receives written confirmation from the superintendent that the mortgage loan originator is licensed under sections 1321.51 to 1321.60 of the Revised Code.

(E)(1) Notwithstanding divisions (B), (C), and (D) of this section, if a mortgage loan originator is employed by or associated with a person claiming an exception under division (D) of section 1321.53 of the Revised Code, the mortgage loan originator shall maintain and display the original mortgage loan originator license at the office where the mortgage loan originator principally transacts business.

(2) If a mortgage loan originator's employment or association is terminated for any reason, the licensee shall return the original mortgage loan originator license to the superintendent within five business days after the termination. The licensee may request the transfer of the license to a mortgage broker or other person claiming an exception under division (D) of section 1321.53

of the Revised Code by submitting a transfer application, along 20799
with a fifteen dollar fee and any fee required by the national 20800
mortgage licensing system and registry, to the superintendent, or 20801
may request the superintendent in writing to hold the license in 20802
escrow. A licensee whose license is held in escrow shall cease 20803
activity as a mortgage loan originator. A licensee whose license 20804
is held in escrow shall be required to apply for renewal annually 20805
and to comply with the annual continuing education requirement. 20806

(3) The licensee may seek to be employed or associated with a 20807
mortgage broker or other person claiming an exception under 20808
division (D) of section 1321.53 of the Revised Code if the 20809
mortgage broker or person receives written confirmation from the 20810
superintendent that the mortgage loan originator is licensed under 20811
sections 1321.51 to 1321.60 of the Revised Code. 20812

(F)(1) No registrant, through its operations manager or 20813
otherwise, shall fail to reasonably supervise a mortgage loan 20814
originator or other persons employed by or associated with the 20815
registrant. 20816

(2) No registrant shall fail to establish reasonable 20817
procedures designed to avoid violations of sections 1321.51 to 20818
1321.60 of the Revised Code or rules adopted thereunder, or 20819
violations of applicable state and federal consumer and lending 20820
laws or rules, by mortgage loan originators or other persons 20821
employed by or associated with the registrant. 20822

(G) A license, or the authority granted under that license, 20823
is not assignable and cannot be franchised by contract or any 20824
other means. 20825

Sec. 1321.552. (A) Notwithstanding any provision of sections 20826
1321.51 to 1321.60 of the Revised Code, or any rule adopted 20827
thereunder, if the "Secure and Fair Enforcement for Mortgage 20828
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 20829

amended, is modified after the effective date of this section, or 20830
any regulation, statement, or position is adopted under that act, 20831
and the item modified or adopted affects any matter within the 20832
scope of sections 1321.51 to 1321.60 of the Revised Code, the 20833
superintendent of financial institutions may by rule adopt a 20834
similar provision. 20835

(B) The superintendent shall adopt the rules authorized by 20836
this section in accordance with section 111.15 of the Revised 20837
Code. Chapter 119. of the Revised Code does not apply to rules 20838
adopted under the authority of this section. 20839

(C) A rule adopted by the superintendent under the authority 20840
of this section is effective on the later of the following dates: 20841

(1) The date the superintendent issues the rule; 20842

(2) The date the regulation, rule, interpretation, procedure, 20843
or guideline the superintendent's rule is based on becomes 20844
effective. 20845

(D) The superintendent may, upon thirty days' written notice, 20846
revoke any rule adopted under the authority of this section. A 20847
rule adopted under the authority of this section, and not revoked 20848
by the superintendent, lapses and has no further force and effect 20849
eighteen months after the rule's effective date. 20850

Sec. 1321.57. (A) Notwithstanding any other provisions of the 20851
Revised Code, a registrant may contract for and receive interest, 20852
calculated according to the actuarial method, at a rate or rates 20853
not exceeding twenty-one per cent per year on the unpaid principal 20854
balances of the loan. Loans may be interest-bearing or 20855
precomputed. 20856

(B) For purposes of computation of time on interest-bearing 20857
and precomputed loans, including, but not limited to, the 20858
calculation of interest, a month is considered one-twelfth of a 20859

year, and a day is considered one three hundred sixty-fifth of a 20860
year when calculation is made for a fraction of a month. A year is 20861
as defined in section 1.44 of the Revised Code. A month is that 20862
period described in section 1.45 of the Revised Code. 20863
Alternatively, a registrant may consider a day as one three 20864
hundred sixtieth of a year and each month as having thirty days. 20865

(C) With respect to interest-bearing loans: 20866

(1)(a) Interest shall be computed on unpaid principal 20867
balances outstanding from time to time, for the time outstanding. 20868

(b) As an alternative to the method of computing interest set 20869
forth in division (C)(1)(a) of this section, a registrant may 20870
charge and collect interest for the first installment period based 20871
on elapsed time from the date of the loan to the first scheduled 20872
payment due date, and for each succeeding installment period from 20873
the scheduled payment due date to the next scheduled payment due 20874
date, regardless of the date or dates the payments are actually 20875
made. 20876

(c) Whether a registrant computes interest pursuant to 20877
division (C)(1)(a) or (b) of this section, each payment shall be 20878
applied first to unpaid charges, then to interest, and the 20879
remainder to the unpaid principal balance. However, if the amount 20880
of the payment is insufficient to pay the accumulated interest, 20881
the unpaid interest continues to accumulate to be paid from the 20882
proceeds of subsequent payments and is not added to the principal 20883
balance. 20884

(2) Interest shall not be compounded, collected, or paid in 20885
advance. However, both of the following apply: 20886

(a) Interest may be charged to extend the first monthly 20887
installment period by not more than fifteen days, and the interest 20888
charged for the extension may be added to the principal amount of 20889
the loan. 20890

(b) If part or all of the consideration for a new loan contract is the unpaid principal balance of a prior loan, the principal amount payable under the new loan contract may include any unpaid interest that has accrued. The resulting loan contract shall be deemed a new and separate loan transaction for purposes of this section. The unpaid principal balance of a precomputed loan is the balance due after refund or credit of unearned interest as provided in division (D)(3) of this section.

(D) With respect to precomputed loans:

(1) Loans shall be repayable in monthly installments of principal and interest combined, except that the first installment period may exceed one month by not more than fifteen days, and the first installment payment amount may be larger than the remaining payments by the amount of interest charged for the extra days; and provided further that monthly installment payment dates may be omitted to accommodate borrowers with seasonal income.

(2) Payments may be applied to the combined total of principal and precomputed interest until maturity of the loan. A registrant may charge interest after the original or deferred maturity of a precomputed loan at the rate specified in division (A) of this section on all unpaid principal balances for the time outstanding.

(3) When any loan contract is paid in full by cash, renewal, refinancing, or a new loan, one month or more before the final installment due date, the registrant shall refund, or credit the borrower with, the total of the applicable charges for all fully unexpired installment periods, as originally scheduled or as deferred, that follow the day of prepayment. If the prepayment is made other than on a scheduled installment due date, the nearest scheduled installment due date shall be used in such computation. If the prepayment occurs prior to the first installment due date, the registrant may retain one-thirtieth of the applicable charge

for a first installment period of one month for each day from date 20923
of loan to date of prepayment, and shall refund, or credit the 20924
borrower with, the balance of the total interest contracted for. 20925
If the maturity of the loan is accelerated for any reason and 20926
judgment is entered, the registrant shall credit the borrower with 20927
the same refund as if prepayment in full had been made on the date 20928
the judgment is entered. 20929

(4) If the parties agree in writing, either in the loan 20930
contract or in a subsequent agreement, to a deferment of wholly 20931
unpaid installments, a registrant may grant a deferment and may 20932
collect a deferment charge as provided in this section. A 20933
deferment postpones the scheduled due date of the earliest unpaid 20934
installment and all subsequent installments as originally 20935
scheduled, or as previously deferred, for a period equal to the 20936
deferment period. The deferment period is that period during which 20937
no installment is scheduled to be paid by reason of the deferment. 20938
The deferment charge for a one-month period may not exceed the 20939
applicable charge for the installment period immediately following 20940
the due date of the last undeferred installment. A proportionate 20941
charge may be made for deferment for periods of more or less than 20942
one month. A deferment charge is earned pro rata during the 20943
deferment period and is fully earned on the last day of the 20944
deferment period. If a loan is prepaid in full during a deferment 20945
period, the registrant shall make, or credit to the borrower, a 20946
refund of the unearned deferment charge in addition to any other 20947
refund or credit made for prepayment of the loan in full. 20948

(E) A registrant, at the request of the borrower, may obtain, 20949
on one or more borrowers, credit life insurance, credit accident 20950
and health insurance, and unemployment insurance. The premium or 20951
identifiable charge for the insurance may be included in the 20952
principal amount of the loan and may not exceed the premium rate 20953
filed by the insurer with the superintendent of insurance and not 20954

disapproved by the superintendent. If a registrant obtains the 20955
insurance at the request of the borrower, the borrower shall have 20956
the right to cancel the insurance for a period of twenty-five days 20957
after the loan is made. If the borrower chooses to cancel the 20958
insurance, the borrower shall give the registrant written notice 20959
of this choice and shall return all of the policies or 20960
certificates of insurance or notices of proposed insurance to the 20961
registrant during such period, and the full premium or 20962
identifiable charge for the insurance shall be refunded to the 20963
borrower by the registrant. If the borrower requests, in the 20964
notice to cancel the insurance, that this refund be applied to 20965
reduce the balance of a precomputed loan, the registrant shall 20966
credit the amount of the refund plus the amount of interest 20967
applicable to the refund to the loan balance. 20968

If the registrant obtains the insurance at the request of the 20969
borrower, the registrant shall not charge or collect interest on 20970
any insured amount that remains unpaid after the insured 20971
borrower's date of death. 20972

(F) A registrant may require the borrower to provide 20973
insurance or a loss payable endorsement covering reasonable risks 20974
of loss, damage, and destruction of property used as security for 20975
the loan and with the consent of the borrower such insurance may 20976
cover property other than that which is security for the loan. The 20977
amount and term of required property insurance shall be reasonable 20978
in relation to the amount and term of the loan contract and the 20979
type and value of the security, and the insurance shall be 20980
procured in accordance with the insurance laws of this state. The 20981
purchase of this insurance through the registrant or an agent or 20982
broker designated by the registrant shall not be a condition 20983
precedent to the granting of the loan. If the borrower purchases 20984
the insurance from or through the registrant or from another 20985
source, the premium may be included in the principal amount of the 20986

loan. 20987

(G) On loans secured by an interest in real estate, all of 20988
the following apply: 20989

(1) A registrant, if not prohibited by section 1343.011 of 20990
the Revised Code, may charge and receive up to two points, and a 20991
prepayment penalty not in excess of one per cent of the original 20992
principal amount of the loan. Points may be paid by the borrower 20993
at the time of the loan or may be included in the principal amount 20994
of the loan. On a refinancing, a registrant may not charge under 20995
division (G)(1) of this section either of the following: 20996

(a) Points on the portion of the principal amount that is 20997
applied to the unpaid principal amount of the refinanced loan, if 20998
the refinancing occurs within one year after the date of the 20999
refinanced loan on which points were charged; 21000

(b) A prepayment penalty. 21001

(2) As an alternative to the prepayment penalty described in 21002
division (G)(1) of this section, a registrant may contract for, 21003
charge, and receive the prepayment penalty described in division 21004
(G)(2) of this section for the prepayment of a loan prior to two 21005
years after the date the loan contract is executed. This 21006
prepayment penalty shall not exceed two per cent of the original 21007
principal amount of the loan if the loan is paid in full prior to 21008
one year after the date the loan contract is executed. The penalty 21009
shall not exceed one per cent of the original principal amount of 21010
the loan if the loan is paid in full at any time from one year, 21011
but prior to two years, after the date the loan contract is 21012
executed. A registrant shall not charge or receive a prepayment 21013
penalty under division (G)(2) of this section if any of the 21014
following applies: 21015

(a) The loan is a refinancing by the same registrant or a 21016
registrant to whom the loan has been assigned; 21017

(b) The loan is paid in full as a result of the sale of the real estate that secures the loan;

(c) The loan is paid in full with the proceeds of an insurance claim against an insurance policy that insures the life of the borrower or an insurance policy that covers loss, damage, or destruction of the real estate that secures the loan.

(3) Division (G) of this section is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7 note.

(H)(1) In addition to the interest and charges provided for by this section, no further or other amount, whether in the form of broker fees, placement fees, or any other fees whatsoever, shall be charged or received by the registrant, except costs and disbursements in connection with any suit to collect a loan or any lawful activity to realize on a security interest or mortgage after default, including reasonable attorney fees, as limited by division (H)(3) of this section, incurred by the registrant as a result of the suit or activity and to which the registrant becomes entitled by law, and except the following additional charges which may be included in the principal amount of the loan or collected at any time after the loan is made:

(a) The amounts of fees authorized by law to record, file, or release security interests and mortgages on a loan;

(b) With respect to a loan secured by an interest in real estate, the following closing costs, if they are bona fide, reasonable in amount, paid to third parties, and not for the purpose of circumvention or evasion of this section:

(i) Fees or premiums for title examination, abstract of title, title insurance, surveys, title endorsements, title binders, title commitments, home inspections, or pest inspections;

settlement or closing costs paid by unaffiliated third parties, 21049
provided the costs are not for underwriting or processing 21050
services; courier fees; and any federally mandated flood plain 21051
certification fee; 21052

(ii) If not paid to the registrant, an employee of the 21053
registrant, or a person ~~related to~~ affiliated with the registrant, 21054
fees for preparation of a mortgage, settlement statement, or other 21055
documents, fees for notarizing mortgages and other documents, 21056
appraisal fees, and fees for any federally mandated inspection of 21057
home improvement work financed by a second mortgage loan; 21058

(c) Fees for credit investigations not exceeding ten dollars. 21059

(2) Division (H)(1) of this section does not limit the rights 21060
of registrants to engage in other transactions with borrowers, 21061
provided the transactions are not a condition of the loan. 21062

(I) If the loan contract or security instrument contains 21063
covenants by the borrower to perform certain duties pertaining to 21064
insuring or preserving security and the registrant pursuant to the 21065
loan contract or security instrument pays for performance of the 21066
duties on behalf of the borrower, the registrant may add the 21067
amounts paid to the unpaid principal balance of the loan or 21068
collect them separately. A charge for interest may be made for 21069
sums advanced not exceeding the rate of interest permitted by 21070
division (A) of this section. Within a reasonable time after 21071
advancing a sum, the registrant shall notify the borrower in 21072
writing of the amount advanced, any interest charged with respect 21073
to the amount advanced, any revised payment schedule, and shall 21074
include a brief description of the reason for the advance. 21075

(J)(1) In addition to points authorized under division (G) of 21076
this section, a registrant may charge and receive the following: 21077

(a) With respect to ~~secured~~ loans secured by goods or real 21078
estate: if the principal amount of the loan is ~~less than~~ five 21079

hundred dollars or less, loan origination charges not exceeding 21080
fifteen dollars; if the principal amount of the loan is ~~at least~~ 21081
more than five hundred dollars but less than one thousand dollars, 21082
loan origination charges not exceeding thirty dollars; if the 21083
principal amount of the loan is at least one thousand dollars but 21084
less than two thousand dollars, loan origination charges not 21085
exceeding one hundred dollars; if the principal amount of the loan 21086
is at least two thousand dollars but less than five thousand 21087
dollars, loan origination charges not exceeding two hundred 21088
dollars; and if the principal amount of the loan is at least five 21089
thousand dollars, loan origination charges not exceeding the 21090
greater of two hundred fifty dollars or one per cent of the 21091
principal amount of the loan. 21092

(b) With respect to ~~unsecured~~ loans that are not secured by 21093
goods or real estate: if the principal amount of the loan is ~~less~~ 21094
~~than~~ five hundred dollars or less, loan origination charges not 21095
exceeding fifteen dollars; if the principal amount of the loan is 21096
~~at least~~ more than five hundred dollars but less than one thousand 21097
dollars, loan origination charges not exceeding thirty dollars; if 21098
the principal amount of the loan is at least one thousand dollars 21099
but less than five thousand dollars, loan origination charges not 21100
exceeding one hundred dollars; and if the principal amount of the 21101
loan is at least five thousand dollars, loan origination charges 21102
not exceeding the greater of two hundred fifty dollars or one per 21103
cent of the principal amount of the loan. 21104

(2) If a refinancing occurs within ninety days after the date 21105
of the refinanced loan, a registrant may not impose loan 21106
origination charges on the portion of the principal amount that is 21107
applied to the unpaid principal amount of the refinanced loan. 21108

(3) Loan origination charges may be paid by the borrower at 21109
the time of the loan or may be included in the principal amount of 21110
the loan. 21111

(K) A registrant may charge and receive check collection 21112
charges not greater than twenty dollars plus any amount passed on 21113
from other ~~financial~~ depository institutions for each check, 21114
negotiable order of withdrawal, share draft, or other negotiable 21115
instrument returned or dishonored for any reason. 21116

(L) If the loan contract so provides, a registrant may 21117
collect a default charge on any installment not paid in full 21118
within ten days after its due date. For this purpose, all 21119
installments are considered paid in the order in which they become 21120
due. Any amounts applied to an outstanding loan balance as a 21121
result of voluntary release of a security interest, sale of 21122
security on the loan, or cancellation of insurance shall be 21123
considered payments on the loan, unless the parties otherwise 21124
agree in writing at the time the amounts are applied. The amount 21125
of the default charge shall not exceed the greater of five per 21126
cent of the scheduled installment or fifteen dollars. 21127

Sec. 1321.59. (A) No registrant under sections 1321.51 to 21128
1321.60 of the Revised Code shall permit any borrower to be 21129
indebted for a loan made under sections 1321.51 to 1321.60 of the 21130
Revised Code at any time while the borrower is also indebted to an 21131
affiliate or agent of the registrant for a loan made under 21132
sections 1321.01 to 1321.19 of the Revised Code for the purpose or 21133
with the result of obtaining greater charges than otherwise would 21134
be permitted by sections 1321.51 to 1321.60 of the Revised Code. 21135

(B) No registrant shall induce or permit any person to become 21136
obligated to the registrant under sections 1321.51 to 1321.60 of 21137
the Revised Code, directly or contingently, or both, under more 21138
than one contract of loan at the same time for the purpose or with 21139
the result of obtaining greater charges than would otherwise be 21140
permitted by sections 1321.51 to 1321.60 of the Revised Code. 21141

(C) No registrant shall refuse to provide information 21142

regarding the amount required to pay in full a loan under sections 21143
1321.51 to 1321.60 of the Revised Code when requested by the 21144
borrower or by another person designated in writing by the 21145
borrower. 21146

(D) On any loan or application for a loan under sections 21147
1321.51 to 1321.60 of the Revised Code secured by a mortgage on a 21148
borrower's real estate which is other than a first lien on the 21149
real estate, no person shall pay or receive, directly or 21150
indirectly, fees or any other type of compensation for services of 21151
a mortgage broker that, in the aggregate, exceed the lesser of one 21152
thousand dollars or one per cent of the principal amount of the 21153
loan. 21154

(E) No registrant or licensee shall obtain a certificate of 21155
registration or license through any false or fraudulent 21156
representation of a material fact or any omission of a material 21157
fact required by state or federal law, or make any substantial 21158
misrepresentation in the registration or license application. 21159

(F) No registrant or licensee shall make false or misleading 21160
statements of a material fact, omissions of statements required by 21161
state or federal law, or false promises regarding a material fact, 21162
through advertising or other means, or engage in a continued 21163
course of misrepresentations. 21164

(G) No registrant, licensee, or person making residential 21165
mortgage loans without a certificate of registration in violation 21166
of division (A) of section 1321.52 of the Revised Code, shall 21167
engage in conduct that constitutes improper, fraudulent, or 21168
dishonest dealings. 21169

(H) No registrant, licensee, or applicant shall fail to 21170
notify the division of financial institutions within thirty days 21171
after any of the following: 21172

(1) Been convicted of or pleading guilty to a felony offense 21173

<u>in a domestic, foreign, or military court;</u>	21174
<u>(2) Been convicted of or pleading guilty to any criminal</u>	21175
<u>offense involving theft, receiving stolen property, embezzlement,</u>	21176
<u>forgery, fraud, passing bad checks, money laundering, breach of</u>	21177
<u>trust, dishonesty, or drug trafficking, or any criminal offense</u>	21178
<u>involving money or securities, in a domestic, foreign, or military</u>	21179
<u>court;</u>	21180
<u>(3) Having a mortgage lender registration or mortgage loan</u>	21181
<u>originator license, or comparable authority, revoked in any</u>	21182
<u>governmental jurisdiction.</u>	21183
<u>(I) No registrant or licensee shall knowingly make, propose,</u>	21184
<u>or solicit fraudulent, false, or misleading statements on any</u>	21185
<u>mortgage document or on any document related to a mortgage loan,</u>	21186
<u>including a mortgage application, real estate appraisal, or real</u>	21187
<u>estate settlement or closing document. For purposes of this</u>	21188
<u>division, "fraudulent, false, or misleading statements" does not</u>	21189
<u>include mathematical errors, inadvertent transposition of numbers,</u>	21190
<u>typographical errors, or any other bona fide error.</u>	21191
<u>(J) No registrant or licensee shall knowingly instruct,</u>	21192
<u>solicit, propose, or otherwise cause a borrower to sign in blank a</u>	21193
<u>loan related document.</u>	21194
<u>(K) No registrant or licensee shall knowingly compensate,</u>	21195
<u>instruct, induce, coerce, or intimidate, or attempt to compensate,</u>	21196
<u>instruct, induce, coerce, or intimidate, a person licensed or</u>	21197
<u>certified as an appraiser under Chapter 4763. of the Revised Code</u>	21198
<u>for the purpose of corrupting or improperly influencing the</u>	21199
<u>independent judgment of the person with respect to the value of</u>	21200
<u>the dwelling offered as security for repayment of a mortgage loan.</u>	21201
<u>(L) No registrant or licensee shall retain original documents</u>	21202
<u>provided to the registrant or licensee by the borrower in</u>	21203
<u>connection with the residential mortgage loan application,</u>	21204

<u>including income tax returns, account statements, or other</u>	21205
<u>financial related documents.</u>	21206
<u>(M) No registrant or licensee shall receive, directly or</u>	21207
<u>indirectly, a premium on the fees charged for services performed</u>	21208
<u>by a bona fide third party.</u>	21209
<u>(N) No registrant or licensee shall pay or receive, directly</u>	21210
<u>or indirectly, a referral fee or kickback of any kind to or from a</u>	21211
<u>bona fide third party or other party with a related interest in</u>	21212
<u>the transaction, including a home improvement builder, real estate</u>	21213
<u>developer, or real estate broker or agent, for the referral of</u>	21214
<u>business.</u>	21215
Sec. 1321.591. <u>(A) No registrant or licensee shall use</u>	21216
<u>unfair, deceptive, or unconscionable means to collect or attempt</u>	21217
<u>to collect any claim.</u>	21218
<u>(B) Conduct or activities deemed to violate division (A) of</u>	21219
<u>this section include, but are not limited to, the following:</u>	21220
<u>(1) Collecting or attempting to collect any interest or other</u>	21221
<u>charge, fee, or expense incidental to the principal obligation,</u>	21222
<u>unless the interest or other fee, charge, or expense is expressly</u>	21223
<u>authorized by the agreement creating the obligation and by law;</u>	21224
<u>(2) Communicating with a consumer whenever it is known that</u>	21225
<u>the consumer is represented by an attorney and the attorney's name</u>	21226
<u>and address are known, or could be easily ascertained, unless the</u>	21227
<u>attorney fails to answer correspondence, return phone calls, or</u>	21228
<u>discuss the obligation in question or unless the attorney consents</u>	21229
<u>to direct communication with the consumer;</u>	21230
<u>(3) Placing a telephone call or otherwise communicating by</u>	21231
<u>telephone with a consumer or third party at any location,</u>	21232
<u>including a place of employment, and falsely stating that the call</u>	21233
<u>is urgent or an emergency;</u>	21234

<u>(4) Using profane or obscene language or language that is</u>	21235
<u>intended to unreasonably abuse the listener or reader;</u>	21236
<u>(5) Placing telephone calls without disclosure of the</u>	21237
<u>caller's identity and with the intent to annoy, harass, or</u>	21238
<u>threaten any person at the number called;</u>	21239
<u>(6) Causing expense to any person in the form of long</u>	21240
<u>distance telephone tolls, text messaging fees, or other charges</u>	21241
<u>incurred by a form of communication, by concealing the true</u>	21242
<u>purpose of the communication;</u>	21243
<u>(7) Causing a telephone to ring or engaging any person in</u>	21244
<u>telephone conversation repeatedly or continuously, or at unusual</u>	21245
<u>times or at times known to be inconvenient, with the intent to</u>	21246
<u>annoy, abuse, oppress, or threaten any person at the called</u>	21247
<u>number.</u>	21248
<u>Sec. 1321.592. (A) In connection with providing a</u>	21249
<u>non-brokered loan secured by a lien on real property, a registrant</u>	21250
<u>or licensee shall, not earlier than three business days nor later</u>	21251
<u>than twenty-four hours before the loan is closed, deliver to the</u>	21252
<u>borrower a written disclosure that includes the following:</u>	21253
<u>(1) A statement indicating whether property taxes will be</u>	21254
<u>escrowed;</u>	21255
<u>(2) A description of what is covered by the regular monthly</u>	21256
<u>payment, including principal, interest, taxes, and insurance, as</u>	21257
<u>applicable.</u>	21258
<u>(B) If a residential mortgage loan applied for will exceed</u>	21259
<u>ninety per cent of the value of the real property, the registrant</u>	21260
<u>shall provide a statement to the borrower within three business</u>	21261
<u>days after taking the loan application, printed in boldface type</u>	21262
<u>of the minimum size of sixteen points, as follows: "You are</u>	21263
<u>applying for a loan that is more than 90% of your home's value. It</u>	21264

will be hard for you to refinance this loan. If you sell your 21265
home, you might owe more money on the loan than you get from the 21266
sale." 21267

(C) No registrant or licensee shall fail to comply with this 21268
section. 21269

Sec. 1321.593. (A) A registrant, licensee, and any person 21270
required to be registered or licensed under sections 1321.51 to 21271
1321.60 of the Revised Code, in addition to duties imposed by 21272
other statutes or common law, shall do all of the following: 21273

(1) Safeguard and account for any money handled for the 21274
borrower; 21275

(2) Follow reasonable and lawful instructions from the 21276
borrower; 21277

(3) Act with reasonable skill, care, and diligence; 21278

(4) Act in good faith and with fair dealing in any 21279
transaction, practice, or course of business in connection with 21280
making or originating any loan under sections 1321.51 to 1321.60 21281
of the Revised Code; 21282

(5) In connection with providing a loan secured by a lien on 21283
real property, make reasonable efforts to provide a residential 21284
mortgage loan with rates, charges, and repayment terms that are 21285
advantageous to the borrower. 21286

(B) Division (A) of this section shall not apply to wholesale 21287
lenders. However, wholesale lender registrants are subject to all 21288
other requirements applicable to registrants. For purposes of this 21289
division, "wholesale lender" means a company that has been issued 21290
a certificate of registration and that enters into transactions 21291
with borrowers exclusively through unaffiliated third-party 21292
mortgage brokers or lenders. 21293

(C) The duties and standards of care created in this section 21294

<u>cannot be waived or modified.</u>	21295
<u>(D)(1) A borrower injured by a failure to comply with this section may bring an action for recovery of damages.</u>	21296
<u>(2) Damages awarded under division (D)(1) of this section shall not be less than all compensation paid directly or indirectly to a registrant from any source, plus reasonable attorney's fees and court costs.</u>	21298
<u>(3) The borrower may be awarded punitive damages.</u>	21299
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21300
<u>(3) The borrower may be awarded punitive damages.</u>	21301
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21302
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21303
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21304
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21305
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21306
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21307
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21308
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21308
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21309
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21309
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21310
<u>(E) A borrower injured by a failure to comply with this section is precluded from recovering any damages, attorney's fees, or costs, if the borrower has already recovered those damages, fees, or costs in a cause of action initiated under any other provision of sections 1321.51 to 1321.60 of the Revised Code and the recovery of damages for a failure to comply with this section is based on the same acts or circumstances as the recovery of damages under the other provision.</u>	21310
<u>Sec. 1321.594. (A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21311
<u>Sec. 1321.594. (A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21312
<u>Sec. 1321.594. (A) In connection with making a non-brokered residential mortgage, no registrant or licensee shall fail to do either of the following:</u>	21313
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21314
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21315
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21316
<u>(1) Timely inform the borrower of any material change in the terms of the residential mortgage loan. For purposes of division (A) (1) of this section, "material change" means the following:</u>	21316
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21317
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21318
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21319
<u>(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;</u>	21319
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21320
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21321
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21322
<u>(b) A change in the term of the loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;</u>	21322
<u>(c) A change in the interest rate of more than 0.15%;</u>	21323
<u>(c) A change in the interest rate of more than 0.15%;</u>	21323

<u>(d) A change in the regular total monthly payment, including</u>	21324
<u>principal, interest, any required mortgage insurance, and any</u>	21325
<u>escrowed taxes or property insurance, of more than five per cent;</u>	21326
<u>(e) A change regarding whether the escrow of taxes or</u>	21327
<u>insurance will be required;</u>	21328
<u>(f) A change regarding whether private mortgage insurance</u>	21329
<u>will be required.</u>	21330
<u>(2) Timely inform the borrower if any fees payable by the</u>	21331
<u>borrower to the licensee, registrant, or lender increase by more</u>	21332
<u>than ten per cent or one hundred dollars, whichever is greater.</u>	21333
<u>(B) The disclosures required by this section shall be deemed</u>	21334
<u>timely if the registrant or licensee provides the borrower with</u>	21335
<u>the revised information not later than twenty-four hours after the</u>	21336
<u>change occurs, or twenty-four hours before the loan is closed,</u>	21337
<u>whichever is earlier.</u>	21338
<u>(C) If an increase in the total amount of the fee to be paid</u>	21339
<u>by the borrower to the registrant or licensee is not disclosed in</u>	21340
<u>accordance with division (A)(2) of this section, the registrant or</u>	21341
<u>licensees shall refund to the borrower the amount by which the fee</u>	21342
<u>was increased. If the fee is financed into the loan, the</u>	21343
<u>registrant or licensee shall also refund to the borrower the</u>	21344
<u>interest that would accrue over the term of the loan on that</u>	21345
<u>excess amount.</u>	21346
Sec. 1321.595. <u>(A)(1) A borrower injured by a violation of or</u>	21347
<u>failure to comply with section 1321.59, 1321.592, 1321.594, or</u>	21348
<u>1321.60 of the Revised Code may bring an action for the recovery</u>	21349
<u>of damages.</u>	21350
<u>(2) Damages awarded under division (A)(1) of this section</u>	21351
<u>shall not be less than all compensation paid directly and</u>	21352
<u>indirectly to a lender or mortgage loan originator from any</u>	21353

source, plus reasonable attorney's fees and court costs. 21354

(3) The borrower may be awarded punitive damages. 21355

(B) Nothing in this section prevents the recovery of damages 21356
under division (D) or (G) of section 1321.52, section 1321.56, or 21357
section 1321.593 of the Revised Code. 21358

(C) A borrower injured by a violation of or failure to comply 21359
with any of the sections specified in division (A)(1) of this 21360
section is precluded from recovering any damages, plus reasonable 21361
attorney's fees and costs, if the borrower has also recovered any 21362
damages in a cause of action initiated under section 1321.593 of 21363
the Revised Code and the recovery of damages for a violation of or 21364
failure to comply with any of the sections specified in division 21365
(A)(1) of this section is based on the same acts or circumstances 21366
as the recovery of damages under division (D) or (G) of section 21367
1321.52, section 1321.56, or section 1321.593 of the Revised Code. 21368

Sec. 1321.60. (A)(1) Advertising for loans subject to 21369
sections 1321.51 to 1321.60 of the Revised Code shall not be 21370
false, misleading, or deceptive. 21371

(2) False, misleading, or deceptive advertising includes, but 21372
is not limited to, the following: 21373

(a) Any advertisement indicating that special terms, reduced 21374
rates, guaranteed rates, particular rates, or any other special 21375
feature of mortgage loans is available unless the advertisement 21376
clearly states any limitations that apply; 21377

(b) Any advertisement containing a rate or special fee offer 21378
that is not a bona fide available rate or fee. 21379

(B) In making any advertisement, a registrant shall comply 21380
with 12 C.F.R. 226.16, as amended. 21381

Sec. 1321.99. (A) Whoever violates section 1321.02 of the 21382

Revised Code is guilty of a felony of the fifth degree. 21383

(B) Whoever violates section 1321.13 of the Revised Code 21384
shall be fined not less than one hundred nor more than five 21385
hundred dollars or imprisoned not more than six months, or both. 21386

(C) Whoever violates section 1321.14 of the Revised Code 21387
shall be fined not less than fifty nor more than two hundred 21388
dollars for a first offense; for a second offense such person 21389
shall be fined not less than two hundred nor more than five 21390
hundred dollars and imprisoned for not more than six months. 21391

(D) Whoever willfully violates section 1321.57, 1321.58, 21392
division (A), (B), (C), or (D) of section 1321.59, 1321.591, or 21393
1321.60 of the Revised Code is guilty of a minor misdemeanor and 21394
shall be fined not less than one nor more than five hundred 21395
dollars. 21396

(E) Whoever violates section 1321.52 or division (I), (J), 21397
(K), (L), or (M) of section 1321.59 of the Revised Code is guilty 21398
of a felony of the fifth degree. 21399

(F) Whoever violates division (A) of section 1321.73 of the 21400
Revised Code shall be fined not more than five hundred dollars or 21401
imprisoned not more than six months, or both. 21402

(G) Whoever violates section 1321.41 of the Revised Code is 21403
guilty of a misdemeanor of the first degree. 21404

(H) Whoever violates division (N) of section 1321.59 of the 21405
Revised Code is guilty of a felony of the fourth degree. 21406

(I) The imposition of fines pursuant to this section does not 21407
preclude the imposition of any administrative fines or civil 21408
penalties authorized under section 1321.54 or any other section of 21409
the Revised Code. 21410

Sec. 1322.01. As used in sections 1322.01 to 1322.12 of the 21411
Revised Code: 21412

(A) "Buyer" means an individual who is solicited to purchase 21413
or who purchases the services of a mortgage broker for purposes 21414
~~other than~~ of obtaining a ~~business~~ residential mortgage loan as 21415
~~described in division (B)(6) of section 1343.01 of the Revised~~ 21416
Code. 21417

(B) "Consumer reporting agency" has the same meaning as in 21418
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 21419
as amended. 21420

(C) "Employee" means an individual for whom a mortgage 21421
broker, in addition to providing a wage or salary, pays social 21422
security and unemployment taxes, provides workers' compensation 21423
coverage, and withholds local, state, and federal income taxes. 21424
"Employee" also includes any ~~shareholder, member, or partner of a~~ 21425
~~registrant~~ individual who acts as a loan ~~officer~~ originator or 21426
operations manager of ~~the~~ a registrant, but for whom the 21427
registrant is prevented by law from making income tax 21428
withholdings. 21429

(D) "Licensee" means any ~~person that~~ individual who has been 21430
issued a loan ~~officer~~ originator license under sections 1322.01 to 21431
1322.12 of the Revised Code. 21432

(E)(1) "Loan ~~officer~~ originator" means an ~~employee~~ individual 21433
who ~~originates mortgage loans in consideration of direct for~~ 21434
compensation or ~~indirect~~ gain, ~~profit, fees, or charges.~~ "Loan 21435
~~officer~~" ~~also includes an employee who solicits financial and~~ 21436
~~mortgage information from the public for sale to another mortgage~~ 21437
~~broker or in anticipation of compensation or gain, does any of the~~ 21438
following: 21439

(a) Takes or offers to take a residential mortgage loan 21440
application; 21441

(b) Assists or offers to assist a buyer in obtaining or 21442
applying to obtain a residential mortgage loan by, among other 21443

<u>things, advising on loan terms, including rates, fees, and other</u>	21444
<u>costs;</u>	21445
<u>(c) Offers or negotiates terms of a residential mortgage</u>	21446
<u>loan;</u>	21447
<u>(d) Issues or offers to issue a commitment for a residential</u>	21448
<u>mortgage loan to a buyer.</u>	21449
<u>(2) "Loan originator" does not include any of the following:</u>	21450
<u>(a) An individual who performs purely administrative or</u>	21451
<u>clerical tasks on behalf of a loan originator;</u>	21452
<u>(b) A person licensed under Chapter 4735. of the Revised</u>	21453
<u>Code, or under the similar law of another state, who performs only</u>	21454
<u>real estate brokerage activities permitted by that license,</u>	21455
<u>provided the person is not compensated by a mortgage lender,</u>	21456
<u>mortgage broker, loan originator, or by any agent thereof;</u>	21457
<u>(c) A person solely involved in extensions of credit relating</u>	21458
<u>to timeshare plans, as that term is defined in 11 U.S.C. 101 in</u>	21459
<u>effect on January 1, 2008;</u>	21460
<u>(d) An employee of a registrant who acts solely as a loan</u>	21461
<u>processor or underwriter and who does not represent to the public,</u>	21462
<u>through advertising or other means of communicating, including the</u>	21463
<u>use of business cards, stationery, brochures, signs, rate lists,</u>	21464
<u>or other promotional items, that the employee can or will perform</u>	21465
<u>any of the activities of a loan originator;</u>	21466
<u>(e) A mortgage loan originator licensed under sections</u>	21467
<u>1321.51 to 1321.60 of the Revised Code, when acting solely under</u>	21468
<u>that authority;</u>	21469
<u>(f) A licensed attorney who negotiates the terms of a</u>	21470
<u>residential mortgage loan on behalf of a client as an ancillary</u>	21471
<u>matter to the attorney's representation of the client, unless the</u>	21472
<u>attorney is compensated by a lender, a mortgage broker, or another</u>	21473

<u>loan originator, or by any agent thereof;</u>	21474
<u>(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:</u>	21475
	21476
	21477
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	21479
<u>(i) Offer or negotiate the residential mortgage loan rates or terms;</u>	21480
	21481
<u>(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;</u>	21482
	21483
<u>(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home;</u>	21484
	21485
	21486
<u>(iv) Assist the borrower in completing a residential mortgage loan application.</u>	21487
	21488
(F) "Mortgage" means any indebtedness secured by a deed of trust, security deed, or other lien on real property.	21489
	21490
(G)(1) "Mortgage broker" means any of the following:	21491
(1) (a) A person that holds that person out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance;	21492
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(2) (b) A person that solicits financial and mortgage information from the public, provides that information to a mortgage broker <u>or a person that makes residential mortgage loans,</u> and charges or receives from the mortgage broker <u>either of them</u> money or other valuable consideration readily convertible into money for providing the information;	21497
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(3) (c) A person engaged in table-funding or warehouse-lending	21503

mortgage loans that are first lien <u>residential</u> mortgage loans.	21504
<u>(2) "Mortgage broker" does not include any of the following:</u>	21505
<u>(a) A person that makes residential mortgage loans and receives a scheduled payment on each of those mortgage loans;</u>	21506
	21507
<u>(b) Any entity chartered and lawfully doing business under the authority of any law of this state, another state, or the United States as a bank, savings bank, trust company, savings and loan association, or credit union, or a subsidiary of any such entity, which subsidiary is regulated by a federal banking agency and is owned and controlled by a depository institution;</u>	21508
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<u>(c) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended;</u>	21514
	21515
	21516
<u>(d) Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of the United States or any state;</u>	21517
	21518
	21519
<u>(e) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code;</u>	21520
	21521
	21522
<u>(f) Any entity created solely for the purpose of securitizing loans secured by an interest in real estate, provided the entity does not service the loans. For purposes of division (G)(2)(f) of this section "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities.</u>	21523
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	21528
<u>(g) Any person engaged in the retail sale of manufactured or mobile homes if, in connection with obtaining financing by others for those retail sales, the person only assists the borrower by providing or transmitting the loan application and does not do any of the following:</u>	21529
	21530
	21531
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<u>(i) Offer or negotiate the residential mortgage loan rates or terms;</u>	21534 21535
<u>(ii) Provide any counseling with borrowers about residential mortgage loan rates or terms;</u>	21536 21537
<u>(iii) Receive any payment or fee from any company or individual for assisting the borrower obtain or apply for financing to purchase the manufactured or mobile home;</u>	21538 21539 21540
<u>(iv) Assist the borrower in completing the residential mortgage loan application.</u>	21541 21542
<u>(h) A mortgage banker, provided it complies with section 1322.022 of the Revised Code and holds a valid letter of exemption issued by the superintendent. For purposes of this section, "mortgage banker" means any person that makes, services, buys, or sells only residential mortgage loans secured by a first lien, that underwrites the loans, and that meets at least one of the following criteria:</u>	21543 21544 21545 21546 21547 21548 21549
<u>(i) The person has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program. Division (G)(2)(h)(i) of this section includes a person that has been directly approved by the United States department of housing and urban development as a nonsupervised mortgagee with participation in the direct endorsement program and that makes loans in excess of the applicable loan limit set by the federal national mortgage association, provided that the loans in all respects, except loan amounts, comply with the underwriting and documentation requirements of the United States department of housing and urban development. Division (G)(2)(h)(i) of this section does not include a mortgagee approved as a loan correspondent.</u>	21550 21551 21552 21553 21554 21555 21556 21557 21558 21559 21560 21561 21562 21563
<u>(ii) The person has been directly approved by the federal</u>	21564

national mortgage association as a seller/servicer. Division 21565
(G)(2)(h)(ii) of this section includes a person that has been 21566
directly approved by the federal national mortgage association as 21567
a seller/servicer and that makes loans in excess of the applicable 21568
loan limit set by the federal national mortgage association, 21569
provided that the loans in all respects, except loan amounts, 21570
comply with the underwriting and documentation requirements of the 21571
federal national mortgage association. 21572

(iii) The person has been directly approved by the federal 21573
home loan mortgage corporation as a seller/servicer. Division 21574
(G)(2)(h)(iii) of this section includes a person that has been 21575
directly approved by the federal home loan mortgage corporation as 21576
a seller/servicer and that makes loans in excess of the applicable 21577
loan limit set by the federal home loan mortgage corporation, 21578
provided that the loans in all respects, except loan amounts, 21579
comply with the underwriting and documentation requirements of the 21580
federal home loan mortgage corporation. 21581

(iv) The person has been directly approved by the United 21582
States department of veterans affairs as a nonsupervised automatic 21583
lender. Division (G)(2)(h)(iv) of this section does not include a 21584
person directly approved by the United States department of 21585
veterans affairs as a nonsupervised lender, an agent of a 21586
nonsupervised automatic lender, or an agent of a nonsupervised 21587
lender. 21588

(H) "Operations manager" means the ~~individual~~ employee or 21589
owner responsible for the everyday operations, compliance 21590
requirements, and management of a mortgage broker business. 21591

(I) "~~Originate~~ Registered loan originator" means ~~to do any an~~ 21592
individual to whom both of the following apply: 21593

(1) ~~Negotiate or arrange, or offer to negotiate or arrange, a~~ 21594
~~mortgage loan between a person that makes or funds mortgage loans~~ 21595

~~and a buyer; The individual is a loan originator and an employee~~ 21596
~~of a depository institution, a subsidiary that is owned and~~ 21597
~~controlled by a depository institution and regulated by a federal~~ 21598
~~banking agency, or an institution regulated by the farm credit~~ 21599
~~administration.~~ 21600

(2) ~~Issue a commitment for a mortgage loan to a buyer;~~ 21601

~~(3) Place, assist in placement, or find a mortgage loan for a~~ 21602
~~buyer The individual is registered with, and maintains a unique~~ 21603
~~identifier through, the nationwide mortgage licensing system and~~ 21604
~~registry.~~ 21605

(J) "Registrant" means any person that has been issued a 21606
mortgage broker certificate of registration under sections 1322.01 21607
to 1322.12 of the Revised Code. 21608

(K) "Superintendent of financial institutions" includes the 21609
deputy superintendent for consumer finance as provided in section 21610
1181.21 of the Revised Code. 21611

(L) "Table-funding mortgage loan" means a residential 21612
mortgage loan transaction in which the residential mortgage loan 21613
is initially payable to the mortgage broker, the mortgage broker 21614
does not use the mortgage broker's own funds to fund the 21615
transaction, and, by the terms of the mortgage or other agreement, 21616
the mortgage is simultaneously assigned to another person. 21617

(M) "Warehouse-lending mortgage loan" means a residential 21618
mortgage loan transaction in which the residential mortgage loan 21619
is initially payable to the mortgage broker, the mortgage broker 21620
uses the mortgage broker's own funds to fund the transaction, and 21621
the mortgage is sold or assigned before the mortgage broker 21622
receives a scheduled payment on the residential mortgage loan. 21623

(N) "Administrative or clerical tasks" means the receipt, 21624
collection, and distribution of information common for the 21625
processing or underwriting of a loan in the mortgage industry, and 21626

communication with a consumer to obtain information necessary for 21627
the processing or underwriting of a residential mortgage loan. 21628

(O) "Appraisal company" means a sole proprietorship, 21629
partnership, corporation, limited liability company, or any other 21630
business entity or association, that employs or retains the 21631
services of a person licensed or certified under Chapter 4763. of 21632
the Revised Code for purposes of performing residential real 21633
estate appraisals for mortgage loans. 21634

(P) "Depository institution" has the same meaning as in 21635
section 3 of the "Federal Deposit Insurance Act," 64 Stat. 873, 12 21636
U.S.C. 1813, and includes any credit union. 21637

(Q) "Federal banking agency" means the board of governors of 21638
the federal reserve system, the comptroller of the currency, the 21639
director of the office of thrift supervision, the national credit 21640
union administration, and the federal deposit insurance 21641
corporation. 21642

(R) "Immediate family" means an individual's spouse, child, 21643
stepchild, parent, stepparent, grandparent, grandchild, brother, 21644
sister, parent-in-law, brother-in-law, or sister-in-law. 21645

(S) "Individual" means a natural person. 21646

(T) "Loan processor or underwriter" means an individual who 21647
performs clerical or support duties at the direction of and 21648
subject to the supervision and instruction of a loan originator or 21649
registered loan originator. For purposes of this division, 21650
"clerical or support duties" includes the following activities: 21651

(1) The receipt, collection, distribution, and analysis of 21652
information common for the processing or underwriting of a 21653
residential mortgage loan; 21654

(2) Communicating with a buyer to obtain the information 21655
necessary for the processing or underwriting of a loan, to the 21656

extent the communication does not include offering or negotiating 21657
loan rates or terms or counseling buyers about residential 21658
mortgage loan rates or terms. 21659

(U) "Nationwide mortgage licensing system and registry" means 21660
a mortgage licensing system developed and maintained by the 21661
conference of state bank supervisors and the American association 21662
of residential mortgage regulators, or their successor entities, 21663
for the licensing and registration of loan originators, or any 21664
system established by the secretary of housing and urban 21665
development pursuant to the "Secure and Fair Enforcement for 21666
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101. 21667

(V) "Nontraditional mortgage product" means any mortgage 21668
product other than a thirty-year fixed rate mortgage. 21669

(W) "Real estate brokerage activity" means any activity that 21670
involves offering or providing real estate brokerage services to 21671
the public, including all of the following: 21672

(1) Acting as a real estate agent or real estate broker for a 21673
buyer, seller, lessor, or lessee of real property; 21674

(2) Bringing together parties interested in the sale, 21675
purchase, lease, rental, or exchange of real property, other than 21676
in connection with providing financing for any such transaction; 21677

(3) Negotiating, on behalf of any party, any portion of a 21678
contract relating to the sale, purchase, lease, rental, or 21679
exchange of real property, other than in connection with providing 21680
financing for any such transaction; 21681

(4) Engaging in any activity for which a person engaged in 21682
that activity is required to be registered or licensed as a real 21683
estate agent or real estate broker under any applicable law; 21684

(5) Offering to engage in any activity, or to act in any 21685
capacity, described in division (W) of this section. 21686

(X) "Residential mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage on a dwelling or on residential real estate in this state upon which is constructed or intended to be constructed a dwelling. For purposes of this division, "dwelling" has the same meaning as in section 103 of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C 1602.

(Y) "State," in the context of referring to states in addition to Ohio, means any state of the United States, the district of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, the trust territory of the Pacific islands, the virgin islands, and the northern Mariana islands;

(Z) "Unique identifier" means a number or other identifier that permanently identifies a loan originator and is assigned by protocols established by the nationwide mortgage licensing system and registry or federal banking agencies to facilitate electronic tracking of loan originators and uniform identification of, and public access to, the employment history of and the publicly adjudicated disciplinary and enforcement actions against loan originators.

Sec. 1322.02. (A)(1) No person, on the person's own behalf or on behalf of any other person, shall act as a mortgage broker without first having obtained a certificate of registration from the superintendent of financial institutions for every office to be maintained by the person for the transaction of business as a mortgage broker in this state. A registrant shall maintain an office location in this state for the transaction of business as a mortgage broker in this state.

(2) No person shall act or hold that person's self out as a mortgage broker under the authority or name of a registrant or person exempt from sections 1322.01 to 1322.12 of the Revised Code

without first having obtained a certificate of registration from 21718
the superintendent for every office to be maintained by the person 21719
for the transaction of business as a mortgage broker in this 21720
state. 21721

~~(B)(1) No person, on the person's own behalf or on behalf of~~ 21722
~~any other person, individual~~ shall act as a loan officer 21723
originator employed by or associated with a mortgage broker 21724
without first having obtained a license from the superintendent. A 21725
loan officer originator shall be employed by or associated with a 21726
mortgage broker or any person or entity listed in division (G)(2) 21727
of section 1322.01 of the Revised Code, but shall not be employed 21728
by or associated with more than one mortgage broker or person or 21729
entity at any one time. 21730

(2) An individual acting under the individual's authority as 21731
a registered loan originator shall not be required to be licensed 21732
under division (B)(1) of this section. 21733

~~(C)(1) The following persons are exempt from sections 1322.01~~ 21734
~~to 1322.12 of the Revised Code only with respect to business~~ 21735
~~engaged in or authorized by their charter, license, authority,~~ 21736
~~approval, or certificate, or as otherwise authorized by division~~ 21737
~~(C)(1)(g) of this section:~~ 21738

~~(a) A bank, savings bank, savings and loan association,~~ 21739
~~credit union, or credit union service organization organized under~~ 21740
~~the laws of this state, another state, or the United States, or a~~ 21741
~~subsidiary or affiliate of a bank, savings bank, savings and loan~~ 21742
~~association, credit union, or credit union service organization.~~ 21743
~~As used in this division, "affiliate" means an entity that~~ 21744
~~controls, is controlled by, or is under common control with, a~~ 21745
~~bank, savings bank, savings and loan association, credit union, or~~ 21746
~~credit union service organization and that the board of governors~~ 21747
~~of the federal reserve system, the comptroller of the currency,~~ 21748
~~the office of thrift supervision, the federal deposit insurance~~ 21749

~~corporation, or the national credit union administration has the authority to examine, supervise, and regulate including with respect to the affiliate's compliance with applicable consumer protection requirements.~~

~~(b) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is in compliance with Chapter 4710. of the Revised Code;~~

~~(c) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended;~~

~~(d) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States or any state of the United States;~~

~~(e) A college or university, or controlled entity of a college or university, as defined in section 1713.05 of the Revised Code;~~

~~(f) A person registered under sections 1321.51 to 1321.60 of the Revised Code, provided that not more than five per cent of the person's mortgage loans constitute table funding mortgage loans or warehouse lending mortgage loans. Division (C)(1)(f) of this section does not include any person that is also registered or licensed under sections 1322.01 to 1322.12 of the Revised Code.~~

~~(g) A mortgage banker. For purposes of division (C)(1)(g) of this section, "mortgage banker" means any person that makes, services, buys, or sells mortgage loans, that underwrites the loans, and that meets at least one of the following criteria:~~

~~(i) The person has been directly approved by the United States department of housing and urban development as a~~

~~nonsupervised mortgagee with participation in the direct 21781
endorsement program. Division (C) (1) (g) (i) of this section 21782
includes a person that has been directly approved by the United 21783
States department of housing and urban development as a 21784
nonsupervised mortgagee with participation in the direct 21785
endorsement program and that makes loans in excess of the 21786
applicable loan limit set by the federal national mortgage 21787
association, provided that the loans in all respects, except loan 21788
amounts, comply with the underwriting and documentation 21789
requirements of the United States department of housing and urban 21790
development. Division (C)(1)(g)(i) of this section does not 21791
include a mortgagee approved as a loan correspondent. 21792~~

~~(ii) The person has been directly approved by the federal 21793
national mortgage association as a seller/servicer. Division (C) 21794
(1) (g) (ii) of this section includes a person that has been 21795
directly approved by the federal national mortgage association as 21796
a seller/servicer and that makes loans in excess of the applicable 21797
loan limit set by the federal national mortgage association, 21798
provided that the loans in all respects, except loan amounts, 21799
comply with the underwriting and documentation requirements of the 21800
federal national mortgage association. 21801~~

~~(iii) The person has been directly approved by the federal 21802
home loan mortgage corporation as a seller/servicer. Division (C) 21803
(1) (g) (iii) of this section includes a person that has been 21804
directly approved by the federal home loan mortgage corporation as 21805
a seller/servicer and that makes loans in excess of the applicable 21806
loan limit set by the federal home loan mortgage corporation, 21807
provided that the loans in all respects, except loan amounts, 21808
comply with the underwriting and documentation requirements of the 21809
federal home loan mortgage corporation. 21810~~

~~(iv) The person has been directly approved by the United 21811
States department of veterans affairs as a nonsupervised automatic 21812~~

~~lender. Division (C)(1)(g)(iv) of this section does not include a person directly approved by the United States department of veterans affairs as a nonsupervised lender, an agent of a nonsupervised automatic lender, or an agent of a nonsupervised lender.~~

~~(h) A person created solely for the purpose of securitizing loans secured by an interest in real estate, provided the person does not service the loans. For purposes of division (C)(1)(h) of this section, "securitizing" means the packaging and sale of mortgage loans as a unit for sale as investment securities, but only to the extent of those activities Each licensee shall register with, and maintain a valid unique identifier issued by, the nationwide mortgage licensing system and registry.~~

~~(2) Any individual who is employed by a person exempt from sections 1322.01 to 1322.12 of the Revised Code is also exempt from those sections to the extent the individual is acting within the scope of the individual's employment and within the scope of the exempt person's charter, license, authority, approval, or certificate No person shall use a licensee's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.~~

Sec. 1322.022. (A) A mortgage banker seeking exemption from registration pursuant to division (G)(2)(h) of section 1322.01 of the Revised Code shall submit an application to the superintendent of financial institutions along with a nonrefundable fee of three hundred fifty dollars for each location of an office to be maintained by the mortgage banker. The application shall be in a form prescribed by the superintendent and shall include all of the following:

(1) The mortgage banker's business name and state of

<u>incorporation or business registration;</u>	21844
<u>(2) The names of the owners, officers, or partners having control of the business;</u>	21845
	21846
<u>(3) An attestation to all of the following:</u>	21847
<u>(a) That the mortgage banker and its owners, officers, or partners identified in division (A)(2) of this section have not had a mortgage banker license, mortgage broker certificate of registration, or loan originator license, or any comparable authority, revoked in any governmental jurisdiction;</u>	21848
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<u>(b) That the mortgage banker and its owners, officers, or partners identified in division (A)(2) of this section have not been convicted of, or pleaded guilty to, any of the following:</u>	21853
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<u>(i) During the seven-year period immediately preceding the date of application for exemption, a felony in a domestic, foreign, or military court;</u>	21856
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<u>(ii) At any time prior to the date of application for exemption, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering in a domestic, foreign, or military court;</u>	21859
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<u>(iii) During the seven-year period immediately preceding the date of application for exemption, a misdemeanor involving theft in a domestic, foreign, or military court.</u>	21863
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<u>(c) That, with respect to financing residential mortgage loans, the mortgage banker only conducts business with residents of this state, or secures its loans with property located in this state, under authority of an approval described in division (G)(2)(h) of section 1322.01 of the Revised Code.</u>	21866
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<u>(4) The names of all loan originators or licensees under the mortgage banker's control and direction;</u>	21871
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<u>(5) An acknowledgment of understanding that the mortgage</u>	21873

<u>banker is subject to the regulatory authority of the division of</u>	21874
<u>financial institutions;</u>	21875
<u>(6) Any further information that the superintendent may</u>	21876
<u>require.</u>	21877
<u>(B)(1) If the superintendent determines that the mortgage</u>	21878
<u>banker honestly made the attestation required under division</u>	21879
<u>(A)(3) of this section and otherwise qualifies for exemption, the</u>	21880
<u>superintendent shall issue a letter of exemption. Additional</u>	21881
<u>certified copies of a letter of exemption shall be provided upon</u>	21882
<u>request and the payment of seventy-five dollars per copy.</u>	21883
<u>(2) If the superintendent determines that the mortgage banker</u>	21884
<u>does not qualify for exemption, the superintendent shall issue a</u>	21885
<u>notice of denial, and the mortgage banker may request a hearing in</u>	21886
<u>accordance with Chapter 119. of the Revised Code.</u>	21887
<u>(C) All of the following conditions apply to any mortgage</u>	21888
<u>banker holding a valid letter of exemption:</u>	21889
<u>(1) The mortgage banker shall be subject to examination in</u>	21890
<u>the same manner as a registrant with respect to the conduct of the</u>	21891
<u>mortgage banker's loan originators. In conducting any out-of-state</u>	21892
<u>examination, a mortgage banker shall be responsible for paying the</u>	21893
<u>costs of the division in the same manner as a registrant.</u>	21894
<u>(2) The mortgage banker shall have an affirmative duty to</u>	21895
<u>supervise the conduct of its loan originators, and to cooperate</u>	21896
<u>with investigations by the division with respect to that conduct,</u>	21897
<u>in the same manner as is required of registrants.</u>	21898
<u>(3) The mortgage banker shall keep and maintain records of</u>	21899
<u>all transactions relating to the conduct of its loan originators</u>	21900
<u>in the same manner as is required of registrants.</u>	21901
<u>(4) The mortgage banker may provide the surety bond for its</u>	21902
<u>licensees in the same manner as is permitted for registrants.</u>	21903

(D) A letter of exemption expires annually on the 21904
thirty-first day of December and may be renewed on or before that 21905
date by submitting an application that meets the requirements of 21906
division (A) of this section and a nonrefundable renewal fee of 21907
three hundred fifty dollars for each location of an office to be 21908
maintained by the mortgage banker. 21909

(E) The superintendent may issue a notice to revoke or 21910
suspend a letter of exemption if the superintendent finds that the 21911
letter was obtained through a false or fraudulent representation 21912
of a material fact, or the omission of a material fact, required 21913
by law, or that a condition for exemption is no longer being met. 21914
Prior to issuing an order of revocation or suspension, the 21915
mortgage banker shall be given an opportunity for a hearing in 21916
accordance with Chapter 119. of the Revised Code. 21917

(F) All information obtained by the division pursuant to an 21918
examination or investigation under this section shall be subject 21919
to the confidentiality requirements set forth in section 1322.061 21920
of the Revised Code. 21921

(G) All money collected under this section shall be deposited 21922
into the state treasury to the credit of the consumer finance fund 21923
created in section 1321.21 of the Revised Code. 21924

Sec. 1322.023. The superintendent of financial institutions 21925
may, by rule, expand the definition of loan originator or mortgage 21926
broker in section 1322.01 of the Revised Code by adding 21927
individuals, persons, or entities, or may exempt additional 21928
individuals, persons, or entities from those definitions, if the 21929
superintendent finds that the addition or exemption is consistent 21930
with the purposes fairly intended by the policy and provisions of 21931
sections 1322.01 to 1322.12 of the Revised Code and the "Secure 21932
and Fair Enforcement for Mortgage Licensing Act of 2008," 122 21933
Stat. 2810, 12 U.S.C. 5101. 21934

Rules authorized by this section shall be adopted in 21935
accordance with Chapter 119. of the Revised Code. 21936

Sec. 1322.024. (A) Notwithstanding any provision of sections 21937
1322.01 to 1322.12 of the Revised Code, or any rule adopted 21938
thereunder, if the "Secure and Fair Enforcement for Mortgage 21939
Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as 21940
amended, is modified after the effective date of this section, or 21941
any regulation, statement, or position is adopted under that act, 21942
and the item modified or adopted affects any matter within the 21943
scope of sections 1322.01 to 1322.12 of the Revised Code, the 21944
superintendent of financial institutions may by rule adopt a 21945
similar provision. 21946

(B) The superintendent shall adopt the rules authorized by 21947
this section in accordance with section 111.15 of the Revised 21948
Code. Chapter 119. of the Revised Code does not apply to rules 21949
adopted under the authority of this section. 21950

(C) A rule adopted by the superintendent under the authority 21951
of this section is effective on the later of the following dates: 21952

(1) The date the superintendent issues the rule; 21953

(2) The date the regulation, rule, interpretation, procedure, 21954
or guideline the superintendent's rule is based on becomes 21955
effective. 21956

(D) The superintendent may, upon thirty days' written notice, 21957
revoke any rule adopted under the authority of this section. A 21958
rule adopted under the authority of this section, and not revoked 21959
by the superintendent, lapses and has no further force and effect 21960
eighteen months after the rule's effective date. 21961

Sec. 1322.03. (A) An application for a certificate of 21962
registration as a mortgage broker shall be in writing, under oath, 21963
and in the form prescribed by the superintendent of financial 21964

institutions. The application shall be accompanied by a 21965
nonrefundable application fee of ~~three~~ five hundred ~~fifty~~ dollars 21966
for each location of an office to be maintained by the applicant 21967
in accordance with division (A) of section 1322.02 of the Revised 21968
Code; ~~however, an applicant that is registered under sections~~ 21969
~~1321.51 to 1321.60 of the Revised Code shall not be required to~~ 21970
~~pay an application fee and any additional fee required by the~~ 21971
nationwide mortgage licensing system and registry. The application 21972
shall provide all of the following: 21973

(1) The location or locations where the business is to be 21974
transacted and whether any location is a residence. If any 21975
location where the business is to be transacted is a residence, 21976
the superintendent may require that the application shall be 21977
accompanied by a ~~certified~~ copy of a zoning permit authorizing the 21978
use of the residence for commercial purposes, or ~~shall be~~ 21979
~~accompanied~~ by a written opinion or other document issued by the 21980
county or political subdivision where the residence is located 21981
certifying that the use of the residence to transact business as a 21982
mortgage broker is not prohibited by the county or political 21983
subdivision. ~~The application also shall be accompanied by a~~ 21984
~~photograph of each location at which the business will be~~ 21985
~~transacted.~~ 21986

(2)(a) In the case of a sole proprietor, the name and address 21987
of the sole proprietor; 21988

(b) In the case of a partnership, the name and address of 21989
each partner; 21990

(c) In the case of a corporation, the name and address of 21991
each shareholder owning five per cent or more of the corporation; 21992

(d) In the case of any other entity, the name and address of 21993
any person that owns five per cent or more of the entity that will 21994
transact business as a mortgage broker. 21995

(3) ~~If the applicant is a partnership, corporation, limited liability company, or any other business entity or association,~~ 21996
~~the~~ Each applicant shall designate an employee or owner of the 21997
applicant as the applicant's operations manager. While acting as 21998
the operations manager, the employee or owner shall be licensed as 21999
a loan originator under sections 1322.01 to 1322.12 of the Revised 22000
Code and shall not be employed by any other mortgage broker. 22001
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(4) Evidence that the ~~sole proprietor or the person~~ 22003
designated on the application pursuant to division (A)(3) of this 22004
section, as applicable, possesses at least three years of 22005
experience in the residential mortgage and lending field, which 22006
experience may include employment with or as a mortgage broker or 22007
with a financial depository institution, mortgage lending 22008
institution, or other lending institution, or possesses at least 22009
three years of other experience related specifically to the 22010
business of residential mortgage loans that the superintendent 22011
determines meets the requirements of division (A)(4) of this 22012
section; 22013

(5) ~~On or after January 1, 2007, evidence~~ Evidence that the 22014
~~sole proprietor or the person~~ designated on the application 22015
pursuant to division (A)(3) of this section has successfully 22016
completed ~~either of the following:~~ 22017

~~(a) At least twenty four hours of live classroom~~ 22018
~~pre-licensing instruction in a course or program of study approved~~ 22019
~~by the superintendent that consists of at least all of the~~ 22020
~~following:~~ 22021

~~(i) Four hours of instruction concerning state and federal~~ 22022
~~mortgage lending laws, which shall include no less than two hours~~ 22023
~~on this chapter;~~ 22024

~~(ii) Four hours of instruction concerning the Ohio consumer~~ 22025
~~sales practices act, Chapter 1345. of the Revised Code, as it~~ 22026

applies to registrants and licensees;	22027
(iii) Four hours of instruction concerning the loan application process;	22028
(iv) Two hours of instruction concerning the underwriting process;	22029
(v) Two hours of instruction concerning the secondary market for mortgage loans;	22030
(vi) Four hours of instruction concerning the loan closing process;	22031
(vii) Two hours of instruction covering basic mortgage financing concepts and terms;	22032
(viii) Two hours of instruction concerning the ethical responsibilities of a registrant, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	22033
(b) Other post secondary education related specifically to the business of mortgage loans that the superintendent determines meets the requirements of division (A)(5)(a) of this section.	22034
Division (A)(5) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	22035
The evidence submitted by the applicant pursuant to division (A)(5) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of five years for inspection by the superintendent at the superintendent's request <u>requirements set forth in section 1322.031 of the Revised Code.</u>	22036
(6) Evidence of compliance with the surety bond requirements of section 1322.05 of the Revised Code and with sections 1322.01	22037
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to 1322.12 of the Revised Code; 22057

(7) In the case of a foreign business entity, evidence that 22058
it maintains a license or registration pursuant to Chapter 1703., 22059
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 22060
transact business in this state; 22061

~~(8) A statement as to whether the applicant or, to the best 22062
of the applicant's knowledge, any shareholder, member, partner, 22063
operations manager, or employee of the applicant has been 22064
convicted of or pleaded guilty to any criminal offense involving 22065
theft, receiving stolen property, embezzlement, forgery, fraud, 22066
passing bad checks, money laundering, or drug trafficking, or any 22067
criminal offense involving money or securities; 22068~~

~~(9) A statement as to whether the applicant or, to the best 22069
of the applicant's knowledge, any shareholder, member, partner, 22070
operations manager, or employee of the applicant has been subject 22071
to any adverse judgment for conversion, embezzlement, 22072
misappropriation of funds, fraud, misfeasance or malfeasance, or 22073
breach of fiduciary duty; 22074~~

~~(10)~~ Evidence that the applicant's operations manager has 22075
successfully completed the examination written test required under 22076
division (A) of section 1322.051 of the Revised Code; 22077

~~(11)~~(9) Any further information that the superintendent 22078
requires. 22079

(B) Upon the filing of the application and payment of the 22080
nonrefundable application fee and any fee required by the 22081
nationwide mortgage licensing system and registry, the 22082
superintendent of financial institutions shall investigate the 22083
applicant, and any individual whose identity is required to be 22084
disclosed in the application, as set forth in division (B) of this 22085
section. 22086

(1) The (a) Notwithstanding division (K) of section 121.08 of 22087

the Revised Code, the superintendent shall obtain a criminal history records check and, as part of that records check, request that criminal record information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall ~~request~~ do either of the following: 22088
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(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints or, if the fingerprints are unreadable, based on the applicant's social security number, in accordance with division (A)~~(11)~~(12) of section 109.572 of the Revised Code. ~~Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of financial institutions shall;~~ 22093
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(ii) Authorize the nationwide mortgage licensing system and registry to request that criminal record information from the federal bureau of investigation be obtained as part of the a criminal ~~records~~ history background check. Any 22101
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(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the nationwide mortgage licensing system and registry shall be paid by the applicant. 22105
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(2) The superintendent shall conduct a civil records check. 22108

(3) If, in order to issue a certificate of registration to an applicant, additional investigation by the superintendent outside this state is necessary, the superintendent may require the applicant to advance sufficient funds to pay the actual expenses of the investigation, if it appears that these expenses will exceed ~~three~~ five hundred ~~fifty~~ dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 22109
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(C) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent 22117
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receives pursuant to this section and section 1322.04 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(D) If an application for a mortgage broker certificate of registration does not contain all of the information required under division (A) of this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn.

(E) A mortgage broker certificate of registration and the authority granted under that certificate is not transferable or assignable and cannot be franchised by contract or any other means.

(F) The registration requirements of this chapter apply to any person acting as a mortgage broker, and no person is exempt from the requirements of this chapter on the basis of prior work or employment as a mortgage broker.

(G) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage broker certificates of registration or the persons associated with a mortgage broker.

Sec. 1322.031. (A) An application for a license as a loan ~~officer~~ originator shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions. The application shall be accompanied by a nonrefundable application fee of one hundred fifty dollars and ~~shall provide all of the following:~~

(1) The name and address of the applicant;	22149
(2) A statement as to whether the applicant has been convicted of or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities;	22150 22151 22152 22153 22154
(3) A statement as to whether the applicant has been subject to an adverse judgment for conversion, embezzlement, misappropriation of funds, fraud, misfeasance or malfeasance, or breach of fiduciary duty;	22155 22156 22157 22158
(4) For loan officer applications submitted on or after January 1, 2007, <u>proof any additional fee required by the nationwide mortgage licensing system and registry.</u>	22159 22160 22161
<u>(B)(1) The application shall provide evidence, acceptable to the superintendent, that the applicant has successfully completed at least twenty-four hours of pre-licensing instruction consisting of all of the following:</u>	22162 22163 22164 22165
<u>(a) Twenty hours of instruction in a course or program of study reviewed and approved by the nationwide mortgage licensing system and registry;</u>	22166 22167 22168
<u>(b) Four hours of instruction in a course or program of study reviewed and approved by the superintendent concerning state landing laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees.</u>	22169 22170 22171 22172 22173
<u>(2) Notwithstanding division (B)(1) of this section, until the nationwide mortgage licensing system and registry implements a review and approval program, the application shall provide evidence, as determined by the superintendent, that the applicant has successfully completed at least twenty-four hours of live classroom instruction in a course or program of study approved by</u>	22174 22175 22176 22177 22178 22179

the superintendent that consists of at least all of the following:	22180
	22181
(a) Four hours of instruction concerning state and federal mortgage lending laws, which shall include no less than two hours on this chapter;	22182
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(b) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	22185
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(c) Four hours of instruction concerning the loan application process;	22188
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(d) Two hours of instruction concerning the underwriting process;	22190
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(e) Two hours of instruction concerning the secondary market for mortgage loans;	22192
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(f) Four hours of instruction concerning the loan closing process;	22194
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(g) Two hours of instruction covering basic mortgage financing concepts and terms;	22196
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(h) Two hours of instruction concerning the ethical responsibilities of a <u>registrant and a licensee</u> , including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	22198
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Division (A)(4) of this section does not apply to any applicant who has an application on file with the division of financial institutions prior to January 1, 2007.	22203
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The proof submitted by the applicant pursuant to division (A)(4) of this section may be in the form of transcripts or a statement indicating that the applicant has, and will maintain, transcripts at the applicant's place of business for a period of	22206
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~~five years for inspection by the superintendent at the
superintendent's request.~~ 22210
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(5)(3) For purposes of division (B)(1)(a) of this section,
the review and approval of a course or program of study includes
the review and approval of the provider of the course or program
of study. 22212
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(4) If an applicant held a valid loan originator license
issued by this state at any time during the immediately preceding
five-year period, the applicant shall not be required to complete
any additional pre-licensing instruction. 22216
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(C) In addition to the information required under division
(B) of this section, the application shall provide both of the
following: 22220
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(1) Evidence that the applicant passed a written test that
meets the requirements described in division (B) of section
1322.051 of the Revised Code; 22223
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(2) Any further information that the superintendent requires. 22226

~~(B)(D)~~ Upon the filing of the application and payment of the
application fee and any fee required by the nationwide mortgage
licensing system and registry, the superintendent of financial
institutions shall investigate the applicant as set forth in
division (B)(D) of this section. 22227
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(1) The (a) Notwithstanding division (K) of section 121.08 of
the Revised Code, the superintendent shall obtain a criminal
history records check and, as part of the records check, request
that criminal record information from the federal bureau of
investigation be obtained. To fulfill this requirement, the
superintendent shall request do either of the following: 22232
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(i) Request the superintendent of the bureau of criminal 22238
identification and investigation, or a vendor approved by the 22239

bureau, to conduct a criminal records check based on the 22240
applicant's fingerprints or, if the fingerprints are unreadable, 22241
based on the applicant's social security number, in accordance 22242
with division (A)~~(11)~~(12) of section 109.572 of the Revised Code- 22243
~~Notwithstanding division (K) of section 121.08 of the Revised~~ 22244
~~Code, the superintendent of financial institutions shall;~~ 22245

(ii) Authorize the nationwide mortgage licensing system and 22246
registry to request that criminal record information from the 22247
federal bureau of investigation be obtained as part of the a 22248
criminal records history background check. ~~Any~~ 22249

(b) Any fee required under division (C)(3) of section 109.572 22250
of the Revised Code or by the nationwide mortgage licensing system 22251
and registry shall be paid by the applicant. 22252

(2) The superintendent shall conduct a civil records check. 22253

(3) If, in order to issue a license to an applicant, 22254
additional investigation by the superintendent outside this state 22255
is necessary, the superintendent may require the applicant to 22256
advance sufficient funds to pay the actual expenses of the 22257
investigation, if it appears that these expenses will exceed one 22258
hundred fifty dollars. The superintendent shall provide the 22259
applicant with an itemized statement of the actual expenses that 22260
the applicant is required to pay. 22261

~~(C)~~(E)(1) In connection with applying for a loan originator 22262
license, the applicant shall furnish to the nationwide mortgage 22263
licensing system and registry the following information concerning 22264
the applicant's identity: 22265

(a) The applicant's fingerprints for submission to the 22266
federal bureau of investigation, and any other governmental agency 22267
or entity authorized to receive such information, for purposes of 22268
a state, national, and international criminal history background 22269
check; 22270

(b) Personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, along with authorization for the superintendent and the nationwide mortgage licensing system and registry to obtain the following: 22271
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(i) An independent credit report from a consumer reporting agency; 22275
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(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction. 22277
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(2) In order to effectuate the purposes of divisions (E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent may use the conference of state bank supervisors, or a wholly owned subsidiary, as a channeling agent for requesting information from and distributing information to the United States department of justice or any other governmental agency. The superintendent may also use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source related to matters subject to those divisions of this section. 22279
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(F) The superintendent shall pay all funds advanced and application and renewal fees and penalties the superintendent receives pursuant to this section and section 1322.041 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code. 22289
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~~(D)~~(G) If an application for a loan originator license does not contain all of the information required under ~~division (A) of~~ this section, and if that information is not submitted to the superintendent within ninety days after the superintendent requests the information in writing, the superintendent may consider the application withdrawn. 22295
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~~(E)~~(H)(1) The business of a loan ~~officer~~ originator shall 22301

principally be transacted at an office of the ~~employing~~ mortgage 22302
broker with whom the licensee is employed or associated, which 22303
office is registered in accordance with division (A) of section 22304
1322.02 of the Revised Code. Each original loan originator license 22305
shall be deposited with and maintained by the ~~employing~~ mortgage 22306
broker at the mortgage broker's main office. A copy of the license 22307
shall be maintained and displayed at the office where the loan 22308
~~officer~~ originator principally transacts business. 22309

(2) If a loan ~~officer's~~ originator's employment or 22310
association is terminated for any reason, the mortgage broker 22311
shall return the original loan originator license to the 22312
superintendent within five business days after the termination. 22313
The licensee may request the transfer of the license to another 22314
mortgage broker by submitting a ~~relocation~~ transfer application, 22315
along with a fifteen dollar fee and any fee required by the 22316
national mortgage licensing system and registry, to the 22317
superintendent or may request the superintendent in writing to 22318
hold the license in escrow ~~for a period not to exceed one year~~. 22319
Any licensee whose license is held in escrow shall cease activity 22320
as a loan ~~officer~~ originator. A licensee whose license is held in 22321
escrow shall be required to apply for renewal annually and to 22322
comply with the annual continuing education requirement. 22323

(3) A mortgage broker may employ or be associated with a loan 22324
~~officer~~ originator on a temporary basis pending the transfer of 22325
the loan ~~officer's~~ originator's license to the mortgage broker, if 22326
the mortgage broker receives written confirmation from the 22327
superintendent that the loan ~~officer~~ originator is licensed under 22328
sections 1322.01 to 1322.12 of the Revised Code. 22329

~~(F)~~(4) Notwithstanding divisions (H)(1) to (3) of this 22330
section, if a licensee is employed by or associated with a person 22331
or entity listed in division (G)(2) of section 1322.01 of the 22332
Revised Code, all of the following apply: 22333

(a) The licensee shall maintain and display the original loan originator license at the office where the licensee principally transacts business; 22334
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(b) If the loan originator's employment or association is terminated, the loan originator shall return the original loan originator license to the superintendent within five business days after termination. The licensee may request the transfer of the license to a mortgage broker or another person or entity listed in division (G)(2) of section 1322.01 of the Revised Code by submitting a transfer application, along with a fifteen dollar fee and any fee required by the national mortgage licensing system and registry, to the superintendent or may request the superintendent in writing to hold the license in escrow. A licensee whose license is held in escrow shall cease activity as a loan originator. A licensee whose license is held in escrow shall be required to apply for renewal annually and to comply with the annual continuing education requirement. 22337
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(c) The licensee may seek to be employed or associated with a mortgage broker or person or entity listed in division (G)(2) of section 1322.01 of the Revised Code if the mortgage broker or person or entity receives written confirmation from the superintendent that the loan originator is licensed under sections 1322.01 to 1322.12 of the Revised Code. 22351
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(I) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to loan originator licenses or the persons associated with a licensee. 22357
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(J) A loan originator license, or the authority granted under that license, is not assignable and cannot be franchised by contract or any other means. 22363
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Sec. 1322.04. (A) Upon the conclusion of the investigation 22366
required under division (B) of section 1322.03 of the Revised 22367
Code, the superintendent of financial institutions shall issue a 22368
certificate of registration to the applicant if the superintendent 22369
finds that the following conditions are met: 22370

(1) ~~Except as otherwise provided in division (A) of section~~ 22371
~~1322.03 of the Revised Code, the~~ The application is accompanied by 22372
the application fee and any fee required by the nationwide 22373
mortgage licensing system and registry. ~~¶~~ 22374

(a) If a check or other draft instrument is returned to the 22375
superintendent for insufficient funds, the superintendent shall 22376
notify the applicant by certified mail, return receipt requested, 22377
that the application will be withdrawn unless the applicant, 22378
within thirty days after receipt of the notice, submits the 22379
application fee and a one-hundred-dollar penalty to the 22380
superintendent. If the applicant does not submit the application 22381
fee and penalty within that time period, or if any check or other 22382
draft instrument used to pay the fee or penalty is returned to the 22383
superintendent for insufficient funds, the application shall be 22384
withdrawn immediately without a hearing. 22385

(b) If a check or other draft instrument is returned to the 22386
superintendent for insufficient funds after the certificate of 22387
registration has been issued, the superintendent shall notify the 22388
registrant by certified mail, return receipt requested, that the 22389
certificate of registration issued in reliance on the check or 22390
other draft instrument will be canceled unless the registrant, 22391
within thirty days after receipt of the notice, submits the 22392
application fee and a one-hundred-dollar penalty to the 22393
superintendent. If the registrant does not submit the application 22394
fee and penalty within that time period, or if any check or other 22395
draft instrument used to pay the fee or penalty is returned to the 22396

superintendent for insufficient funds, the certificate of 22397
registration shall be canceled immediately without a hearing, and 22398
the registrant shall cease activity as a mortgage broker. 22399

(2) If the application is for a location that is a residence, 22400
~~that the applicant has obtained a valid zoning permit authorizing~~ 22401
~~the use of the residence for commercial purposes, or has obtained~~ 22402
~~a valid written opinion or other document issued by the county or~~ 22403
~~political subdivision where the residence is located certifying~~ 22404
evidence that the use of the residence to transact business as a 22405
mortgage broker is not prohibited ~~by the county or political~~ 22406
~~subdivision. The application also is accompanied by a photograph~~ 22407
~~of each location at which the mortgage broker's business will be~~ 22408
~~transacted.~~ 22409

(3) The ~~sole proprietor or the person designated on the~~ 22410
application pursuant to division (A)(3) of section 1322.03 of the 22411
Revised Code, ~~as applicable,~~ meets the experience requirements 22412
provided in division (A)(4) of section 1322.03 of the Revised Code 22413
and the education requirements set forth in division (A)(5) of 22414
section 1322.03 of the Revised Code. 22415

(4) The applicant maintains all licenses necessary filings 22416
and ~~registrations~~ approvals required by the secretary of state. 22417

(5) The applicant complies with the surety bond requirements 22418
of section 1322.05 of the Revised Code. 22419

(6) The applicant complies with sections 1322.01 to 1322.12 22420
of the Revised Code and the rules adopted thereunder. 22421

(7) Neither the applicant nor any ~~shareholder, member,~~ 22422
~~partner, operations manager, or employee of the applicant person~~ 22423
whose identity is required to be disclosed on an application for a 22424
mortgage broker certificate of registration has had a mortgage 22425
broker certificate of registration or loan originator license, or 22426
any comparable authority, revoked in any governmental jurisdiction 22427

~~or has pleaded guilty to or been convicted of any eriminal offense~~ 22428
~~described in division (A)(8) of section 1322.03 of the Revised~~ 22429
~~Code or any violation of an existing or former law of this state,~~ 22430
~~any other state, or the United States that substantially is~~ 22431
~~equivalent to a criminal offense described in that division.~~ 22432
~~However, if the applicant or any of those other persons has~~ 22433
~~pleaded guilty to or been convicted of any such offense other than~~ 22434
~~theft, the superintendent shall not consider the offense if the~~ 22435
~~applicant has proven to the superintendent, by a preponderance of~~ 22436
~~the evidence, that the applicant's or other person's activities~~ 22437
~~and employment record since the conviction show that the applicant~~ 22438
~~or other person is honest, truthful, and of good reputation, and~~ 22439
~~there is no basis in fact for believing that the applicant or~~ 22440
~~other person will commit such an offense again of the following:~~ 22441

(a) During the seven-year period immediately preceding the 22443
date of application for the certificate of registration, a felony 22444
in a domestic, foreign, or military court; 22445

(b) At any time prior to the date of application for the 22446
certificate of registration, a felony involving an act of fraud, 22447
dishonesty, a breach of trust, theft, or money laundering in a 22448
domestic, foreign, or military court; 22449

(c) During the seven-year period immediately preceding the 22450
date of application for the certificate of registration, a 22451
misdemeanor involving theft in a domestic, foreign, or military 22452
court. 22453

~~(8) Neither the applicant nor any shareholder, member,~~ 22454
~~partner, operations manager, or employee of the applicant has been~~ 22455
~~subject to any adverse judgment for conversion, embezzlement,~~ 22456
~~misappropriation of funds, fraud, misfeasance or malfeasance, or~~ 22457
~~breach of fiduciary duty, or, if the applicant or any of those~~ 22458
~~other persons has been subject to such a judgment Based on the~~ 22459

totality of the circumstances and information submitted in the application, the applicant has proven to the superintendent, by a preponderance of the evidence, that the ~~applicant's or other person's activities and employment record since the judgment show that the applicant or other person is honest, truthful, and of good reputation, business repute and there is no basis in fact for believing that the applicant or other person will be subject to such a judgment again~~ appears qualified to act as a mortgage broker.

(9) The applicant's operations manager successfully completed the examination required under division (A) of section 1322.051 of the Revised Code.

(10) The applicant's financial responsibility, experience, character, and general fitness command the confidence of the public and warrant the belief that the business will be operated honestly and fairly in compliance with the purposes of sections 1322.01 to 1322.12 of the Revised Code and the rules adopted thereunder. The superintendent shall not use a credit score as the sole basis for registration denial.

(B) For purposes of determining whether an applicant that is a partnership, corporation, or other business entity or association has met the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section, the superintendent shall determine which partners, shareholders, or persons named in the application pursuant to division (A)(2) of section 1322.03 of the Revised Code must meet the conditions set forth in divisions (A)(7), (A)(8), and (A)(10) of this section. This determination shall be based on the extent and nature of the partner's, shareholder's, or person's ownership interest in the partnership, corporation, or other business entity or association that is the applicant and on whether the person is in a position to direct, control, or adversely influence the operations of the applicant.

~~(B)~~(C) The certificate of registration issued pursuant to 22492
division (A) of this section may be renewed annually on or before 22493
the ~~thirtieth~~ thirty-first day of ~~April~~ December if the 22494
superintendent finds that all of the following conditions are met: 22495
22496

(1) The renewal application is accompanied by a nonrefundable 22497
renewal fee of ~~three~~ five hundred ~~fifty~~ dollars for each location 22498
of an office to be maintained by the applicant in accordance with 22499
division (A) of section 1322.02 of the Revised Code; ~~however, an~~ 22500
~~applicant that is registered under sections 1321.51 to 1321.60 of~~ 22501
~~the Revised Code shall not be required to pay a renewal fee and~~ 22502
any fee required by the nationwide mortgage licensing system and 22503
registry. If a check or other draft instrument is returned to the 22504
superintendent for insufficient funds, the superintendent shall 22505
notify the registrant by certified mail, return receipt requested, 22506
that the certificate of registration renewed in reliance on the 22507
check or other draft instrument will be canceled unless the 22508
registrant, within thirty days after receipt of the notice, 22509
submits the renewal fee and a one-hundred-dollar penalty to the 22510
superintendent. If the registrant does not submit the renewal fee 22511
and penalty within that time period, or if any check or other 22512
draft instrument used to pay the fee or penalty is returned to the 22513
superintendent for insufficient funds, the certificate of 22514
registration shall be canceled immediately without a hearing and 22515
the registrant shall cease activity as a mortgage broker. 22516

(2) ~~On and after January 1, 2003, the~~ The operations manager 22517
designated under division (A)(3) of section 1322.03 of the Revised 22518
Code has completed, ~~during the immediately preceding calendar~~ 22519
~~year,~~ at least ~~six~~ eight hours of continuing education as required 22520
under section 1322.052 of the Revised Code. 22521

(3) The applicant meets the conditions set forth in divisions 22522
(A)(2) to (10) of this section. 22523

(4) The applicant's mortgage broker certificate of registration is not subject to an order of suspension or ~~revocation~~ an unpaid and past due fine imposed by the superintendent.

~~(C)(D)~~(1) Subject to division ~~(C)(D)~~(2) of this section, if a renewal fee or additional fee required by the nationwide mortgage licensing system and registry is received by the superintendent after the ~~thirtieth~~ thirty-first day of ~~April~~ December, the mortgage broker certificate of registration shall not be considered renewed, and the applicant shall cease activity as a mortgage broker ~~and apply for a certificate of registration as a mortgage broker.~~

(2) Division ~~(C)(D)~~(1) of this section shall not apply if the applicant, no later than the thirty-first day of ~~May~~ January, submits the renewal fee or additional fee and a one-hundred-dollar penalty to the superintendent.

~~(D)(E)~~ If the person designated as the operations manager pursuant to division (A)(3) of section 1322.03 of the Revised Code is no longer the operations manager, the registrant shall do all of the following:

(1) ~~Designate~~ Within ninety days after the departure of the operations manager, designate another person as the operations manager;

(2) Within ten days after the designation described in division ~~(D)(E)~~(1) of this section, notify the superintendent in writing of the designation;

(3) Submit any additional information that the superintendent requires to establish that the newly designated operations manager complies with the ~~experience~~ requirements set forth in ~~division (A)(4)~~ of section 1322.03 of the Revised Code.

(F) The registrant shall cease operations if it is without an

operations manager approved by the superintendent for more than 22555
one hundred eighty days unless otherwise authorized in writing by 22556
the superintendent due to exigent circumstances. 22557

(G) Mortgage broker certificates of registration issued on or 22558
after May 1, 2009, annually expire on the thirty-first day of 22559
December. 22560

Sec. 1322.041. (A) Upon the conclusion of the investigation 22561
required under division ~~(B)~~(D) of section 1322.031 of the Revised 22562
Code, the superintendent of financial institutions shall issue a 22563
loan ~~officer~~ originator license to the applicant if the 22564
superintendent finds that the following conditions are met: 22565

(1) The application is accompanied by the application fee and 22566
any fee required by the nationwide mortgage licensing system and 22567
registry. ~~If~~ 22568

(a) If a check or other draft instrument is returned to the 22569
superintendent for insufficient funds, the superintendent shall 22570
notify the applicant by certified mail, return receipt requested, 22571
that the application will be withdrawn unless the applicant, 22572
within thirty days after receipt of the notice, submits the 22573
application fee and a one-hundred-dollar penalty to the 22574
superintendent. If the applicant does not submit the application 22575
fee and penalty within that time period, or if any check or other 22576
draft instrument used to pay the fee or penalty is returned to the 22577
superintendent for insufficient funds, the application shall be 22578
withdrawn immediately without a hearing. 22579

(b) If a check or other draft instrument is returned to the 22580
superintendent for insufficient funds after the license has been 22581
issued, the superintendent shall notify the licensee by certified 22582
mail, return receipt requested, that the license issued in 22583
reliance on the check or other draft instrument will be canceled 22584
unless the licensee, within thirty days after receipt of the 22585

notice, submits the application fee and a one-hundred-dollar 22586
penalty to the superintendent. If the licensee does not submit the 22587
application fee and penalty within that time period, or if any 22588
check or other draft instrument used to pay the fee or penalty is 22589
returned to the superintendent for insufficient funds, the license 22590
shall be canceled immediately without a hearing, and the licensee 22591
shall cease activity as a loan ~~officer~~ originator. 22592

(2) The applicant complies with sections 1322.01 to 1322.12 22593
of the Revised Code and the rules adopted thereunder. 22594

(3) ~~The (a) During the seven-year period immediately~~ 22595
~~preceding the date of application for the license, the applicant~~ 22596
~~has not been convicted of or pleaded guilty to any criminal~~ 22597
~~offense described in division (A)(2) of section 1322.031 of the~~ 22598
~~Revised Code and the applicant has not pleaded guilty to or been~~ 22599
~~convicted of a violation of an existing or former law of this~~ 22600
~~state, any other state, or the United States that substantially is~~ 22601
~~equivalent to a criminal offense described in that division.~~ 22602
~~However, if a felony in a domestic, foreign, or military court.~~ 22603

(b) At any time prior to the date of application for the 22604
license, the applicant has not been convicted of or pleaded guilty 22605
to ~~any such offense other than theft, the superintendent shall not~~ 22606
~~consider the offense if the applicant has proven to the~~ 22607
~~superintendent, by a preponderance of the evidence, that the~~ 22608
~~applicant's activities and employment record since the conviction~~ 22609
~~show that the applicant is honest, truthful, and of good~~ 22610
~~reputation, and there is no basis in fact for believing that the~~ 22611
~~applicant will commit such an offense again~~ a felony involving an 22612
act of fraud, dishonesty, a breach of trust, theft, or money 22613
laundering in a domestic, foreign, or military court. 22614

(c) During the seven-year period immediately preceding the 22615
date of application for the license, the applicant has not been 22616
convicted of or pleaded guilty to a misdemeanor involving theft in 22617

a domestic, foreign, or military court. 22618

(4) ~~The applicant has not been subject to an adverse judgment~~ 22619
~~for conversion, embezzlement, misappropriation of funds, fraud,~~ 22620
~~misfeasance or malfeasance, or breach of fiduciary duty, or, if~~ 22621
~~the applicant has been subject to such a judgment~~ Based on the 22622
totality of the circumstances and information submitted in the 22623
application, the applicant has proven to the superintendent, by a 22624
preponderance of the evidence, that the ~~applicant's activities and~~ 22625
~~employment record since the judgment show that the applicant is~~ 22626
~~honest, truthful, and of good reputation,~~ business repute and 22627
~~there is no basis in fact for believing that the applicant will be~~ 22628
~~subject to such a judgment again~~ appears qualified to act as a 22629
loan originator. 22630

(5) The applicant successfully completed the ~~examination~~ 22631
written test required under division (B) of section 1322.051 of 22632
the Revised Code and completed the ~~education requirements~~ 22633
prelicensing instruction set forth in division ~~(A)(4)(B)~~ of 22634
section 1322.031 of the Revised Code. 22635

(6) The applicant's financial responsibility, character, and 22636
general fitness command the confidence of the public and warrant 22637
the belief that the business will be operated honestly and fairly 22638
in compliance with the purposes of sections 1322.01 to 1322.12 of 22639
the Revised Code. The superintendent shall not use a credit score 22640
as the sole basis for a license denial. 22641

(7) The applicant is in compliance with the surety bond 22642
requirements of section 1322.05 of the Revised Code. 22643

(B) The license issued under division (A) of this section may 22644
be renewed annually on or before the ~~thirtieth~~ thirty-first day of 22645
~~April~~ December if the superintendent finds that all of the 22646
following conditions are met: 22647

(1) The renewal application is accompanied by a nonrefundable 22648

renewal fee of one hundred fifty dollars and any fee required by 22649
the nationwide mortgage licensing system and registry. If a check 22650
or other draft instrument is returned to the superintendent for 22651
insufficient funds, the superintendent shall notify the licensee 22652
by certified mail, return receipt requested, that the license 22653
renewed in reliance on the check or other draft instrument will be 22654
canceled unless the licensee, within thirty days after receipt of 22655
the notice, submits the renewal fee and a one-hundred-dollar 22656
penalty to the superintendent. If the licensee does not submit the 22657
renewal fee and penalty within that time period, or if any check 22658
or other draft instrument used to pay the fee or penalty is 22659
returned to the superintendent for insufficient funds, the license 22660
shall be canceled immediately without a hearing, and the licensee 22661
shall cease activity as a loan ~~officer~~ originator. 22662

(2) ~~On and after January 1, 2003, the loan officer~~ The 22663
applicant has completed, ~~during the immediately preceding calendar~~ 22664
~~year,~~ at least ~~six~~ eight hours of continuing education as required 22665
under section 1322.052 of the Revised Code. 22666

(3) The applicant meets the conditions set forth in divisions 22667
(A)(2) to ~~(6)~~(7) of this section. 22668

(4) The applicant's license is not subject to an order of 22669
suspension or ~~revocation~~ an unpaid and past due fine imposed by 22670
the superintendent. 22671

(C)(1) Subject to division (C)(2) of this section, if a 22672
license renewal application or renewal fee, including any fee 22673
required by the nationwide mortgage licensing system and registry, 22674
is received by the superintendent after the ~~thirtieth~~ thirty-first 22675
day of ~~April~~ December, the license shall not be considered 22676
renewed, and the applicant shall cease activity as a loan ~~officer~~ 22677
originator. 22678

(2) Division (C)(1) of this section shall not apply if the 22679

applicant, no later than the thirty-first day of ~~May~~ January, 22680
submits the renewal application and ~~fee~~ fees and a 22681
one-hundred-dollar penalty to the superintendent. 22682

(D) Loan originator licenses issued on or after May 1, 2009, 22683
annually expire on the thirty-first day of December. 22684

Sec. 1322.05. (A)(1) No registrant shall conduct business in 22685
this state, unless the registrant has obtained and maintains in 22686
effect at all times a corporate surety bond issued by a bonding 22687
company or insurance company authorized to do business in this 22688
state. The bond shall be in favor of the superintendent of 22689
financial institutions and in the penal sum of ~~at least the~~ 22690
greater of the following: (a) fifty thousand dollars and an 22691
additional penal sum of ten thousand dollars for each location, in 22692
excess of one, at which the registrant conducts business or (b) 22693
one-half per cent of the aggregate loan amount of residential 22694
mortgage loans originated in the immediately preceding calendar 22695
year, but not exceeding two hundred fifty thousand dollars. The 22696
term of the bond shall coincide with the term of registration. A 22697
copy of the bond shall be filed with the superintendent. The bond 22698
shall be for the exclusive benefit of any buyer injured by a 22699
violation by an employee of the registrant, licensee loan 22700
originator employed by or associated with the registrant, or 22701
registrant of any provision of sections 1322.01 to 1322.12 of the 22702
Revised Code or any rule adopted thereunder. The aggregate 22703
liability of the corporate surety for any and all breaches of the 22704
conditions of the bond shall not exceed the penal sum of the bond. 22705

(2) No licensee who is employed by or associated with a 22706
person or entity listed in division (G)(2) of section 1322.01 of 22707
the Revised Code shall conduct business in this state, unless the 22708
licensee has obtained and maintains in effect at all times a 22709
corporate surety bond issued by a bonding company or insurance 22710

company authorized to do business in this state. The bond shall be 22711
in favor of the superintendent of financial institutions and in 22712
the penal sum of the greater of the following: (a) fifty thousand 22713
dollars or (b) one-half per cent of the aggregate loan amount of 22714
residential mortgage loans originated in the immediately preceding 22715
calendar year, but not exceeding two hundred fifty thousand 22716
dollars. The term of the bond shall coincide with the term of 22717
licensure. A copy of the bond shall be filed with the 22718
superintendent. The bond shall be for the exclusive benefit of any 22719
buyer injured by a violation by the licensee of any provision of 22720
sections 1322.01 to 1322.12 of the Revised Code or any rule 22721
adopted thereunder. The aggregate liability of the corporate 22722
surety for any and all breaches of the conditions of the bond 22723
shall not exceed the penal sum of the bond. 22724

(B)(1)(a) The registrant shall give notice to the 22725
superintendent by certified mail of any action that is brought by 22726
a buyer against the registrant ~~or, loan officer of the registrant~~ 22727
originator, or employee alleging injury by a violation of any 22728
provision of sections 1322.01 to 1322.12 of the Revised Code or 22729
any rule adopted thereunder, and of any judgment that is entered 22730
against the registrant ~~or, loan officer of the registrant~~ 22731
originator, or employee by a buyer injured by a violation of any 22732
provision of sections 1322.01 to 1322.12 of the Revised Code or 22733
any rule adopted thereunder. The notice shall provide details 22734
sufficient to identify the action or judgment, and shall be filed 22735
with the superintendent within ten days after the commencement of 22736
the action or notice to the registrant of entry of a judgment. 22737

(b) The licensee shall give notice to the superintendent by 22738
certified mail of any action that is brought by a buyer against 22739
the licensee alleging injury by a violation of any provision of 22740
sections 1322.01 to 1322.12 of the Revised Code or any rule 22741
adopted thereunder, and of any judgment that is entered against 22742

the licensee by a buyer injured by a violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder. The notice shall provide details sufficient to identify the action or judgment, and shall be filed with the superintendent within ten days after the commencement of the action or notice to the licensee of entry of a judgment. A person or entity listed in division (G)(2) of section 1322.01 of the Revised Code that secures bonding for the licensees employed by or associated with the person or entity shall report such actions or judgments in the same manner as is required of registrants.

(2) A corporate surety, within ten days after it pays any claim or judgment, shall give notice to the superintendent by certified mail of the payment, with details sufficient to identify the person and the claim or judgment paid.

(C) Whenever the penal sum of the corporate surety bond is reduced by one or more recoveries or payments, the registrant or licensee shall furnish a new or additional bond under this section, so that the total or aggregate penal sum of the bond or bonds equals the sum required by this section, or shall furnish an endorsement executed by the corporate surety reinstating the bond to the required penal sum of it.

(D) The liability of the corporate surety on the bond to the superintendent and to any buyer injured by a violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any rule adopted thereunder shall not be affected in any way by any misrepresentation, breach of warranty, or failure to pay the premium, by any act or omission upon the part of the registrant or licensee, by the insolvency or bankruptcy of the registrant or licensee, or by the insolvency of the registrant's or licensee's estate. The liability for any act or omission that occurs during the term of the corporate surety bond shall be maintained and in effect for at least two years after the date on which the

corporate surety bond is terminated or canceled. 22775

(E) The corporate surety bond shall not be canceled by the 22776
registrant, the licensee, or the corporate surety except upon 22777
notice to the superintendent by certified mail, return receipt 22778
requested. The cancellation shall not be effective prior to thirty 22779
days after the superintendent receives the notice. 22780

(F) No registrant or licensee employed by or associated with 22781
a person or entity listed in division (G)(2) of section 1322.01 of 22782
the Revised Code shall fail to comply with this section. Any 22783
registrant or licensee that fails to comply with this section 22784
shall cease all mortgage broker or loan originator activity in 22785
this state until the registrant or licensee complies with this 22786
section. 22787

Sec. 1322.051. (A) Each person designated under division 22788
(A)(3) of section 1322.03 of the Revised Code to act as operations 22789
manager for a mortgage broker business shall submit to ~~an~~ 22790
~~examination~~ a written test approved by the superintendent of 22791
financial institutions. An individual shall not be considered to 22792
have passed the written test unless the individual achieves a test 22793
score of at least seventy-five per cent correct answers to all 22794
questions. 22795

(B) Each applicant for a loan ~~officer~~ originator license 22796
shall submit to ~~an examination approved by the superintendent~~ a 22797
written test that is developed and approved by the nationwide 22798
mortgage licensing system and registry and administered by a test 22799
provider approved by the nationwide mortgage licensing system and 22800
registry based on reasonable standards. 22801

(1) The test shall adequately measure the applicant's 22802
knowledge and comprehension in appropriate subject areas, 22803
including ethics, federal and state law related to mortgage 22804
origination, fraud, consumer protection, and the nontraditional 22805

mortgage marketplace, and fair lending issues. 22806

(2) An individual shall not be considered to have passed the written test unless the individual achieves a test score of at least seventy-five per cent correct answers on all questions and at least seventy-five per cent correct answers on all questions relating to state mortgage lending laws and the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees. 22807
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(3) An individual may retake the test three consecutive times provided the period between taking the tests is at least thirty days. If an individual fails three consecutive tests, the individual shall be required to wait at least six months before taking the test again. 22814
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(4) If a loan originator fails to maintain a valid loan originator license for a period of five years or longer, the individual shall be required to retake the test. 22819
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(C) Notwithstanding division (B) of this section, until the nationwide mortgage licensing system and registry implements a testing process that meets the criteria set forth in that division, the superintendent shall require each applicant to pass a written test acceptable to the superintendent. 22822
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Sec. 1322.052. ~~On and after January 1, 2002, each~~ (A) Each 22827
licensee and each person designated under division (A)(3) of 22828
section 1322.03 of the Revised Code to act as operations manager 22829
for a mortgage broker business shall complete at least ~~six~~ eight 22830
hours of continuing education every calendar year. To fulfill this 22831
requirement, the ~~six~~ eight hours of continuing education must be 22832
offered in a course or program of study reviewed and approved by 22833
the ~~superintendent of financial institutions~~ nationwide mortgage 22834
licensing system and registry. The course or program of study 22835
shall include all of the following: 22836

<u>(1) Three hours of applicable federal law and regulations;</u>	22837
<u>(2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues;</u>	22838
<u>(3) Two hours of training related to lending standards for the nontraditional mortgage product marketplace.</u>	22839
<u>(B) Continuing education courses shall be reviewed and approved by the nationwide mortgage licensing system and registry based upon reasonable standards.</u>	22840
<u>(C) The following conditions apply to the continuing education required by this section:</u>	22841
<u>(1) An individual cannot take the same approved course in the same or successive years to meet the annual requirement for continuing education.</u>	22842
<u>(2) An individual can only receive credit for a continuing education course in the year in which the course is taken, unless the individual is making up a deficiency in continuing education pursuant to a rule or order of the superintendent of financial institutions.</u>	22843
<u>(3) A licensee who subsequently becomes unlicensed must complete the continuing education requirement for the last year in which the license was held prior to the issuance of a new or renewed license.</u>	22844
<u>(4) An individual who is approved as an instructor of a continuing education course receives credit for the individual's own annual continuing education requirement at the rate of two credit hours for every one hour taught.</u>	22845
<u>(5) If an individual successfully completed a continuing education course reviewed and approved by the nationwide mortgage licensing system and registry as required by another state, the individual can receive credit toward completion of the continuing</u>	22846

education requirement of this state. 22867

(D) Notwithstanding division (A) of this section, until the 22868
nationwide mortgage licensing system and registry implements a 22869
review and approval process, each licensee or person designated 22870
under division (A)(3) of section 1322.03 of the Revised Code shall 22871
provide evidence that the licensee or person has successfully 22872
completed at least eight hours of continuing education in a course 22873
or program of study approved by the superintendent of financial 22874
institutions. 22875

Sec. 1322.06. (A) As often as the superintendent of financial 22876
institutions considers it necessary, the superintendent may 22877
examine the registrant's or licensee's records, including all 22878
records created or processed by a licensee, pertaining to business 22879
transacted pursuant to sections 1322.01 to 1322.12 of the Revised 22880
Code. 22881

(B) A registrant or licensee shall maintain records 22882
pertaining to business transacted pursuant to sections 1322.01 to 22883
1322.12 of the Revised Code, including copies of all mortgage loan 22884
origination disclosure statements prepared in accordance with 22885
section 1322.062 of the Revised Code, for four years. ~~No~~ For 22886
purposes of this division, "registrant or licensee" includes any 22887
person whose certificate of registration or license is cancelled, 22888
surrendered, or revoked or who otherwise ceases to engage in 22889
business as a mortgage broker or loan originator. 22890

No registrant shall fail to comply with this division. 22891

(C) Each registrant and licensee shall submit to the 22892
nationwide mortgage licensing system and registry call reports or 22893
other reports of condition, which reports shall be in such form 22894
and shall contain such information as the nationwide mortgage 22895
licensing system and registry may require. 22896

(D)(1) As required by the superintendent, each registrant shall file with the division of financial institutions an annual report under oath or affirmation, on forms supplied by the division, concerning the business and operations of the registrant for the preceding calendar year. If a registrant operates two or more registered offices or two or more affiliated registrants operate registered offices, a composite report of the group of registered offices may be filed in lieu of individual reports.

(2) The division shall publish annually an analysis of the information required under division (D)(1) of this section, but the individual reports shall not be public records and shall not be open to public inspection or otherwise be subject to section 149.43 of the Revised Code.

Sec. 1322.061. (A)(1) The following information is confidential:

(a) Examination information, and any information leading to or arising from an examination;

(b) Investigation information, and any information arising from or leading to an investigation.

(2) The information described in division (A)(1) of this section shall remain confidential for all purposes except when it is necessary for the superintendent of financial institutions to take official action regarding the affairs of a registrant or licensee, or in connection with criminal or civil proceedings to be initiated by a prosecuting attorney or the attorney general. This information may also be introduced into evidence or disclosed when and in the manner authorized by section 1181.25 of the Revised Code.

(B) All application information, except social security numbers, employer identification numbers, financial account

numbers, the identity of the institution where financial accounts 22927
are maintained, personal financial information, fingerprint cards 22928
and the information contained on such cards, and criminal 22929
background information, is a public record as defined in section 22930
149.43 of the Revised Code. 22931

(C) This section does not prevent the division of financial 22932
institutions from releasing to or exchanging with other financial 22933
institution regulatory authorities information relating to 22934
registrants and licensees. For this purpose, a "financial 22935
institution regulatory authority" includes a regulator of a 22936
business activity in which a registrant or licensee is engaged, or 22937
has applied to engage in, to the extent that the regulator has 22938
jurisdiction over a registrant or licensee engaged in that 22939
business activity. A registrant or licensee is engaged in a 22940
business activity, and a regulator of that business activity has 22941
jurisdiction over the registrant or licensee, whether the 22942
registrant or licensee conducts the activity directly or a 22943
subsidiary or affiliate of the registrant or licensee conducts the 22944
activity. 22945

(D) The superintendent shall, on a regular basis, report 22946
violations of sections 1322.01 to 1322.12 of the Revised Code, as 22947
well as enforcement actions and other relevant information, to the 22948
nationwide mortgage licensing system and registry. 22949

(E)(1) Any confidentiality or privilege arising under federal 22950
or state law with respect to any information or material provided 22951
to the nationwide mortgage licensing system and registry shall 22952
continue to apply to the information or material after the 22953
information or material is provided to the nationwide mortgage 22954
licensing system and registry. The information and material so 22955
provided may be released to any state or federal regulatory 22956
official with mortgage industry oversight authority without the 22957
loss of confidentiality or privilege protections provided by 22958

federal law or the law of any state. Information or material 22959
described in division (E)(1) of this section to which 22960
confidentiality or privilege applies shall not be subject to any 22961
of the following: 22962

(a) Disclosure under any federal or state law governing 22963
disclosure to the public of information held by an officer or an 22964
agency of the federal government or of the respective state; 22965

(b) Subpoena or discovery, or admission into evidence, in any 22966
private civil action or administrative process, unless the person 22967
to whom such information or material pertains waives, in whole or 22968
in part and at the discretion of the person, any privilege held by 22969
the nationwide mortgage licensing system and registry with respect 22970
to that information or material. 22971

(2) The superintendent, in order to promote more effective 22972
regulation and reduce regulatory burden through supervisory 22973
information sharing, may enter into sharing arrangements with 22974
other governmental agencies, the conference of state bank 22975
supervisors, and the American association of residential mortgage 22976
regulators. 22977

(3) Any state law, including the public records law, relating 22978
to the disclosure of confidential supervisory information or any 22979
information or material described in division (E)(1) of this 22980
section that is inconsistent with that division shall be 22981
superseded by the requirements of that division. 22982

(F) This section shall not apply with respect to information 22983
or material relating to the employment history of, and publicly 22984
adjudicated disciplinary and enforcement actions against, loan 22985
originators that is included in the nationwide mortgage licensing 22986
system and registry for access by the public. 22987

(G) This section does not prevent the division from releasing 22988
information relating to registrants and licensees to the attorney 22989

general, to the superintendent of real estate and professional 22990
licensing for purposes relating to the administration of Chapters 22991
4735. and 4763. of the Revised Code, to the superintendent of 22992
insurance for purposes relating to the administration of Chapter 22993
3953. of the Revised Code, to the commissioner of securities for 22994
purposes relating to the administration of Chapter 1707. of the 22995
Revised Code, or to local law enforcement agencies and local 22996
prosecutors. Information the division releases pursuant to this 22997
section remains confidential. 22998

(H) The superintendent of financial institutions shall, by 22999
rule adopted in accordance with Chapter 119. of the Revised Code, 23000
establish a process by which loan originators may challenge any 23001
information provided to the nationwide mortgage licensing system 23002
and registry by the superintendent. 23003

Sec. 1322.062. (A)(1) Within three business days after taking 23004
an application for a residential mortgage loan from a buyer, a 23005
registrant or licensee shall deliver to the buyer a residential 23006
mortgage loan origination disclosure statement that contains all 23007
of the following: 23008

(a) The name, address, and telephone number of the buyer; 23009

(b) The typewritten name of the loan ~~officer~~ originator and 23010
the number designated on the loan ~~officer's~~ originator's license; 23011

(c) The street address, telephone number, and facsimile 23012
number of the registrant and the number designated on the 23013
registrant's certificate of registration; 23014

(d) The signature of the loan ~~officer~~ originator or 23015
registrant; 23016

(e) A statement indicating whether the buyer is to pay for 23017
the services of a bona fide third party if the registrant is 23018
unable to assist the buyer in obtaining a mortgage; 23019

(f) A statement that describes the method by which the fee to be paid by the buyer to the registrant will be calculated and a good faith estimate of the total amount of that fee; 23020
23021
23022

(g) A statement that the lender may pay compensation to the registrant; 23023
23024

(h) A description of all the services the registrant has agreed to perform for the buyer; 23025
23026

(i) A statement that the buyer has not entered into an exclusive agreement for brokerage services; 23027
23028

(j) If the residential mortgage loan applied for will exceed ninety per cent of the value of the real property, a statement, printed in boldface type of the minimum size of sixteen points, as follows: "You are applying for a loan that is more than 90% of your home's value. It will be hard for you to refinance this loan. If you sell your home, you might owe more money on the loan than you get from the sale." 23029
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(k) To acknowledge receipt, the signature of the buyer. 23036

(2) If the loan is a covered loan as defined in section 1349.25 of the Revised Code, the registrant shall also deliver a copy of the residential mortgage loan origination disclosure statement to the lender. 23037
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(B) If there is any change in the information provided under division (A)(1) of this section, the registrant or licensee shall provide the buyer with the revised residential mortgage loan origination disclosure statement and a written explanation of why the change occurred no later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier. 23041
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(C) A registrant or licensee shall deliver to the buyer, immediately upon receipt, a copy of any nonproprietary or publicly 23048
23049

available credit score and report obtained regarding the buyer by 23050
the registrant or licensee for the purpose of the residential 23051
mortgage loan application; 23052

If the loan ~~officer~~ originator or registrant uses an 23053
automated valuation model to determine an appraisal report, the 23054
registrant or licensee also shall include a copy of the automated 23055
valuation model report. 23056

(D) A registrant or licensee shall deliver to the buyer, at 23057
the same time that the registrant or licensee delivers the 23058
residential mortgage loan origination disclosure statement 23059
pursuant to division (A) of this section, a good faith estimate 23060
statement that discloses the amount of or range of charges for the 23061
specific settlement services the buyer is likely to incur in 23062
connection with the residential mortgage loan. The good faith 23063
estimate statement shall meet the requirements of the "Real Estate 23064
Settlement Procedures Act," 88 Stat. 1724 (1974)-1 12 U.S.C.A. 23065
2601 et seq., and shall include the following underlined notice in 23066
at least ten-point type, new roman style: 23067

"Nature of Relationship: In connection with this residential 23068
mortgage loan, you, the borrower(s), has/have requested assistance 23069
from (company name) in arranging credit. We do not 23070
distribute all products in the marketplace and cannot guarantee 23071
the lowest rate. 23072

Termination: This agreement will continue until one of the 23073
following events occur: 23074

1. The loan closes. 23075
2. The request is denied. 23076
3. The borrower withdraws the request. 23077
4. The borrower decides to use another source for 23078
origination. 23079

5. The borrower is provided a revised good faith estimate statement. 23080
23081

Notice to borrower(s): Signing this document does not obligate you to obtain a residential mortgage loan through this mortgage originator nor is this a loan commitment or an approval; nor is your interest rate locked at this time unless otherwise disclosed on a separate Rate Lock Disclosure Form. Do not sign this document until you have read and understood the information in it. You will receive a ~~re-disclosure~~ redisclosure of any increase in interest rate or if the total sum of disclosed settlement/closing costs increases by 10% or more of the original estimate. Should any such increase occur, mandatory ~~re-disclosure~~ redisclosure must occur prior to the settlement or close of escrow." 23082
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(E) No registrant or licensee shall fail to comply with this section. 23094
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Sec. 1322.063. (A) In addition to the disclosures required under section 1322.062 of the Revised Code, a registrant or licensee shall, not earlier than three business days nor later than twenty-four hours before a loan is closed, deliver to the buyer a written disclosure that includes the following: 23096
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(1) A statement indicating whether property taxes will be escrowed; 23101
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(2) A description of what is covered by the regular monthly payment, including principal, interest, taxes, and insurance, as applicable. 23103
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23105

(B) No registrant or licensee shall fail to comply with this section. 23106
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Sec. 1322.064. (A) No registrant or licensee shall fail to do either of the following: 23108
23109

(1) Timely inform the buyer of any material change in the terms of the residential mortgage loan. For purposes of division (A)(1) of this section, "material change" means the following:

(a) A change in the type of residential mortgage loan being offered, such as a fixed or variable rate loan or a loan with a balloon payment;

(b) A change in the term of the residential mortgage loan, as reflected in the number of monthly payments due before a final payment is scheduled to be made;

(c) A change in the interest rate of more than 0.15%;

(d) A change in the regular total monthly payment ~~of,~~ including principal and, interest, any required mortgage insurance, and any escrowed taxes or property insurance, of more than five per cent;

(e) A change regarding whether the escrow of taxes or insurance is required;

(f) A change regarding ~~the payment of~~ whether private mortgage insurance is required.

(2) Timely inform the buyer if any fees payable by the buyer to the licensee, registrant, or lender increase by more than ten per cent or one hundred dollars, whichever is greater.

(B) The disclosures required by this section shall be deemed timely if the registrant or licensee provides the buyer with the revised information not later than twenty-four hours after the change occurs, or twenty-four hours before the loan is closed, whichever is earlier.

(C) If an increase in the total amount of the fee to be paid by the buyer to the registrant or licensee is not disclosed in accordance with division (A)(2) of this section, the registrant or licensee shall refund to the buyer the amount by which the fee was

increased. If the fee is financed into the loan, the registrant or 23140
licensee shall also refund to the buyer the interest that would 23141
accrue over the term of the loan on that excess amount. 23142

Sec. 1322.065. A person registered as a mortgage broker 23143
solely to sell leads of potential buyers to residential mortgage 23144
lenders or mortgage brokers, or solely to match buyers with 23145
residential mortgage lenders or mortgage brokers through a 23146
computerized loan origination system recognized by the United 23147
States department of housing and urban development, shall be 23148
required to make only those disclosures under sections 1322.01 to 23149
1322.12 of the Revised Code that apply to the portion of the 23150
transaction during which they have direct buyer contact, and shall 23151
be subject to all fair conduct and prohibition requirements in 23152
their dealing with buyers. 23153

Sec. 1322.07. No ~~mortgage broker~~, registrant, licensee, ~~or~~ 23154
applicant for a certificate of registration person required to be 23155
registered or ~~license~~ licensed under sections 1322.01 to 1322.12 23156
of the Revised Code, or individual disclosed in an application as 23157
required by division (A)(2) of section 1322.03 of the Revised Code 23158
shall do any of the following: 23159

(A) Obtain a mortgage broker certificate of registration or 23160
loan originator license through any false or fraudulent 23161
representation of a material fact or any omission of a material 23162
fact required by state law, or make any substantial 23163
misrepresentation in any registration or license application; 23164

(B) Make false or misleading statements of a material fact, 23165
omissions of statements required by state or federal law, or false 23166
promises regarding a material fact, through advertising or other 23167
means, or engage in a continued course of misrepresentations; 23168

(C) Engage in conduct that constitutes improper, fraudulent, 23169

or dishonest dealings;	23170
(D) Fail to notify the division of financial institutions	23171
within thirty days after the registrant, licensee, or applicant,	23172
in a court of competent jurisdiction of this state or any other	23173
state, is any of the following:	23174
<u>(1) Being convicted of or pleading guilty to a felony in a</u>	23175
<u>domestic, foreign, or military court;</u>	23176
<u>(2) Being convicted of or pleads pleading guilty to any</u>	23177
criminal offense involving theft, receiving stolen property,	23178
embezzlement, forgery, fraud, passing bad checks, money	23179
laundering, <u>breach of trust, dishonesty,</u> or drug trafficking, or	23180
any criminal offense involving money or securities;	23181
<u>(3) Having a mortgage broker certificate of registration or</u>	23182
<u>loan originator license, or any comparable authority, revoked in</u>	23183
<u>any governmental jurisdiction.</u>	23184
(E) Knowingly make, propose, or solicit fraudulent, false, or	23185
misleading statements on any mortgage <u>loan</u> document or on any	23186
document related to a mortgage <u>loan</u> , including a mortgage	23187
application, real estate appraisal, or real estate settlement or	23188
closing document. For purposes of this division, "fraudulent,	23189
false, or misleading statements" does not include mathematical	23190
errors, inadvertent transposition of numbers, typographical	23191
errors, or any other bona fide error.	23192
(F) Knowingly instruct, solicit, propose, or otherwise cause	23193
a buyer to sign in blank a mortgage related document;	23194
(G) Knowingly compensate, instruct, induce, coerce, or	23195
intimidate, or attempt to compensate, instruct, induce, coerce, or	23196
intimidate, a person licensed or certified under Chapter 4763. of	23197
the Revised Code for the purpose of corrupting or improperly	23198
influencing the independent judgment of the person with respect to	23199
the value of the dwelling offered as security for repayment of a	23200

mortgage loan;	23201
(H) Promise to refinance a loan in the future at a lower interest rate or with more favorable terms, unless the promise is set forth in writing and is initialed by the buyer.	23202 23203 23204
Sec. 1322.071. (A) As used in this section, "bona fide third party" has the same meaning as in section 1322.08 of the Revised Code.	23205 23206 23207
(B) No mortgage broker, registrant, <u>loan originator</u> , or licensee shall do any of the following:	23208 23209
(1) Retain original documents provided to the mortgage broker, registrant, <u>loan originator</u> , or licensee by the buyer in connection with the <u>residential mortgage</u> loan application, including income tax returns, account statements, or other financial related documents;	23210 23211 23212 23213 23214
(2) Receive, directly or indirectly, a premium on the fees charged for services performed by a bona fide third party;	23215 23216
(3) Pay or receive, directly or indirectly, a referral fee or kickback of any kind to or from a bona fide third party or other party with a related interest in the transaction, such as <u>including</u> a home improvement builder, real estate developer, or real estate broker or agent, for the referral of business.	23217 23218 23219 23220 23221
<u>(C)(1) No registrant, through its operations manager or otherwise, shall fail to reasonably supervise a loan originator or other persons employed by or associated with the registrant.</u>	23222 23223 23224
<u>(2) No registrant shall fail to establish reasonable procedures designed to avoid violations of sections 1322.01 to 1322.12 of the Revised Code or rules adopted thereunder, or violations of applicable state and federal consumer and lending laws or rules, by loan originators or other persons employed by or associated with the registrant.</u>	23225 23226 23227 23228 23229 23230

Sec. 1322.072. No person, in connection with any examination 23231
or investigation conducted by the superintendent of financial 23232
institutions under sections 1322.01 to 1322.12 of the Revised 23233
Code, shall knowingly do ~~either~~ any of the following: 23234

(A) Circumvent, interfere with, obstruct, or fail to 23235
cooperate, including making a false or misleading statement, 23236
failing to produce records, or intimidating or suborning any 23237
witness; 23238

(B) Tamper with, alter, or manufacture any evidence; 23239

(C) Withhold, abstract, remove, mutilate, destroy, or secrete 23240
any books, records, computer records, or other information. 23241

Sec. 1322.074. (A) ~~As used in this section and section~~ 23242
~~1322.075 of the Revised Code:~~ 23243

~~(1) "Appraisal company" means a sole proprietorship,~~ 23244
~~partnership, corporation, limited liability company, or any other~~ 23245
~~business entity or association, that employs or retains the~~ 23246
~~services of a person licensed or certified under Chapter 4763. of~~ 23247
~~the Revised Code for purposes of performing residential real~~ 23248
~~estate appraisals for mortgage loans.~~ 23249

~~(2) "Immediate family" means a spouse residing in the~~ 23250
~~person's household and any dependent child.~~ 23251

~~(B)~~ Except as otherwise provided in division ~~(C)~~(B) of this 23252
section, no registrant, or any member of the ~~registrant's~~ 23253
immediate family of an owner of a registrant, shall own or control 23254
a majority interest in an appraisal company. 23255

~~(C)~~(B) Division ~~(B)~~(A) of this section shall not apply to any 23256
registrant, or any member of the ~~registrant's~~ immediate family of 23257
an owner of a registrant, who, on the effective date of this 23258
~~section amendment~~, owns or controls a majority interest in an 23259

appraisal company. However, such ownership or control is subject 23260
to the following conditions: 23261

(1) The registrant and members of the ~~registrant's~~ immediate 23262
family of an owner of a registrant shall not increase their 23263
interest in the company. 23264

(2) The interest is not transferable to a member of the 23265
~~registrant's~~ immediate family of an owner of a registrant. 23266

(3) If the registrant is convicted of or pleads guilty to a 23267
criminal violation of sections 1322.01 to 1322.12 of the Revised 23268
Code or any criminal offense described in division (A)(1)(b) of 23269
section 1322.10 of the Revised Code, the superintendent of 23270
financial institutions may, as an alternative in addition to any 23271
of the actions authorized under section 1322.10 of the Revised 23272
Code, order the registrant or members of the ~~registrant's~~ 23273
immediate family of an owner of a registrant to divest their 23274
interest in the company. 23275

Sec. 1322.075. (A) No registrant or licensee or person 23276
required to be registered or licensed under ~~this chapter~~ sections 23277
1322.01 to 1322.12 of the Revised Code shall refer a buyer to any 23278
settlement service provider, including any title insurance 23279
company, without providing the buyer with written notice 23280
disclosing all of the following: 23281

(1) Any business relationship that exists between the 23282
registrant, licensee, or person required to be registered or 23283
licensed under ~~this chapter~~ sections 1322.01 to 1322.12 of the 23284
Revised Code, and the provider to which the buyer is being 23285
referred, and any financial benefit that the registrant, licensee, 23286
or person may be provided because of the relationship; 23287

(2) The percentage of ownership interest the registrant, 23288
licensee, or person required to be registered or licensed under 23289

this chapter <u>sections 1322.01 to 1322.12 of the Revised Code</u> has	23290
in the provider to which the buyer is being referred;	23291
(3) The estimated charge or range of charges for the	23292
settlement service listed;	23293
(4) The following statement, printed in boldface type of the	23294
minimum size of sixteen points: "There are frequently other	23295
settlement service providers available with similar services. You	23296
are free to shop around to determine that you are receiving the	23297
best services and the best rate for these services."	23298
(B) No registrant or licensee shall refer a buyer to an	23299
appraisal company, if the registrant or licensee, <u>a member of the</u>	23300
<u>immediate family of an owner of the registrant,</u> or a member of the	23301
registrant's or licensee's immediate family, has either of the	23302
following financial relationships with the appraisal company:	23303
(1) An ownership or investment interest in the company,	23304
whether through debt, equity, or other means;	23305
(2) Any compensation arrangement involving any remuneration,	23306
directly or indirectly, overtly or covertly, in cash or in kind.	23307
(C) No registrant or licensee shall knowingly enter into an	23308
arrangement or scheme, including a cross-referral arrangement,	23309
that has a principal purpose of assuring referrals by a registrant	23310
or licensee to a particular appraisal company that would violate	23311
division (B) of this section.	23312
(D) The registrant, licensee, or person required to be	23313
registered or licensed under this chapter <u>sections 1322.01 to</u>	23314
<u>1322.12 of the Revised Code</u> shall retain proof that the buyer	23315
received the written disclosures required by division (A) of this	23316
section for four years.	23317
Sec. 1322.08. (A) No registrant shall fail to do any of the	23318
following:	23319

(1) Maintain a special account;	23320
(2) Deposit into the registrant's special account any bona fide third-party fee the registrant receives;	23321 23322
(3) Pay bona fide third-party fees to a bona fide third party from the registrant's special account.	23323 23324
(B) Except as otherwise provided in this division <u>sections 1322.01 to 1322.12 of the Revised Code</u> , no registrant shall charge or receive, directly or indirectly, fees for assisting a buyer in obtaining a <u>residential</u> mortgage <u>loan</u> , until all of the services that the registrant has agreed to perform for the buyer are completed, and the proceeds of the <u>residential</u> mortgage loan have been disbursed to or on behalf of the buyer. However, prior to completion of such services the following fees may be paid for services performed by a bona fide third party in assisting the buyer to obtain a <u>residential</u> mortgage <u>loan</u> if the fees are either paid directly by the buyer to the bona fide third party or, except as provided in division (B)(5) of this section, the fees are deposited by the registrant into the registrant's special account for services performed by the bona fide third party:	23325 23326 23327 23328 23329 23330 23331 23332 23333 23334 23335 23336 23337 23338
(1) Fees to obtain a report from a credit reporting agency;	23339
(2) Fees for notary services;	23340
(3) Fees for the performance of a title search, appraisal of the real estate, or survey of the real estate;	23341 23342
(4) Fees charged by a lender for locking in an interest rate in connection with obtaining or refinancing a <u>residential</u> mortgage <u>loan</u> , provided that the fees do not exceed an amount equal to one and one-half per cent of the mortgage loan amount;	23343 23344 23345 23346
(5) Fees not exceeding five hundred dollars paid directly by the buyer to a state or federal government agency or instrumentality for purposes of processing a mortgage application	23347 23348 23349

relating to a government sponsored or guaranteed mortgage program. 23350

(C) If fees are paid by a buyer for the performance of any of 23351
the services described in division (B)(3) of this section and the 23352
registrant is unable to assist in obtaining a mortgage for the 23353
buyer, the registrant shall return to the buyer the original 23354
documents prepared by the bona fide third party at the time that 23355
the request for the mortgage is refused or denied. With respect to 23356
any appraisal, however, the registrant may return either the 23357
original or a copy. No registrant shall fail to comply with this 23358
division. 23359

(D) For purposes of this section: 23360

(1) "Bona fide third party" means a person that is not an 23361
employee of, related to, or affiliated with, the registrant, and 23362
that is not used for the purpose of circumvention or evasion of 23363
this section. 23364

(2) "Special account" means ~~a~~ an insured depository account 23365
with a ~~financial depository~~ depository institution, ~~the deposits of which are~~ 23366
~~insured by the federal deposit insurance corporation,~~ that is 23367
separate and distinct from any personal or other account of the 23368
registrant, and that is maintained solely for the holding and 23369
payment of fees described in this section for services performed 23370
by bona fide third parties and received by the registrant from 23371
buyers that the registrant assists in obtaining mortgages. 23372

Sec. 1322.081. (A) A registrant, licensee, and any person 23373
required to be registered or licensed under ~~this chapter~~ sections 23374
1322.01 to 1322.12 of the Revised Code, in addition to duties 23375
imposed by other statutes or common law, shall do all of the 23376
following: 23377

(1) Safeguard and account for any money handled for the 23378
~~borrower~~ buyer; 23379

(2) Follow reasonable and lawful instructions from the	23380
borrower <u>buyer</u> ;	23381
(3) Act with reasonable skill, care, and diligence;	23382
(4) Act in good faith and with fair dealing in any	23383
transaction, practice, or course of business in connection with	23384
the brokering or originating of any <u>residential</u> mortgage loan;	23385
(5) Make reasonable efforts to secure a <u>residential</u> mortgage	23386
loan, from lenders with whom the registrant, licensee, or person	23387
regularly does business, with rates, charges, and repayment terms	23388
that are advantageous to the borrower <u>buyer</u> .	23389
(B) Division (A) of this section shall not apply to wholesale	23390
lenders. However, wholesale lenders are subject to all other	23391
requirements applicable to mortgage brokers and nonbank mortgage	23392
lenders. For purposes of this division, "wholesale lender" means a	23393
company that has been issued a mortgage broker certificate of	23394
registration and that enters into transactions with buyers	23395
exclusively through unaffiliated third-party mortgage brokers.	23396
(C) The duties and standards of care created in this section	23397
cannot be waived or modified.	23398
(D)(1) A buyer injured by a violation of this section may	23399
bring an action for recovery of damages.	23400
(2) Damages awarded under division (D)(1) of this section	23401
shall not be less than all compensation paid directly or	23402
indirectly to a mortgage broker from any source, plus reasonable	23403
attorney's fees and court costs.	23404
(3) The buyer may be awarded punitive damages.	23405
(E) A buyer injured by a violation of this section is	23406
precluded from recovering any damages, plus reasonable attorney's	23407
fees and costs, if the buyer has also recovered any damages in a	23408
cause of action initiated under section 1322.11 of the Revised	23409

Code and the recovery of damages for a violation of this section 23410
is based on the same acts or circumstances as the basis for 23411
recovery of damages in section 1322.11 of the Revised Code. 23412

Sec. 1322.09. (A) A mortgage broker or loan originator shall 23413
disclose in any printed, televised, broadcast, electronically 23414
transmitted, or published advertisement relating to the mortgage 23415
broker's or loan's originator services, including on any 23416
electronic site accessible through the internet, the name and 23417
street address of the mortgage broker or loan's originator and the 23418
number designated on the certificate of registration or license 23419
that is issued to the mortgage broker or loan originator by the 23420
superintendent of financial institutions under sections 1322.01 to 23421
1322.12 of the Revised Code. 23422

(B) In making any advertisement, a mortgage broker shall 23423
comply with 12 C.F.R. 226.16, as amended. 23424

(C) No mortgage broker or loan originator shall fail to 23425
comply with this section. 23426

Sec. 1322.10. (A) After notice and opportunity for a hearing 23427
conducted in accordance with Chapter 119. of the Revised Code, the 23428
superintendent of financial institutions may do the following: 23429

(1) Suspend, revoke, or refuse to issue or renew a 23430
certificate of registration or license if the superintendent finds 23431
~~either~~ any of the following: 23432

(a) A violation of or failure to comply with any provision of 23433
sections 1322.01 to 1322.12 of the Revised Code or the rules 23434
adopted under those sections, federal lending law, or any other 23435
law applicable to the business conducted under a certificate of 23436
registration or license; 23437

(b) A conviction of or guilty plea to a felony in a domestic, 23438
foreign, or military court; 23439

(c) A conviction of or guilty plea to any criminal offense 23440
involving theft, receiving stolen property, embezzlement, forgery, 23441
fraud, passing bad checks, money laundering, breach of trust, 23442
dishonesty, or drug trafficking, or any criminal offense involving 23443
money or securities, in a domestic, foreign, or military court; 23444

(d) The revocation of a mortgage broker certificate of 23445
registration or loan originator license, or any comparable 23446
authority, in any governmental jurisdiction. 23447

(2) Impose a fine of not more than one thousand dollars, for 23448
each day a violation of a law or rule is committed, repeated, or 23449
continued. If the registrant or licensee engages in a pattern of 23450
repeated violations of a law or rule, the superintendent may 23451
impose a fine of not more than two thousand dollars for each day 23452
the violation is committed, repeated, or continued. All fines 23453
collected pursuant to this division shall be paid to the treasurer 23454
of state to the credit of the consumer finance fund created in 23455
section 1321.21 of the Revised Code. In determining the amount of 23456
a fine to be imposed pursuant to this division, the superintendent 23457
~~shall~~ may consider all of the following, to the extent known by 23458
the division of financial institutions: 23459

(a) The seriousness of the violation; 23460

(b) The registrant's or licensee's good faith efforts to 23461
prevent the violation; 23462

(c) The registrant's or licensee's history regarding 23463
violations and compliance with division orders; 23464

(d) The registrant's or licensee's financial resources; 23465

(e) Any other matters the superintendent considers 23466
appropriate in enforcing sections 1322.01 to 1322.12 of the 23467
Revised Code. 23468

(B) The superintendent may investigate alleged violations of 23469

sections 1322.01 to 1322.12 of the Revised Code or the rules 23470
adopted under those sections or complaints concerning any ~~such~~ 23471
violation. ~~The~~ 23472

(1) The superintendent may make application to the court of 23473
common pleas for an order enjoining any ~~such~~ violation, and, upon 23474
a showing by the superintendent that a person has committed or is 23475
about to commit ~~such a~~ that violation, the court shall grant an 23476
injunction, restraining order, or other appropriate relief. 23477

(2) The superintendent may make application to the court of 23478
common pleas for an order enjoining any person from acting as a 23479
mortgage broker, registrant, loan originator, or licensee in 23480
violation of division (A) or (B) of section 1322.02 of the Revised 23481
Code, and may seek and obtain civil penalties for unregistered or 23482
unlicensed conduct of not more than five thousand dollars per 23483
violation. 23484

(C) In conducting any investigation pursuant to this section, 23485
the superintendent may compel, by subpoena, witnesses to testify 23486
in relation to any matter over which the superintendent has 23487
jurisdiction and may require the production of any book, record, 23488
or other document pertaining to that matter. If a person fails to 23489
file any statement or report, obey any subpoena, give testimony, 23490
produce any book, record, or other document as required by a 23491
subpoena, or permit photocopying of any book, record, or other 23492
document subpoenaed, the court of common pleas of any county in 23493
this state, upon application made to it by the superintendent, 23494
shall compel obedience by attachment proceedings for contempt, as 23495
in the case of disobedience of the requirements of a subpoena 23496
issued from the court or a refusal to testify therein. 23497

(D) If the superintendent determines that a person is engaged 23498
in or is believed to be engaged in activities that may constitute 23499
a violation of sections 1322.01 to 1322.12 of the Revised Code or 23500
any rule adopted thereunder, the superintendent, after notice and 23501

a hearing conducted in accordance with Chapter 119. of the Revised Code, may issue a cease and desist order or seek or impose fines of not more than five thousand dollars per violation. Such an order shall be enforceable in the court of common pleas.

(E) If the superintendent revokes ~~the~~ a mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) of this section, the revocation shall be permanent and with prejudice.

(F)(1) To protect the public interest, the superintendent may, without a prior hearing, do any of the following:

(a) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who is convicted of or pleads guilty to a criminal violation of any provision of sections 1322.01 to 1322.12 of the Revised Code or any criminal offense described in division (A)(1)(b) or (c) of this section;

(b) Suspend the mortgage broker certificate of registration of a registrant who violates division (F) of section 1322.05 of the Revised Code;

(c) Suspend the mortgage broker certificate of registration or loan originator license of a registrant or licensee who fails to comply with a request made by the superintendent under section 1322.03 or 1322.031 of the Revised Code to inspect qualifying education transcripts located at the registrant's or licensee's place of business.

(2) The superintendent ~~shall, without a prior hearing, suspend the certificate of registration of a registrant whose operations manager has failed to fulfill the continuing education~~

~~requirements of section 1322.052 of the Revised Code and suspend 23533
the license of a licensee who has failed to fulfill those 23534
continuing education requirements. The suspension shall continue 23535
until such time as the required continuing education is completed 23536
and a fine of five hundred dollars is paid to the treasurer of 23537
state to the credit of the consumer finance fund. 23538~~

~~(3) The superintendent may, in accordance with Chapter 119. 23539
of the Revised Code, subsequently revoke any registration or 23540
license suspended under division (F)(1) of this section. 23541~~

~~(4)(3) The superintendent shall, in accordance with Chapter 23542
119. of the Revised Code, adopt rules establishing the maximum 23543
amount of time a suspension under division (F)(1) of this section 23544
may continue before a hearing is conducted. 23545~~

~~(G) The imposition of fines under this section does not 23546
preclude any penalty imposed under section 1322.99 of the Revised 23547
Code. 23548~~

Sec. 1322.11. (A)(1) A buyer injured by a violation of 23549
section 1322.02, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 23550
1322.08, or 1322.09 of the Revised Code may bring an action for 23551
recovery of damages. 23552

(2) Damages awarded under division (A)(1) of this section 23553
shall not be less than all compensation paid directly and 23554
indirectly to a mortgage broker or loan originator from any 23555
source, plus reasonable attorney's fees and court costs. 23556

(3) The buyer may be awarded punitive damages. 23557

(B)(1) The superintendent of financial institutions or a 23558
buyer may directly bring an action to enjoin a violation of 23559
sections 1322.01 to 1322.12 of the Revised Code. The attorney 23560
general may directly bring an action to enjoin a violation of 23561
sections 1322.01 to 1322.12 of the Revised Code with the same 23562

rights, privileges, and powers as those described in section 23563
1345.06 of the Revised Code. The prosecuting attorney of the 23564
county in which the action may be brought may bring an action to 23565
enjoin a violation of sections 1322.01 to 1322.12 of the Revised 23566
Code only if the prosecuting attorney first presents any evidence 23567
of the violation to the attorney general and, within a reasonable 23568
period of time, the attorney general has not agreed to bring the 23569
action. 23570

(2) The superintendent may initiate criminal proceedings 23571
under sections 1322.01 to 1322.12 of the Revised Code by 23572
presenting any evidence of criminal violation to the prosecuting 23573
attorney of the county in which the offense may be prosecuted. If 23574
the prosecuting attorney does not prosecute the violations, or at 23575
the request of the prosecuting attorney, the superintendent shall 23576
present any evidence of criminal violations to the attorney 23577
general, who may proceed in the prosecution with all the rights, 23578
privileges, and powers conferred by law on prosecuting attorneys, 23579
including the power to appear before grand juries and to 23580
interrogate witnesses before such grand juries. These powers of 23581
the attorney general shall be in addition to any other applicable 23582
powers of the attorney general. 23583

(3) The prosecuting attorney of the county in which an 23584
alleged offense may be prosecuted may initiate criminal 23585
proceedings under sections 1322.01 to 1322.12 of the Revised Code. 23586

(4) In order to initiate criminal proceedings under sections 23587
1322.01 to 1322.12 of the Revised Code, the attorney general shall 23588
first present any evidence of criminal violations to the 23589
prosecuting attorney of the county in which the alleged offense 23590
may be prosecuted. If, within a reasonable period of time, the 23591
prosecuting attorney has not agreed to prosecute the violations, 23592
the attorney general may proceed in the prosecution with all the 23593
rights, privileges, and powers described in division (B)(2) of 23594

this section. 23595

(5) When a judgment under this section becomes final, the 23596
clerk of court shall mail a copy of the judgment, including 23597
supporting opinions, to the superintendent. 23598

(C) The remedies provided by this section are in addition to 23599
any other remedy provided by law. 23600

(D) In any proceeding or action brought under sections 23601
1322.01 to 1322.12 of the Revised Code, the burden of proving an 23602
exemption under those sections is on the person claiming the 23603
benefit of the exemption. 23604

(E) No person shall be deemed to violate sections 1322.01 to 23605
1322.12 of the Revised Code with respect to any act taken or 23606
omission made in reliance on a written notice, written 23607
interpretation, or written report from the superintendent, unless 23608
there is a subsequent amendment to those sections, or rules 23609
promulgated thereunder, that affects the superintendent's notice, 23610
interpretation, or report. 23611

(F) Upon disbursement of mortgage loan proceeds to or on 23612
behalf of the buyer, the registrant that assisted the buyer to 23613
obtain the mortgage loan is deemed to have completed the 23614
performance of the registrant's services for the buyer and owes no 23615
additional duties or obligations to the buyer with respect to the 23616
mortgage loan. However, nothing in this division shall be 23617
construed to limit or preclude the civil or criminal liability of 23618
a registrant for failing to comply with sections 1322.01 to 23619
1322.12 of the Revised Code or any rule adopted under those 23620
sections, for failing to comply with any provision of or duty 23621
arising under an agreement with a buyer or lender under sections 23622
1322.01 to 1322.12 of the Revised Code, or for violating any other 23623
provision of state or federal law. 23624

(G) A buyer injured by a violation of any of the sections 23625

specified in division (A)(1) of this section is precluded from 23626
recovering any damages, plus reasonable attorney's fees and costs, 23627
if the buyer has also recovered any damages in a cause of action 23628
initiated under section 1322.081 of the Revised Code and the 23629
recovery of damages for a violation of any of the sections 23630
specified in division (A)(1) of this section is based on the same 23631
acts or circumstances as the basis for recovery of damages in 23632
section 1322.081 of the Revised Code. 23633

Sec. 1327.46. ~~(A)~~ As used in sections 1327.46 to 1327.71 of 23634
the Revised Code: 23635

(A) "Weights and measures" means all weights and measures of 23636
every kind, instruments and devices for weighing and measuring, 23637
and any appliances and accessories associated with any such 23638
instruments and devices, except that the term shall not be 23639
construed to include meters for the measurement of electricity, 23640
gas, whether natural or manufactured, or water when the same are 23641
operated in a public utility system. Such electricity, gas, and 23642
water meters, and appliances or accessories associated therewith 23643
are specifically excluded from the purview of the weights and 23644
measures laws. 23645

(B) "Intrastate commerce" means all commerce or trade that is 23646
begun, carried on, and completed wholly within the limits of this 23647
state, and "introduced into intrastate commerce" defines the time 23648
and place in which the first sale and delivery of a commodity is 23649
made within the state, the delivery being made either directly to 23650
the purchaser or to a common carrier for shipment to the 23651
purchaser. 23652

(C) "Package" means any commodity put up or packaged in any 23653
manner in advance of sale in units suitable for either wholesale 23654
or retail sale. 23655

(D) "Consumer package" means a package that is customarily 23656

produced or distributed for sale through a retail sales agency for 23657
consumption by an individual or use by an individual. 23658

(E) "Weight" as used in connection with any commodity means 23659
net weight. 23660

(F) "Correct" as used in connection with weights and measures 23661
means conformity with all applicable requirements of sections 23662
1327.46 to ~~1327.61~~ 1327.71 of the Revised Code and rules adopted 23663
pursuant to those sections. 23664

(G) "Primary standards" means the physical standards of the 23665
state that serve as the legal reference from which all other 23666
standards and weights and measures are derived. 23667

(H) "Secondary standards" means the physical standards that 23668
are traceable to the primary standards through comparisons, using 23669
acceptable laboratory procedures, and used in the enforcement of 23670
weights and measures laws and rules. 23671

(I) "Sale from bulk" means the sale of commodities when the 23672
quantity is determined at the time of sale. 23673

(J) "Net weight" means the weight of a commodity, excluding 23674
any materials, substances, or items not considered to be a part of 23675
the commodity. Materials, substances, or items not considered to 23676
be part of the commodity include, but are not limited to, 23677
containers, conveyances, bags, wrappers, packaging materials, 23678
labels, individual piece coverings, decorative accompaniments, and 23679
coupons. 23680

(K) "Random weight package" means a package that is one of a 23681
lot, shipment, or delivery of packages of the same commodity with 23682
no fixed pattern of weights. 23683

(L) "Motor fuel" means any liquid or gaseous matter that is 23684
used individually or blended for the generation of power in an 23685
internal combustion engine. 23686

<u>(M) "ASTM" means the American society for testing and materials.</u>	23687 23688
<u>(N) "NIST handbook 130" means the national institute of standards and technology handbook 130 "uniform laws and regulations in the areas of legal metrology and engine fuel quality."</u>	23689 23690 23691 23692
<u>(O) "Petroleum products" means products that are obtained from the distilling and processing of crude oil and refinery blend stocks.</u>	23693 23694 23695
<u>(P) "Sold" includes keeping, offering, or exposing for sale.</u>	23696
<u>(Q) "Commercially used weighing and measuring device" means a device described in the national institute of standards and technology handbook 44 or its supplements and revisions and any other weighing and measuring device designated by rules adopted under section 1327.501 of the Revised Code.</u>	23697 23698 23699 23700 23701
Sec. 1327.50. The director of agriculture shall:	23702
(A) Maintain traceability of the state standards to those of the national institute of standards and technology;	23703 23704
(B) Enforce sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code;	23705 23706
(C) Issue reasonable rules for the uniform enforcement of sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code, which rules shall have the force and effect of law;	23707 23708 23709
(D) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the voluntary presentation of cost per unit information for any package;	23710 23711 23712
(E) Grant any exemptions from sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial	23713 23714 23715

practices in the state;	23716
(F) Conduct investigations to ensure compliance with sections 1327.46 to 1327.61 <u>1327.71</u> of the Revised Code;	23717 23718
(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of the director's office;	23719 23720 23721
(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;	23722 23723 23724
(I) Inspect and test weights and measures kept, offered, or exposed for sale <u>that are sold</u> ;	23725 23726
(J) Inspect and test to ascertain if they are correct, weights and measures commercially used either:	23727 23728
(1) In determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count;	23729 23730 23731
(2) In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count.	23732 23733
(K) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the general assembly;	23734 23735 23736 23737
(L) Approve for use, and may mark, such weights and measures as the director finds to be correct, and shall reject and mark as rejected such weights and measures as the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized, and may be condemned and seized if found to be incorrect and not capable of being made correct.	23738 23739 23740 23741 23742 23743 23744 23745

(M) Weigh, measure, or inspect packaged commodities ~~kept,~~ 23746
~~offered, or exposed for sale,~~ that are sold, or in the process of 23747
delivery to determine whether they contain the amounts represented 23748
and whether they are ~~kept, offered, or exposed for sale~~ sold in 23749
accordance with sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised 23750
Code or rules adopted under those sections. In carrying out this 23751
section, the director shall employ recognized sampling procedures, 23752
such as those designated in the national institute of standards 23753
and technology handbook 133 "checking the net contents of packaged 23754
goods." 23755

(N) Prescribe by rule the appropriate term or unit of weight 23756
or measure to be used, whenever the director determines in the 23757
case of a specific commodity that an existing practice of 23758
declaring the quantity by weight, measure, numerical count, or 23759
combination thereof, does not facilitate value comparisons by 23760
consumers, or offers an opportunity for consumer confusion; 23761

(O) Allow reasonable variations from the stated quantity of 23762
contents, which shall include those caused by unavoidable 23763
deviations in good manufacturing practice and by loss or gain of 23764
moisture during the course of good distribution practice, only 23765
after the commodity has entered intrastate commerce; 23766

(P) Provide for the weights and measures training of 23767
inspector personnel and establish minimum training requirements, 23768
which shall be met by all inspector personnel, whether county, 23769
municipal, or state; 23770

(Q) Prescribe the methods of tests and inspections to be 23771
employed in the enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 23772
of the Revised Code. The director may prescribe the official test 23773
and inspection forms to be used. 23774

(R) Provide by rule for voluntary registration with the 23775
director of private weighing and measuring device servicing 23776

agencies, and personnel; 23777

(S) In conjunction with the national institute of standards 23778
and technology, operate a type evaluation program for 23779
certification of weighing and measuring devices as part of the 23780
national type evaluation program and operate a metrology 23781
laboratory program. The director shall establish a schedule of 23782
fees for services rendered by the department of agriculture for 23783
the type evaluation ~~services~~ program and the metrology laboratory 23784
program. The director may require any weighing or measuring 23785
instrument or device to be traceable to a national type evaluation 23786
program certificate of conformance prior to use for commercial or 23787
law enforcement purposes. 23788

(T) Administer the fuel quality testing program in accordance 23789
with sections 1327.70 and 1327.71 of the Revised Code and rules 23790
adopted under them. 23791

Sec. 1327.501. (A) On and after the effective date of the 23792
rules adopted under this section, no person shall operate a 23793
commercially used weighing and measuring device in this state 23794
unless the operator of the device obtains a permit issued by the 23795
director of agriculture or the director's designee. 23796

(B) An application for a permit shall be submitted to the 23797
director on a form that the director prescribes and provides. The 23798
applicant shall include with the application any information that 23799
is specified on the application form as well as the application 23800
fee established in rules adopted under this section. 23801

(C) Upon receipt of a completed application and the required 23802
fee from an applicant, the director or the director's designee 23803
shall issue or deny the permit to operate the commercially used 23804
weighing and measuring device that was the subject of the 23805
application. 23806

(D) A permit issued under this section expires on the thirtieth day of June of the year following its issuance and may be renewed annually on or before the first day of July of that year upon payment of a permit renewal fee established in rules adopted under this section. 23807
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(E) If a permit renewal fee is more than sixty days past due, the director may assess a late penalty in an amount established by rules adopted under this section. 23812
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23814

(F) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following: 23815
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(1) Establish procedures and requirements governing the issuance or denial of permits under this section; 23817
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(2) Designate weighing and measuring devices for which a permit is required under this section in addition to those devices specified in the national institute of standards and technology handbook 44 or its supplements and revisions; 23819
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(3) Establish application fees required to be paid by applicants for permits under this section; 23823
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(4) Establish permit renewal fees required to be paid by permittees under this section; 23825
23826

(5) Establish late penalties to be assessed for the late payment of a permit renewal fee and fees for the replacement of lost or destroyed permits. 23827
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(G) All money collected through the payment of fees and the imposition of penalties under this section shall be credited to the metrology and scale certification and device permitting fund created in section 1327.511 of the Revised Code. 23830
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Sec. 1327.51. (A) When necessary for the enforcement of sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code or rules adopted pursuant thereto, the director of agriculture and any 23834
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weights and measures official acting under the authority of 23837
section 1327.52 of the Revised Code may do any of the following: 23838

(1) Enter any commercial premises during normal business 23839
hours, except that in the event such premises are not open to the 23840
public, ~~he~~ the director or official shall first present ~~his~~ the 23841
director's or official's credentials and obtain consent before 23842
making entry thereto, unless a search warrant previously has been 23843
obtained; 23844

(2) Issue stop-use, hold, and removal orders with respect to 23845
any weights and measures commercially used, and stop-sale, hold, 23846
and removal orders with respect to any packaged commodities or 23847
bulk commodity observed to be or believed to be ~~kept, offered, or~~ 23848
~~exposed for sale~~ sold; 23849

(3) Seize for use as evidence any incorrect or unapproved 23850
weight or measure or any package or commodity found to be used, 23851
retained, ~~offered or exposed for sale,~~ or sold in violation of 23852
sections 1327.46 to ~~1327.61~~ 1327.71 of the Revised Code or rules 23853
~~promulgated~~ adopted pursuant thereto. 23854

(B) The director shall afford an opportunity for a hearing in 23855
accordance with Chapter 119. of the Revised Code to any owner or 23856
operator whose property is seized by the ~~Ohio~~ department of 23857
agriculture. 23858

Sec. 1327.511. All money collected under ~~section~~ sections 23859
1327.50 and 1327.501 of the Revised Code from fees and for 23860
services rendered by the department of agriculture in operating 23861
the type evaluation program, metrology laboratory program, and 23862
device permitting program, as applicable, shall be deposited in 23863
the state treasury to the credit of the metrology and scale 23864
certification and device permitting fund, which is hereby created. 23865
Money credited to the fund shall be used to pay operating costs 23866
incurred by the department in administering the ~~program~~ division 23867

of weights and measures, including administrative costs incurred 23868
by the division. 23869

Sec. 1327.52. Any weights and measures official elected or 23870
appointed for a county or ~~municipality~~ municipal corporation shall 23871
have the duties enumerated in divisions (I) to ~~(M)~~(L) of section 23872
1327.50 of the Revised Code; the duties enumerated in division 23873
(M) of section 1327.50 of the Revised Code with the exception of 23874
duties enumerated in sections 1327.501, 1327.511, 1327.62, 23875
1327.65, 1327.70, and 1327.71 of the Revised Code; and the powers 23876
enumerated in section 1327.51 of the Revised Code. These powers 23877
and duties shall extend to the respective jurisdictions, except 23878
that the jurisdiction of a county official shall not extend to any 23879
municipal corporation for which a weights and measures official 23880
has been appointed. The director of agriculture shall advise and 23881
assist these officials. 23882

Sec. 1327.54. No person shall misrepresent the price of any 23883
commodity or service sold, ~~offered, exposed,~~ or advertised for 23884
sale by weight, measure, or count, nor represent the price in any 23885
manner calculated or tending to mislead or in any way deceive a 23886
person. 23887

Sec. 1327.57. (A) Except as otherwise provided by law, any 23888
consumer package or commodity in package form introduced or 23889
delivered for introduction into or received in intrastate 23890
commerce, ~~kept for the purpose of sale, or offered or exposed for~~ 23891
~~sale~~ sold in intrastate commerce shall bear on the outside of the 23892
package a definite, plain, and conspicuous declaration, as may be 23893
prescribed by rule adopted by the director of agriculture, of any 23894
of the following, as applicable: 23895

(1) The identity of the commodity in the package unless the 23896
same can easily be identified through the wrapper or container; 23897

(2) The net quantity of the contents in terms of weight, 23898
measure, or count; 23899

(3) In the case of any package ~~kept, or offered or exposed~~ 23900
~~for sale, or~~ sold at any place other than on the premises where 23901
packed, the name and place of business of the manufacturer, 23902
packer, or distributor. 23903

This section does not apply to beer or intoxicating liquor as 23904
defined in section 4301.01 of the Revised Code, or packages 23905
thereof, or to malt or brewer's wort, or packages thereof. 23906

(B) Under division (A)(2) of this section, neither the 23907
qualifying term "when packed" or any words of similar import, nor 23908
any term qualifying a unit of weight, measure, or count that tends 23909
to exaggerate the amount of commodity in a package, shall be used. 23910

(C) In addition to the declarations required by division (A) 23911
of this section, any package or commodity in package form, if the 23912
package is one of a lot containing random weights, measures, or 23913
counts of the same commodity and bears the total selling price of 23914
the package, shall bear on the outside of the package a plain and 23915
conspicuous declaration of the price per single unit of weight, 23916
measure, or count. 23917

(D) No package or commodity in package form shall be so 23918
wrapped, nor shall it be in a container so made, formed, or 23919
filled, as to mislead the purchaser as to the quantity of the 23920
contents of the package, and the contents of a container shall not 23921
fall below any reasonable standard of fill that may have been 23922
prescribed for the commodity in question by the director. 23923

Sec. 1327.58. Irrespective of whether or not there exists an 23924
adequate remedy at law, the director of agriculture may apply to 23925
any court of competent jurisdiction for a temporary or permanent 23926
injunction or other appropriate relief restraining any person from 23927

continued violation of sections 1327.46 to ~~1327.61~~ 1327.71 of the 23928
Revised Code and of ~~regulations promulgated~~ rules adopted 23929
thereunder. 23930

Sec. 1327.60. Enactment of sections 1327.46 to ~~1327.61~~ 23931
1327.71 of the Revised Code does not affect any ~~regulations~~ 23932
~~promulgated~~ rules adopted pursuant to the authority of any earlier 23933
enabling statute unless inconsistent with sections 1327.46 to 23934
~~1327.61~~ 1327.71 of the Revised Code or modified or revoked by the 23935
director of agriculture. 23936

Sec. 1327.62. Whenever the director of agriculture, or ~~his~~ 23937
the director's designee, has cause to believe that any person has 23938
violated, or is violating, ~~section 1327.54 or 1327.61~~ any 23939
provision of sections 1327.46 to 1327.71 of the Revised Code or 23940
rules adopted under them, ~~he~~ the director, or ~~his~~ the director's 23941
designee, may conduct a hearing in accordance with Chapter 119. of 23942
the Revised Code to determine whether a violation has occurred. If 23943
the director or ~~his~~ the director's designee determines that the 23944
person has violated or is violating ~~section 1327.54 or 1327.61~~ any 23945
provision of sections 1327.46 to 1327.71 of the Revised Code or 23946
rules adopted under them, ~~he~~ the director or the director's 23947
designee may assess a civil penalty against the person. The person 23948
is liable for a civil penalty of not more than five hundred 23949
dollars for a first violation; for a second violation the person 23950
is liable for a civil penalty of not more than two thousand five 23951
hundred dollars; for each subsequent violation that occurs within 23952
five years after the second violation, the person is liable for a 23953
civil penalty of not more than ten thousand dollars. 23954

Any person assessed a civil penalty under this section shall 23955
pay the amount prescribed to the department of agriculture. The 23956
department shall remit all moneys collected under this section to 23957
the treasurer of state for deposit in the general revenue fund. 23958

Sec. 1327.70. (A) As used in this section:	23959
(1) "Diesel fuel" has the same meaning as in section 5735.01 of the Revised Code.	23960 23961
(2) "Motor fuel" means gasoline or diesel fuel that is sold by a retailer.	23962 23963
(B) The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing a motor fuel quality testing program that is uniform throughout the state. <u>The rules shall do all of the following:</u>	23964 23965 23966 23967
<u>(A) Establish fuel quality requirements that are modeled on the uniform laws and regulations in NIST handbook 130;</u>	23968 23969
<u>(B) Incorporate standards for motor fuel based on the standards developed by ASTM committee D02 on petroleum products;</u>	23970 23971
<u>(C) Establish requirements governing the standards and identity of fuels and petroleum and the advertising, posting of prices, and labeling of products;</u>	23972 23973 23974
<u>(D) Establish any other procedures and requirements that are necessary to implement this section, including the imposition of penalties.</u>	23975 23976 23977
<u>Sec. 1327.71. There is hereby created in the state treasury the fuel quality testing fund consisting of the proceeds of any fines resulting from penalties imposed in accordance with rules adopted under section 1327.70 of the Revised Code. Money in the fund shall be used to pay the costs incurred by the department of agriculture in implementing and administering the motor fuel quality testing program and the weights and measures program and to pay overhead costs of the department.</u>	23978 23979 23980 23981 23982 23983 23984 23985
Sec. 1327.99. Whoever violates section <u>1327.501, section</u>	23986

1327.54 ~~or~~ division (A), (B), (C), or (D) of section 1327.61, or 23987
section 1327.70 of the Revised Code or rules adopted under those 23988
sections is guilty of a misdemeanor of the second degree on a 23989
first offense; on each subsequent offense within seven years after 23990
the first offense, ~~such~~ the person is guilty of a misdemeanor of 23991
the first degree. 23992

Sec. 1332.24. (A)(1) In accordance with section 1332.25 of 23993
the Revised Code, the director of commerce may issue to any 23994
person, or renew, a video service authorization, which 23995
authorization confers on the person the authority, subject to 23996
sections 1332.21 to 1332.34 of the Revised Code, to provide video 23997
service in its video service area; construct and operate a video 23998
service network in, along, across, or on public rights-of-way for 23999
the provision of video service; and, when necessary to provide 24000
that service, exercise the power of a telegraph company under 24001
section 4931.04 of the Revised Code. The term of a video service 24002
authorization or authorization renewal shall be ten years. 24003

(2) For the purposes of the "Cable Communications Policy Act 24004
of 1984," Pub. L. No. 98-549, 98 Stat. 2779, 47 U.S.C. 521 et 24005
seq., a video service authorization shall constitute a franchise 24006
under that law, and the director shall be the sole franchising 24007
authority under that law for video service authorizations in this 24008
state. 24009

(3) The director may impose upon and collect an annual 24010
assessment on video service providers. All money collected under 24011
division (A)(3) of this section shall be deposited to the credit 24012
of the division of administration fund created under section 24013
121.08 of the Revised Code. The total amount assessed in a fiscal 24014
year shall not exceed the lesser of four hundred fifty thousand 24015
dollars or, as shall be determined annually by the director, the 24016
department's actual, current fiscal year administrative costs in 24017

carrying out its duties under sections 1332.21 to 1332.34 of the 24018
Revised Code. The director shall allocate that total amount 24019
proportionately among the video service providers to be assessed, 24020
using a formula based on subscriber counts as of the thirty-first 24021
day of December of the preceding calendar year, which counts shall 24022
be submitted to the director not later than the thirty-first day 24023
of January of each year via a notarized statement signed by an 24024
authorized officer. Any information submitted by a video service 24025
provider to the director for the purpose of determining subscriber 24026
counts shall be considered trade secret information, shall not be 24027
disclosed except by court order, and shall not constitute a public 24028
record under section 149.43 of the Revised Code. On or about the 24029
first day of June of each year, the director shall send to each 24030
video service provider to be assessed written notice of its 24031
proportional amount of the total assessment. The provider shall 24032
pay that amount not later than thirty days following the date the 24033
notice is sent. After the initial assessment, the director 24034
annually shall reconcile the amount collected with the total, 24035
current amount assessed pursuant to this section, and either shall 24036
charge each assessed video service provider its respective 24037
proportion of any insufficiency or proportionately credit the 24038
provider's next assessment for any excess collected. 24039

24040

(B)(1) The director may investigate alleged violations of or 24041
failures to comply with division (A) of section 1332.23, division 24042
(A) of this section, division (C) of section 1332.25, division (C) 24043
or (D) of section 1332.26, division (A), (B), or (C) of section 24044
1332.27, division (A) of section 1332.28, division (A) or (B) of 24045
section 1332.29, or section 1332.30 or 1332.31 of the Revised 24046
Code, or complaints concerning any such violation or failure. 24047
Except as provided in this section, the director has no authority 24048
to regulate video service in this state, including, but not 24049
limited to, the rates, terms, or conditions of that service. 24050

(2) In conducting an investigation under division (B)(1) of 24051
this section, the director, by subpoena, may compel witnesses to 24052
testify in relation to any matter over which the director has 24053
jurisdiction and may require the production of any book, record, 24054
or other document pertaining to that matter. If a person fails to 24055
file any statement or report, obey any subpoena, give testimony, 24056
produce any book, record, or other document as required by a 24057
subpoena, or permit photocopying of any book, record, or other 24058
document subpoenaed, the court of common pleas of any county in 24059
this state, upon application made to it by the director, shall 24060
compel obedience by attachment proceedings for contempt, as in the 24061
case of disobedience of the requirements of a subpoena issued from 24062
the court or a refusal to testify. 24063

(C)(1) If the director finds that a person has violated or 24064
failed to comply with division (A) of section 1332.23, division 24065
(A) of this section, division (C) of section 1332.25, division (C) 24066
or (D) of section 1332.26, division (A), (B), or (C) of section 24067
1332.27, division (A) of section 1332.28, division (A) or (B) of 24068
section 1332.29, or section 1332.30 or 1332.31 of the Revised 24069
Code, and the person has failed to cure the violation or failure 24070
after reasonable, written notice and reasonable time to cure, the 24071
director may do any of the following: 24072

(a) Apply to the court of common pleas of any county in this 24073
state for an order enjoining the activity or requiring compliance. 24074
Such an action shall be commenced not later than three years after 24075
the date the alleged violation or failure occurred or was 24076
reasonably discovered. Upon a showing by the director that the 24077
person has engaged in a violation or failure to comply, the court 24078
shall grant an injunction, restraining order, or other appropriate 24079
relief. 24080

(b) Enter into a written assurance of voluntary compliance 24081
with the person; 24082

(c) Pursuant to an adjudication under Chapter 119. of the Revised Code, assess a civil penalty in an amount determined by the director, including for any failure to comply with an assurance of voluntary compliance under division (C)(1)(b) of this section. The amount shall be not more than one thousand dollars for each day of violation or noncompliance, not to exceed a total of ten thousand dollars, counting all subscriber impacts as a single violation or act of noncompliance. In determining whether a civil penalty is appropriate under division (C)(1)(c) of this section, the director shall consider all of the following factors:

- (i) The seriousness of the noncompliance;
- (ii) The good faith efforts of the person to comply;
- (iii) The person's history of noncompliance;
- (iv) The financial resources of the person;
- (v) Any other matter that justice requires.

Civil penalties collected pursuant to division (C)(1)(c) of this section shall be deposited to the credit of the video service enforcement fund in the state treasury, which is hereby created, to be used by the department of commerce in carrying out its duties under this section.

(2) Pursuant to an adjudication under Chapter 119. of the Revised Code, the director may revoke, in whole or in part, the video service authorization of any person that has repeatedly and knowingly violated or failed to comply with division (A) of section 1332.23, division (A) of this section, division (C) of section 1332.25, division (C) or (D) of section 1332.26, division (A), (B), or (C) of section 1332.27, division (A) of section 1332.28, division (A) or (B) of section 1332.29, or section 1332.30 or 1332.31 of the Revised Code and that has failed to cure the violations or noncompliances after reasonable written notice and reasonable time to cure. Such person acts knowingly,

regardless of the person's purpose, when the person is aware that 24114
the person's conduct will probably cause a certain result or will 24115
probably be of a certain nature. A person has knowledge of 24116
circumstances when the person is aware that such circumstances 24117
probably exist. 24118

(3) The court shall conduct a de novo review in any appeal 24119
from an adjudication under division (C)(1)(c) or (C)(2) of this 24120
section. 24121

(D) The public utilities commission has no authority over a 24122
video service provider in its offering of video service or a cable 24123
operator in its offering of cable or video service, or over any 24124
person in its offering of video service pursuant to a competitive 24125
video service agreement. 24126

Sec. 1332.25. (A) An application made to the director of 24127
commerce for a video service authorization under section 1332.24 24128
of the Revised Code shall require and contain only the following: 24129

(1) Specification of the location of the applicant's 24130
principal place of business and the names of the applicant's 24131
principal executive officers; 24132

(2) Specification of the geographic and political boundaries 24133
of the applicant's proposed video service area; 24134

(3) A general description of the type or types of 24135
technologies the applicant will use to deliver the video 24136
programming, which may include wireline, wireless, or any other 24137
alternative technology, subject, as applicable, to section 1332.29 24138
of the Revised Code; 24139

(4) An attestation that the applicant has filed or will 24140
timely file with the federal communications commission all forms 24141
required by that agency in advance of offering video service in 24142
this state; 24143

(5) An attestation that the applicant will comply with applicable federal, state, and local laws;	24144 24145
(6) An attestation that the applicant is legally, financially, and technically qualified to provide video service;	24146 24147
(7) A description of the applicant's customer complaint handling process, including policies on addressing customer service issues, billing adjustments, and communication with government officials regarding customer complaints, and a local or toll-free telephone number at which a customer may contact the applicant.	24148 24149 24150 24151 24152 24153
(B) For the purpose of division (A)(2) of this section:	24154
(1) The video service areas of video service providers may overlap.	24155 24156
(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area.	24157 24158 24159 24160 24161 24162
(3) The specified video service area of a person using telecommunications facilities to provide video service on the effective date of this section <u>September 24, 2007</u> , or of any other person later so using telecommunications facilities shall be the geographic area in which the person offers basic local exchange service.	24163 24164 24165 24166 24167 24168
(4) Subject to division (C)(2) of section 1332.27 of the Revised Code, the specified video service area of an applicant cable operator that offers service under a franchise in effect on the effective date of this section <u>September 24, 2007</u> , initially shall be, at minimum, the franchise area established under that franchise.	24169 24170 24171 24172 24173 24174

(C) A video service provider shall immediately file an application to amend its video service authorization with the director to reflect any change in the information required under division (A)(1), (2), or (3) of this section. An amendment pursuant to division (A)(2) of this section shall include any new delivery technology information required by division (A)(3) of this section.

(D) Within thirty days after its filing or within thirty days after the filing of supplemental information necessary to make it complete, the director shall determine the completeness of an application filed under division (A) or (C) of this section relative to the respective requirements of divisions (A), (B), and (C) of this section and, as applicable, shall notify the applicant of an incompleteness determination, state the bases for that determination, and inform the applicant that it may resubmit a corrected application. The director shall issue a video service authorization, authorization renewal, or amended authorization within fifteen days after the director's determination that the filed application is complete.

If the director does not notify the applicant regarding the completeness of the application within the time period specified in this division or does not issue the authorization requested by a completed application within the applicable time period, the application shall be deemed complete, and the authorization or amended authorization deemed issued on the forty-fifth day after the application's filing date.

(E) An applicant shall pay a two thousand dollar nonrefundable fee for each application filed under division (A) of this section and a one hundred dollar nonrefundable fee for each application to amend filed under division (C) of this section. Fees collected under this division shall be deposited to the credit of the video service authorization fund in the state

treasury, which is hereby created, to be used by the department of 24207
commerce in carrying out its duties under ~~this section~~ sections 24208
1332.21 to 1332.34 of the Revised Code. 24209

(F) No video service provider shall identify or make 24210
reference to an application fee under division (E) of this section 24211
or an assessment under section 1332.24 of the Revised Code on any 24212
subscriber bill or in conjunction with charging any fee to the 24213
subscriber. 24214

(G) An applicant may identify any information in its 24215
application as trade secret information, and if, upon its written 24216
request to the director, the director reasonably affirms all or 24217
part of that information as trade secret information, the 24218
information so affirmed does not constitute a public record for 24219
the purpose of section 149.43 of the Revised Code. 24220

Sec. 1343.011. (A) As used in this section: 24221

(1) "Discount points" means any charges, whether or not 24222
actually denominated as "discount points," that are paid by the 24223
seller or the buyer of residential real property to a residential 24224
mortgage lender or that are deducted and retained by a residential 24225
mortgage lender from the proceeds of the residential mortgage. 24226
"Discount points" does not include the costs associated with 24227
settlement services as defined in the "Real Estate Settlement 24228
Procedures Act of 1974," 88 Stat. 1724, 12 U.S.C. 2601, amendments 24229
thereto, reenactments thereof, enactments parallel thereto, or in 24230
substitution therefor, or regulations issued thereunder. 24231

(2) "Residential mortgage" means an obligation to pay a sum 24232
of money evidenced by a note and secured by a lien upon real 24233
property located within this state containing two or fewer 24234
residential units or on which two or fewer residential units are 24235
to be constructed and includes such an obligation on a residential 24236
condominium or cooperative unit. 24237

(3) "Residential mortgage lender" means any person, bank, or savings and loan association that lends money or extends or grants credit and obtains a residential mortgage to assure payment of the debt. The term also includes the holder at any time of a residential mortgage obligation.

(B) Except residential mortgage loans described in division (B)(3) of section 1343.01 of the Revised Code, no residential mortgage lender shall receive either directly or indirectly from a seller or buyer of real estate any discount points in excess of two per cent of the original principal amount of the residential mortgage. This division is not a limitation on discount points or other charges for purposes of section 501(b)(4) of the "Depository Institutions Deregulation and Monetary Control Act of 1980," 94 Stat. 161, 12 U.S.C.A. 1735f-7a.

(C)(1) Except as provided in division (C)(2) of this section, residential mortgage obligations may be prepaid or refinanced without penalty at any time after five years from the execution date of the mortgage. Prior to such time a prepayment or refinancing penalty may be provided not in excess of one per cent of the original principal amount of the residential mortgage.

(2)(a) No penalty may be charged for the prepayment or refinancing of a residential mortgage obligation of less than seventy-five thousand dollars that is made or arranged by a mortgage broker, loan ~~officer~~ originator, or nonbank mortgage lender, as those terms are defined in section 1345.01 of the Revised Code, and that is secured by a mortgage on a borrower's real estate that is a first lien on the real estate.

(b) The amount specified in division (C)(2)(a) of this section shall be adjusted annually on the first day of January by the annual percentage change in the consumer price index for all urban consumers, midwest region, all items, as determined by the bureau of labor statistics of the United States department of

labor or, if that index is no longer published, a generally 24270
available comparable index, as reported on the first day of June 24271
of the year preceding the adjustment. The department of commerce 24272
shall publish the adjusted amounts on its official web site. 24273

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 24274
Revised Code: 24275

(A) "Consumer transaction" means a sale, lease, assignment, 24276
award by chance, or other transfer of an item of goods, a service, 24277
a franchise, or an intangible, to an individual for purposes that 24278
are primarily personal, family, or household, or solicitation to 24279
supply any of these things. "Consumer transaction" does not 24280
include transactions between persons, defined in sections 4905.03 24281
and 5725.01 of the Revised Code, and their customers, except for 24282
transactions involving a loan made pursuant to sections 1321.35 to 24283
1321.48 of the Revised Code and transactions in connection with 24284
residential mortgages between loan ~~officers~~ originators, mortgage 24285
brokers, or nonbank mortgage lenders and their customers; 24286
transactions between certified public accountants or public 24287
accountants and their clients; transactions between attorneys, 24288
physicians, or dentists and their clients or patients; and 24289
transactions between veterinarians and their patients that pertain 24290
to medical treatment but not ancillary services. 24291

(B) "Person" includes an individual, corporation, government, 24292
governmental subdivision or agency, business trust, estate, trust, 24293
partnership, association, cooperative, or other legal entity. 24294

(C) "Supplier" means a seller, lessor, assignor, franchisor, 24295
or other person engaged in the business of effecting or soliciting 24296
consumer transactions, whether or not the person deals directly 24297
with the consumer. If the consumer transaction is in connection 24298
with a residential mortgage, "supplier" does not include an 24299
assignee or purchaser of the loan for value, except as otherwise 24300

provided in section 1345.091 of the Revised Code. For purposes of 24301
this division, in a consumer transaction in connection with a 24302
residential mortgage, "seller" means a loan ~~officer~~ originator, 24303
mortgage broker, or nonbank mortgage lender. 24304

(D) "Consumer" means a person who engages in a consumer 24305
transaction with a supplier. 24306

(E) "Knowledge" means actual awareness, but such actual 24307
awareness may be inferred where objective manifestations indicate 24308
that the individual involved acted with such awareness. 24309

(F) "Natural gas service" means the sale of natural gas, 24310
exclusive of any distribution or ancillary service. 24311

(G) "Public telecommunications service" means the 24312
transmission by electromagnetic or other means, other than by a 24313
telephone company as defined in section 4927.01 of the Revised 24314
Code, of signs, signals, writings, images, sounds, messages, or 24315
data originating in this state regardless of actual call routing. 24316
"Public telecommunications service" excludes a system, including 24317
its construction, maintenance, or operation, for the provision of 24318
telecommunications service, or any portion of such service, by any 24319
entity for the sole and exclusive use of that entity, its parent, 24320
a subsidiary, or an affiliated entity, and not for resale, 24321
directly or indirectly; the provision of terminal equipment used 24322
to originate telecommunications service; broadcast transmission by 24323
radio, television, or satellite broadcast stations regulated by 24324
the federal government; or cable television service. 24325

(H) "Loan ~~officer~~ originator" has the same meaning as in 24326
section 1322.01 of the Revised Code, and includes a "mortgage loan 24327
originator" as defined in section 1321.51 of the Revised Code, 24328
except that it does not include an employee of a bank, savings 24329
bank, savings and loan association, credit union, or credit union 24330
service organization organized under the laws of this state, 24331

another state, or the United States; an employee of a subsidiary 24332
of such a bank, savings bank, savings and loan association, or 24333
credit union; or an employee of an affiliate that (1) controls, is 24334
controlled by, or is under common control with, such a bank, 24335
savings bank, savings and loan association, or credit union and 24336
(2) is subject to examination, supervision, and regulation, 24337
including with respect to the affiliate's compliance with 24338
applicable consumer protection requirements, by the board of 24339
governors of the federal reserve system, the comptroller of the 24340
currency, the office of thrift supervision, the federal deposit 24341
insurance corporation, or the national credit union 24342
administration. 24343

(I) "Residential mortgage" or "mortgage" means an obligation 24344
to pay a sum of money evidenced by a note and secured by a lien 24345
upon real property located within this state containing two or 24346
fewer residential units or on which two or fewer residential units 24347
are to be constructed and includes such an obligation on a 24348
residential condominium or cooperative unit. 24349

(J) "Mortgage broker" has the same meaning as in section 24350
1322.01 of the Revised Code, except that it does not include a 24351
bank, savings bank, savings and loan association, credit union, or 24352
credit union service organization organized under the laws of this 24353
state, another state, or the United States; a subsidiary of such a 24354
bank, savings bank, savings and loan association, or credit union; 24355
an affiliate that (1) controls, is controlled by, or is under 24356
common control with, such a bank, savings bank, savings and loan 24357
association, or credit union and (2) is subject to examination, 24358
supervision, and regulation, including with respect to the 24359
affiliate's compliance with applicable consumer protection 24360
requirements, by the board of governors of the federal reserve 24361
system, the comptroller of the currency, the office of thrift 24362
supervision, the federal deposit insurance corporation, or the 24363

national credit union administration; or an employee of any such 24364
entity. 24365

(K) "Nonbank mortgage lender" means any person that engages 24366
in a consumer transaction in connection with a residential 24367
mortgage, except for a bank, savings bank, savings and loan 24368
association, credit union, or credit union service organization 24369
organized under the laws of this state, another state, or the 24370
United States; a subsidiary of such a bank, savings bank, savings 24371
and loan association, or credit union; or an affiliate that (1) 24372
controls, is controlled by, or is under common control with, such 24373
a bank, savings bank, savings and loan association, or credit 24374
union and (2) is subject to examination, supervision, and 24375
regulation, including with respect to the affiliate's compliance 24376
with applicable consumer protection requirements, by the board of 24377
governors of the federal reserve system, the comptroller of the 24378
currency, the office of thrift supervision, the federal deposit 24379
insurance corporation, or the national credit union 24380
administration. 24381

(L) For purposes of divisions (H), (J), and (K) of this 24382
section: 24383

(1) "Control" of another entity means ownership, control, or 24384
power to vote twenty-five per cent or more of the outstanding 24385
shares of any class of voting securities of the other entity, 24386
directly or indirectly or acting through one or more other 24387
persons. 24388

(2) "Credit union service organization" means a CUSO as 24389
defined in 12 C.F.R. 702.2. 24390

Sec. 1345.05. (A) The attorney general shall: 24391

(1) Adopt, amend, and repeal procedural rules; 24392

(2) Adopt as a rule a description of the organization of the 24393

attorney general's office, stating the general courses and methods 24394
of operation of the section of the office of the attorney general, 24395
which is to administer Chapter 1345. of the Revised Code and 24396
methods whereby the public may obtain information or make 24397
submissions or requests, including a description of all forms and 24398
instructions used by that office; 24399

(3) Make available for public inspection all rules and all 24400
other written statements of policy or interpretations adopted or 24401
used by the attorney general in the discharge of the attorney 24402
general's functions, together with all judgments, including 24403
supporting opinions, by courts of this state that determine the 24404
rights of the parties and concerning which appellate remedies have 24405
been exhausted, or lost by the expiration of the time for appeal, 24406
determining that specific acts or practices violate section 24407
1345.02, 1345.03, or 1345.031 of the Revised Code; 24408

(4) Inform consumers and suppliers on a continuing basis of 24409
acts or practices that violate Chapter 1345. of the Revised Code 24410
by, among other things, publishing an informational document 24411
describing acts and practices in connection with residential 24412
mortgages that are unfair, deceptive, or unconscionable, and by 24413
making that information available on the attorney general's 24414
official web site; 24415

(5) Cooperate with state and local officials, officials of 24416
other states, and officials of the federal government in the 24417
administration of comparable statutes; 24418

(6) Report annually on or before the first day of January to 24419
the governor and the general assembly on the operations of the 24420
attorney general in respect to Chapter 1345. of the Revised Code, 24421
and on the acts or practices occurring in this state that violate 24422
such chapter. The report shall include a statement of 24423
investigatory and enforcement procedures and policies, of the 24424
number of investigations and enforcement proceedings instituted 24425

and of their disposition, and of other activities of the state and 24426
of other persons to promote the purposes of Chapter 1345. of the 24427
Revised Code. 24428

(7) In carrying out official duties, the attorney general 24429
shall not disclose publicly the identity of suppliers investigated 24430
or the facts developed in investigations unless these matters have 24431
become a matter of public record in enforcement proceedings, in 24432
public hearings conducted pursuant to division (B)(1) of this 24433
section, or the suppliers investigated have consented in writing 24434
to public disclosure. 24435

(B) The attorney general may: 24436

(1) Conduct research, make inquiries, hold public hearings, 24437
and publish studies relating to consumer transactions; 24438

(2) Adopt, amend, and repeal substantive rules defining with 24439
reasonable specificity acts or practices that violate sections 24440
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 24441
amending, or repealing substantive rules defining acts or 24442
practices that violate section 1345.02 of the Revised Code, due 24443
consideration and great weight shall be given to federal trade 24444
commission orders, trade regulation rules and guides, and the 24445
federal courts' interpretations of subsection 45 (a)(1) of the 24446
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 24447
41, as amended. 24448

In adopting, amending, or repealing such rules concerning a 24449
consumer transaction in connection with a residential mortgage, 24450
the attorney general shall consult with the superintendent of 24451
financial institutions and shall give due consideration to state 24452
and federal statutes, regulations, administrative agency 24453
interpretations, and case law. 24454

(C) In the conduct of public hearings authorized by this 24455
section, the attorney general may administer oaths, subpoena 24456

witnesses, adduce evidence, and require the production of relevant material. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the attorney general may apply to a court of common pleas for an order compelling compliance.

(D) The attorney general may request that an individual who refuses to testify or to produce relevant material on the ground that the testimony or matter may incriminate the individual be ordered by the court to provide the testimony or matter. With the exception of a prosecution for perjury and an action for damages under section 1345.07 or 1345.09 of the Revised Code, an individual who complies with a court order to provide testimony or matter, after asserting a privilege against self incrimination to which the individual is entitled by law, shall not be subjected to a criminal proceeding on the basis of the testimony or matter discovered through that testimony or matter.

(E) Any person may petition the attorney general requesting the adoption, amendment, or repeal of a rule. The attorney general shall prescribe by rule the form for such petitions and the procedure for their submission, consideration, and disposition. Within sixty days of submission of a petition, the attorney general shall either deny the petition in writing, stating the reasons for the denial, or initiate rule-making proceedings. There is no right to appeal from such denial of a petition.

(F) All rules shall be adopted subject to Chapter 119. of the Revised Code.

(G) The informational document published in accordance with division (A)(4) of this section shall be made available for distribution to consumers who are applying for a mortgage loan. An acknowledgement of receipt shall be retained by the lender, mortgage broker, and loan ~~officer~~ originator, as applicable, subject to review by the attorney general and the department of

commerce. 24489

Sec. 1345.09. For a violation of Chapter 1345. of the Revised 24490
Code, a consumer has a cause of action and is entitled to relief 24491
as follows: 24492

(A) Where the violation was an act prohibited by section 24493
1345.02, 1345.03, or 1345.031 of the Revised Code, the consumer 24494
may, in an individual action, rescind the transaction or recover 24495
the consumer's actual economic damages plus an amount not 24496
exceeding five thousand dollars in noneconomic damages. 24497

(B) Where the violation was an act or practice declared to be 24498
deceptive or unconscionable by rule adopted under division (B)(2) 24499
of section 1345.05 of the Revised Code before the consumer 24500
transaction on which the action is based, or an act or practice 24501
determined by a court of this state to violate section 1345.02, 24502
1345.03, or 1345.031 of the Revised Code and committed after the 24503
decision containing the determination has been made available for 24504
public inspection under division (A)(3) of section 1345.05 of the 24505
Revised Code, the consumer may rescind the transaction or recover, 24506
but not in a class action, three times the amount of the 24507
consumer's actual economic damages or two hundred dollars, 24508
whichever is greater, plus an amount not exceeding five thousand 24509
dollars in noneconomic damages or recover damages or other 24510
appropriate relief in a class action under Civil Rule 23, as 24511
amended. 24512

(C)(1) Except as otherwise provided in division (C)(2) of 24513
this section, in any action for rescission, revocation of the 24514
consumer transaction must occur within a reasonable time after the 24515
consumer discovers or should have discovered the ground for it and 24516
before any substantial change in condition of the subject of the 24517
consumer transaction. 24518

(2) If a consumer transaction between a loan officer 24519

originator, mortgage broker, or nonbank mortgage lender and a customer is in connection with a residential mortgage, revocation of the consumer transaction in an action for rescission is only available to a consumer in an individual action, and shall occur for no reason other than one or more of the reasons set forth in the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C. 1635, not later than the time limit within which the right of rescission under section 125(f) of the "Truth in Lending Act" expires.

(D) Any consumer may seek a declaratory judgment, an injunction, or other appropriate relief against an act or practice that violates this chapter.

(E) When a consumer commences an individual action for a declaratory judgment or an injunction or a class action under this section, the clerk of court shall immediately mail a copy of the complaint to the attorney general. Upon timely application, the attorney general may be permitted to intervene in any private action or appeal pending under this section. When a judgment under this section becomes final, the clerk of court shall mail a copy of the judgment including supporting opinions to the attorney general for inclusion in the public file maintained under division (A)(3) of section 1345.05 of the Revised Code.

(F) The court may award to the prevailing party a reasonable attorney's fee limited to the work reasonably performed, if either of the following apply:

(1) The consumer complaining of the act or practice that violated this chapter has brought or maintained an action that is groundless, and the consumer filed or maintained the action in bad faith;

(2) The supplier has knowingly committed an act or practice that violates this chapter.

(G) As used in this section, "actual economic damages" means 24551
damages for direct, incidental, or consequential pecuniary losses 24552
resulting from a violation of Chapter 1345. of the Revised Code 24553
and does not include damages for noneconomic loss as defined in 24554
section 2315.18 of the Revised Code. 24555

(H) Nothing in this section shall preclude a consumer from 24556
also proceeding with a cause of action under any other theory of 24557
law. 24558

Sec. 1347.08. (A) Every state or local agency that maintains 24559
a personal information system, upon the request and the proper 24560
identification of any person who is the subject of personal 24561
information in the system, shall: 24562

(1) Inform the person of the existence of any personal 24563
information in the system of which the person is the subject; 24564

(2) Except as provided in divisions (C) and (E)(2) of this 24565
section, permit the person, the person's legal guardian, or an 24566
attorney who presents a signed written authorization made by the 24567
person, to inspect all personal information in the system of which 24568
the person is the subject; 24569

(3) Inform the person about the types of uses made of the 24570
personal information, including the identity of any users usually 24571
granted access to the system. 24572

(B) Any person who wishes to exercise a right provided by 24573
this section may be accompanied by another individual of the 24574
person's choice. 24575

(C)(1) A state or local agency, upon request, shall disclose 24576
medical, psychiatric, or psychological information to a person who 24577
is the subject of the information or to the person's legal 24578
guardian, unless a physician, psychiatrist, or psychologist 24579
determines for the agency that the disclosure of the information 24580

is likely to have an adverse effect on the person, in which case 24581
the information shall be released to a physician, psychiatrist, or 24582
psychologist who is designated by the person or by the person's 24583
legal guardian. 24584

(2) Upon the signed written request of either a licensed 24585
attorney at law or a licensed physician designated by the inmate, 24586
together with the signed written request of an inmate of a 24587
correctional institution under the administration of the 24588
department of rehabilitation and correction, the department shall 24589
disclose medical information to the designated attorney or 24590
physician as provided in division (C) of section 5120.21 of the 24591
Revised Code. 24592

(D) If an individual who is authorized to inspect personal 24593
information that is maintained in a personal information system 24594
requests the state or local agency that maintains the system to 24595
provide a copy of any personal information that the individual is 24596
authorized to inspect, the agency shall provide a copy of the 24597
personal information to the individual. Each state and local 24598
agency may establish reasonable fees for the service of copying, 24599
upon request, personal information that is maintained by the 24600
agency. 24601

(E)(1) This section regulates access to personal information 24602
that is maintained in a personal information system by persons who 24603
are the subject of the information, but does not limit the 24604
authority of any person, including a person who is the subject of 24605
personal information maintained in a personal information system, 24606
to inspect or have copied, pursuant to section 149.43 of the 24607
Revised Code, a public record as defined in that section. 24608

(2) This section does not provide a person who is the subject 24609
of personal information maintained in a personal information 24610
system, the person's legal guardian, or an attorney authorized by 24611
the person, with a right to inspect or have copied, or require an 24612

agency that maintains a personal information system to permit the 24613
inspection of or to copy, a confidential law enforcement 24614
investigatory record or trial preparation record, as defined in 24615
divisions (A)(2) and (4) of section 149.43 of the Revised Code. 24616

(F) This section does not apply to any of the following: 24617

(1) The contents of an adoption file maintained by the 24618
department of health under section 3705.12 of the Revised Code; 24619

(2) Information contained in the putative father registry 24620
established by section 3107.062 of the Revised Code, regardless of 24621
whether the information is held by the department of job and 24622
family services or, pursuant to section 3111.69 of the Revised 24623
Code, the office of child support in the department or a child 24624
support enforcement agency; 24625

(3) Papers, records, and books that pertain to an adoption 24626
and that are subject to inspection in accordance with section 24627
3107.17 of the Revised Code; 24628

(4) Records listed in division (A) of section 3107.42 of the 24629
Revised Code or specified in division (A) of section 3107.52 of 24630
the Revised Code; 24631

(5) Records that identify an individual described in division 24632
(A)(1) of section 3721.031 of the Revised Code, or that would tend 24633
to identify such an individual; 24634

(6) Files and records that have been expunged under division 24635
(D)(1) or (2) of section 3721.23 of the Revised Code; 24636

(7) Records that identify an individual described in division 24637
(A)(1) of section 3721.25 of the Revised Code, or that would tend 24638
to identify such an individual; 24639

(8) Records that identify an individual described in division 24640
(A)(1) of section 5111.61 of the Revised Code, or that would tend 24641
to identify such an individual; 24642

(9) Test materials, examinations, or evaluation tools used in 24643
an examination for licensure as a nursing home administrator that 24644
the board of examiners of nursing home administrators administers 24645
under section 4751.04 of the Revised Code or contracts under that 24646
section with a private or government entity to administer; 24647

(10) Information contained in a database established and 24648
maintained pursuant to section 5101.13 of the Revised Code. 24649

Sec. 1349.31. (A)(1) No creditor shall willfully and 24650
knowingly fail to comply with section 1349.26 or 1349.27 of the 24651
Revised Code. For purposes of division (A)(1) of this section, 24652
"willfully and knowingly" has the same meaning as in section 112 24653
of the "Truth in Lending Act," 82 Stat. 146 (1968), 15 U.S.C.A. 24654
1611, as amended. 24655

(2) Whoever violates division (A)(1) of this section is 24656
guilty of a felony of the fifth degree. 24657

(B) The superintendent of financial institutions may directly 24658
bring an action to enjoin a violation of this section. The 24659
attorney general may directly bring an action against a mortgage 24660
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 24661
enjoin a violation of this section with the same rights, 24662
privileges, and powers as those described in section 1345.06 of 24663
the Revised Code. The prosecuting attorney of the county in which 24664
the action may be brought may bring an action against a mortgage 24665
broker, loan ~~officer~~ originator, or nonbank mortgage lender to 24666
enjoin a violation of this section only if the prosecuting 24667
attorney first presents any evidence of the violation to the 24668
attorney general and, within a reasonable period of time, the 24669
attorney general has not agreed to bring the action. 24670

For purposes of this division, "loan ~~officer~~ originator," 24671
"mortgage broker," and "nonbank mortgage lender" have the same 24672
meanings as in section 1345.01 of the Revised Code. 24673

(C)(1) The superintendent of financial institutions may 24674
initiate criminal proceedings under this section by presenting any 24675
evidence of criminal violations to the prosecuting attorney of the 24676
county in which the offense may be prosecuted. If the prosecuting 24677
attorney does not prosecute the violations, or at the request of 24678
the prosecuting attorney, the superintendent shall present any 24679
evidence of criminal violations to the attorney general, who may 24680
proceed in the prosecution with all the rights, privileges, and 24681
powers conferred by law on prosecuting attorneys, including the 24682
power to appear before grand juries and to interrogate witnesses 24683
before such grand juries. These powers of the attorney general 24684
shall be in addition to any other applicable powers of the 24685
attorney general. 24686

(2) The prosecuting attorney of the county in which an 24687
alleged offense may be prosecuted may initiate criminal 24688
proceedings under this section. 24689

(3) In order to initiate criminal proceedings under this 24690
section, the attorney general shall first present any evidence of 24691
criminal violations to the prosecuting attorney of the county in 24692
which the alleged offense may be prosecuted. If, within a 24693
reasonable period of time, the prosecuting attorney has not agreed 24694
to prosecute the violations, the attorney general may proceed in 24695
the prosecution with all the rights, privileges, and powers 24696
described in division (C)(1) of this section. 24697

Sec. 1349.43. (A) As used in this section, "~~loan officer~~ 24698
originator," "mortgage broker," and "nonbank mortgage lender" have 24699
the same meanings as in section 1345.01 of the Revised Code. 24700

(B) The department of commerce shall establish and maintain 24701
an electronic database accessible through the internet that 24702
contains information on all of the following: 24703

(1) The enforcement actions taken by the superintendent of 24704

financial institutions for each violation of or failure to comply 24705
with any provision of sections 1322.01 to 1322.12 of the Revised 24706
Code, upon final disposition of the action; 24707

(2) The enforcement actions taken by the attorney general 24708
under Chapter 1345. of the Revised Code against loan ~~officers~~ 24709
originators, mortgage brokers, and nonbank mortgage lenders, upon 24710
final disposition of each action; 24711

(3) All judgments by courts of this state, concerning which 24712
appellate remedies have been exhausted or lost by the expiration 24713
of the time for appeal, finding either of the following: 24714

(a) A violation of any provision of sections 1322.01 to 24715
1322.12 of the Revised Code; 24716

(b) That specific acts or practices by a loan ~~officer~~ 24717
originator, mortgage broker, or nonbank mortgage lender violate 24718
section 1345.02, 1345.03, or 1345.031 of the Revised Code. 24719

(C) The attorney general shall submit to the department, on 24720
the first day of each January, April, July, and October, a list of 24721
all enforcement actions and judgments described in divisions 24722
(B)(2) and (3)(b) of this section. 24723

(D) The department may adopt rules in accordance with Chapter 24724
119. of the Revised Code that are necessary to implement this 24725
section. 24726

(E) The electronic database maintained by the department in 24727
accordance with this section shall not include information that, 24728
pursuant to section 1322.061 of the Revised Code, is confidential. 24729
24730

Sec. 1501.01. (A) Except where otherwise expressly provided, 24731
the director of natural resources shall formulate and institute 24732
all the policies and programs of the department of natural 24733
resources. The chief of any division of the department shall not 24734

enter into any contract, agreement, or understanding unless it is 24735
approved by the director. No appointee or employee of the 24736
director, other than the assistant director, may bind the director 24737
in a contract except when given general or special authority to do 24738
so by the director. 24739

(B) The director shall correlate and coordinate the work and 24740
activities of the divisions in the department to eliminate 24741
unnecessary duplications of effort and overlapping of functions. 24742
The chiefs of the various divisions of the department shall meet 24743
with the director at least once each month at a time and place 24744
designated by the director. 24745

The director may create advisory boards to any of those 24746
divisions in conformity with section 121.13 of the Revised Code. 24747

(C) The director may accept and expend gifts, devises, and 24748
bequests of money, lands, and other properties on behalf of the 24749
department or any division thereof under the terms set forth in 24750
section 9.20 of the Revised Code. Any political subdivision of 24751
this state may make contributions to the department for the use of 24752
the department or any division therein according to the terms of 24753
the contribution. 24754

(D) The director may publish and sell or otherwise distribute 24755
data, reports, and information. 24756

(E) The director may identify and develop the geographic 24757
information system needs for the department, which may include, 24758
but not be limited to, all of the following: 24759

(1) Assisting in the training and education of department 24760
resource managers, administrators, and other staff in the 24761
application and use of geographic information system technology; 24762

(2) Providing technical support to the department in the 24763
design, preparation of data, and use of appropriate geographic 24764
information system applications in order to help solve resource 24765

<u>related problems and to improve the effectiveness and efficiency</u>	24766
<u>of department delivered services;</u>	24767
<u>(3) Creating, maintaining, and documenting spatial digital</u>	24768
<u>data bases;</u>	24769
<u>(4) Providing information to and otherwise assisting</u>	24770
<u>government officials, planners, and resource managers in</u>	24771
<u>understanding land use planning and resource management;</u>	24772
<u>(5) Providing continuing assistance to local government</u>	24773
<u>officials and others in natural resource digital data base</u>	24774
<u>development and in applying and utilizing the geographic</u>	24775
<u>information system for land use planning, current agricultural use</u>	24776
<u>value assessment, development reviews, coastal management, and</u>	24777
<u>other resource management activities;</u>	24778
<u>(6) Coordinating and administering the remote sensing needs</u>	24779
<u>of the department, including the collection and analysis of aerial</u>	24780
<u>photography, satellite data, and other data pertaining to land,</u>	24781
<u>water, and other resources of the state;</u>	24782
<u>(7) Preparing and publishing maps and digital data relating</u>	24783
<u>to the state's land use and land cover over time on a local,</u>	24784
<u>regional, and statewide basis;</u>	24785
<u>(8) Locating and distributing hard copy maps, digital data,</u>	24786
<u>aerial photography, and other resource data and information to</u>	24787
<u>government agencies and the public;</u>	24788
<u>(9) Preparing special studies and executing any other related</u>	24789
<u>duties, functions, and responsibilities identified by the</u>	24790
<u>director;</u>	24791
<u>(10) Entering into contracts or agreements with any agency of</u>	24792
<u>the United States government, any other public agency, or any</u>	24793
<u>private agency or organization for the performance of the duties</u>	24794
<u>specified in division (E) of this section or for accomplishing</u>	24795

<u>cooperative projects within those duties;</u>	24796
<u>(11) Entering into agreements with local government agencies</u>	24797
<u>for the purposes of land use inventories, Ohio capability analysis</u>	24798
<u>data layers, and other duties related to resource management.</u>	24799
	24800
<u>(F)</u> The director shall adopt rules in accordance with Chapter	24801
119. of the Revised Code to permit the department to accept by	24802
means of a credit card the payment of fees, charges, and rentals	24803
at those facilities described in section 1501.07 of the Revised	24804
Code that are operated by the department, for any data, reports,	24805
or information sold by the department, and for any other goods or	24806
services provided by the department.	24807
	24808
<u>(G)</u> Whenever authorized by the governor to do so, the	24808
director may appropriate property for the uses and purposes	24809
authorized to be performed by the department and on behalf of any	24810
division within the department. This authority shall be exercised	24811
in the manner provided in sections 163.01 to 163.22 of the Revised	24812
Code for the appropriation of property by the director of	24813
administrative services. This authority to appropriate property is	24814
in addition to the authority provided by law for the appropriation	24815
of property by divisions of the department. The director of	24816
natural resources also may acquire by purchase, lease, or	24817
otherwise such real and personal property rights or privileges in	24818
the name of the state as are necessary for the purposes of the	24819
department or any division therein. The director, with the	24820
approval of the governor and the attorney general, may sell,	24821
lease, or exchange portions of lands or property, real or	24822
personal, of any division of the department or grant easements or	24823
licenses for the use thereof, or enter into agreements for the	24824
sale of water from lands and waters under the administration or	24825
care of the department or any of its divisions, when the sale,	24826
lease, exchange, easement, agreement, or license for use is	24827

advantageous to the state, provided that such approval is not 24828
required for leases and contracts made under section 1501.07, 24829
1501.09, or 1520.03 or Chapter 1523. of the Revised Code. Water 24830
may be sold from a reservoir only to the extent that the reservoir 24831
was designed to yield a supply of water for a purpose other than 24832
recreation or wildlife, and the water sold is in excess of that 24833
needed to maintain the reservoir for purposes of recreation or 24834
wildlife. 24835

Money received from such sales, leases, easements, exchanges, 24836
agreements, or licenses for use, except revenues required to be 24837
set aside or paid into depositories or trust funds for the payment 24838
of bonds issued under sections 1501.12 to 1501.15 of the Revised 24839
Code, and to maintain the required reserves therefor as provided 24840
in the orders authorizing the issuance of such bonds or the trust 24841
agreements securing such bonds, revenues required to be paid and 24842
credited pursuant to the bond proceeding applicable to obligations 24843
issued pursuant to section 154.22, and revenues generated under 24844
section 1520.05 of the Revised Code, shall be deposited in the 24845
state treasury to the credit of the fund of the division of the 24846
department having prior jurisdiction over the lands or property. 24847
If no such fund exists, the money shall be credited to the general 24848
revenue fund. All such money received from lands or properties 24849
administered by the division of wildlife shall be credited to the 24850
wildlife fund. 24851

(H) The director shall provide for the custody, safekeeping, 24852
and deposit of all moneys, checks, and drafts received by the 24853
department or its employees prior to paying them to the treasurer 24854
of state under section 113.08 of the Revised Code. 24855

(I) The director shall cooperate with the nature conservancy, 24856
other nonprofit organizations, and the United States fish and 24857
wildlife service in order to secure protection of islands in the 24858
Ohio river and the wildlife and wildlife habitat of those islands. 24859

(J) Any instrument by which real property is acquired 24860
pursuant to this section shall identify the agency of the state 24861
that has the use and benefit of the real property as specified in 24862
section 5301.012 of the Revised Code. 24863

Sec. 1501.05. All chiefs of divisions in the department of 24864
natural resources shall be appointed by the director of natural 24865
resources. The chiefs of those divisions may be removed by the 24866
director. 24867

The chief engineer of the department of natural resources 24868
shall be a ~~registered~~ professional engineer registered under 24869
Chapter 4733. of the Revised Code or a professional architect 24870
certified and registered under Chapter 4703. of the Revised Code. 24871

The chief of each division and the chief engineer, with the 24872
advice and consent of the director, may employ such number of 24873
technical and administrative assistants as are necessary. 24874

All employees of the department, unless specifically exempted 24875
by law, shall be employed subject to the classified civil service 24876
laws in force at the time of their employment. 24877

Sec. 1501.07. The department of natural resources through the 24878
division of parks and recreation may plan, supervise, acquire, 24879
construct, enlarge, improve, erect, equip, and furnish public 24880
service facilities such as inns, lodges, hotels, cottages, camping 24881
sites, scenic trails, picnic sites, restaurants, commissaries, 24882
golf courses, boating and bathing facilities, and other similar 24883
facilities in state parks reasonably necessary and useful in 24884
promoting the public use of state parks under its control and may 24885
purchase lands or interests in lands in the name of the state 24886
necessary for those purposes. 24887

The chief of the division of parks and recreation shall 24888
administer state parks, establish rules, fix fees and charges for 24889

admission to parks and for the use of public service facilities 24890
therein, establish rentals for the lease of lands or interests 24891
therein within a state park the chief is authorized by law to 24892
lease, and exercise all powers of the chief, in conformity with 24893
all covenants of the director of natural resources in or with 24894
respect to state park revenue bonds and trust agreements securing 24895
such bonds and all terms, provisions, and conditions of such bonds 24896
and trust agreements. In the administration of state parks with 24897
respect to which state park revenue bonds are issued and 24898
outstanding, or any part of the moneys received from fees and 24899
charges for admission to or the use of facilities, from rentals 24900
for the lease of lands or interests or facilities therein, or for 24901
the lease of public service facilities are pledged for any such 24902
bonds, the chief shall exercise the powers and perform the duties 24903
of the chief subject to the control and approval of the director. 24904
The acquisition of such lands or interests therein and facilities 24905
shall be planned with regard to the needs of the people of the 24906
state and with regard to the purposes and uses of such state parks 24907
and, except for facilities constructed in consideration of a lease 24908
under section 1501.012 of the Revised Code, shall be paid for from 24909
the state park fund created in section 1541.22 of the Revised Code 24910
or from the proceeds of the sale of bonds issued under sections 24911
1501.12 to 1501.15 of the Revised Code. Sections 125.81 and 153.04 24912
of the Revised Code, insofar as they require a certification by 24913
the chief of the division of capital planning and improvement, do 24914
not apply to the acquisition of lands or interests therein and 24915
public service facilities to be paid for from the proceeds of 24916
bonds issued under sections 1501.12 to 1501.15 of the Revised 24917
Code. 24918

As used in sections 1501.07 to 1501.14 of the Revised Code, 24919
state parks are all of the following: 24920

(A) State reservoirs described and identified in section 24921

1541.06 of the Revised Code; 24922

(B) All lands or interests therein that are denominated as 24923
state parks in section 1541.083 of the Revised Code; 24924

(C) All lands or interests therein of the state identified as 24925
administered by the division of parks and recreation in the 24926
"inventory of state owned lands administered by department of 24927
natural resources as of June 1, 1963," as recorded in the journal 24928
of the director, which inventory was prepared by the real estate 24929
section of the department and is supported by maps on file ~~in~~ with 24930
the division ~~of real estate and land management~~; 24931

(D) All lands or interests in lands of the state hereafter 24932
designated as state parks in the journal of the director with the 24933
approval of the recreation and resources council. 24934

All such state parks shall be exclusively under the control 24935
and administration of the division of parks and recreation. With 24936
the approval of the council, the director by order may remove from 24937
the classification as state parks any of the lands or interests 24938
therein so classified by divisions (C) and (D) of this section, 24939
subject to the limitations, provisions, and conditions in any 24940
order authorizing state park revenue bonds or in any trust 24941
agreement securing such bonds. Lands or interests therein so 24942
removed shall be transferred to other divisions of the department 24943
for administration or may be sold as provided by law. Proceeds of 24944
any sale shall be used or transferred as provided in the order 24945
authorizing state park revenue bonds or in the trust agreement 24946
and, if no such provision is made, shall be transferred to the 24947
state park fund. State parks do not include any lands or interest 24948
in lands of the state administered jointly by two or more 24949
divisions of the department. The designation of lands as state 24950
parks under divisions (A) to (D) of this section shall be 24951
conclusive, and those lands shall be under the control of and 24952
administered by the division of parks and recreation. No order or 24953

proceeding designating lands as state parks or park purchase areas 24954
shall be subject to any appeal or review by any officer, board, 24955
commission, or court. 24956

Sec. 1501.30. (A) As used in sections 1501.30 to 1501.35 of 24957
the Revised Code: 24958

(1) "Consumptive use" means a use of water resources, other 24959
than a diversion, that results in a loss of that water to the 24960
basin from which it is withdrawn and includes, but is not limited 24961
to, evaporation, evapotranspiration, and incorporation of water 24962
into a product or agricultural crop. 24963

(2) "Diversion" means a withdrawal of water resources from 24964
either the Lake Erie or Ohio river drainage basin and transfer to 24965
another basin without return. "Diversion" does not include 24966
evaporative loss within the basin of withdrawal. 24967

(3) "Other great lakes states and provinces" means states 24968
other than this state that are parties to the great lakes basin 24969
compact under Chapter 6161. of the Revised Code and the Canadian 24970
provinces of Ontario and Quebec. 24971

(4) "Person" has the same meaning as in section 1.59 of the 24972
Revised Code and also includes any state, any political 24973
subdivision of a state, and any department, division, board, 24974
commission, agency, or instrumentality of a state or political 24975
subdivision of a state. 24976

(5) "Water resources" means any waters of the state that are 24977
available or may be made available to agricultural, industrial, 24978
commercial, and domestic users. 24979

(6) "Waters of the state" includes all streams, lakes, ponds, 24980
marshes, watercourses, waterways, wells, springs, irrigation 24981
systems, drainage systems, and other bodies or accumulations of 24982
water, surface and underground, natural or artificial, regardless 24983

of the depth of the strata in which underground water is located, 24984
that are situated wholly or partly within or border upon this 24985
state or are within its jurisdiction. 24986

(B) The chief of the division of soil and water resources of 24987
the department of natural resources shall define "Lake Erie 24988
drainage basin" and "Ohio river drainage basin" for the purposes 24989
of sections 1501.30 to 1501.35 of the Revised Code. 24990

Sec. 1502.12. (A) There is hereby created in the state 24991
treasury the scrap tire grant fund, consisting of moneys 24992
transferred to the fund under section 3734.82 of the Revised Code. 24993
The chief of the division of recycling and litter prevention, with 24994
the approval of the director of natural resources, may make grants 24995
from the fund for the ~~purpose of supporting~~ following purposes: 24996

(1) Supporting market development activities for scrap tires 24997
and synthetic rubber from tire manufacturing processes and tire 24998
recycling processes; 24999

(2) Supporting scrap tire amnesty and cleanup events 25000
sponsored by solid waste management districts. ~~The grants~~ 25001

Grants awarded under division (A)(1) of this section may be 25002
awarded to individuals, businesses, and entities certified under 25003
division (A) of section 1502.04 of the Revised Code. 25004

(B) Projects and activities that are eligible for grants 25005
under division (A)(1) of this section shall be evaluated for 25006
funding using, at a minimum, the following criteria: 25007

(1) The degree to which a proposed project contributes to the 25008
increased use of scrap tires generated in this state; 25009

(2) The degree of local financial support for a proposed 25010
project; 25011

(3) The technical merit and quality of a proposed project. 25012

Sec. 1506.01. As used in this chapter: 25013

(A) "Coastal area" means the waters of Lake Erie, the islands 25014
in the lake, and the lands under and adjacent to the lake, 25015
including transitional areas, wetlands, and beaches. The coastal 25016
area extends in Lake Erie to the international boundary line 25017
between the United States and Canada and landward only to the 25018
extent necessary to include shorelands, the uses of which have a 25019
direct and significant impact on coastal waters as determined by 25020
the director of natural resources. 25021

(B) "Coastal management program" means the comprehensive 25022
action of the state and its political subdivisions cooperatively 25023
to preserve, protect, develop, restore, or enhance the resources 25024
of the coastal area and to ensure wise use of the land and water 25025
resources of the coastal area, giving attention to natural, 25026
cultural, historic, and aesthetic values; agricultural, 25027
recreational, energy, and economic needs; and the national 25028
interest. "Coastal management program" includes the establishment 25029
of objectives, policies, standards, and criteria concerning, 25030
without limitation, protection of air, water, wildlife, rare and 25031
endangered species, wetlands and natural areas, and other natural 25032
resources in the coastal area; management of coastal development 25033
and redevelopment; preservation and restoration of historic, 25034
cultural, and aesthetic coastal features; and public access to the 25035
coastal area for recreation purposes. 25036

(C) "Coastal management program document" means a 25037
comprehensive statement consisting of, without limitation, text, 25038
maps, and illustrations that is adopted by the director in 25039
accordance with this chapter, describes the objectives, policies, 25040
standards, and criteria of the coastal management program for 25041
guiding public and private uses of lands and waters in the coastal 25042
area, lists the governmental agencies, including, without 25043

limitation, state agencies, involved in implementing the coastal 25044
management program, describes their applicable policies and 25045
programs, and cites the statutes and rules under which they may 25046
adopt and implement those policies and programs. 25047

(D) "Person" means any agency of this state, any political 25048
subdivision of this state or of the United States, and any legal 25049
entity defined as a person under section 1.59 of the Revised Code. 25050

(E) "Director" means the director of natural resources or the 25051
director's designee. 25052

(F) "Permanent structure" means any residential, commercial, 25053
industrial, institutional, or agricultural building, any mobile 25054
home as defined in division (O) of section 4501.01 of the Revised 25055
Code, any manufactured home as defined in division (C)(4) of 25056
section 3781.06 of the Revised Code, and any septic system that 25057
receives sewage from a single-family, two-family, or three-family 25058
dwelling, but does not include any recreational vehicle as defined 25059
in section 4501.01 of the Revised Code. 25060

(G) "State agency" or "agency of the state" has the same 25061
meaning as "agency" as defined in section 111.15 of the Revised 25062
Code. 25063

(H) "Coastal flood hazard area" means any territory within 25064
the coastal area that has been identified as a flood hazard area 25065
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 25066
42 U.S.C.A. 4002, as amended. 25067

(I) "Coastal erosion area" means any territory included in 25068
Lake Erie coastal erosion areas identified by the director under 25069
section 1506.06 of the Revised Code. 25070

(J) "Conservancy district" means a conservancy district that 25071
is established under Chapter 6101. of the Revised Code. 25072

(K) "Park board" means the board of park commissioners of a 25073

park district that is created under Chapter 1545. of the Revised Code. 25074
25075

(L) "Erosion control structure" means a structure that is 25076
designed solely and specifically to reduce or control erosion of 25077
the shore along or near Lake Erie, including, without limitation, 25078
revetments, seawalls, bulkheads, certain breakwaters, and similar 25079
structures. 25080

(M) "Shore structure" includes, but is not limited to, 25081
beaches; groins; revetments; bulkheads; seawalls; breakwaters; 25082
certain dikes designated by the chief of the division of soil and 25083
water resources; piers; docks; jetties; wharves; marinas; boat 25084
ramps; any associated fill or debris used as part of the 25085
construction of shore structures that may affect shore erosion, 25086
wave action, or inundation; and fill or debris that is placed 25087
along or near the shore, including bluffs, banks, or beach ridges, 25088
for the purpose of stabilizing slopes. 25089

Sec. 1507.01. There is hereby created in the department of 25090
natural resources the division of engineering to be administered 25091
by the chief engineer of the department, who shall be a 25092
professional engineer registered under Chapter 4733. of the 25093
Revised Code or a professional architect certified and registered 25094
under Chapter 4703. of the Revised Code. ~~The~~ With the approval of 25095
the director of natural resources, the chief engineer shall do all 25096
of the following: 25097

(A) Administer this chapter; 25098

(B) Provide engineering, architectural, land surveying, and 25099
related administrative and maintenance support services to the 25100
other divisions in the department; 25101

(C) ~~Upon request of the director of natural resources,~~ 25102
~~implement~~ Implement the department's capital improvement program 25103

and facility maintenance projects, including all associated 25104
~~engineering, architectural, planning~~, design, contracting, 25105
surveying, inspection, and management responsibilities and 25106
requirements; 25107

(D) ~~With the approval of the director, act~~ Act as contracting 25108
officer in departmental engineering, architectural, surveying, and 25109
construction matters regarding capital improvements except for 25110
those matters otherwise specifically provided for in law; 25111

(E) ~~Provide engineering support for the coastal management 25112
program established under Chapter 1506. of the Revised Code;~~ 25113

~~(F)~~ Coordinate the department's roadway maintenance program 25114
with the department of transportation pursuant to section 5511.05 25115
of the Revised Code and maintain the roadway inventory of the 25116
department of natural resources; 25117

~~(G)~~(F) Coordinate the department's projects, programs, 25118
policies, procedures, and activities with the United States army 25119
corps of engineers; 25120

~~(H) Subject to the approval of the director, employ~~ (G) 25121
Employ professional and technical assistants and such other 25122
employees as are necessary for the performance of the activities 25123
required or authorized under this chapter, other work of the 25124
division, and any other work agreed to under working agreements or 25125
contractual arrangements; prescribe their duties; and fix their 25126
compensation in accordance with such schedules as are provided by 25127
law for the compensation of state employees-; 25128

(H) Except as otherwise provided in the Revised Code, 25129
coordinate and conduct all real estate functions for the 25130
department of natural resources, including at least acquisitions 25131
by purchase, lease, gift, devise, bequest, appropriation, or 25132
otherwise; grants through sales, leases, exchanges, easements, and 25133
licenses; inventories of land; and other related general 25134

<u>management duties;</u>	25135
<u>(I) Coordinate such environmental matters concerning the</u>	25136
<u>department and the state as are necessary to comply with the</u>	25137
<u>"National Environmental Policy Act of 1969," 83 Stat. 852, 42</u>	25138
<u>U.S.C. 4321, as amended, the "Intergovernmental Cooperation Act of</u>	25139
<u>1968," 82 Stat. 1098, 31 U.S.C. 6506, and the "Federal Water</u>	25140
<u>Pollution Control Act," 91 Stat. 1566 (1977), 33 U.S.C. 1251, as</u>	25141
<u>amended, and regulations adopted under those acts;</u>	25142
<u>(J) Coordinate and administer compensatory mitigation grant</u>	25143
<u>programs and other programs for streams and wetlands as approved</u>	25144
<u>in accordance with certifications and permits issued under</u>	25145
<u>sections 401 and 404 of the "Federal Water Pollution Control Act,"</u>	25146
<u>91 Stat. 1566 (1977), 33 U.S.C. 1251, as amended, by the</u>	25147
<u>environmental protection agency and the United States army corps</u>	25148
<u>of engineers;</u>	25149
<u>(K) Coordinate all department activities associated with the</u>	25150
<u>completion of drainage ditch improvements in accordance with</u>	25151
<u>Chapters 6131. and 6133. of the Revised Code;</u>	25152
<u>(L) Assist the department and its divisions by providing</u>	25153
<u>department-wide planning, including at least master planning,</u>	25154
<u>comprehensive planning, capital improvements planning, and special</u>	25155
<u>purpose planning.</u>	25156
Sec. 1511.01. For the purposes of this chapter:	25157
(A) "Conservation" means the wise use and management of	25158
natural resources.	25159
(B) "Critical natural resource area" means an area identified	25160
by the director of natural resources in which occurs a natural	25161
resource that requires special management because of its	25162
importance to the well-being of the surrounding communities, the	25163
region, or the state.	25164

(C) "Pollution abatement practice" means any erosion control 25165
or animal waste pollution abatement facility, structure, or 25166
procedure and the operation and management associated with it as 25167
contained in operation and management plans developed or approved 25168
by the chief of the division of soil and water ~~conservation~~ 25169
resources or by soil and water conservation districts established 25170
under Chapter 1515. of the Revised Code. 25171

(D) "Agricultural pollution" means failure to use management 25172
or conservation practices in farming or silvicultural operations 25173
to abate wind or water erosion of the soil or to abate the 25174
degradation of the waters of the state by animal waste or soil 25175
sediment, including substances attached thereto. 25176

(E) "Waters of the state" means all streams, lakes, ponds, 25177
wetlands, watercourses, waterways, wells, springs, irrigation 25178
systems, drainage systems, and all other bodies or accumulations 25179
of water, surface and underground, natural or artificial, 25180
regardless of the depth of the strata in which underground water 25181
is located, that are situated wholly or partly within, or border 25182
upon, this state or are within its jurisdiction, except those 25183
private waters that do not combine or effect a junction with 25184
natural surface or underground waters. 25185

(F) "Operation and management plan" means a written record, 25186
developed or approved by the district board of supervisors or the 25187
chief, for the owner or operator of agricultural land or a 25188
concentrated animal feeding ~~operations~~ operation that contains 25189
implementation schedules and operational procedures for a level of 25190
management and pollution abatement practices that will abate the 25191
degradation of the waters of the state by animal waste and by soil 25192
sediment including attached pollutants. 25193

(G) "Animal waste" means animal excreta, discarded products, 25194
bedding, wash waters, waste feed, and silage drainage. "Animal 25195
waste" also includes the compost products resulting from the 25196

composting of dead animals in operations subject to section	25197
1511.022 of the Revised Code when either of the following applies:	25198
(1) The composting is conducted by the person who raises the	25199
animals and the compost product is used in agricultural operations	25200
owned or operated by that person, regardless of whether the person	25201
owns the animals;	25202
(2) The composting is conducted by the person who owns the	25203
animals, but does not raise them and the compost product is used	25204
in agricultural operations either by a person who raises the	25205
animals or by a person who raises grain that is used to feed them	25206
and that is supplied by the owner of the animals.	25207
(H) "Composting" means the controlled decomposition of	25208
organic solid material consisting of dead animals that stabilizes	25209
the organic fraction of the material.	25210
Sec. 1511.02. The chief of the division of soil and water	25211
conservation <u>resources</u> , subject to the approval of the director of	25212
natural resources, shall do all of the following:	25213
(A) Provide administrative leadership to local soil and water	25214
conservation districts in planning, budgeting, staffing, and	25215
administering district programs and the training of district	25216
supervisors and personnel in their duties, responsibilities, and	25217
authorities as prescribed in this chapter and Chapter 1515. of the	25218
Revised Code;	25219
(B) Administer this chapter and Chapter 1515. of the Revised	25220
Code pertaining to state responsibilities and provide staff	25221
assistance to the Ohio soil and water conservation commission in	25222
exercising its statutory responsibilities;	25223
(C) Assist in expediting state responsibilities for watershed	25224
development and other natural resource conservation works of	25225
improvement;	25226

(D) Coordinate the development and implementation of 25227
cooperative programs and working agreements between local soil and 25228
water conservation districts and divisions or sections of the 25229
department of natural resources, or other agencies of local, 25230
state, and federal government; 25231

(E) Subject to the approval of the Ohio soil and water 25232
conservation commission, adopt, amend, or rescind rules pursuant 25233
to Chapter 119. of the Revised Code. Rules adopted pursuant to 25234
this section: 25235

(1) Shall establish technically feasible and economically 25236
reasonable standards to achieve a level of management and 25237
conservation practices in farming or silvicultural operations that 25238
will abate wind or water erosion of the soil or abate the 25239
degradation of the waters of the state by animal waste or by soil 25240
sediment including substances attached thereto, and establish 25241
criteria for determination of the acceptability of such management 25242
and conservation practices; 25243

(2) Shall establish technically feasible and economically 25244
reasonable standards to achieve a level of management and 25245
conservation practices that will abate wind or water erosion of 25246
the soil or abate the degradation of the waters of the state by 25247
soil sediment in conjunction with land grading, excavating, 25248
filling, or other soil-disturbing activities on land used or being 25249
developed for nonfarm commercial, industrial, residential, or 25250
other nonfarm purposes, and establish criteria for determination 25251
of the acceptability of such management and conservation 25252
practices. The standards shall be designed to implement applicable 25253
areawide waste treatment management plans prepared under section 25254
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 25255
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 25256
shall not apply in any municipal corporation or county that adopts 25257
ordinances or rules pertaining to sediment control, nor to lands 25258

being used in a strip mine operation as defined in section 1513.01 25259
of the Revised Code, nor to lands being used in a surface mining 25260
operation as defined in section 1514.01 of the Revised Code. 25261

(3) May recommend criteria and procedures for the approval of 25262
urban sediment pollution abatement plans and issuance of permits 25263
prior to any grading, excavating, filling, or other whole or 25264
partial disturbance of five or more contiguous acres of land owned 25265
by one person or operated as one development unit and require 25266
implementation of such a plan. Areas of less than five contiguous 25267
acres are not exempt from compliance with other provisions of this 25268
chapter and rules adopted under them. 25269

(4) Shall establish procedures for administration of rules 25270
for agricultural pollution abatement and urban sediment pollution 25271
abatement and for enforcement of rules for agricultural pollution 25272
abatement; 25273

(5) Shall specify the pollution abatement practices eligible 25274
for state cost sharing and determine the conditions for 25275
eligibility, the construction standards and specifications, the 25276
useful life, the maintenance requirements, and the limits of cost 25277
sharing for those practices. Eligible practices shall be limited 25278
to practices that address agricultural or silvicultural operations 25279
and that require expenditures that are likely to exceed the 25280
economic returns to the owner or operator and that abate soil 25281
erosion or degradation of the waters of the state by animal waste 25282
or soil sediment including pollutants attached thereto. 25283

~~(6) Until June 1, 1996, shall specify the multiflora rose 25284
control practices eligible for state cost sharing, the conditions 25285
of eligibility for state cost sharing, the limits of cost sharing 25286
for those practices, specifications for carrying out those 25287
practices to ensure effective control of the multiflora rose and 25288
to safeguard the health and safety of human beings and domestic 25289
animals and the environment, and the contract provisions to be 25290~~

included in cost sharing agreements with landowners;	25291
(7) Until June 1, 1996, shall establish procedures for	25292
administering grants to soil and water conservation districts for	25293
control of multiflora rose;	25294
(8) Shall establish procedures for administering grants to	25295
owners or operators of agricultural land or concentrated animal	25296
feeding operations for the implementation of operation and	25297
management plans;	25298
(9)(7) Shall establish procedures for administering grants to	25299
soil and water conservation districts for urban sediment pollution	25300
abatement programs, specify the types of projects eligible for	25301
grants, establish limits on the availability of grants, and	25302
establish requirements governing the execution of projects to	25303
encourage the reduction of erosion and sedimentation associated	25304
with soil-disturbing activities;	25305
(10)(8) Shall do all of the following with regard to	25306
composting conducted in conjunction with agricultural operations:	25307
(a) Provide for the distribution of educational material	25308
concerning composting to the offices of the Ohio cooperative	25309
extension service for the purposes of section 1511.022 of the	25310
Revised Code;	25311
(b) Establish methods, techniques, or practices for	25312
composting dead animals, or particular types of dead animals, that	25313
are to be used at such operations, as the chief considers to be	25314
necessary or appropriate;	25315
(c) Establish requirements and procedures governing the	25316
review and approval or disapproval of composting plans by the	25317
supervisors of soil and water conservation districts under	25318
division (U)(Q) of section 1515.08 of the Revised Code.	25319
(11)(9) Shall be adopted, amended, or rescinded after the	25320

chief does all of the following: 25321

(a) Mails notice to each statewide organization that the 25322
chief determines represents persons or local governmental agencies 25323
who would be affected by the proposed rule, amendment thereto, or 25324
rescission thereof at least thirty-five days before any public 25325
hearing thereon; 25326

(b) Mails a copy of each proposed rule, amendment thereto, or 25327
rescission thereof to any person who requests a copy, within five 25328
days after receipt of the request; 25329

(c) Consults with appropriate state and local governmental 25330
agencies or their representatives, including statewide 25331
organizations of local governmental officials, industrial 25332
representatives, and other interested persons; 25333

(d) If the rule relates to agricultural pollution abatement, 25334
develops an economic impact statement concerning the effect of the 25335
proposed rule or amendment. 25336

~~(12)~~(10) Shall not conflict with air or water quality 25337
standards adopted pursuant to section 3704.03 or 6111.041 of the 25338
Revised Code. Compliance with rules adopted pursuant to this 25339
section does not affect liability for noncompliance with air or 25340
water quality standards adopted pursuant to section 3704.03 or 25341
6111.041 of the Revised Code. The application of a level of 25342
management and conservation practices recommended under this 25343
section to control windblown soil from farming operations creates 25344
a presumption of compliance with section 3704.03 of the Revised 25345
Code as that section applies to windblown soil. 25346

~~(13)~~(11) Insofar as the rules relate to urban sediment 25347
pollution, shall not be applicable in a municipal corporation or 25348
county that adopts ordinances or rules for urban sediment control, 25349
except that a municipal corporation or county that adopts such 25350
ordinances or rules may receive moneys for urban sediment control 25351

that are disbursed by the board of supervisors of the applicable 25352
soil and water conservation district under division ~~(R)~~(N) of 25353
section 1515.08 of the Revised Code. The rules shall not exempt 25354
any person from compliance with municipal ordinances enacted 25355
pursuant to Section 3 of Article XVIII, Ohio Constitution. 25356

(F) Cost share with landowners on practices established 25357
pursuant to division (E)(5) of this section as moneys are 25358
appropriated and available for that purpose. Any practice for 25359
which cost share is provided shall be maintained for its useful 25360
life. Failure to maintain a cost share practice for its useful 25361
life shall subject the landowner to full repayment to the 25362
division. 25363

(G) Issue orders requiring compliance with any rule adopted 25364
under division (E)(1) of this section or with section 1511.022 of 25365
the Revised Code. Before the chief issues an order, the chief 25366
shall afford each person allegedly liable an adjudication hearing 25367
under Chapter 119. of the Revised Code. The chief may require in 25368
an order that a person who has caused agricultural pollution by 25369
failure to comply with the standards established under division 25370
(E)(1) of this section operate under an operation and management 25371
plan approved by the chief under this section. The chief shall 25372
require in an order that a person who has failed to comply with 25373
division (A) of section 1511.022 of the Revised Code prepare a 25374
composting plan in accordance with rules adopted under division 25375
(E)(10)(c) of this section and operate in accordance with that 25376
plan or that a person who has failed to operate in accordance with 25377
such a plan begin to operate in accordance with it. Each order 25378
shall be issued in writing and contain a finding by the chief of 25379
the facts upon which the order is based and the standard that is 25380
not being met. 25381

(H) Employ field assistants and such other employees as are 25382
necessary for the performance of the work prescribed by Chapter 25383

1515. of the Revised Code, for performance of work of the 25384
division, and as agreed to under working agreements or contractual 25385
arrangements with local soil and water conservation districts, 25386
prescribe their duties, and fix their compensation in accordance 25387
with such schedules as are provided by law for the compensation of 25388
state employees. 25389

All employees of the division, unless specifically exempted 25390
by law, shall be employed subject to the classified civil service 25391
laws in force at the time of employment. 25392

(I) In connection with new or relocated projects involving 25393
highways, underground cables, pipelines, railroads, and other 25394
improvements affecting soil and water resources, including surface 25395
and subsurface drainage: 25396

(1) Provide engineering service as is mutually agreeable to 25397
the Ohio soil and water conservation commission and the director 25398
to aid in the design and installation of soil and water 25399
conservation practices as a necessary component of such projects; 25400

(2) Maintain close liaison between the owners of lands on 25401
which the projects are executed, local soil and water conservation 25402
districts, and authorities responsible for such projects; 25403

(3) Review plans for such projects to ensure their compliance 25404
with standards developed under division (E) of this section in 25405
cooperation with the department of transportation or with any 25406
other interested agency that is engaged in soil or water 25407
conservation projects in the state in order to minimize adverse 25408
impacts on soil and water resources adjacent to or otherwise 25409
affected by these projects; 25410

(4) Recommend measures to retard erosion and protect soil and 25411
water resources through the installation of water impoundment or 25412
other soil and water conservation practices; 25413

(5) Cooperate with other agencies and subdivisions of the 25414

state to protect the agricultural status of rural lands adjacent 25415
to such projects and control adverse impacts on soil and water 25416
resources. 25417

(J) Collect, analyze, inventory, and interpret all available 25418
information pertaining to the origin, distribution, extent, use, 25419
and conservation of the soil resources of the state; 25420

(K) Prepare and maintain up-to-date reports, maps, and other 25421
materials pertaining to the soil resources of the state and their 25422
use and make that information available to governmental agencies, 25423
public officials, conservation entities, and the public; 25424

(L) Provide soil and water conservation districts with 25425
technical assistance including on-site soil investigations and 25426
soil interpretation reports on the suitability or limitations of 25427
soil to support a particular use or to plan soil conservation 25428
measures. The assistance shall be upon such terms as are mutually 25429
agreeable to the districts and the department of natural 25430
resources. 25431

(M) Assist local government officials in utilizing land use 25432
planning and zoning, current agricultural use value assessment, 25433
development reviews, and land management activities; 25434

(N) When necessary for the purposes of this chapter or 25435
Chapter 1515. of the Revised Code, develop or approve operation 25436
and management plans. 25437

This section does not restrict the excrement of domestic or 25438
farm animals defecated on land outside a concentrated animal 25439
feeding operation or runoff therefrom into the waters of the 25440
state. 25441

Sec. 1511.021. (A) Any person who owns or operates 25442
agricultural land or a concentrated animal feeding operation may 25443
develop and operate under an operation and management plan 25444

approved by the chief of the division of soil and water 25445
~~conservation~~ resources under section 1511.02 of the Revised Code 25446
or by the supervisors of the local soil and water conservation 25447
district under section 1515.08 of the Revised Code. 25448

(B) Any person who wishes to make a complaint regarding 25449
nuisances involving agricultural pollution may do so orally or by 25450
submitting a written, signed, and dated complaint to the chief or 25451
to the chief's designee. After receiving an oral complaint, the 25452
chief or the chief's designee may cause an investigation to be 25453
conducted to determine whether agricultural pollution has occurred 25454
or is imminent. After receiving a written, signed, and dated 25455
complaint, the chief or the chief's designee shall cause such an 25456
investigation to be conducted. 25457

(C) In a private civil action for nuisances involving 25458
agricultural pollution, it is an affirmative defense if the person 25459
owning, operating, or otherwise responsible for agricultural land 25460
or a concentrated animal feeding operation is operating under and 25461
in substantial compliance with an approved operation and 25462
management plan developed under division (A) of this section, with 25463
an operation and management plan developed by the chief under 25464
section 1511.02 of the Revised Code or by the supervisors of the 25465
local soil and water conservation district under section 1515.08 25466
of the Revised Code, or with an operation and management plan 25467
required by an order issued by the chief under division (G) of 25468
section 1511.02 of the Revised Code. Nothing in this section is in 25469
derogation of the authority granted to the chief in division (E) 25470
of section 1511.02 and in section 1511.07 of the Revised Code. 25471

Sec. 1511.022. (A) Any person who owns or operates an 25472
agricultural operation, or owns the animals raised by the owner or 25473
operator of an agricultural operation, and who wishes to conduct 25474
composting of dead animals resulting from the agricultural 25475

operation shall do both of the following: 25476

(1) Participate in an educational course concerning 25477
composting conducted by the Ohio cooperative extension service and 25478
obtain a certificate of completion for the course; 25479

(2) Use the appropriate method, technique, or practice of 25480
composting established in rules adopted under division (E)~~(10)~~(8) 25481
of section 1511.02 of the Revised Code. 25482

(B) Any person who fails to comply with division (A) of this 25483
section shall prepare and operate under a composting plan in 25484
accordance with an order issued by the chief of the division of 25485
soil and water ~~conservation~~ resources under division (G) of 25486
section 1511.02 of the Revised Code. If the person's proposed 25487
composting plan is disapproved by the board of supervisors of the 25488
appropriate soil and water conservation district under division 25489
~~(U)~~(Q)(3) of section 1515.08 of the Revised Code, the person may 25490
appeal the plan disapproval to the chief, who shall afford the 25491
person a hearing. Following the hearing, the chief shall uphold 25492
the plan disapproval or reverse it. If the chief reverses the 25493
disapproval, the plan shall be deemed approved. 25494

Sec. 1511.03. The chief of the division of soil and water 25495
~~conservation~~ resources may enter into contracts or agreements, 25496
with the approval of the director of natural resources, with any 25497
agency of the United States government, or any other public or 25498
private agency, or organization, for the performance of the 25499
prescribed duties of the division, or for accomplishing 25500
cooperative projects within the designated duties of the division. 25501

Sec. 1511.04. The chief of the division of soil and water 25502
~~conservation~~ resources may accept, on behalf of the department of 25503
natural resources, donations, grants and contributions in money, 25504
service, or equipment to enlarge or expedite the prescribed work 25505

of the division. 25506

Sec. 1511.05. The chief of the division of soil and water 25507
~~conservation~~ resources, subject to approval of the terms of the 25508
agreement by the soil and water conservation commission, shall 25509
enter into cooperative agreements with the board of supervisors of 25510
any soil and water conservation district desiring to enter into 25511
such agreements pursuant to section 1515.08 of the Revised Code. 25512
Such agreements shall be entered into to obtain compliance with 25513
rules and orders of the chief pertaining to agricultural pollution 25514
abatement and urban sediment pollution abatement. 25515

The chief or any person designated by the chief may upon 25516
obtaining agreement with the owner, tenant, or manager of any 25517
land, public or private, enter thereon to make inspections to 25518
determine whether or not there is compliance with the rules 25519
adopted under division (E)(1) of section 1511.02 of the Revised 25520
Code. Upon reason to believe there is a violation, the chief or 25521
~~his~~ the chief's designee may apply for and a judge of the court of 25522
common pleas for the county where the land is located may issue an 25523
appropriate inspection warrant as necessary to achieve the 25524
purposes of this chapter. 25525

Sec. 1511.06. The chief of the division of soil and water 25526
~~conservation~~ resources may enter into agreements with local 25527
government agencies for the purpose of soil surveys, land use 25528
inventories, and other soil-related duties. 25529

Sec. 1511.07. (A)(1) No person shall fail to comply with an 25530
order of the chief of the division of soil and water ~~conservation~~ 25531
resources issued pursuant to division (G) of section 1511.02 of 25532
the Revised Code. 25533

(2) In addition to the remedies provided and irrespective of 25534
whether an adequate remedy at law exists, the chief may apply to 25535

the court of common pleas in the county where a violation of a 25536
standard established under division (E)(1) or ~~(10)~~(8)(b) of 25537
section 1511.02 of the Revised Code causes pollution of the waters 25538
of the state for an order to compel the violator to cease the 25539
violation and to remove the agricultural pollutant or to comply 25540
with the rules adopted under division (E)~~(10)~~(8)(b) of that 25541
section, as appropriate. 25542

(3) In addition to the remedies provided and irrespective of 25543
whether an adequate remedy at law exists, whenever the chief 25544
officially determines that an emergency exists because of an 25545
unauthorized release, spill, or discharge of animal waste, or a 25546
violation of a rule adopted under division (E)~~(10)~~(8)(b) of 25547
section 1511.02 of the Revised Code, that causes pollution of the 25548
waters of the state, the chief may, without notice or hearing, 25549
issue an order reciting the existence of the emergency and 25550
requiring that necessary action be taken to meet the emergency. 25551
The order shall be effective immediately. Any person to whom the 25552
order is directed shall comply with the order immediately, but on 25553
application to the chief shall be afforded a hearing as soon as 25554
possible, but not later than twenty days after making the 25555
application. On the basis of the hearing, the chief shall continue 25556
the order in effect, revoke it, or modify it. No emergency order 25557
shall remain in effect for more than sixty days after its 25558
issuance. If a person to whom an order is issued does not comply 25559
with the order within a reasonable period, as determined by the 25560
chief, the chief or the chief's designee may enter upon private or 25561
public lands and take action to mitigate, minimize, remove, or 25562
abate the release, spill, discharge, or conditions caused by the 25563
violation of the rule. 25564

(B) The attorney general, upon the written request of the 25565
chief, shall bring appropriate legal action in Franklin county 25566
against any person who fails to comply with an order of the chief 25567

issued pursuant to division (G) of section 1511.02 of the Revised Code. 25568
25569

Sec. 1511.071. There is hereby created in the state treasury 25570
the agricultural pollution abatement fund, which shall be 25571
administered by the chief of the division of soil and water 25572
~~conservation~~ resources. The fund may be used to pay costs incurred 25573
by the division under division (A)(3) of section 1511.07 of the 25574
Revised Code in investigating, mitigating, minimizing, removing, 25575
or abating any pollution of the waters of the state caused by an 25576
unauthorized release, spill, or discharge of animal waste into or 25577
upon the environment that requires emergency action to protect the 25578
public health. 25579

Any person responsible for causing or allowing an 25580
unauthorized release, spill, or discharge is liable to the chief 25581
for any costs incurred by the division and soil and water 25582
conservation districts in investigating, mitigating, minimizing, 25583
removing, or abating the release, spill, or discharge, regardless 25584
of whether those costs were paid out of the agricultural pollution 25585
abatement fund or any other fund of the division or a district. 25586
Upon the request of the chief, the attorney general shall bring a 25587
civil action against the responsible person to recover those 25588
costs. Moneys recovered under this section shall be paid into the 25589
agricultural pollution abatement fund. 25590

Sec. 1511.08. Any person claiming to be deprived of a right 25591
or protection afforded ~~him~~ the person by law by an order of the 25592
chief of the division of soil and water ~~conservation~~ resources, 25593
except an order which adopts a rule, may appeal to the court of 25594
common pleas of Franklin county or the court of common pleas of 25595
the county in which the alleged violation exists. 25596

If the court finds that the order of the chief appealed from 25597

was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the chief should have made. The judgment of the court is final unless reversed, vacated, or modified on appeal.

Sec. 1513.021. (A) As used in this section, "ton" means two thousand pounds of coal that is measured at the point and time of extraction after the removal of any impurities.

(B) Except as otherwise provided in division (D) of this section, there is charged to an operator an energy resource extraction fee of eight cents per ton of coal. The fee that is charged under this section is to provide funding for the division of mineral resources management to administer the coal mining and reclamation program, satisfy the regulatory, environmental, and natural resources management requirements of this state, and reclaim land affected by mining.

(C) In accordance with rules adopted under this section, the chief of the division of mineral resources management shall collect from each operator the fee that is charged under this section. The chief shall transmit all money collected under this section to the treasurer of state to be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code.

(D) Beginning July 1, 2013, and thereafter not later than thirty days after the end of a fiscal biennium, the director of natural resources shall examine the balance of the coal mining administration and reclamation reserve fund to determine if the fund contains sufficient money to fulfill the purposes specified in division (B) of this section for the fiscal biennium in which the examination is conducted. The director shall certify the director's determination to the director of budget and management

and the treasurer of state. If the director of natural resources 25629
determines that the fund contains sufficient money for that fiscal 25630
biennium, the energy resource extraction fee shall be four cents 25631
per ton of coal. If the director determines that the fund does not 25632
contain sufficient money, the energy resource extraction fee shall 25633
be eight cents per ton of coal. 25634

(E) The chief, with the approval of the director of natural 25635
resources, shall adopt rules in accordance with Chapter 119. of 25636
the Revised Code for the administration of this section. 25637

(F) In any fiscal year, the director of natural resources may 25638
request the director of budget and management to transfer from the 25639
coal mining administration and reclamation reserve fund to the 25640
geological mapping fund created in section 1505.09 of the Revised 25641
Code a portion of the money credited to the coal mining 25642
administration and reclamation reserve fund resulting from the 25643
energy resource extraction fee that is collected under this 25644
section. 25645

(G) Not later than January 1, 2015, the chief shall complete 25646
a study to determine the solvency of the coal mining 25647
administration and reclamation fund and shall report the 25648
determination to the director of budget and management and make 25649
recommendations to the director concerning the rate of the energy 25650
resource extraction fee charged under this section. 25651

Sec. 1514.08. (A) The chief of the division of mineral 25652
resources management may adopt, amend, and rescind rules in 25653
accordance with Chapter 119. of the Revised Code in order to 25654
prescribe procedures for submitting applications for permits, 25655
amendments to permits, and amendments to plans of mining and 25656
reclamation; filing annual reports and final reports; requesting 25657
inspection and approval of reclamation; paying permit and filing 25658
fees; and filing and obtaining the release of performance bonds 25659

deposited with the state. For the purpose of preventing damage to 25660
adjoining property or achieving one or more of the performance 25661
standards established in division (A)(10) of section 1514.02 of 25662
the Revised Code, the chief may establish classes of mining 25663
industries, based upon industrial categories, combinations of 25664
minerals produced, and geological conditions in which surface or 25665
in-stream mining operations occur, and may prescribe different 25666
rules consistent with the performance standards for each class. 25667
For the purpose of apportioning the workload of the division of 25668
mineral resources management among the quarters of the year, the 25669
rules may require that applications for permits and annual reports 25670
be filed in different quarters of the year, depending upon the 25671
county in which the operation is located. 25672

(B) The chief shall adopt rules under this section that do 25673
all of the following: 25674

(1) With respect to in-stream mining, and in consultation 25675
with the chief of the division of soil and water resources, 25676
determine periods of low flow, which are the only time periods 25677
during which in-stream mining is allowed, and develop and 25678
implement any criteria, in addition to the criteria established in 25679
section 1514.02 of the Revised Code, that the chief determines are 25680
necessary for the permitting of in-stream mining; 25681

(2) Establish criteria and procedures for approving or 25682
disapproving the transfer of a surface or in-stream mining permit 25683
under division (F) of section 1514.02 of the Revised Code; 25684

(3) Define when any of the following may be considered to be 25685
"significant" for purposes of section 1514.022 of the Revised 25686
Code: 25687

(a) An amendment to a permit issued under section 1514.02 of 25688
the Revised Code for a surface or in-stream mining operation; 25689

(b) An amendment to the plan of mining and reclamation that 25690
must be filed with an application for either permit under section 25691
1514.02 of the Revised Code; 25692

(c) Changes to that plan of mining and reclamation that are 25693
proposed in a permit renewal application filed under section 25694
1514.021 of the Revised Code. 25695

In defining "significant," the chief shall focus on changes 25696
that increase the likelihood that the mining operation may have a 25697
negative impact on the public. 25698

(4) Establish a framework and procedures under which the 25699
amount of any bond required to be filed under this chapter to 25700
ensure the satisfactory performance of the reclamation measures 25701
required under this chapter may be reduced by subtracting a credit 25702
based on the operator's past compliance with this chapter and 25703
rules adopted and orders issued under it. The rules also shall 25704
apply to cash, an irrevocable letter of credit, or a certificate 25705
of deposit that is on deposit in lieu of a bond. In establishing 25706
the amount of credit that an operator or applicant may receive 25707
based on past compliance, the chief may consider past compliance 25708
with respect to any permit for a surface or in-stream mining 25709
operation that has been issued in this state to the operator or 25710
applicant. 25711

(5) Establish criteria and procedures for granting a variance 25712
from compliance with the prohibitions established in divisions 25713
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 25714
criteria shall ensure that an operator may obtain a variance only 25715
if compliance with the applicable prohibition is not necessary to 25716
prevent damage to the watercourse or surrounding areas. 25717

Sec. 1514.13. (A) The chief of the division of mineral 25718
resources management shall use the compilation of data for ground 25719
water modeling submitted under section 1514.02 of the Revised Code 25720

to establish a projected cone of depression for any surface mining 25721
operation that may result in dewatering. The chief shall consult 25722
with the chief of the division of soil and water resources when 25723
projecting a cone of depression. An applicant for a surface mining 25724
permit for such an operation may submit ground water modeling that 25725
shows a projected cone of depression for that operation to the 25726
chief, provided that the modeling complies with rules adopted by 25727
the chief regarding ground water modeling. However, the chief 25728
shall establish the projected cone of depression for the purposes 25729
of this section. 25730

The chief shall adopt, and may amend and rescind, rules in 25731
accordance with Chapter 119. of the Revised Code establishing 25732
requirements and standards governing both of the following: 25733

(1) Ground water modeling for establishing a projected cone 25734
of depression. A ground water model shall be generally accepted in 25735
the scientific community. 25736

(2) Replacement of water supplies. 25737

(B)(1) If an owner of real property who obtains all or part 25738
of the owner's water supply for domestic, agricultural, 25739
industrial, or other legitimate use from ground water has a 25740
diminution, contamination, or interruption of that water supply 25741
and the owner's real property is located within the projected cone 25742
of depression of a surface mining operation established under this 25743
section, the owner may submit a written complaint to the operator 25744
of that operation or to the chief informing the operator or the 25745
chief that there is a diminution, contamination, or interruption 25746
of the owner's water supply. The complaint shall include the 25747
owner's name, address, and telephone number. 25748

If the chief receives a written complaint, the chief 25749
immediately shall send a copy of the complaint to the operator, 25750
and the operator immediately shall respond by sending the chief a 25751

statement that explains how the operator resolved or will resolve 25752
the complaint. If the operator receives a written complaint, the 25753
operator immediately shall send to the chief a copy of the 25754
complaint and include a statement that explains how the operator 25755
resolved or will resolve the complaint. Not later than seventy-two 25756
hours after receipt of the complaint, the operator shall provide 25757
the owner a supply of water that is comparable, in quantity and 25758
quality, to the owner's water supply prior to the diminution, 25759
contamination, or interruption of the owner's water supply. The 25760
operator shall maintain that water supply until the operator 25761
provides a permanent replacement water supply to the owner under 25762
division (B)(3) of this section or until the division of mineral 25763
resources management completes the evaluation under division 25764
(B)(2) of this section, whichever is applicable. 25765

(2) A rebuttable presumption exists that the operation caused 25766
the diminution, contamination, or interruption of the owner's 25767
water supply. However, not later than fourteen days after receipt 25768
of the complaint, the operator may submit to the division 25769
information showing that the operation is not the proximate cause 25770
of the diminution, contamination, or interruption of the owner's 25771
water supply. The division shall evaluate the information 25772
submitted by the operator to determine if the presumption is 25773
rebutted. If the operator fails to rebut the presumption, the 25774
division immediately shall notify the operator that the operator 25775
failed to rebut the presumption. Not later than fourteen days 25776
after receipt of that notice, the operator shall provide the owner 25777
a permanent replacement water supply that is comparable, in 25778
quantity and quality, to the owner's water supply prior to the 25779
diminution, contamination, or interruption of the owner's water 25780
supply. If the operator rebuts the presumption, the division 25781
immediately shall notify the operator that the operator rebutted 25782
the presumption, and, upon receipt of that notice, the operator 25783
may cease providing a supply of water to the owner under division 25784

(B)(1) of this section. 25785

(3) If, within fourteen days after receipt of the complaint, 25786
the operator does not submit to the division information showing 25787
that the operation is not the proximate cause of the diminution, 25788
contamination, or interruption of the owner's water supply, the 25789
operator shall provide the owner, not later than twenty-eight days 25790
after receipt of the complaint, a permanent replacement water 25791
supply that is comparable, in quantity and quality, to the owner's 25792
water supply prior to the diminution, contamination, or 25793
interruption of the owner's water supply. 25794

(4) The division may investigate a complaint under division 25795
(B) of this section. 25796

(C) If an owner of real property who obtains all or part of 25797
the owner's water supply for domestic, agricultural, industrial, 25798
or other legitimate use from ground water has a diminution, 25799
contamination, or interruption of that water supply and the 25800
owner's real property is not located within the projected cone of 25801
depression of a surface mining operation established under this 25802
section, the owner may submit a written complaint to the operator 25803
of that operation or to the chief informing the operator or the 25804
chief that there is a diminution, contamination, or interruption 25805
of the owner's water supply. The complaint shall include the 25806
owner's name, address, and telephone number. 25807

If the operator receives a written complaint, the operator 25808
immediately shall send the chief a copy of the complaint. If the 25809
chief receives a written complaint, the chief immediately shall 25810
send the operator a copy of the complaint. The chief shall 25811
investigate any complaint submitted under this division and, upon 25812
completion of the investigation, immediately shall send the 25813
results of the investigation to the operator and to the owner that 25814
filed the complaint. 25815

An owner that submits a written complaint under this division 25816
may resolve the diminution, contamination, or interruption of the 25817
owner's water supply with the operator of that operation or may 25818
commence a civil action for that purpose. 25819

(D) An operator may request the chief to amend the plan of 25820
mining and reclamation filed with the application under section 25821
1514.02 of the Revised Code when a ground water user may affect 25822
the projected cone of depression established for the operation 25823
under division (A) of this section. The operator shall submit 25824
additional data that reflect the ground water user's impact on the 25825
ground water. The chief shall perform ground water modeling using 25826
the additional data and may establish a revised projected cone of 25827
depression for that operation. 25828

(E) This section shall not be construed as creating, 25829
modifying, or affecting any right, liability, or remedy of surface 25830
riparian owners. 25831

Sec. 1515.08. The supervisors of a soil and water 25832
conservation district have the following powers in addition to 25833
their other powers: 25834

(A) To conduct surveys, investigations, and research relating 25835
to the character of soil erosion, floodwater and sediment damages, 25836
and the preventive and control measures and works of improvement 25837
for flood prevention and the conservation, development, 25838
utilization, and disposal of water needed within the district, and 25839
to publish the results of those surveys, investigations, or 25840
research, provided that no district shall initiate any research 25841
program except in cooperation or after consultation with the Ohio 25842
agricultural research and development center; 25843

(B) To develop plans for the conservation of soil resources, 25844
for the control and prevention of soil erosion, and for works of 25845
improvement for flood prevention and the conservation, 25846

development, utilization, and disposal of water within the 25847
district, and to publish those plans and information; 25848

(C) To implement, construct, repair, maintain, and operate 25849
preventive and control measures and other works of improvement for 25850
natural resource conservation and development and flood 25851
prevention, and the conservation, development, utilization, and 25852
disposal of water within the district on lands owned or controlled 25853
by this state or any of its agencies and on any other lands within 25854
the district, which works may include any facilities authorized 25855
under state or federal programs, and to acquire, by purchase or 25856
gift, to hold, encumber, or dispose of, and to lease real and 25857
personal property or interests in such property for those 25858
purposes; 25859

(D) To cooperate or enter into agreements with any occupier 25860
of lands within the district in the carrying on of natural 25861
resource conservation operations and works of improvement for 25862
flood prevention and the conservation, development, utilization, 25863
and management of natural resources within the district, subject 25864
to such conditions as the supervisors consider necessary; 25865

(E) To accept donations, gifts, grants, and contributions in 25866
money, service, materials, or otherwise, and to use or expend them 25867
according to their terms; 25868

(F) To adopt, amend, and rescind rules to carry into effect 25869
the purposes and powers of the district; 25870

(G) To sue and plead in the name of the district, and be sued 25871
and impleaded in the name of the district, with respect to its 25872
contracts and, as indicated in section 1515.081 of the Revised 25873
Code, certain torts of its officers, employees, or agents acting 25874
within the scope of their employment or official responsibilities, 25875
or with respect to the enforcement of its obligations and 25876
covenants made under this chapter; 25877

(H) To make and enter into all contracts, leases, and 25878
agreements and execute all instruments necessary or incidental to 25879
the performance of the duties and the execution of the powers of 25880
the district under this chapter, provided that all of the 25881
following apply: 25882

(1) Except as provided in section 307.86 of the Revised Code 25883
regarding expenditures by boards of county commissioners, when the 25884
cost under any such contract, lease, or agreement, other than 25885
compensation for personal services or rental of office space, 25886
involves an expenditure of more than the amount established in 25887
that section regarding expenditures by boards of county 25888
commissioners, the supervisors shall make a written contract with 25889
the lowest and best bidder after advertisement, for not less than 25890
two nor more than four consecutive weeks preceding the day of the 25891
opening of bids, in a newspaper of general circulation within the 25892
district and in such other publications as the supervisors 25893
determine. The notice shall state the general character of the 25894
work and materials to be furnished, the place where plans and 25895
specifications may be examined, and the time and place of 25896
receiving bids. 25897

(2) Each bid for a contract shall contain the full name of 25898
every person interested in it. 25899

(3) Each bid for a contract for the construction, demolition, 25900
alteration, repair, or reconstruction of an improvement shall meet 25901
the requirements of section 153.54 of the Revised Code. 25902

(4) Each bid for a contract, other than a contract for the 25903
construction, demolition, alteration, repair, or reconstruction of 25904
an improvement, at the discretion of the supervisors, may be 25905
accompanied by a bond or certified check on a solvent bank in an 25906
amount not to exceed five per cent of the bid, conditioned that, 25907
if the bid is accepted, a contract shall be entered into. 25908

(5) The supervisors may reject any and all bids.	25909
(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;	25910 25911 25912 25913
(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;	25914 25915
(K) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;	25916 25917 25918
(L) To enter into agreements or contracts with the department for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize the division of soil and water conservation <u>resources</u> to implement the required program;	25919 25920 25921 25922 25923 25924 25925 25926 25927
(M) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource conservation, development, and utilization;	25928 25929 25930
(N) Until June 1, 1996, to conduct surveys and investigations relating to the incidence of the multiflora rose within the district and of the nature and extent of the adverse effects of the multiflora rose on agriculture, forestry, recreation, and other beneficial land uses;	25931 25932 25933 25934 25935
(O) Until June 1, 1996, to develop plans for the control of the multiflora rose within the district and to publish those plans and information related to control of the multiflora rose;	25936 25937 25938

~~(P) Until June 1, 1996, to enter into contracts or agreements with the chief of the division of soil and water conservation to implement and administer a program for control of the multiflora rose and to receive and expend funds provided by the chief for that purpose;~~

~~(Q) Until June 1, 1996, to enter into cost sharing agreements with landowners for control of the multiflora rose. Before entering into any such agreement, the board of supervisors shall determine that the landowner's application meets the eligibility criteria established under division (E)(6) of section 1511.02 of the Revised Code. The cost sharing agreements shall contain the contract provisions required by the rules adopted under that division and such other provisions as the board of supervisors considers appropriate to ensure effective control of the multiflora rose.~~

~~(R) To enter into contracts or agreements with the chief of the division of soil and water resources to implement and administer a program for urban sediment pollution abatement and to receive and expend moneys provided by the chief for that purpose;~~

~~(S)(O) To develop operation and management plans, as defined in section 1511.01 of the Revised Code, as necessary;~~

~~(T)(P) To determine whether operation and management plans developed under division (A) of section 1511.021 of the Revised Code comply with the standards established under division (E)(1) of section 1511.02 of the Revised Code and to approve or disapprove the plans, based on such compliance. If an operation and management plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief, who shall afford the person a hearing. Following the hearing, the chief shall uphold the plan disapproval or reverse it. If the chief reverses the plan disapproval, the plan shall be deemed approved~~

under this division. In the event that any person operating or 25971
owning agricultural land or a concentrated animal feeding 25972
operation in accordance with an approved operation and management 25973
plan who, in good faith, is following that plan, causes 25974
agricultural pollution, the plan shall be revised in a fashion 25975
necessary to mitigate the agricultural pollution, as determined 25976
and approved by the board of supervisors of the soil and water 25977
conservation district. 25978

~~(U)~~(Q) With regard to composting conducted in conjunction 25979
with agricultural operations, to do all of the following: 25980

(1) Upon request or upon their own initiative, inspect 25981
composting at any such operation to determine whether the 25982
composting is being conducted in accordance with section 1511.022 25983
of the Revised Code; 25984

(2) If the board determines that composting is not being so 25985
conducted, request the chief to issue an order under division (G) 25986
of section 1511.02 of the Revised Code requiring the person who is 25987
conducting the composting to prepare a composting plan in 25988
accordance with rules adopted under division (E)~~(10)~~(8)(c) of that 25989
section and to operate in accordance with that plan or to operate 25990
in accordance with a previously prepared plan, as applicable; 25991

(3) In accordance with rules adopted under division 25992
(E)~~(10)~~(8)(c) of section 1511.02 of the Revised Code, review and 25993
approve or disapprove any such composting plan. If a plan is 25994
disapproved, the board shall provide a written explanation to the 25995
person who submitted the plan. 25996

As used in division ~~(U)~~(Q) of this section, "composting" has 25997
the same meaning as in section 1511.01 of the Revised Code. 25998

~~(V)~~(R) With regard to conservation activities that are 25999
conducted in conjunction with agricultural operations, to assist 26000
the county auditor, upon request, in determining whether a 26001

conservation activity is a conservation practice for purposes of 26002
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 26003
Revised Code. 26004

As used in this division, "conservation practice" has the 26005
same meaning as in section 5713.30 of the Revised Code. 26006

~~(W)~~(S) To do all acts necessary or proper to carry out the 26007
powers granted in this chapter. 26008

The director of natural resources shall make recommendations 26009
to reduce the adverse environmental effects of each project that a 26010
soil and water conservation district plans to undertake under 26011
division (A), (B), (C), or (D) of this section and that will be 26012
funded in whole or in part by moneys authorized under section 26013
1515.16 of the Revised Code and shall disapprove any such project 26014
that the director finds will adversely affect the environment 26015
without equal or greater benefit to the public. The director's 26016
disapproval or recommendations, upon the request of the district 26017
filed in accordance with rules adopted by the Ohio soil and water 26018
conservation commission, shall be reviewed by the commission, 26019
which may confirm the director's decision, modify it, or add 26020
recommendations to or approve a project the director has 26021
disapproved. 26022

Any instrument by which real property is acquired pursuant to 26023
this section shall identify the agency of the state that has the 26024
use and benefit of the real property as specified in section 26025
5301.012 of the Revised Code. 26026

Sec. 1515.14. Within the limits of funds appropriated to the 26027
department of natural resources and the soil and water 26028
conservation district assistance fund created in this section, 26029
there shall be paid in each calendar year to each local soil and 26030
water conservation district an amount not to exceed one dollar for 26031
each one dollar received in accordance with section 1515.10 of the 26032

Revised Code, received from tax levies in excess of the ten-mill 26033
levy limitation approved for the benefit of local soil and water 26034
conservation districts, or received from an appropriation by a 26035
municipal corporation or a township to a maximum of eight thousand 26036
dollars, provided that the Ohio soil and water conservation 26037
commission may approve payment to a district in an amount in 26038
excess of eight thousand dollars in any calendar year upon receipt 26039
of a request and justification from the district. The county 26040
auditor shall credit such payments to the special fund established 26041
pursuant to section 1515.10 of the Revised Code for the local soil 26042
and water conservation district. The department may make advances 26043
at least quarterly to each district on the basis of the estimated 26044
contribution of the state to each district. Moneys received by 26045
each district shall be expended for the purposes of the district. 26046

For the purpose of providing money to soil and water 26047
conservation districts under this section, there is hereby created 26048
in the state treasury the soil and water conservation district 26049
assistance fund consisting of money credited to it under section 26050
3714.073 and division (A)(4) of section 3734.57 of the Revised 26051
Code. 26052

Sec. 1515.183. Upon acceptance of a petition requesting the 26053
construction of an improvement, the supervisors of a soil and 26054
water conservation district shall begin to prepare, as a guide to 26055
the board of county commissioners and the petitioners, a 26056
preliminary report regarding the proposed improvement. The 26057
supervisors shall present the completed preliminary report at the 26058
hearing that is held on the proposed improvement. 26059

The preliminary report shall include a preliminary estimate 26060
of cost, comments on the feasibility of the project, and a 26061
statement of the supervisors' opinion as to whether the benefits 26062
from the project are likely to exceed the estimated cost. The 26063

preliminary report shall identify all factors that are apparent to 26064
the supervisors, both favorable and unfavorable to the proposed 26065
improvement, so that the petitioners may be informed concerning 26066
what is involved with the construction of the improvement. 26067

In addition to reporting on the improvement as petitioned, 26068
the supervisors may submit alternate proposals to accomplish the 26069
intent of the petition. The preliminary report and all alternate 26070
proposals shall be reviewed and receive concurrence from an 26071
engineer who is employed by the division of soil and water 26072
~~conservation~~ resources or by the natural resources conservation 26073
service in the United States department of agriculture and who is 26074
responsible for providing technical assistance to the district or 26075
from any other registered professional engineer whom the 26076
supervisors choose. 26077

Sec. 1517.02. There is hereby created in the department of 26078
natural resources the division of natural areas and preserves, 26079
which shall be administered by the chief of the division of 26080
natural areas and preserves. The chief shall take an oath of 26081
office and shall file in the office of the secretary of state a 26082
bond signed by the chief and by a surety approved by the governor 26083
for a sum fixed pursuant to section 121.11 of the Revised Code. 26084

The chief shall administer a system of nature preserves ~~and~~ 26085
~~wild, scenic, and recreational river areas.~~ The chief shall 26086
establish a system of nature preserves through acquisition and 26087
dedication of natural areas of state or national significance, 26088
which shall include, but not be limited to, areas that represent 26089
characteristic examples of Ohio's natural landscape types and its 26090
natural vegetation and geological history. The chief shall 26091
encourage landowners to dedicate areas of unusual significance as 26092
nature preserves, and shall establish and maintain a registry of 26093
natural areas of unusual significance. 26094

The chief may ~~supervise, operate, protect, and maintain wild, scenic, and recreational river areas, as designated by the director of natural resources. The chief may cooperate with participate in watershed planning activities with other states or federal agencies administering any federal program concerning wild, scenic, or recreational river areas.~~ 26095
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The chief shall do the following: 26101

(A) Formulate policies and plans for the acquisition, use, management, and protection of nature preserves; 26102
26103

(B) Formulate policies for the selection of areas suitable for registration; 26104
26105

(C) Formulate policies for the dedication of areas as nature preserves; 26106
26107

(D) Prepare and maintain surveys and inventories of natural areas, rare and endangered species of plants and animals, and other unique natural features. The information shall be stored in the Ohio natural heritage database, established pursuant to this division, and may be made available to any individual or private or public agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1518.01 of the Revised Code and of unique natural features that are included in the Ohio natural heritage database is not subject to section 149.43 of the Revised Code if the chief determines that the release of the information could be detrimental to the conservation of a species or unique natural feature. 26108
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(E) Adopt rules for the use, visitation, and protection of nature preserves, and natural areas owned or managed through easement, license, or lease by the department and administered by 26123
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~~the division, and lands owned or managed through easement,~~ 26126
~~license, or lease by the department and administered by the~~ 26127
~~division that are within or adjacent to any wild, scenic, or~~ 26128
~~recreational river area,~~ in accordance with Chapter 119. of the 26129
Revised Code; 26130

(F) Provide facilities and improvements within the state 26131
system of nature preserves that are necessary for their 26132
visitation, use, restoration, and protection and do not impair 26133
their natural character; 26134

(G) Provide interpretive programs and publish and disseminate 26135
information pertaining to nature preserves and natural areas for 26136
their visitation and use; 26137

(H) Conduct and grant permits to qualified persons for the 26138
conduct of scientific research and investigations within nature 26139
preserves; 26140

(I) Establish an appropriate system for marking nature 26141
preserves; 26142

(J) Publish and submit to the governor and the general 26143
assembly a biennial report of the status and condition of each 26144
nature preserve, activities conducted within each preserve, and 26145
plans and recommendations for natural area preservation. 26146

Sec. 1517.10. (A) As used in this section, "felony" has the 26147
same meaning as in section 109.511 of the Revised Code. 26148

(B)(1) Any person selected by the chief of the division of 26149
natural areas and preserves for custodial or patrol service on the 26150
lands and waters operated or administered by the division shall be 26151
employed in conformity with the law applicable to the classified 26152
civil service of the state. Subject to division (C) of this 26153
section, the chief may designate that person as a preserve 26154
officer. A preserve officer, in any nature preserve, in any 26155

natural area owned or managed through easement, license, or lease 26156
by the department of natural resources and administered by the 26157
division, and on lands owned or managed through easement, license, 26158
or lease by the department and administered by the division that 26159
are ~~within or adjacent to any wild, scenic, or recreational river~~ 26160
~~area established under this chapter and~~ along any trail 26161
established under Chapter 1519. of the Revised Code, has the 26162
authority specified under section 2935.03 of the Revised Code for 26163
peace officers of the department of natural resources to keep the 26164
peace, to enforce all laws and rules governing those lands and 26165
waters, and to make arrests for violation of those laws and rules, 26166
provided that the authority shall be exercised on lands or waters 26167
administered by another division of the department only pursuant 26168
to an agreement with the chief of that division or to a request 26169
for assistance by an enforcement officer of that division in an 26170
emergency. A preserve officer, in or along any watercourse within, 26171
abutting, or upstream from the boundary of any area administered 26172
by the department, has the authority to enforce section 3767.32 of 26173
the Revised Code and any other laws prohibiting the dumping of 26174
refuse into or along waters and to make arrests for violation of 26175
those laws. The jurisdiction of a preserve officer shall be 26176
concurrent with that of the peace officers of the county, 26177
township, or municipal corporation in which the violation occurs. 26178

The governor, upon the recommendation of the chief, shall 26179
issue to each preserve officer a commission indicating authority 26180
to make arrests as provided in this section. 26181

The chief shall furnish a suitable badge to each commissioned 26182
preserve officer as evidence of the preserve officer's authority. 26183

(2) If any person employed under this section is designated 26184
by the chief to act as an agent of the state in the collection of 26185
money resulting from the sale of licenses, fees of any nature, or 26186
other money belonging to the state, the chief shall require a 26187

surety bond from the person in an amount not less than one 26188
thousand dollars. 26189

(3) A preserve officer may render assistance to a state or 26190
local law enforcement officer at the request of the officer or in 26191
the event of an emergency. Preserve officers serving outside the 26192
division of natural areas and preserves under this section or 26193
serving under the terms of a mutual aid compact authorized under 26194
section 1501.02 of the Revised Code shall be considered as 26195
performing services within their regular employment for the 26196
purposes of compensation, pension or indemnity fund rights, 26197
workers' compensation, and other rights or benefits to which they 26198
may be entitled as incidents of their regular employment. 26199

Preserve officers serving outside the division of natural 26200
areas and preserves under this section or under the terms of a 26201
mutual aid compact retain personal immunity from civil liability 26202
as specified in section 9.86 of the Revised Code and shall not be 26203
considered an employee of a political subdivision for purposes of 26204
Chapter 2744. of the Revised Code. A political subdivision that 26205
uses preserve officers under this section or under the terms of a 26206
mutual aid compact authorized under section 1501.02 of the Revised 26207
Code is not subject to civil liability under Chapter 2744. of the 26208
Revised Code as a result of any action or omission of any preserve 26209
officer acting under this section or under a mutual aid compact. 26210

(C)(1) The chief of the division of natural areas and 26211
preserves shall not designate a person as a preserve officer 26212
pursuant to division (B)(1) of this section on a permanent basis, 26213
on a temporary basis, for a probationary term, or on other than a 26214
permanent basis if the person previously has been convicted of or 26215
has pleaded guilty to a felony. 26216

(2)(a) The chief of the division of natural areas and 26217
preserves shall terminate the employment as a preserve officer of 26218
a person designated as a preserve officer under division (B)(1) of 26219

this section if that person does either of the following: 26220

(i) Pleads guilty to a felony; 26221

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 26222
plea agreement as provided in division (D) of section 2929.43 of 26223
the Revised Code in which the preserve officer agrees to surrender 26224
the certificate awarded to the preserve officer under section 26225
109.77 of the Revised Code. 26226

(b) The chief shall suspend from employment as a preserve 26227
officer a person designated as a preserve officer under division 26228
(B)(1) of this section if that person is convicted, after trial, 26229
of a felony. If the preserve officer files an appeal from that 26230
conviction and the conviction is upheld by the highest court to 26231
which the appeal is taken or if the preserve officer does not file 26232
a timely appeal, the chief shall terminate the employment of that 26233
preserve officer. If the preserve officer files an appeal that 26234
results in the preserve officer's acquittal of the felony or 26235
conviction of a misdemeanor, or in the dismissal of the felony 26236
charge against the preserve officer, the chief shall reinstate 26237
that preserve officer. A preserve officer who is reinstated under 26238
division (C)(2)(b) of this section shall not receive any back pay 26239
unless that preserve officer's conviction of the felony was 26240
reversed on appeal, or the felony charge was dismissed, because 26241
the court found insufficient evidence to convict the preserve 26242
officer of the felony. 26243

(3) Division (C) of this section does not apply regarding an 26244
offense that was committed prior to January 1, 1997. 26245

(4) The suspension from employment, or the termination of the 26246
employment, of a preserve officer under division (C)(2) of this 26247
section shall be in accordance with Chapter 119. of the Revised 26248
Code. 26249

Sec. 1517.11. There is hereby created in the state treasury 26250
the natural areas and preserves fund, which shall consist of 26251
moneys transferred into it under section 5747.113 of the Revised 26252
Code and of contributions made directly to it. Any person may 26253
contribute directly to the fund in addition to or independently of 26254
the income tax refund contribution system established in that 26255
section. 26256

Moneys in the fund shall be disbursed pursuant to vouchers 26257
approved by the director of natural resources for use by the 26258
division of natural areas and preserves solely for the following 26259
purposes: 26260

(A) The acquisition of new or expanded natural areas, and 26261
nature preserves, ~~and wild, scenic, and recreational river areas;~~ 26262

(B) Facility development in natural areas, and nature 26263
preserves, ~~and wild, scenic, and recreational river areas;~~ 26264

(C) Special projects, including, but not limited to, 26265
biological inventories, research grants, and the production of 26266
interpretive material related to natural areas, and nature 26267
preserves, ~~and wild, scenic, and recreational river areas;~~ 26268

(D) Routine maintenance for health and safety purposes. 26269

Moneys appropriated from the fund shall not be used to fund 26270
salaries of permanent employees or administrative costs. 26271

All investment earnings of the fund shall be credited to the 26272
fund. 26273

Sec. 1519.03. The director of natural resources, through the 26274
chief of the division of ~~real estate parks and land management~~ 26275
recreation, shall prepare and maintain a current inventory of 26276
trails, abandoned or unmaintained roads, streets, and highways, 26277
abandoned railroad rights-of-way, utility easements, canals, and 26278

other scenic or historic corridors or rights-of-way that are 26279
suitable for recreational use. The director shall prepare and 26280
publish a comprehensive plan for development of a statewide trails 26281
system to serve present and future trail recreation needs of the 26282
state. Any state department, agency, political subdivision, or 26283
planning commission shall furnish available maps, descriptions, 26284
and other pertinent information to the director or provide access 26285
to ~~his~~ the director's representatives for inspection and 26286
duplication, upon request by the director, for trail inventory and 26287
planning purposes. 26288

Sec. 1520.02. (A) The director of natural resources has 26289
exclusive authority to administer, manage, and establish policies 26290
governing canal lands. 26291

(B)(1) The director may sell, lease, exchange, give, or grant 26292
all or part of the state's interest in any canal lands in 26293
accordance with section 1501.01 of the Revised Code. The director 26294
may stipulate that an appraisal or survey need not be conducted 26295
for, and may establish any terms or conditions that the director 26296
determines appropriate for, any such conveyance. 26297

Prior to proposing the conveyance of any canal lands, the 26298
director shall consider the local government needs and economic 26299
development potential with respect to the canal lands and the 26300
recreational, ecological, and historical value of the canal lands. 26301
In addition, the conveyance of canal lands shall be conducted in 26302
accordance with the director's policies governing the protection 26303
and conservation of canal lands established under this section. 26304

(2) With regard to canal lands, the chief of the division of 26305
~~water parks and recreation~~, with the approval of the director, may 26306
sell, lease, or transfer minerals or mineral rights when the 26307
chief, with the approval of the director, determines that the 26308
sale, lease, or transfer is in the best interest of the state. 26309

Consideration for minerals and mineral rights shall be by rental 26310
or on a royalty basis as prescribed by the chief, with the 26311
approval of the director, and payable as prescribed by contract. 26312
Moneys collected under division (B)(2) of this section shall be 26313
paid into the state treasury to the credit of the canal lands fund 26314
created in section 1520.05 of the Revised Code. 26315

(C) The director may transfer to the Ohio historical society 26316
any equipment, maps, and records used on or related to canal lands 26317
that are of historical interest and that are not needed by the 26318
director to administer this chapter. 26319

(D) If the director determines that any canal lands are a 26320
necessary part of a county's drainage or ditch system and are not 26321
needed for any purpose of the department of natural resources, the 26322
director may sell, grant, or otherwise convey those canal lands to 26323
that county in accordance with division (B) of this section. The 26324
board of county commissioners shall accept the transfer of canal 26325
lands. 26326

(E) Notwithstanding any other section of the Revised Code, 26327
the county auditor shall transfer any canal lands conveyed under 26328
this section, and the county recorder shall record the deed for 26329
those lands in accordance with section 317.12 of the Revised Code. 26330

Sec. 1520.03. (A) The director of natural resources may 26331
appropriate real property in accordance with Chapter 163. of the 26332
Revised Code for the purpose of administering this chapter. 26333

(B)(1) The director shall operate and maintain all canals and 26334
canal reservoirs owned by the state except those canals that are 26335
operated by the Ohio historical society on July 1, 1989. 26336

(2) On behalf of the director, the division of water parks 26337
and recreation shall have the care and control of all canals and 26338
canal reservoirs owned by the state, the water in them, and canal 26339

lands and shall protect, operate, and maintain them and keep them 26340
in repair. The chief of the division of ~~water~~ parks and recreation 26341
may remove obstructions from or on them and shall make any 26342
alterations or changes in or to them and construct any feeders, 26343
dikes, reservoirs, dams, locks, or other works, devices, or 26344
improvements in or on them that are necessary in the discharge of 26345
the chief's duties. 26346

In accordance with Chapter 119. of the Revised Code, the 26347
chief may adopt, amend, and rescind rules that are necessary for 26348
the administration of this division. 26349

(C) The director may sell or lease water from any canal or 26350
canal reservoir that the director operates and maintains only to 26351
the extent that the water is in excess of the quantity that is 26352
required for navigation, recreation, and wildlife purposes. ~~The~~ 26353
With the approval of the director, the chief may adopt, amend, and 26354
rescind rules in accordance with Chapter 119. of the Revised Code 26355
necessary to administer this division. 26356

The withdrawal of water from any canal or canal reservoir for 26357
domestic use is exempt from this division. However, the director 26358
may require water conservation measures for water that is 26359
withdrawn from any canal or canal reservoir for domestic use 26360
during drought conditions or other emergencies declared by the 26361
governor. 26362

(D) No person shall take or divert water from any canal or 26363
canal reservoir operated and maintained by the director except in 26364
accordance with division (C) of this section. 26365

(E) At the request of the director, the attorney general may 26366
commence a civil action for civil penalties and injunctions, in a 26367
court of common pleas, against any person who has violated or is 26368
violating division (D) of this section. The court of common pleas 26369
in which an action for injunctive relief is filed has jurisdiction 26370

to and shall grant preliminary and permanent injunctive relief 26371
upon a showing that the person against whom the action is brought 26372
has violated or is violating that division. 26373

Upon a finding of a violation, the court shall assess a civil 26374
penalty of not more than one thousand dollars for each day of each 26375
violation if the violator is an individual who took or diverted 26376
the water in question for residential or agricultural use. The 26377
court shall assess a civil penalty of not more than five thousand 26378
dollars for each day of each violation if the violator is any 26379
other person who took or diverted the water in question for 26380
industrial or commercial use excluding agricultural use. Moneys 26381
from civil penalties assessed under this division shall be paid 26382
into the state treasury to the credit of the canal lands fund 26383
created in section 1520.05 of the Revised Code. 26384

Any action under this division is a civil action, governed by 26385
the rules of civil procedure and other rules of practice and 26386
procedure applicable to civil actions. 26387

(F) As used in this section, "person" means any agency of 26388
this state, any political subdivision of this state or of the 26389
United States, or any legal entity defined as a person under 26390
section 1.59 of the Revised Code. 26391

Sec. 1521.03. The chief of the division of soil and water 26392
resources shall do all of the following: 26393

(A) Assist in an advisory capacity any properly constituted 26394
watershed district, conservancy district, or soil and water 26395
conservation district or any county, municipal corporation, or 26396
other government agency of the state in the planning of works for 26397
ground water recharge, flood mitigation, floodplain management, 26398
flood control, flow capacity and stability of streams, rivers, and 26399
watercourses, or the establishment of water conservation 26400
practices, within the limits of the appropriations for those 26401

purposes; 26402

(B) Have authority to conduct basic inventories of the water 26403
and related natural resources in each drainage basin in the state; 26404
to develop a plan on a watershed basis that will recognize the 26405
variety of uses to which water may be put and the need for its 26406
management for those uses; with the approval of the director of 26407
natural resources and the controlling board, to transfer 26408
appropriated or other funds, authorized for those inventories and 26409
plan, to any division of the department of natural resources or 26410
other state agencies for the purpose of developing pertinent data 26411
relating to the plan of water management; and to accept and expend 26412
moneys contributed by any person for implementing the development 26413
of the plan; 26414

(C) Have authority to make detailed investigations of all 26415
factors relating to floods, floodplain management, and flood 26416
control in the state with particular attention to those factors 26417
bearing upon the hydraulic and hydrologic characteristics of 26418
rivers, streams, and watercourses, recognizing the variety of uses 26419
to which water and watercourses may be put; 26420

(D) Cooperate with the United States or any agency thereof 26421
and with any political subdivision of the state in planning and 26422
constructing flood control works; 26423

(E) Hold meetings or public hearings, whichever is considered 26424
appropriate by the chief, to assist in the resolution of conflicts 26425
between ground water users. Such meetings or hearings shall be 26426
called upon written request from boards of health of city or 26427
general health districts created by or under the authority of 26428
Chapter 3709. of the Revised Code or authorities having the duties 26429
of a board of health as authorized by section 3709.05 of the 26430
Revised Code, boards of county commissioners, boards of township 26431
trustees, legislative authorities of municipal corporations, or 26432
boards of directors of conservancy districts and may be called by 26433

the chief upon the request of any other person or at the chief's 26434
discretion. The chief shall collect and present at such meetings 26435
or hearings the available technical information relevant to the 26436
conflicts and to the ground water resource. The chief shall 26437
prepare a report, and may make recommendations, based upon the 26438
available technical data and the record of the meetings or 26439
hearings, about the use of the ground water resource. In making 26440
the report and any recommendations, the chief also may consider 26441
the factors listed in division (B) of section 1521.17 of the 26442
Revised Code. The technical information presented, the report 26443
prepared, and any recommendations made under this division shall 26444
be presumed to be prima-facie authentic and admissible as evidence 26445
in any court pursuant to Evidence Rule 902. 26446

(F) Perform stream or ground water gauging and may contract 26447
with the United States government or any other agency for the 26448
gauging of any streams or ground water within the state; 26449

(G) Primarily with regard to water quantity, have authority 26450
to collect, study, map, and interpret all available information, 26451
statistics, and data pertaining to the availability, supply, use, 26452
conservation, and replenishment of the ground and surface waters 26453
in the state in coordination with other agencies of this state; 26454

(H) Primarily with regard to water quantity and availability, 26455
be authorized to cooperate with and negotiate for the state with 26456
any agency of the United States government, of this state, or of 26457
any other state pertaining to the water resources of the state; 26458

(I) Provide engineering support for the coastal management 26459
program established under Chapter 1506. of the Revised Code. 26460

Sec. 1521.031. There is hereby created in the department of 26461
natural resources the Ohio water advisory council. The council 26462
shall consist of seven members appointed by the governor with the 26463
advice and consent of the senate. No more than four of the members 26464

shall be of the same political party. Members shall be persons who 26465
have a demonstrated interest in water management and whose 26466
expertise reflects the various responsibilities of the division of 26467
soil and water resources under this chapter and Chapter 1523. of 26468
the Revised Code, including, but not limited to, dam safety, 26469
surface water, groundwater, and flood plain management. The chief 26470
of the division of soil and water resources may participate in the 26471
deliberations of the council, but shall not vote. 26472

Terms of office of members shall be for two years commencing 26473
on the second day of February and ending on the first day of 26474
February. Each member shall hold office from the date of 26475
appointment until the end of the term for which ~~he was~~ appointed. 26476
The governor may remove any member at any time for inefficiency, 26477
neglect of duty, or malfeasance in office. In the event of the 26478
death, removal, resignation, or incapacity of any member, the 26479
governor, with the advice and consent of the senate, shall appoint 26480
a successor to hold office for the remainder of the term for which 26481
~~his~~ the member's predecessor was appointed. Any member shall 26482
continue in office following the expiration date of ~~his~~ the 26483
member's term until ~~his~~ the member's successor takes office or 26484
until sixty days have elapsed, whichever occurs first. Membership 26485
on the council does not constitute holding a public office or 26486
position of employment under the Revised Code and is not grounds 26487
for removal of public officers or employees from their offices or 26488
positions of employment. 26489

The council annually shall select from its members a ~~chairman~~ 26490
chairperson and a ~~vice-chairman~~ vice-chairperson. The council 26491
shall hold at least one meeting each calendar quarter and shall 26492
keep a record of its proceedings, which shall be open to the 26493
public for inspection. Special meetings may be called by the 26494
~~chairman~~ chairperson and shall be called upon the written request 26495
of two or more members. A majority of the members constitutes a 26496

quorum. The division shall furnish clerical, technical, legal, and 26497
other services required by the council in the performance of its 26498
duties. 26499

Members shall receive no compensation, but shall be 26500
reimbursed from the appropriations for the division for the actual 26501
and necessary expenses incurred by them in the performance of 26502
their official duties. 26503

The council shall: 26504

(A) Advise the chief of the division of soil and water 26505
resources in carrying out the duties of the division under this 26506
chapter and Chapter 1523. of the Revised Code; 26507

(B) Recommend such policy and legislation with respect to 26508
water management and conservation as will promote the economic, 26509
industrial, and social development of the state while minimizing 26510
threats to the state's natural environment; 26511

(C) Review and make recommendations on the development of 26512
plans and programs for long-term, comprehensive water management 26513
throughout the state; and 26514

(D) Recommend ways to enhance cooperation among governmental 26515
agencies having an interest in water to encourage wise use and 26516
protection of the state's ground and surface waters. To this end, 26517
the council shall request nonvoting representation from 26518
appropriate governmental agencies. 26519

Sec. 1521.04. The chief of the division of soil and water 26520
resources, with the approval of the director of natural resources, 26521
may make loans and grants from the water management fund created 26522
in section 1501.32 of the Revised Code to governmental agencies 26523
for water management, water supply improvements, and planning and 26524
may administer grants from the federal government and from other 26525
public or private sources for carrying out those functions and for 26526

the performance of any acts that may be required by the United States or by any agency or department thereof as a condition for the participation by any governmental agency in any federal financial or technical assistance program. Direct and indirect costs of administration may be paid from the fund.

The chief may use the water management fund for the purposes of administering the water diversion and consumptive use permit programs established in sections 1501.30 to 1501.35 of the Revised Code; to perform watershed and water resources studies for the purposes of water management planning; and to acquire, construct, reconstruct, improve, equip, maintain, operate, and dispose of water management improvements. The chief may fix, alter, charge, and collect rates, fees, rentals, and other charges to be paid into the fund by governmental agencies and persons who are supplied with water by facilities constructed or operated by the department of natural resources in order to amortize and defray the cost of the construction, maintenance, and operation of those facilities.

Sec. 1521.05. (A) As used in this section:

(1) "Construct" or "construction" includes drilling, boring, digging, deepening, altering, and logging.

(2) "Altering" means changing the configuration of a well, including, without limitation, deepening a well, extending or replacing any portion of the inside or outside casing or wall of a well that extends below ground level, plugging a portion of a well back to a certain depth, and reaming out a well to enlarge its original diameter.

(3) "Logging" means describing the lithology, grain size, color, and texture of the formations encountered during the drilling, boring, digging, deepening, or altering of a well.

(4) "Grouting" means neat cement; bentonite products in slurry, granular, or pelletized form, excluding drilling mud or fluids; or any combination of neat cement and bentonite products that is placed within a well to seal the annular space or to seal an abandoned well and that is impervious to and capable of preventing the movement of water.

(5) "Abandoned well" means a well whose use has been permanently discontinued and that poses potential health and safety hazards or that has the potential to transmit surface contaminants into the aquifer in which the well has been constructed.

(6) "Sealing" means the complete filling of an abandoned well with grouting or other approved materials in order to permanently prevent the vertical movement of water in the well and thus prevent the contamination of ground water or the intermixing of water between aquifers.

(B) Any person that constructs a well shall keep a careful and accurate log of the construction of the well. The log shall show all of the following:

(1) The character, including, without limitation, the lithology, color, texture, and grain size, the name, if known, and the depth of all formations passed through or encountered;

(2) The depths at which water is encountered;

(3) The static water level of the completed well;

(4) A copy of the record of all pumping tests and analyses related to those tests, if any;

(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;

(6) The type of pumping equipment installed, if any;	26587
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	26588 26589 26590
(8) The signature of the individual who constructed the well and filed the well log;	26591 26592
(9) Any other information required by the chief of the division of <u>soil and water resources</u> .	26593 26594
The log shall be furnished to <u>filed with</u> the division of <u>soil and water resources</u> within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	26595 26596 26597 26598
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	26599 26600 26601
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	26602 26603 26604
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	26605 26606
(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material;	26607 26608 26609
(4) The date on which the sealing was performed;	26610
(5) The signature of the individual who sealed the well and filed the sealing report;	26611 26612
(6) Any other information required by the chief.	26613
The sealing report shall be furnished to <u>filed with</u> the division within thirty days after the completion of the sealing of	26614 26615

the well on forms prescribed and prepared by the division. 26616

(D) In accordance with Chapter 119. of the Revised Code, the 26617
chief may adopt, amend, and rescind rules requiring other persons 26618
that are involved in the construction or subsequent development of 26619
a well to submit well logs under division (B) of this section 26620
containing any or all of the information specified in divisions 26621
(B)(1) to (9) of this section and specifying additional 26622
information to be included in sealing reports required under 26623
division (C) of this section. The chief shall adopt rules 26624
establishing procedures and requirements governing the payment and 26625
collection of water well log filing fees, including the amount of 26626
any filing fee to be imposed as an alternative to the 26627
twenty-dollar filing fee established in division (G) of this 26628
section and including procedures for the quarterly transfer of 26629
filing fees by boards of health and the director of environmental 26630
protection under that division. 26631

(E)(1) No person shall fail to keep and ~~submit~~ file a well 26632
log or a sealing report as required by this section. 26633

(2) No person shall make a false statement in any well log or 26634
sealing report required to be kept and ~~submitted~~ filed under this 26635
section. Violation of division (E)(2) of this section is 26636
falsification under section 2921.13 of the Revised Code. 26637

(F) For the purposes of prosecution of a violation of 26638
division (E)(1) of this section, a prima-facie case is established 26639
when the division obtains either of the following: 26640

(1) A certified copy of a permit for a private water system 26641
issued in accordance with rules adopted under section 3701.344 of 26642
the Revised Code, or a certified copy of the invoice or a canceled 26643
check from the owner of a well indicating the construction or 26644
sealing services performed; 26645

(2) A certified copy of any permit issued under Chapter 3734. 26646

or 6111. of the Revised Code or plan approval granted under 26647
Chapter 6109. of the Revised Code for any activity that includes 26648
the construction or sealing of a well as applicable. 26649

(G) In accordance with rules adopted under this section, a 26650
person or entity that constructs a well for the purpose of 26651
extracting potable water as part of a private water system that is 26652
subject to rules adopted under section 3701.344 of the Revised 26653
Code or a public water system that is required to be licensed 26654
under Chapter 6109. of the Revised Code shall pay a well log 26655
filing fee of twenty dollars per well log or, if the chief has 26656
adopted rules establishing an alternative fee amount, the fee 26657
amount established under rules. The fee shall be collected by a 26658
board of health under section 3701.344 of the Revised Code or the 26659
environmental protection agency under section 6109.22 of the 26660
Revised Code, as applicable. 26661

Each calendar quarter, a board of health or the environmental 26662
protection agency, as applicable, shall forward all well log 26663
filing fees collected during the previous calendar quarter to the 26664
division of soil and water resources. The fees shall be forwarded 26665
in accordance with procedures established in rules adopted under 26666
this section. 26667

Proceeds of well log filing fees shall be used by the 26668
division of soil and water resources for the purposes of 26669
acquiring, maintaining, and dispensing digital and paper records 26670
of well logs that are filed with the division. 26671

Sec. 1521.06. (A) No dam may be constructed for the purpose 26672
of storing, conserving, or retarding water, or for any other 26673
purpose, nor shall any levee be constructed for the purpose of 26674
diverting or retaining flood water, unless the person or 26675
governmental agency desiring the construction has a construction 26676
permit for the dam or levee issued by the chief of the division of 26677

soil and water resources. 26678

A construction permit is not required under this section for: 26679

(1) A dam that is or will be less than ten feet in height and 26680
that has or will have a storage capacity of not more than fifty 26681
acre-feet at the elevation of the top of the dam, as determined by 26682
the chief. For the purposes of this section, the height of a dam 26683
shall be measured from the natural stream bed or lowest ground 26684
elevation at the downstream or outside limit of the dam to the 26685
elevation of the top of the dam. 26686

(2) A dam, regardless of height, that has or will have a 26687
storage capacity of not more than fifteen acre-feet at the 26688
elevation of the top of the dam, as determined by the chief; 26689

(3) A dam, regardless of storage capacity, that is or will be 26690
six feet or less in height, as determined by the chief; 26691

(4) A dam or levee that belongs to a class exempted by the 26692
chief; 26693

(5) The repair, maintenance, improvement, alteration, or 26694
removal of a dam or levee that is subject to section 1521.062 of 26695
the Revised Code, unless the construction constitutes an 26696
enlargement or reconstruction of the structure as determined by 26697
the chief; 26698

(6) A dam or impoundment constructed under Chapter 1513. of 26699
the Revised Code. 26700

(B) Before a construction permit may be issued, three copies 26701
of the plans and specifications, including a detailed cost 26702
estimate, for the proposed construction, prepared by a registered 26703
professional engineer, together with the filing fee specified by 26704
this section and the bond or other security required by section 26705
1521.061 of the Revised Code, shall be filed with the chief. The 26706
detailed estimate of the cost shall include all costs associated 26707

with the construction of the dam or levee, including supervision 26708
and inspection of the construction by a registered professional 26709
engineer. The filing fee shall be based on the detailed cost 26710
estimate for the proposed construction as filed with and approved 26711
by the chief, and shall be determined by the following schedule 26712
unless otherwise provided by rules adopted under this section: 26713

(1) For the first one hundred thousand dollars of estimated 26714
cost, a fee of four per cent; 26715

(2) For the next four hundred thousand dollars of estimated 26716
cost, a fee of three per cent; 26717

(3) For the next five hundred thousand dollars of estimated 26718
cost, a fee of two per cent; 26719

(4) For all costs in excess of one million dollars, a fee of 26720
one-half of one per cent. 26721

In no case shall the filing fee be less than one thousand 26722
five hundred dollars or more than ~~one~~ five hundred thousand 26723
dollars. If the actual cost exceeds the estimated cost by more 26724
than fifteen per cent, an additional filing fee shall be required 26725
equal to the fee determined by the preceding schedule less the 26726
original filing fee. All fees collected pursuant to this section, 26727
and all fines collected pursuant to section 1521.99 of the Revised 26728
Code, shall be deposited in the state treasury to the credit of 26729
the dam safety fund, which is hereby created. Expenditures from 26730
the fund shall be made by the chief for the purpose of 26731
administering this section and sections 1521.061 and 1521.062 of 26732
the Revised Code. 26733

(C) The chief shall, within thirty days from the date of the 26734
receipt of the application, fee, and bond or other security, issue 26735
or deny a construction permit for the construction or may issue a 26736
construction permit conditioned upon the making of such changes in 26737
the plans and specifications for the construction as the chief 26738

considers advisable if the chief determines that the construction 26739
of the proposed dam or levee, in accordance with the plans and 26740
specifications filed, would endanger life, health, or property. 26741

(D) The chief may deny a construction permit after finding 26742
that a dam or levee built in accordance with the plans and 26743
specifications would endanger life, health, or property, because 26744
of improper or inadequate design, or for such other reasons as the 26745
chief may determine. 26746

In the event the chief denies a permit for the construction 26747
of the dam or levee, or issues a permit conditioned upon a making 26748
of changes in the plans or specifications for the construction, 26749
the chief shall state the reasons therefor and so notify, in 26750
writing, the person or governmental agency making the application 26751
for a permit. If the permit is denied, the chief shall return the 26752
bond or other security to the person or governmental agency making 26753
application for the permit. 26754

The decision of the chief conditioning or denying a 26755
construction permit is subject to appeal as provided in Chapter 26756
119. of the Revised Code. A dam or levee built substantially at 26757
variance from the plans and specifications upon which a 26758
construction permit was issued is in violation of this section. 26759
The chief may at any time inspect any dam or levee, or site upon 26760
which any dam or levee is to be constructed, in order to determine 26761
whether it complies with this section. 26762

(E) A registered professional engineer shall inspect the 26763
construction for which the permit was issued during all phases of 26764
construction and shall furnish to the chief such regular reports 26765
of the engineer's inspections as the chief may require. When the 26766
chief finds that construction has been fully completed in 26767
accordance with the terms of the permit and the plans and 26768
specifications approved by the chief, the chief shall approve the 26769
construction. When one year has elapsed after approval of the 26770

completed construction, and the chief finds that within this 26771
period no fact has become apparent to indicate that the 26772
construction was not performed in accordance with the terms of the 26773
permit and the plans and specifications approved by the chief, or 26774
that the construction as performed would endanger life, health, or 26775
property, the chief shall release the bond or other security. No 26776
bond or other security shall be released until one year after 26777
final approval by the chief, unless the dam or levee has been 26778
modified so that it will not retain water and has been approved as 26779
nonhazardous after determination by the chief that the dam or 26780
levee as modified will not endanger life, health, or property. 26781

(F) When inspections required by this section are not being 26782
performed, the chief shall notify the person or governmental 26783
agency to which the permit has been issued that inspections are 26784
not being performed by the registered professional engineer and 26785
that the chief will inspect the remainder of the construction. 26786
Thereafter, the chief shall inspect the construction and the cost 26787
of inspection shall be charged against the owner. Failure of the 26788
registered professional engineer to submit required inspection 26789
reports shall be deemed notice that the engineer's inspections are 26790
not being performed. 26791

(G) The chief may order construction to cease on any dam or 26792
levee that is being built in violation of this section, and may 26793
prohibit the retention of water behind any dam or levee that has 26794
been built in violation of this section. The attorney general, 26795
upon written request of the chief, may bring an action for an 26796
injunction against any person who violates this section or to 26797
enforce an order or prohibition of the chief made pursuant to this 26798
section. 26799

(H) The chief may adopt rules in accordance with Chapter 119. 26800
of the Revised Code, for the design and construction of dams and 26801
levees for which a construction permit is required by this section 26802

or for which periodic inspection is required by section 1521.062 26803
of the Revised Code, for establishing a filing fee schedule in 26804
lieu of the schedule established under division (B) of this 26805
section and for establishing the minimum and maximum amounts of a 26806
filing fee in lieu of the amounts established in that division, 26807
for deposit and forfeiture of bonds and other securities required 26808
by section 1521.061 of the Revised Code, for the periodic 26809
inspection, operation, repair, improvement, alteration, or removal 26810
of all dams and levees, as specified in section 1521.062 of the 26811
Revised Code, and for establishing classes of dams or levees that 26812
are exempt from the requirements of this section and section 26813
1521.062 of the Revised Code as being of a size, purpose, or 26814
situation that does not present a substantial hazard to life, 26815
health, or property. The chief may, by rule, limit the period 26816
during which a construction permit issued under this section is 26817
valid. The rules may allow for the extension of the period during 26818
which a permit is valid upon written request, provided that the 26819
written request includes a revised construction cost estimate, and 26820
may require the payment of an additional filing fee for the 26821
requested extension. If a construction permit expires without an 26822
extension before construction is completed, the person or agency 26823
shall apply for a new permit, and shall not continue construction 26824
until the new permit is issued. 26825

Sec. 1521.061. Except as otherwise provided in this section, 26826
a construction permit shall not be issued under section 1521.06 of 26827
the Revised Code unless the person or governmental agency applying 26828
for the permit executes and files a surety bond conditioned on 26829
completion of the dam or levee in accordance with the terms of the 26830
permit and the plans and specifications approved by the chief of 26831
the division of soil and water resources, in an amount equal to 26832
fifty per cent of the estimated cost of the project. 26833

If a permittee requests an extension of the time period 26834

during which a construction permit is valid in accordance with 26835
rules adopted under section 1521.06 of the Revised Code, the chief 26836
shall determine whether the revised construction cost estimate 26837
provided with the request exceeds the original construction cost 26838
estimate that was filed with the chief by more than twenty-five 26839
per cent. If the revised construction cost estimate exceeds the 26840
original construction cost estimate by more than twenty-five per 26841
cent, the chief may require an additional surety bond to be filed 26842
so that the total amount of the surety bonds equals at least fifty 26843
per cent of the revised construction cost estimate. 26844

The chief shall not approve any bond until it is personally 26845
signed and acknowledged by both principal and surety, or as to 26846
either by the attorney in fact thereof, with a certified copy of 26847
the power of attorney attached. The chief shall not approve the 26848
bond unless there is attached a certificate of the superintendent 26849
of insurance that the company is authorized to transact a fidelity 26850
and surety business in this state. 26851

All bonds shall be given in a form prescribed by the chief 26852
and shall run to the state as obligee. 26853

The applicant may deposit, in lieu of a bond, cash in an 26854
amount equal to the amount of the bond or United States government 26855
securities or negotiable certificates of deposit issued by any 26856
bank organized or transacting business in this state having a par 26857
value equal to or greater than the amount of the bond. Such cash 26858
or securities shall be deposited upon the same terms as bonds. If 26859
one or more certificates of deposit are deposited in lieu of a 26860
bond, the chief shall require the bank that issued any such 26861
certificate to pledge securities of the aggregate market value 26862
equal to the amount of the certificate that is in excess of the 26863
amount insured by the federal deposit insurance corporation. The 26864
securities to be pledged shall be those designated as eligible 26865
under section 135.18 of the Revised Code. The securities shall be 26866

security for the repayment of the certificate of deposit. 26867

Immediately upon a deposit of cash, securities, or 26868
certificates of deposit, the chief shall deliver them to the 26869
treasurer of state, who shall hold them in trust for the purposes 26870
for which they have been deposited. The treasurer of state is 26871
responsible for the safekeeping of such deposits. An applicant 26872
making a deposit of cash, securities, or certificates of deposit 26873
may withdraw and receive from the treasurer of state, on the 26874
written order of the chief, all or any portion of the cash, 26875
securities, or certificates of deposit, upon depositing with the 26876
treasurer of state cash, other United States government 26877
securities, or negotiable certificates of deposit issued by any 26878
bank organized or transacting business in this state equal in par 26879
value to the par value of the cash, securities, or certificates of 26880
deposit withdrawn. An applicant may demand and receive from the 26881
treasurer of state all interest or other income from any such 26882
securities or certificates as it becomes due. If securities so 26883
deposited with and in the possession of the treasurer of state 26884
mature or are called for payment by the issuer thereof, the 26885
treasurer of state, at the request of the applicant who deposited 26886
them, shall convert the proceeds of the redemption or payment of 26887
the securities into such other United States government 26888
securities, negotiable certificates of deposit issued by any bank 26889
organized or transacting business in this state, or cash as the 26890
applicant designates. 26891

When the chief finds that a person or governmental agency has 26892
failed to comply with the conditions of the person's or agency's 26893
bond, the chief shall make a finding of that fact and declare the 26894
bond, cash, securities, or certificates of deposit forfeited in 26895
the amount set by rule of the chief. The chief shall thereupon 26896
certify the total forfeiture to the attorney general, who shall 26897
proceed to collect that amount. 26898

In lieu of total forfeiture, the surety, at its option, may 26899
cause the dam or levee to be completed as required by section 26900
1521.06 of the Revised Code and rules of the chief, or otherwise 26901
rendered nonhazardous, or pay to the treasurer of state the cost 26902
thereof. 26903

All moneys collected on account of forfeitures of bonds, 26904
cash, securities, and certificates of deposit under this section 26905
shall be credited to the dam safety fund created in section 26906
1521.06 of the Revised Code. The chief shall make expenditures 26907
from the fund to complete dams and levees for which bonds have 26908
been forfeited or to otherwise render them nonhazardous. 26909

Expenditures from the fund for those purposes shall be made 26910
pursuant to contracts entered into by the chief with persons who 26911
agree to furnish all of the materials, equipment, work, and labor 26912
as specified and provided in the contract. 26913

A surety bond shall not be required for a permit for a dam or 26914
levee that is to be designed and constructed by an agency of the 26915
United States government, if the agency files with the chief 26916
written assurance of the agency's financial responsibility for the 26917
structure during the one-year period following the chief's 26918
approval of the completed construction provided for under division 26919
(E) of section 1521.06 of the Revised Code. 26920

Sec. 1521.062. (A) All dams and levees constructed in this 26921
state and not exempted by this section or by the chief of the 26922
division of soil and water resources under section 1521.06 of the 26923
Revised Code shall be inspected periodically by the chief, except 26924
for classes of dams that, in accordance with rules adopted under 26925
this section, are required to be inspected by registered 26926
professional engineers who have been approved for that purpose by 26927
the chief. The inspection shall ensure that continued operation 26928
and use of the dam or levee does not constitute a hazard to life, 26929

health, or property. Periodic inspections shall not be required of 26930
the following structures: 26931

(1) A dam that is less than ten feet in height and has a 26932
storage capacity of not more than fifty acre-feet at the elevation 26933
of the top of the dam, as determined by the chief. For the 26934
purposes of this section, the height of a dam shall be measured 26935
from the natural stream bed or lowest ground elevation at the 26936
downstream or outside limit of the dam to the elevation of the top 26937
of the dam. 26938

(2) A dam, regardless of height, that has a storage capacity 26939
of not more than fifteen acre-feet at the elevation of the top of 26940
the dam, as determined by the chief; 26941

(3) A dam, regardless of storage capacity, that is six feet 26942
or less in height, as determined by the chief; 26943

(4) A dam or levee belonging to a class exempted by the 26944
chief; 26945

(5) A dam or levee that has been exempted in accordance with 26946
rules adopted under section 1521.064 of the Revised Code. 26947

(B) In accordance with rules adopted under this section, the 26948
owner of a dam that is in a class of dams that is designated in 26949
the rules for inspection by registered professional engineers 26950
shall obtain the services of a registered professional engineer 26951
who has been approved by the chief to conduct the periodic 26952
inspection of dams pursuant to schedules and other standards and 26953
procedures established in the rules. The registered professional 26954
engineer shall prepare a report of the inspection in accordance 26955
with the rules and provide the inspection report to the dam owner 26956
who shall submit it to the chief. A dam that is designated under 26957
the rules for inspection by a registered professional engineer, 26958
but that is not inspected within a five-year period may be 26959
inspected by the chief at the owner's expense. 26960

(C) Intervals between periodic inspections shall be 26961
determined by the chief, but shall not exceed five years. 26962

(D) In the case of a dam or levee that the chief inspects, 26963
the chief shall furnish a report of the inspection to the owner of 26964
the dam or levee. With regard to a dam or levee that has been 26965
inspected, either by the chief or by a registered professional 26966
engineer, and that is the subject of an inspection report prepared 26967
or received by the chief, the chief shall inform the owner of any 26968
required repairs, maintenance, investigations, and other remedial 26969
and operational measures. The chief shall order the owner to 26970
perform such repairs, maintenance, investigations, or other 26971
remedial or operational measures as the chief considers necessary 26972
to safeguard life, health, or property. The order shall permit the 26973
owner a reasonable time in which to perform the needed repairs, 26974
maintenance, investigations, or other remedial measures, and the 26975
cost thereof shall be borne by the owner. All orders of the chief 26976
are subject to appeal as provided in Chapter 119. of the Revised 26977
Code. The attorney general, upon written request of the chief, may 26978
bring an action for an injunction against any person who violates 26979
this section or to enforce an order of the chief made pursuant to 26980
this section. 26981

(E) The owner of a dam or levee shall monitor, maintain, and 26982
operate the structure and its appurtenances safely in accordance 26983
with state rules, terms and conditions of permits, orders, and 26984
other requirements issued pursuant to this section or section 26985
1521.06 of the Revised Code. The owner shall fully and promptly 26986
notify the division of soil and water resources and other 26987
responsible authorities of any condition that threatens the safety 26988
of the structure and shall take all necessary actions to safeguard 26989
life, health, and property. 26990

(F) Before commencing the repair, improvement, alteration, or 26991
removal of a dam or levee, the owner shall file an application 26992

including plans, specifications, and other required information 26993
with the division and shall secure written approval of the 26994
application by the chief. Emergency actions by the owner required 26995
to safeguard life, health, or property are exempt from this 26996
requirement. The chief may, by rule, define maintenance, repairs, 26997
or other remedial measures of a routine nature that are exempt 26998
from this requirement. 26999

(G) The chief may remove or correct, at the expense of the 27000
owner, any unsafe structures found to be constructed or maintained 27001
in violation of this section or section 1521.06 of the Revised 27002
Code. In the case of an owner other than a governmental agency, 27003
the cost of removal or correction of any unsafe structure, 27004
together with a description of the property on which the unsafe 27005
structure is located, shall be certified by the chief to the 27006
county auditor and placed by the county auditor upon the tax 27007
duplicate. This cost is a lien upon the lands from the date of 27008
entry and shall be collected as other taxes and returned to the 27009
division. In the case of an owner that is a governmental agency, 27010
the cost of removal or correction of any unsafe structure shall be 27011
recoverable from the owner by appropriate action in a court of 27012
competent jurisdiction. 27013

(H) If the condition of any dam or levee is found, in the 27014
judgment of the chief, to be so dangerous to the safety of life, 27015
health, or property as not to permit time for the issuance and 27016
enforcement of an order relative to repair, maintenance, or 27017
operation, the chief shall employ any of the following remedial 27018
means necessary to protect life, health, and property: 27019

(1) Lower the water level of the lake or reservoir by 27020
releasing water; 27021

(2) Completely drain the lake or reservoir; 27022

(3) Take such other measures or actions as the chief 27023

considers necessary to safeguard life, health, and property. 27024

The chief shall continue in full charge and control of the 27025
dam or levee until the structure is rendered safe. The cost of the 27026
remedy shall be recoverable from the owner of the structure by 27027
appropriate action in a court of competent jurisdiction. 27028

(I) The chief may accept and expend gifts, bequests, and 27029
grants from the United States government or from any other public 27030
or private source and may contract with the United States 27031
government or any other agency or entity for the purpose of 27032
carrying out the dam safety functions set forth in this section 27033
and section 1521.06 of the Revised Code. 27034

(J) In accordance with Chapter 119. of the Revised Code, the 27035
chief may adopt, and may amend or rescind, rules that do all of 27036
the following: 27037

(1) Designate classes of dams for which dam owners must 27038
obtain the services of a registered professional engineer to 27039
periodically inspect the dams and to prepare reports of the 27040
inspections for submittal to the chief; 27041

(2) Establish standards in accordance with which the chief 27042
must approve or disapprove registered professional engineers to 27043
inspect dams together with procedures governing the approval 27044
process; 27045

(3) Establish schedules, standards, and procedures governing 27046
periodic inspections and standards and procedures governing the 27047
preparation and submittal of inspection reports; 27048

(4) Establish provisions regarding the enforcement of this 27049
section and rules adopted under it. 27050

(K) The owner of a dam or levee shall notify the chief in 27051
writing of a change in ownership of the dam or levee prior to the 27052
exchange of the property. 27053

Sec. 1521.063. (A) Except for the federal government, the owner of any a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. The fee shall be paid to the division of soil and water ~~on or before June 30, 1988,~~ and resources on or before the thirtieth day of June of each ~~succeeding~~ year. The annual fee shall be as follows until otherwise provided by rules adopted under this section:

(1) For any dam classified as a class I dam under rules adopted by the chief of the division of soil and water resources under section 1521.06 of the Revised Code, ~~thirty three hundred~~ thirty three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam;

(2) For any dam classified as a class II dam under those rules, ~~thirty ninety~~ thirty ninety dollars plus ~~one dollar~~ six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam;

(3) For any dam classified as a class III dam under those rules, ~~thirty ninety~~ thirty ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per-acre foot of volume of water impounded by the dam.

For purposes of this section, the height of a dam is the vertical height, to the nearest foot, as determined by the division under section 1521.062 of the Revised Code.

All fees collected under this section shall be deposited in the dam safety fund created in section 1521.06 of the Revised Code. Any owner who fails to pay any annual fee required by this

section within sixty days after the due date shall be assessed a 27085
penalty of ten per cent of the annual fee plus interest at the 27086
rate of one-half per cent per month from the due date until the 27087
date of payment. 27088

There is hereby created the compliant dam discount program to 27089
be administered by the chief. Under the program, the chief may 27090
reduce the amount of the annual fee that an owner of a dam is 27091
required to pay under division (A)(1), (2), or (3) of this section 27092
if the owner is in compliance with section 1521.062 of the Revised 27093
Code and has developed an emergency action plan pursuant to 27094
standards established in rules adopted under this section. The 27095
chief shall not discount an annual fee by more than twenty-five 27096
per cent of the total annual fee that is due. In addition, the 27097
chief shall not discount the annual fee that is due from the owner 27098
of a dam who has been assessed a penalty under this section. 27099

27100

(B) The chief shall, in accordance with Chapter 119. of the 27101
Revised Code and subject to the prior approval of the director of 27102
natural resources, adopt, and may amend or rescind, rules for the 27103
collection of fees and the administration, implementation, and 27104
enforcement of this section and for the establishment of an annual 27105
fee schedule in lieu of the schedule established ~~under~~ in division 27106
(A) of this section. 27107

(C)(1) No person, political subdivision, or state 27108
governmental agency shall violate or fail to comply with this 27109
section or any rule or order adopted or issued under it. 27110

(2) The attorney general, upon written request of the chief, 27111
may commence an action against any such violator. Any action under 27112
division (C)(2) of this section is a civil action. 27113

(D) As used in this section, "political subdivision" includes 27114
townships, municipal corporations, counties, school districts, 27115

municipal universities, park districts, sanitary districts, and 27116
conservancy districts and subdivisions thereof. 27117

Sec. 1521.064. The chief of the division of soil and water 27118
resources, in accordance with Chapter 119. of the Revised Code, 27119
shall adopt, and may amend and rescind, rules establishing a 27120
program under which dams and levees may be exempted from 27121
inspections under section 1521.062 of the Revised Code if the 27122
continued operation and use of, and any rupturing of or other 27123
structural damage to, the dams and levees will not constitute a 27124
hazard to life, health, or property. The rules shall establish, 27125
without limitation, all of the following: 27126

(A) A procedure by which the owner of such a dam or levee may 27127
apply for an exemption under this section; 27128

(B) The standards that a dam or levee shall meet in order to 27129
be exempted under this section; 27130

(C) A procedure by which the chief shall periodically review 27131
the status of a dam or levee that has been exempted under this 27132
section to determine if the exemption should be rescinded; 27133

(D) A requirement that the owner of any dam or levee exempted 27134
under this section shall agree, in writing, to accept liability 27135
for any injury, death, or loss to persons or property caused by 27136
the rupturing of or other structural damage to the dam or levee. 27137

Sec. 1521.07. The chief of the division of soil and water 27138
resources or any employee in the service of the division may enter 27139
upon lands to make surveys and inspections in accordance with this 27140
chapter, when necessary in the discharge of the duties enumerated 27141
in this chapter. 27142

Sec. 1521.10. In order to be entitled to the compensation 27143
provided for in section 1521.09 of the Revised Code, the landowner 27144

~~must~~ shall have prepared and submit to the division of soil and 27145
water resources complete plans for the dam provided for in such 27146
section. The plans shall have the approval of the chief of the 27147
division of soil and water resources and the dam shall be 27148
constructed in accordance with such plans before compensation can 27149
be claimed. 27150

Sec. 1521.11. Upon the completion of the dam referred to in 27151
section 1521.09 of the Revised Code to the satisfaction of the 27152
division of soil and water resources, it shall certify the 27153
completion and the capacity thereof to the county auditor who 27154
shall thereupon make such reduction in the assessed valuation of 27155
the contiguous landowner as ~~he~~ the contiguous landowner is 27156
entitled to receive under sections 1521.09 to 1521.12, ~~inclusive,~~ 27157
of the Revised Code. 27158

Sec. 1521.12. In the event that any dam is constructed before 27159
plans are submitted to and approved by the division of soil and 27160
water resources as required by section 1521.10 of the Revised 27161
Code, the landowner may submit plans of the dam ~~he~~ the landowner 27162
has built, showing the area of the drainage basin above the dam, a 27163
cross section of the dam site, a cross section, plan, and 27164
elevation of the dam, a map of the spillway, a topographic map of 27165
the reservoir basin, and such other data and information as the 27166
division requires. If the plans receive the approval of the 27167
division, and upon examination the dam is found to be 27168
satisfactorily completed in accordance with such plans, ~~said~~ the 27169
division shall certify the completion and capacity thereof to the 27170
county auditor. If the plans fail to meet the requirements of the 27171
division, the owner may submit revised plans, and when such 27172
revised plans have been approved and the dam rebuilt to conform to 27173
such plans, the completion of the dam and its capacity shall then 27174
be certified to the auditor who shall thereupon make such 27175

reduction in the assessed valuation of the contiguous land as such 27176
owner is entitled to receive under sections 1521.09 to 1521.12~~7~~ 27177
~~inclusive~~, of the Revised Code. 27178

Sec. 1521.13. (A) Development in one-hundred-year floodplain 27179
areas shall be protected to at least the one-hundred-year flood 27180
level, and flood water conveyance shall be maintained, at a 27181
minimum, in accordance with standards established under the 27182
national flood insurance program. This division does not preclude 27183
a state agency or political subdivision from establishing flood 27184
protection standards that are more restrictive than this division. 27185

(B) Prior to the expenditure of money for or the construction 27186
of buildings, structures, roads, bridges, or other facilities in 27187
locations that may be subject to flooding or flood damage, all 27188
state agencies and political subdivisions shall notify and consult 27189
with the division of soil and water resources and shall furnish 27190
information that the division reasonably requires in order to 27191
avoid the uneconomic, hazardous, or unnecessary use of floodplains 27192
in connection with such facilities. 27193

(C) The chief of the division of soil and water resources 27194
shall do all of the following: 27195

(1) Coordinate the floodplain management activities of state 27196
agencies and political subdivisions with the floodplain management 27197
activities of the United States, including the national flood 27198
insurance program; 27199

(2) Collect, prepare, and maintain technical data and 27200
information on floods and floodplain management and make the data 27201
and information available to the public, state agencies, political 27202
subdivisions, and agencies of the United States; 27203

(3) Cooperate and enter into agreements with persons for the 27204
preparation of studies and reports on floods and floodplain 27205

management;	27206
(4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs;	27207 27208
(5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management;	27209 27210 27211 27212
(6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans;	27213 27214 27215 27216 27217
(7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it;	27218 27219 27220 27221 27222 27223
(8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code;	27224 27225 27226 27227
(9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards established under the national flood insurance program.	27228 27229 27230 27231 27232 27233 27234 27235
(10) On behalf of the director of natural resources,	27236

administer section 1506.04 of the Revised Code. 27237

In addition to the duties imposed in divisions (C)(1) to (10) 27238
of this section, and with respect to existing publicly owned 27239
facilities that have suffered flood damage or that may be subject 27240
to flood damage, the chief may conspicuously mark past and 27241
probable flood heights in order to assist in creating public 27242
awareness of and knowledge about flood hazards. 27243

(D)(1) Development that is funded, financed, undertaken, or 27244
preempted by state agencies shall comply with division (A) of this 27245
section and with rules adopted under division (C)(9) of this 27246
section. 27247

(2) State agencies shall apply floodproofing measures in 27248
order to reduce potential additional flood damage of existing 27249
publicly owned facilities that have suffered flood damage. 27250

(3) Before awarding funding or financing or granting a 27251
license, permit, or other authorization for a development that is 27252
or is to be located within a one-hundred-year floodplain, a state 27253
agency shall require the applicant to demonstrate to the 27254
satisfaction of the agency that the development will comply with 27255
division (A) of this section, rules adopted under division (C)(9) 27256
of this section, and any applicable local floodplain management 27257
resolution or ordinance. 27258

(4) Prior to the disbursement of any state disaster 27259
assistance money in connection with any incident of flooding to or 27260
within a county or municipal corporation that is not listed by the 27261
chief as being in compliance under division (D)(1) of section 27262
1521.18 of the Revised Code, a state agency that has authority to 27263
disburse such money shall require the county or municipal 27264
corporation to establish or reestablish compliance as provided in 27265
that division. 27266

(E)(1) Subject to section 1521.18 of the Revised Code, a 27267

county or a municipal corporation may do all of the following:	27268
(a) Adopt floodplain maps that reflect the best available data and that indicate the areas to be regulated under a floodplain management resolution or ordinance, as applicable;	27269 27270 27271
(b) Develop and adopt a floodplain management resolution or ordinance, as applicable;	27272 27273
(c) Adopt floodplain management standards that exceed the standards that are established under the national flood insurance program.	27274 27275 27276
(2) A county or municipal corporation shall examine and apply, where economically feasible, floodproofing measures in order to reduce potential additional flood damage of existing publicly owned facilities that have suffered flood damage.	27277 27278 27279 27280
(3) A county that adopts a floodplain management resolution shall do so in accordance with the procedures established in section 307.37 of the Revised Code. The county may enforce the resolution by issuing stop work orders, seeking injunctive relief, or pursuing other civil actions that the county considers necessary to ensure compliance with the resolution. In addition, failure to comply with the floodplain management resolution constitutes a violation of division (D) of section 307.37 of the Revised Code.	27281 27282 27283 27284 27285 27286 27287 27288 27289
(4) No action challenging the validity of a floodplain management resolution adopted by a county or a floodplain management ordinance adopted by a municipal corporation, or an amendment to such a resolution or ordinance, because of a procedural error in the adoption of the resolution, ordinance, or amendment shall be brought more than two years after the adoption of the resolution, ordinance, or amendment.	27290 27291 27292 27293 27294 27295 27296
Sec. 1521.14. Upon the written request of the director of	27297

natural resources, the attorney general shall bring an action for 27298
appropriate relief in a court of competent jurisdiction against 27299
any development that is not in compliance with the standards of 27300
the national flood insurance program and that is one of the 27301
following: 27302

(A) Located in a county or municipal corporation that is not 27303
listed by the chief of the division of soil and water resources as 27304
being in compliance under division (D)(1) of section 1521.18 of 27305
the Revised Code; 27306

(B) Funded, financed, undertaken, or preempted by a state 27307
agency. 27308

Sec. 1521.15. (A) The chief of the division of soil and water 27309
resources shall develop and maintain, in cooperation with local, 27310
state, federal, and private agencies and entities, a water 27311
resources inventory for the collection, interpretation, storage, 27312
retrieval, exchange, and dissemination of information concerning 27313
the water resources of this state, including, but not limited to, 27314
information on the location, type, quantity, and use of those 27315
resources and the location, type, and quantity of consumptive use 27316
and diversion of the water resources. The water resources 27317
inventory also shall include, without limitation, information to 27318
assist in determining the reasonableness of water use and sharing 27319
under common law, promoting reasonable use and development of 27320
water resources, and resolving water use conflicts. 27321

All agencies of the state shall cooperate with the chief in 27322
the development and maintenance of the inventory. 27323

(B) The chief shall cooperate with the other great lakes 27324
states and provinces to develop a common base of data regarding 27325
the management of the water resources of the Lake Erie drainage 27326
basin and to establish systematic arrangements for the exchange of 27327
those data. 27328

~~(C) The chief shall prepare and present to the governor no later than September 1, 1998, a long term water resources plan for the protection, conservation, and management of the water resources of the Lake Erie drainage basin. The plan shall include, without limitation, all of the following:~~

~~(1) An inventory of surface and ground water resources;~~

~~(2) Identification and assessment of existing uses and future demand for all of the following:~~

~~(a) Withdrawal of water resources for domestic, agricultural, manufacturing, mining, navigation, power production, recreation, fish and wildlife, and other uses;~~

~~(b) Diversion;~~

~~(c) Consumptive use.~~

~~(3) Guidelines to minimize consumptive use;~~

~~(4) Guidelines and procedures to coordinate, conserve, develop, protect, use, and manage the water resources of the Lake Erie drainage basin.~~

Sec. 1521.16. (A) Any person who owns a facility that has the capacity to withdraw waters of the state in an amount greater than one hundred thousand gallons per day from all sources and whose construction is completed before January 1, 1990, shall register the facility by January 1, 1991, with the chief of the division of soil and water resources, and any person who owns a facility that has the capacity to withdraw waters of the state in such an amount and whose construction is completed on or after January 1, 1990, shall register the facility with the chief within three months after the facility is completed. The person shall register the facility using a form prescribed by the chief that shall include, without limitation, the name and address of the registrant and date of registration; the locations and sources of the facility's

water supply; the facility's withdrawal capacity per day and the amount withdrawn from each source; the uses made of the water, places of use, and places of discharge; and such other information as the chief may require by rule.

The registration date of any facility whose construction was completed prior to January 1, 1990, and that is registered under this division prior to January 1, 1991, shall be January 1, 1990. The registration date of any facility whose construction was completed prior to January 1, 1990, and that is required to register under this division prior to January 1, 1991, but that is not registered prior to that date, and the registration date of any facility whose construction was completed after January 1, 1990, and that is required to register under this division shall be the date on which the registration is received by the chief.

(B) In accordance with division (D) of this section, the chief shall adopt rules establishing standards and criteria for determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section

of the newspaper. Any person who owns a facility in the designated 27391
ground water stress area that is not registered under division (A) 27392
of this section and that has the capacity to withdraw waters of 27393
the state in an amount greater than the threshold withdrawal 27394
capacity for the area from all sources shall register ~~his~~ the 27395
facility with the chief not later than thirty days after 27396
publication of the notice. A person registering a facility under 27397
this division shall do so using a form prescribed by the chief. 27398
The form shall include the information specified in division (A) 27399
of this section. 27400

(C) Any person who owns a facility registered under division 27401
(A) or (B) of this section shall file a report annually with the 27402
chief listing the amount of water withdrawn per day by the 27403
facility, the return flow per day, and any other information the 27404
chief may require by rule. Any person who, under Chapter 6109. of 27405
the Revised Code, provides such information to the Ohio 27406
environmental protection agency is exempt from reporting under 27407
this division. The director of environmental protection shall 27408
provide the chief any such reported information upon ~~his~~ request. 27409

(D) The chief shall adopt, and may amend or rescind, rules in 27410
accordance with Chapter 119. of the Revised Code to carry out this 27411
section. 27412

(E)(1) No person knowingly shall fail to register a facility 27413
or file a report as required under this section. 27414

(2) No person shall file a false report under this section. 27415
Violation of division (E)(2) of this section is falsification 27416
under section 2921.13 of the Revised Code. 27417

(F) At the request of the director of natural resources, the 27418
attorney general may commence a civil action to compel compliance 27419
with this section, in a court of common pleas, against any person 27420
who has violated or is violating division (E)(1) of this section. 27421

The court of common pleas in which a civil action is commenced 27422
under this division has jurisdiction to and shall compel 27423
compliance with this section upon a showing that the person 27424
against whom the action is brought has violated or is violating 27425
that division. 27426

Any action under this division is a civil action, governed by 27427
the rules of civil procedure and other rules of practice and 27428
procedure applicable to civil actions. 27429

Sec. 1521.18. (A) For the purposes of this section, a 27430
one-hundred-year floodplain is limited to an area identified as a 27431
one-hundred-year floodplain in accordance with the "National Flood 27432
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 27433
amended. 27434

(B) Each municipal corporation or county that has within its 27435
boundaries a one-hundred-year floodplain and that adopts a 27436
floodplain management ordinance or resolution or any amendments to 27437
such an ordinance or resolution on or after April 11, 1991, after 27438
adopting the ordinance, resolution, or amendments and before 27439
submitting the ordinance, resolution, or amendments to the federal 27440
emergency management agency for final approval for compliance with 27441
applicable standards adopted under the "National Flood Insurance 27442
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 27443
submit the ordinance, resolution, or amendments to the chief of 27444
the division of soil and water resources for the chief's review 27445
for compliance with those standards. Within forty-five days after 27446
receiving any such ordinance, resolution, or amendments, the chief 27447
shall complete the review and notify the municipal corporation or 27448
county as to whether the ordinance, resolution, or amendments 27449
comply with those standards. If the chief finds that the 27450
ordinance, resolution, or amendments comply with those standards, 27451
the chief shall forward it or them to the federal emergency 27452

management agency for final approval. 27453

(C)(1) If the chief determines that a county or municipal 27454
corporation that has adopted a floodplain management resolution or 27455
ordinance fails to administer or enforce the resolution or 27456
ordinance, the chief shall send a written notice by certified mail 27457
to the board of county commissioners of the county or the chief 27458
executive officer of the municipal corporation stating the nature 27459
of the noncompliance. 27460

(2) In order to maintain its compliance status in accordance 27461
with division (D) of this section, a county or municipal 27462
corporation that has received a notice of noncompliance under 27463
division (C)(1) of this section may submit information to the 27464
chief not later than thirty days after receiving the notice that 27465
demonstrates compliance or indicates the actions that the county 27466
or municipal corporation is taking to administer or enforce the 27467
resolution or ordinance. The chief shall review the information 27468
and shall issue a final determination by certified mail to the 27469
county or municipal corporation of the compliance or noncompliance 27470
status of the county or municipal corporation. If the chief issues 27471
a final determination of noncompliance, the chief shall send a 27472
copy of that determination to the federal emergency management 27473
agency concurrently with mailing the notice to the municipal 27474
corporation or county. 27475

(D)(1) A county or municipal corporation is considered to be 27476
in compliance for the purposes of this section if either of the 27477
following applies: 27478

(a) The county or municipal corporation has adopted a 27479
floodplain management resolution or ordinance that the chief has 27480
determined complies with applicable standards adopted under the 27481
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 27482
4001, as amended, and is adequately administering and enforcing it 27483
as determined under division (C) of this section. 27484

(b) The county or municipal corporation is participating in 27485
the national flood insurance program and has not received a notice 27486
of noncompliance under division (B) or (C) of this section. 27487

(2) The chief shall maintain a list of all counties and 27488
municipal corporations that have one-hundred-year floodplains 27489
within their boundaries. The list shall indicate whether each such 27490
county or municipal corporation is in compliance or noncompliance 27491
as provided in division (D)(1) of this section and whether each 27492
such county or municipal corporation is participating in the 27493
national flood insurance program. The chief shall provide a copy 27494
of the list to the general assembly and all state agencies 27495
annually and shall notify the general assembly and the agencies of 27496
any changes at least quarterly. 27497

(E) Any county or municipal corporation that is adversely 27498
affected by any determination of the chief under this section may 27499
appeal it in accordance with Chapter 119. of the Revised Code not 27500
later than thirty days after the final determination. 27501

Sec. 1521.19. (A) There is hereby created the Ohio water 27502
resources council consisting of the directors of agriculture, 27503
development, environmental protection, health, natural resources, 27504
transportation, and the Ohio public works commission, the 27505
chairperson of the public utilities commission of Ohio, the 27506
executive director of the Ohio water development authority, and an 27507
executive assistant in the office of the governor appointed by the 27508
governor. The governor shall appoint one of the members of the 27509
council to serve as its chairperson. The council may adopt bylaws 27510
that are necessary for the implementation of this section. The 27511
council shall provide a forum for policy development, 27512
collaboration and coordination among state agencies, and strategic 27513
direction with respect to state water resource programs. The 27514
council shall be assisted in its functions by a state agency 27515

coordinating group and an advisory group as provided in this 27516
section. 27517

(B) The state agency coordinating group shall consist of the 27518
executive director of the Ohio Lake Erie commission and a member 27519
or members from each state agency, commission, and authority 27520
represented on the council, to be appointed by the applicable 27521
director, chairperson, or executive director. However, the 27522
environmental protection agency shall be represented on the group 27523
by the chiefs of the divisions within that agency having 27524
responsibility for surface water programs and drinking and ground 27525
water programs, and the department of natural resources shall be 27526
represented on the group by the chief of the division of ~~water and~~ 27527
~~the chief of the division of~~ soil and water ~~conservation~~ 27528
resources. The chairperson of the council shall appoint a leader 27529
of the state agency coordinating group. The group shall provide 27530
assistance to and perform duties on behalf of the council as 27531
directed by the council. 27532

(C) The advisory group shall consist of not more than 27533
twenty-four members, each representing an organization or entity 27534
with an interest in water resource issues. The council shall 27535
appoint the members of the advisory group. Of the initial 27536
appointments, not more than ten members shall be appointed for 27537
one-year terms, and not more than ten members shall be appointed 27538
for two-year terms. Of the four initial appointments made after 27539
~~the effective date of this amendment~~ April 6, 2007, two of the 27540
members shall be appointed for one-year terms, and two of the 27541
members shall be appointed for two-year terms. Thereafter, all 27542
advisory group members shall serve two-year terms. Members may be 27543
reappointed. Each member shall hold office from the date of the 27544
member's appointment until the end of the member's term. A member 27545
shall continue in office subsequent to the expiration date of the 27546
member's term until the member's successor takes office or until a 27547

period of sixty days has elapsed, whichever occurs first. The 27548
council may remove a member for misfeasance, nonfeasance, or 27549
malfeasance in office. The council shall appoint members to fill 27550
any vacancies on the group. A member appointed to fill a vacancy 27551
shall hold office for the remainder of the term for which that 27552
member was appointed. 27553

The chairperson of the council shall appoint a chairperson of 27554
the advisory group. The advisory group shall advise the council on 27555
water resources issues addressed by the council. 27556

(D) There is hereby created in the state treasury the Ohio 27557
water resources council fund. The department of natural resources 27558
shall serve as the fiscal agent for the fund. The departments of 27559
agriculture, development, environmental protection, health, 27560
natural resources, and transportation shall transfer moneys to the 27561
fund in equal amounts via intrastate transfer voucher. The public 27562
utilities commission of Ohio, Ohio public works commission, and 27563
Ohio water development authority may transfer moneys to the fund. 27564
If a voluntary transfer of moneys is made to the fund, the portion 27565
that is required to be transferred by the departments of 27566
agriculture, development, environmental protection, health, 27567
natural resources, and transportation may be equally reduced. 27568
Moneys in the fund shall be used to pay the operating expenses of 27569
the Ohio water resources council, including those specified in 27570
division (E) of this section. 27571

(E) The Ohio water resources council may hire staff to 27572
support its activities. The council may enter into contracts and 27573
agreements with federal agencies, state agencies, political 27574
subdivisions, and private entities to assist in accomplishing its 27575
objectives. Advisory group members shall be reimbursed for 27576
expenses necessarily incurred in the performance of their duties 27577
pursuant to section 126.31 of the Revised Code and any applicable 27578
rules pertaining to travel reimbursement adopted by the office of 27579

budget and management. 27580

Sec. 1523.01. In addition to all other powers granted to and 27581
duties devolving upon the chief of the division of soil and water 27582
resources, when in the chief's judgment it is for the public 27583
welfare and the best interests of the citizens of the state that 27584
the surplus, flood, and other waters of any of the watersheds, 27585
rivers, streams, watercourses, or public waters should be 27586
conserved, impounded, and stored in order to insure and promote 27587
the public health, welfare, and safety and to encourage and 27588
promote agriculture, commerce, manufacturing, and other public 27589
purposes, such chief shall proceed in furtherance of the purposes 27590
of sections 1523.01 to 1523.13 of the Revised Code, and for the 27591
preservation of the use of such waters for navigation, in case 27592
such waters are required for navigation, to construct such 27593
reservoirs, dams, storage basins, dikes, canals, raceways, and 27594
other improvements as are necessary for such purposes, or the 27595
chief may make additions to, enlarge, and make alterations in and 27596
upon such reservoirs, dams, storage basins, dikes, canals, 27597
raceways, and other improvements already in existence and 27598
constituting a part of the public works, as are necessary for such 27599
purposes. Any rights or privileges granted by sections 1523.01 to 27600
1523.13 of the Revised Code, shall not interfere with the control 27601
and maintenance of the state reservoirs or public parks which have 27602
been dedicated to the public for purposes of recreation and 27603
pleasure. 27604

~~Said~~ The chief, subject to the written approval of the 27605
director of natural resources and the governor, may acquire by 27606
gift, purchase, or by appropriation proceedings, in the name of 27607
and on behalf of the state, such real and personal property, 27608
rights, privileges, and appurtenances as are necessary in the 27609
chief's judgment for the construction of such reservoirs, dams, 27610
storage basins, dikes, canals, raceways, and other improvements, 27611

or for the alteration, enlargement, or maintenance of existing 27612
reservoirs, dams, and other improvements, together with such 27613
rights of way, drives, and roadways as are necessary for 27614
convenient access thereto. The appropriation proceedings referred 27615
to in this section shall be restricted to private property only. 27616

Before proceeding to purchase or appropriate any such 27617
property or rights, the cost of which, together with the land or 27618
real estate necessary upon which to locate and construct such 27619
improvements, including damages to remaining property, is in 27620
excess of one thousand dollars, the chief shall prepare plans, 27621
specifications, and estimates of such cost, including all material 27622
and labor therefor, together with the cost of such land or real 27623
estate and damages, and shall thereupon submit such plans, 27624
specifications, and estimates to the director, who in turn shall 27625
submit them to the governor for approval. 27626

The governor shall thereupon publish written notice once a 27627
week for two consecutive weeks in a newspaper published in and of 27628
general circulation in the counties where any such improvements 27629
are proposed to be constructed, setting forth the location and 27630
character of the proposed improvements, that the plans, 27631
specifications, and estimates therefor are on file in the 27632
governor's office, and that objections thereto will be heard by 27633
the governor on a day to be named in ~~said~~ the notice, which day 27634
shall be not less than ten nor more than twenty days after the 27635
first publication thereof. Within thirty days after the date fixed 27636
for ~~said~~ the hearing, the governor shall return such plans, 27637
specifications, and estimates to the director, with the governor's 27638
written approval or rejection thereof indorsed thereon. The 27639
director shall immediately return such plans, specifications, and 27640
estimates, together with the governor's indorsement thereon, to 27641
the chief. 27642

Any instrument by which real property is acquired pursuant to 27643

this section shall identify the agency of the state that has the 27644
use and benefit of the real property as specified in section 27645
5301.012 of the Revised Code. 27646

Sec. 1523.02. If the governor approves the plans, 27647
specifications, and estimates authorized by section 1523.01 of the 27648
Revised Code, the chief of the division of soil and water 27649
resources shall thereupon proceed, as provided in sections 1523.02 27650
to 1523.13 of the Revised Code, to construct the improvements or 27651
to make alterations in or to enlarge those already existing, in 27652
such manner and form as is shown by such plans and specifications. 27653
In order to provide the funds for such construction, alteration, 27654
or enlargement, the chief shall issue and sell bonds of the state, 27655
not in excess of the estimated cost of such improvements. The 27656
bonds shall be issued in denominations of not less than one 27657
hundred dollars payable as a whole or in series on or before fifty 27658
years from the date thereof, with interest not to exceed the rate 27659
provided in section 9.95 of the Revised Code, payable either 27660
annually or semiannually. 27661

The bonds shall show on their face the purpose for which 27662
issued and shall create no liability upon or be considered an 27663
indebtedness of the state, but both the principal and interest 27664
shall be paid solely out of the proceeds arising from the 27665
improvements constructed, altered, or enlarged by the chief, or 27666
from the proceeds of the sale or foreclosure of the lien securing 27667
the bonds on such improvement or such part thereof as is 27668
constructed from the money realized from the sale of the bonds. 27669

The form of the bonds shall be approved by the attorney 27670
general, and they shall be signed by the governor and attested by 27671
the director of natural resources and the chief. The bonds may be 27672
issued as coupon bonds, payable to bearer only, or upon demand of 27673
the owner or holder thereof as registered bonds. 27674

Such bonds shall be sold by the chief to the highest bidder 27675
therefor, but for not less than the par value thereof, with 27676
accrued interest thereon, after thirty days' notice in at least 27677
two newspapers of general circulation in the county where such 27678
improvements are to be constructed, altered, or enlarged, setting 27679
forth the nature, amount, rate of interest, and length of time the 27680
bonds have to run, with the time and place of sale. 27681

The treasurer of state shall be the treasurer of the fund 27682
realized from the sale of such bonds, and the auditor of state 27683
shall be the auditor of such fund. The proceeds of such sale shall 27684
be turned over to the treasurer of state and shall be deposited by 27685
the treasurer of state in a solvent bank, located either in 27686
Columbus or in the county in which such improvements are located. 27687
Such proceeds shall be kept by such bank in a fund to be known as 27688
the water conservation improvement fund. Such fund shall be used 27689
to acquire the necessary real estate and to construct such new 27690
improvements and for no other purpose, except that the treasurer 27691
of state may pay the interest on the bonds during the period of 27692
condemnation and the construction, alteration, or enlargement of 27693
such improvements out of the proceeds arising from the sale of the 27694
bonds for a term not exceeding three years from the date on which 27695
the bonds are issued. The bank shall give bond to the state in 27696
such amount as the treasurer of state considers advisable, and 27697
with surety to the satisfaction of the treasurer of state, for the 27698
benefit of the holders of the bonds, and for the benefit of any 27699
contractors performing labor or furnishing material for such 27700
improvements, as provided by law, conditioned that it will safely 27701
keep the money and will make no payments or disbursements 27702
therefrom except as provided in sections 1523.01 to 1523.13 of the 27703
Revised Code. 27704

The treasurer of state shall hold such fund as trustee for 27705
the holders of the bonds and for all persons performing labor or 27706

furnishing material for the construction, alteration, or 27707
enlargement of any improvement made under such sections. Such 27708
funds shall not be turned into the state treasury, but shall be 27709
deposited and disbursed by the treasurer of state as provided in 27710
such sections. The interest coupons attached to such bonds shall 27711
bear the signature of the treasurer of state, executed by the 27712
treasurer of state or printed or lithographed thereon. 27713

Both the interest and principal of such bonds shall be made 27714
payable at the office of the treasurer of state in Columbus, and 27715
shall be paid by the treasurer of state, without warrant or 27716
authority of the director of budget and management, to the owner 27717
or holder of such bonds upon presentation by the owner or holder 27718
of matured interest coupons or bonds. 27719

Sec. 1523.03. Immediately after the sale of the bonds 27720
authorized by section 1523.02 of the Revised Code and the payment 27721
of the proceeds thereof to the treasurer of state as provided in 27722
such section, the chief of the division of soil and water 27723
resources shall make a written contract for the construction of 27724
the improvements or for the making of additions to or alterations 27725
in existing improvements with the lowest responsive and 27726
responsible bidder, in accordance with section 9.312 of the 27727
Revised Code, after advertisements once a week for four 27728
consecutive weeks in one newspaper in each of the cities of 27729
Columbus, Cleveland, and Cincinnati having a general circulation 27730
therein, one trade paper having a circulation among contractors 27731
engaged in the construction of public improvement work of like 27732
character, and two newspapers having a general circulation within 27733
the county in which the dam, reservoir, storage basin, or other 27734
improvement is located or is to be located. 27735

All bids shall be filed with the chief, within the time fixed 27736
for the filing of such bids in ~~said~~ the advertisement. The bids 27737

shall be opened and publicly read by the chief at twelve noon on 27738
the last day for filing them. Each bid shall contain the full 27739
names of every person or company interested in it, shall 27740
separately state the price of both the labor and material to be 27741
furnished under it, and shall meet the requirements of section 27742
153.54 of the Revised Code. 27743

The chief may reject any bids. If the chief rejects all bids, 27744
the chief shall within sixty days thereafter readvertise for bids 27745
for the construction of such improvements, as provided in this 27746
section, and may continue to readvertise for bids every sixty days 27747
until bids are received which are made to the chief's satisfaction 27748
and in conformity to sections 1523.01 to 1523.13 of the Revised 27749
Code. 27750

The chief may award separate contracts to bidders for each 27751
part of the labor to be done or material to be furnished for the 27752
construction of such improvements, provided that the amount of the 27753
contract, if awarded as a whole, or the aggregate of ~~said the~~ the 27754
several contracts, if awarded separately, shall not, together with 27755
the cost of the land necessary for such improvements and the 27756
estimated damages to remaining property, be in excess of the 27757
estimated cost of the construction thereof, including such land 27758
and damages. Such contracts shall provide that all payments 27759
thereunder shall be made only from the proceeds of the sale of the 27760
bonds issued for the construction of such improvements. No 27761
contractor shall receive payment for any work or labor performed 27762
or material furnished for such improvements unless the contract 27763
therefor was, at the time of its execution, approved by the 27764
governor by the governor's written indorsement on such contract. 27765

Sec. 1523.04. When estimates or statements for either 27766
material theretofore furnished or labor theretofore performed 27767
under a contract entered into as provided in section 1523.03 of 27768

the Revised Code are presented to the chief of the division of 27769
soil and water ~~of the department of natural~~ resources by the 27770
contractor, certified as to the correctness thereof under oath by 27771
~~him~~ the contractor or ~~his~~ the contractor's authorized agent and 27772
approved in writing by the chief, the chief shall pay the amount 27773
of such estimates or statements from the water conservation 27774
improvement fund. 27775

Sec. 1523.05. The chief of the division of soil and water 27776
resources shall by contract in writing sell or lease for 27777
agricultural, commercial, manufacturing, or other lawful purposes, 27778
for any term not exceeding fifty years, the water, or any part 27779
thereof, conserved and stored by the improvements then existing, 27780
or that will be conserved and stored by any improvements 27781
thereafter to be constructed by ~~him~~ the chief. The chief may lease 27782
the land surrounding ~~said~~ the water for a term not exceeding fifty 27783
years, as shown by the plans and specifications prepared by ~~him~~ 27784
the chief and approved by the governor as provided in section 27785
1523.01 of the Revised Code. Such agreements shall be for a 27786
certain price or rental for the water or lands furnished to or 27787
used by the grantees, lessees, or their assigns, to be paid 27788
quarterly, semiannually, or annually as the chief deems advisable. 27789

~~Said~~ The chief may, for a term not exceeding fifty years, 27790
sell or lease power generated by any head of water raised or 27791
maintained by any such improvement, or ~~he~~ the chief may sell or 27792
lease the right to use such head of water for generating power or 27793
other hydraulic purposes. 27794

All such contracts of sale or lease, whether for water or 27795
power, shall contain such reservations or restrictions as the 27796
chief deems necessary and proper in furtherance of the purposes of 27797
sections 1523.01 to 1523.13, ~~inclusive,~~ of the Revised Code, and 27798
the preservation of the use of such waters for navigation in case 27799

they are required therefor. 27800

Such contracts or leases ~~must~~ shall be approved by the 27801
attorney general as to their general form and legality and, before 27802
becoming binding obligations on the state, they shall be approved 27803
by the governor by ~~his~~ the governor's written indorsement thereon. 27804

Sec. 1523.06. (A) The chief of the division of soil and water 27805
resources before selling bonds as provided in section 1523.02 of 27806
the Revised Code or before receiving bids for the construction of 27807
improvements as authorized by section 1523.03 of the Revised Code 27808
may enter into tentative agreements for the sale or lease of water 27809
or power to: 27810

(1) Ascertain whether the public interest and welfare 27811
reasonably require the proposed improvements in the proposed 27812
locality; 27813

(2) Determine whether the revenues which the state may derive 27814
from the lease of lands and the lease and sale of the waters which 27815
are estimated will be conserved, impounded, and stored, or from 27816
the sale or lease of the power generated by such improvements, 27817
will be sufficient: 27818

(a) To pay the interest on bonds issued under section 1523.02 27819
of the Revised Code; 27820

(b) To create a sinking fund to retire ~~said~~ the bonds at 27821
their maturity; 27822

(c) To maintain and keep ~~said~~ the improvements in repair. 27823

(B) The performance and carrying out of such tentative 27824
agreements shall be conditioned upon the ability of such chief to: 27825

(1) Sell ~~said~~ the proposed bonds at not less than par and 27826
accrued interest; 27827

(2) Secure bids for the furnishing of all the labor and 27828

material necessary in the construction of such improvements, 27829
including all real estate required and damages incurred, at such a 27830
price that the rentals or compensation to be paid will provide 27831
during the terms of such contracts or leases a sum sufficient to 27832
pay ~~said~~ the interest, retire ~~said~~ the bonds, and maintain and 27833
keep ~~said~~ the improvements in repair. 27834

Sec. 1523.07. The treasurer of state shall be treasurer and 27835
the auditor of state shall be auditor of all moneys derived from 27836
the use of the improvements authorized by sections 1523.01 to 27837
1523.13, ~~inclusive,~~ of the Revised Code. The treasurer of state 27838
shall hold ~~said~~ the moneys as trustee for the maintenance of any 27839
improvements constructed under such sections, and for the holders 27840
of any bonds issued in accordance with section 1523.02 of the 27841
Revised Code. ~~Said~~ The moneys shall not be turned into the state 27842
treasury, but shall be deposited and disbursed by the treasurer of 27843
state in the manner provided in this section. All such moneys 27844
shall be collected by the treasurer of state on statements to be 27845
furnished by the chief of the division of soil and water resources 27846
and when so collected shall be deposited in solvent banks in the 27847
state upon the same terms as state funds are now loaned. ~~Said~~ The 27848
funds shall be kept by such banks in a fund known as the "water 27849
conservation fund" and shall be used, first, to maintain and keep 27850
in repair the dams, reservoirs, storage basins, and other 27851
improvements, and, second, to pay the interest upon and principal 27852
of the bonds issued and sold pursuant to section 1523.02 of the 27853
Revised Code, as such interest falls due or ~~said~~ the bonds mature. 27854

The banks in which the treasurer of state deposits any of the 27855
moneys belonging either to the water conservation improvement fund 27856
provided for in section 1523.02 of the Revised Code or the water 27857
conservation fund provided for in this section shall be state 27858
depository banks as provided for in sections 135.01 to 135.21, ~~inclusive,~~ 27859
~~inclusive,~~ of the Revised Code. An amount not to exceed fifty 27860

thousand dollars of the money on deposit at any one time in the 27861
water conservation improvement fund, and an amount not to exceed 27862
ten thousand dollars in the water conservation fund shall be held 27863
by any of ~~said~~ the banks as an active deposit, and ~~said~~ the banks 27864
shall pay the treasurer of state on such deposits, both active and 27865
inactive, the same rate of interest then being paid by them upon 27866
the funds of the state then deposited with them by the treasurer 27867
of state. All such payments of interest shall be credited to the 27868
respective funds upon which such interest is paid. 27869

Sec. 1523.08. When the cost of any repairs to the 27870
improvements authorized by section 1523.01 of the Revised Code 27871
does not exceed one thousand dollars, the chief of the division of 27872
soil and water ~~of the department of natural~~ resources either may 27873
make such repairs ~~himself~~ or may let a contract therefor without 27874
advertising for bids. If the cost of any such repairs is in excess 27875
of one thousand dollars, the chief shall advertise for bids for 27876
the making of such repairs and let a contract therefor as provided 27877
in section 1523.03 of the Revised Code. 27878

When itemized statements are presented to the chief showing 27879
the amount of labor performed and material furnished in the making 27880
of such repairs, verified by the person making them and approved 27881
in writing by the chief, the chief shall pay the amount of such 27882
statement from the water conservation fund. 27883

Sec. 1523.09. If a reservoir, dam, storage basin, or other 27884
improvement constructed or enlarged by the chief of the division 27885
of soil and water resources as provided in sections 1523.01 to 27886
1523.13 of the Revised Code constitutes a part of the canal system 27887
of the state or is located upon any river, stream, or body of 27888
water formerly used as a feeder for the canal system, no water 27889
shall be sold or leased from the improvement ~~by the chief~~ except 27890
in accordance with section 1520.03 of the Revised Code. 27891

Sec. 1523.10. The funds derived from the sale, use, or lease 27892
of the water impounded and conserved or the power generated by the 27893
improvements constructed pursuant to sections 1523.01 to 1523.13~~7~~ 27894
~~inclusive~~, of the Revised Code, or from the lease of the lands and 27895
improvements adjacent thereto are hereby expressly pledged for the 27896
purpose of maintaining and keeping ~~said the~~ the improvements in repair 27897
and for the payment of the interest on and principal of the bonds 27898
issued under section 1523.02 of the Revised Code, as the same fall 27899
due and mature. The owners of such bonds are hereby given a lien 27900
for the payment of the principal and interest of such bonds upon 27901
any dam, reservoir, storage basin, or other improvements, or any 27902
part thereof, with the appurtenances belonging thereto, 27903
constructed by the chief of the division of soil and water 27904
resources with the funds derived from the sale of such bonds. 27905

If default is made in the payment of the interest on any of 27906
~~said the~~ the bonds for three or more successive years, or if bonds, 27907
aggregating in par value not less than ten per cent of the total 27908
amount of such bonds then outstanding are not paid at maturity, 27909
then all of ~~said the~~ the bonds, both principal and interest, shall 27910
become due and payable, and the owners of any of ~~said the~~ the bonds, 27911
aggregating in par value not less than ten per cent of the total 27912
amount of such bonds then outstanding, may institute proceedings 27913
to foreclose such lien against the state in the court of common 27914
pleas of the county in which is located any of ~~said the~~ the 27915
improvements, constructed, altered, or enlarged out of the 27916
proceeds of the sale of such bonds. 27917

~~Said The~~ The court shall have jurisdiction of such action with 27918
full power to foreclose such lien and to make an order to the 27919
sheriff of ~~said the~~ the county, acting as a master commissioner, 27920
directing ~~him~~ the sheriff to make a sale of such improvements or 27921
part thereof at not less than two-thirds of the appraised value 27922
thereof, and upon such terms and in manner and form as provided 27923

for in ~~said~~ the order, and to pay the proceeds of such sale to the 27924
clerk of the court of common pleas. Upon motion of the purchaser 27925
of such improvements at such sale, the court, if such sale is 27926
found to be regular in all respects and according to law, shall 27927
confirm the sale and order the sheriff to execute a deed to such 27928
purchaser and ~~his~~ the purchaser's assigns, conveying to ~~him~~ the 27929
purchaser and the purchaser's assigns all the right, title, and 27930
interest of the holders of ~~said~~ the bonds in and to ~~said~~ the 27931
improvements, and all the right, title, and interest of the state, 27932
for a period of not more than fifty years from the date of such 27933
conveyance, in the same, with full right and franchise, for ~~said~~ 27934
the period of not to exceed fifty years, to operate ~~said~~ the 27935
improvements and dispose of the water conserved or the power 27936
generated thereby, with the further right, for ~~said~~ the period of 27937
fifty years, to flow, transport, and convey ~~said~~ the water from 27938
~~said~~ the improvements, or to conduct and transmit power generated 27939
thereby through, over, and upon any of the lands of the state or 27940
channels or beds of any of its reservoirs, lakes, canals, races, 27941
aqueducts, or watercourses. In the exercise of such rights, such 27942
purchaser or ~~his~~ the purchaser's assigns shall at all times during 27943
the term of ~~said~~ the grant maintain the improvements so conveyed 27944
to them in a good state of repair and shall not interfere with the 27945
navigation of the canals of the state or with the control and 27946
maintenance thereof or with the sale of water by the state from 27947
its dams, reservoirs, and improvements other than those so 27948
constructed. The state does not incur any liability by reason of 27949
such sale and the rights granted thereunder to continue to 27950
maintain such canals, races, channels, or watercourses, or to 27951
continue the use thereof. Such conveyance or grant by the sheriff 27952
as such master commissioner shall contain a clause giving the 27953
chief such control of waste gates and wickets as to regulate the 27954
flow of water in the state reservoirs or canals, in such manner as 27955
to maintain the proper level therein and to prevent the flowing 27956

into such reservoirs and canals of such quantities of water as 27957
might impair any of the property of the state or its lessees, 27958
except as otherwise provided in section 1520.03 of the Revised 27959
Code. 27960

Upon the foreclosure of ~~said~~ the lien and the sale of ~~said~~ 27961
the improvements, all contracts or leases for the sale, use, or 27962
lease of water, the lands and improvements adjacent thereto, or 27963
power rights then outstanding shall become void, and the rights of 27964
the state and the several lessees thereunder, shall cease. 27965

Upon the making of an order by the court for the sale of such 27966
improvements, and before they are offered for sale by the sheriff, 27967
the court shall appoint three disinterested appraisers, one of 27968
whom shall be a water-works or hydraulic engineer with at least 27969
five years' experience in the practice of ~~his~~ the engineer's 27970
profession, and two of whom shall be freeholders residing in the 27971
county in which any of such improvements are located. ~~Said~~ The 27972
appraisers shall appraise ~~said~~ the improvements and shall, within 27973
the time fixed by the court, file such appraisal in writing with 27974
the clerk. If the lien given by this section as security for the 27975
payment of ~~said~~ the bonds covers a part only of ~~said~~ the 27976
improvements, ~~said~~ the appraisers shall appraise ~~said~~ the 27977
improvements as an entirety, and shall also appraise separately 27978
the part constructed from the proceeds of the sale of ~~said~~ the 27979
bonds, the lien of which is being foreclosed in such proceeding. 27980

In making such appraisal and fixing the value of ~~said~~ the 27981
improvements or of such part thereof, ~~said~~ the appraisers shall 27982
have access to all papers and documents on file in the office of 27983
the chief relating to such improvements, including the plans and 27984
specifications therefor, and the bids made and contracts entered 27985
into for the construction thereof, and all leases and contracts 27986
for the sale of water impounded therein and power generated 27987
thereby. The order of the court shall direct the sale only of such 27988

part of ~~said~~ the improvements as have been constructed from the 27989
proceeds of the sale of ~~said~~ the bonds. The purchaser at such 27990
sale, in the operation of such improvements during the term of the 27991
franchise granted to ~~him~~ the purchaser by this section, shall draw 27992
from the dam or reservoir impounding such water only such portion 27993
thereof as the appraised value of that part of such improvements, 27994
constructed from the proceeds of the sale of such bonds and sold 27995
to ~~him~~ the purchaser under the order of the court, bears to the 27996
entire appraised value of such improvements. 27997

If at any time during the term of the franchise granted to 27998
the purchaser of such improvements at such foreclosure sale any 27999
controversy arises between ~~him~~ the purchaser or ~~his~~ the 28000
purchaser's assigns and the chief as to the operation of such 28001
improvements, or as to the amount of water which ~~said~~ the 28002
purchaser is drawing or is entitled to draw therefrom, either ~~said~~ 28003
the purchaser or ~~said~~ the chief may file a petition in ~~said~~ the 28004
court, setting forth the facts connected with such controversy. 28005

Notice in writing of the filing of such petition shall be 28006
given to the opposite party to ~~said~~ the controversy within thirty 28007
days from the date of the filing thereof, either by service of 28008
such notice personally upon such opposite party by the sheriff of 28009
such county or by service by mail by the clerk. Such notice shall 28010
be mailed to the name and address which the purchaser filed with 28011
~~said~~ the clerk at the time of the delivery to the purchaser by the 28012
sheriff of the deed. Within thirty days from the serving or 28013
mailing of such notice, the opposite party to ~~said~~ the controversy 28014
shall file ~~his~~ an answer in ~~said~~ the court, and thereupon the 28015
court shall hear and determine ~~said~~ the controversy and make such 28016
order in regard to it as is just and proper, which order shall be 28017
binding upon all the parties to ~~said~~ the controversy. 28018

At the termination of ~~said~~ the period of not to exceed fifty 28019
years, all of the rights and privileges conveyed to ~~said~~ the 28020

purchaser by the deed and grant of such sheriff as master 28021
commissioner shall cease and ~~said~~ the improvements, with all the 28022
appurtenances belonging thereto, shall revert to and become the 28023
property of the state, free and clear of any claims whatever 28024
against them. 28025

The clerk shall distribute and pay the money received by ~~him~~ 28026
the clerk from the sheriff as such master commissioner from the 28027
sale of such improvements to the holders of ~~said~~ the bonds pro 28028
rata, and upon such payment to any of ~~said~~ the bondholders, they 28029
shall surrender to the ~~said~~ the clerk their bonds, with all unpaid 28030
interest coupons thereon. The clerk shall thereupon cancel the 28031
same and deliver them, so canceled, to the treasurer of the water 28032
conservation improvement fund. 28033

Sec. 1523.11. All appropriations of property made by the 28034
chief of the division of soil and water resources in carrying out 28035
sections 1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, shall 28036
be made in accordance with sections 163.01 to 163.22, ~~inclusive~~, 28037
of the Revised Code, provided that possession of any property so 28038
appropriated shall not be taken by the state or the chief before 28039
the compensation and damages awarded therefor in the appropriation 28040
proceedings have been paid into court. 28041

Sec. 1523.12. Sections 1523.01 to 1523.13, ~~inclusive~~, of the 28042
Revised Code do not authorize any reduction in the quantity or any 28043
impairment in the quality of the water in any watershed, stream, 28044
or basin, developed or undeveloped, from which any political 28045
subdivision is, at the time the chief of the division of soil and 28046
water resources proposes and is proceeding to construct in such 28047
watershed, stream, or basin any of the improvements authorized by 28048
such sections, taking water for the use of itself or its 28049
inhabitants, or has plans under way, or has made or begun 28050
appropriation of any property or rights in such watershed, stream, 28051

or basin for the purpose of acquiring a water supply for itself or 28052
its inhabitants for either domestic, industrial, or other uses. 28053
Such sections do not authorize the chief to sell or lease the 28054
right to use water at any time for any purpose or to such an 28055
extent as to prejudice, abrogate, or supersede any of the water 28056
rights granted by the state to the city of Akron as provided in 28057
volume 102, Ohio Laws, page 175, sections 1 to 3, ~~inclusive~~. 28058

Sec. 1523.13. If by reason of severe drought or other causes 28059
the water supply of any political subdivision is, in the judgment 28060
of the chief of the division of soil and water resources, at any 28061
time so reduced or impaired as to endanger the property of such 28062
political subdivision, or the health, safety, or property of the 28063
inhabitants thereof, then the chief, under such regulations as ~~he~~ 28064
the chief prescribes, may grant to such political subdivision the 28065
right, during the continuance of such emergency, to draw or take 28066
such quantity of water as is necessary to protect the property of 28067
such political subdivision and the health, safety, or property of 28068
its inhabitants from any improvement constructed under sections 28069
1523.01 to 1523.13, ~~inclusive~~, of the Revised Code, before any of 28070
the lessees or grantees of the state using the water for 28071
industrial purposes take water therefrom. Such political 28072
subdivision shall pay such price per thousand gallons for the 28073
water so taken by it as is fixed by the chief and the governor. 28074
The price so fixed shall not exceed the maximum price then being 28075
paid for water to the state by any of its lessees or grantees. 28076
Such grant by the chief to such political subdivision shall not 28077
modify the terms or impair the validity of any leases then 28078
existing between the state and other persons, firms, or 28079
corporations, except as expressly provided in this section. 28080

Sec. 1523.14. The director of transportation in constructing 28081
highways, bridges, and culverts as provided by law; the board of 28082

county commissioners in constructing highways, bridges, and culverts as provided by law; the board of township trustees of any township in constructing highways, bridges, and culverts as provided by law; and any municipal corporation constructing or improving viaducts, bridges, and culverts under section 717.01 of the Revised Code, either severally or jointly, upon request of the chief of the division of soil and water resources and with the approval of the director of transportation, may construct and maintain slack-water dams in connection with ~~said~~ the highway, highway bridge, or culvert so as to create reservoirs, ponds, water parks, basins, lakes, or other incidental works to conserve the water supply of the state.

Sec. 1523.15. The chief of the division of soil and water ~~of the department of natural~~ resources may request the public authority having charge of the construction of state, county, or township highways, highway bridges, and culverts, or municipal streets, for the construction of slack-water dams in connection with the construction of any such highway, street, highway bridge, or culvert whenever, in ~~his~~ the chief's opinion, the construction of such dam is desirable and feasible for the economical creation and construction of reservoirs, ponds, water parks, basins, lakes, or other incidental works for the conservation of the water supply of the state.

The public authority having charge of such construction may approve such request when, in its opinion, the construction of such dams will not unnecessarily delay or hinder the construction of the highway, street, highway bridge, or culvert, or will not interfere with its value or use for highway purposes.

If such request is approved, the chief, in cooperation with the department of transportation and the public authority participating in the project, shall make a survey and prepare

plans, specifications, and estimates for the construction of such 28114
dams and the reservoir, pond, water park, basin, lake, or other 28115
incidental works in connection therewith. 28116

Upon approval of the plans and specifications and 28117
determination to proceed with the project, the chief shall enter 28118
into an agreement with the public authority on the distribution of 28119
the cost and expense of the construction of such dams and 28120
incidental works in connection therewith. The portion of the cost 28121
to be paid by the division of soil and water resources shall be 28122
paid from any funds appropriated for or paid into the division and 28123
available for such purpose. 28124

Such dams shall be constructed under and subject to any laws 28125
governing the construction of state, county, or township highways, 28126
bridges, or culverts. Any public authority undertaking 28127
construction under sections 1523.14 to 1523.20 of the Revised Code 28128
shall proceed in the same manner as provided for the construction 28129
of highway or street improvements. 28130

Sec. 1523.16. Any department or division of the state 28131
government, or any county, township, municipal corporation, park 28132
board, or district, or any organization, club, corporation, or 28133
private person may petition the chief of the division of soil and 28134
water resources for the construction of dams and reservoir 28135
projects in connection with the construction of any highway, 28136
highway bridge, or culvert. 28137

Upon receipt of such a petition and its approval by the 28138
chief, ~~he~~ the chief shall proceed as authorized by section 1523.15 28139
of the Revised Code. If the public authority having charge of the 28140
construction of such highway, street, highway bridge, or culvert 28141
approves the request, then the chief shall enter into an agreement 28142
with the public authority, organization, or person petitioning for 28143
the construction of such dam or reservoir on the apportionment of 28144

the cost and expense of construction. The cost and expense of such 28145
dam project shall include the cost of clearing and grubbing and 28146
the cost of property and damages incidental thereto. Such 28147
agreement shall also contain provisions for the proper maintenance 28148
and repair of such projects after completion, and also apportion 28149
the revenue derived therefrom between the division of soil and 28150
water resources and the petitioner. 28151

Sec. 1523.17. In all cases in which a public authority, 28152
private organization, or person petitions for the construction of 28153
a dam and reservoir project as authorized by ~~section~~ sections 28154
1523.14 to 1523.20 of the Revised Code, the chief of the division 28155
of soil and water ~~of the department of natural~~ resources, as a 28156
condition precedent to the construction of such project, shall 28157
require the petitioning authority, organization, or person to pay 28158
~~his~~ the petitioning authority's, organization's, or person's share 28159
of the cost and expense of such project. 28160

Any deficiency shall be made up by the parties bearing the 28161
cost before any further work is done. If the deficiency is not 28162
made up within sixty days after it is known, the amount paid in, 28163
less the expense incurred by the chief and the cooperating public 28164
authorities, shall be refunded to the donor. After completion of 28165
the work, any amount remaining to the credit of the project shall 28166
likewise be refunded. 28167

Sec. 1523.18. In the construction of dams, reservoirs, and 28168
other incidental works under sections 1523.14 to 1523.20 of the 28169
Revised Code, the chief of the division of soil and water 28170
resources shall proceed as provided by law, and shall enter into 28171
contracts therefor as provided in sections 153.01 to 153.29 of the 28172
Revised Code. The director of transportation, the chief of the 28173
division of wildlife with the approval of the director of natural 28174
resources, and any county, township, municipal corporation, and 28175

public park board or district may proceed with the letting of 28176
contracts for the construction of such dams or reservoir projects, 28177
approved by the chief of the division of soil and water resources, 28178
under any laws regulating the letting of contracts applicable to 28179
their respective departments, divisions, districts, or political 28180
subdivisions, and the authority of sections 1523.14 to 1523.20 of 28181
the Revised Code. 28182

Sec. 1523.19. The chief of the division of soil and water 28183
resources shall have the supervision, care, and control of all 28184
dams, reservoirs, ponds, water parks, basins, lakes, or other 28185
incidental works constructed under sections 1523.14 to 1523.20~~7~~ 28186
~~inclusive~~, of the Revised Code, and shall maintain and keep them 28187
in repair. The cost of such maintenance and repair shall be paid 28188
from any funds appropriated to the division of soil and water 28189
resources for that purpose or paid into the state treasury as 28190
agreed upon with the public or contracting authorities 28191
co-operating in the construction of such projects. 28192

Such projects may also be maintained by any department or 28193
division of state government or other public authorities leasing 28194
or operating the projects, through agreements made with ~~said the~~ 28195
chief. All rentals derived from the lessees of such projects shall 28196
be used by ~~said the~~ chief in the maintenance or repair of all such 28197
projects constructed under such sections. The costs and expenses 28198
of the reconstruction of any such projects shall be distributed, 28199
unless otherwise agreed, on the same basis and pro-rata share of 28200
the costs and expenses as was paid by the contracting authorities 28201
contributing to the cost of the original project. 28202

Sec. 1523.20. When the chief of the division of soil and 28203
water resources and the owners of the lands, waters, or riparian 28204
rights are unable to agree upon the terms, purchase price, and 28205
sale thereof, the chief may acquire the lands by appropriation 28206

proceedings in the manner provided by sections 163.01 to 163.22 of the Revised Code. 28207
28208

The title or lease to any such lands, waters, or riparian rights shall be taken by the chief, subject to the approval of the governor and the attorney general, in the name of the state. The lease rentals or purchase price of any such lands, waters, or riparian rights, as well as all costs and expenses of constructing any such reservoirs, ponds, water parks, basins, lakes, or other incidental works on those lands, may be paid for from any funds appropriated for the use of or paid into the division of soil and water resources and available for that purpose. The chief may accept contributions to those funds from individuals, associations, clubs, organizations, and corporations. 28209
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Sec. 1531.01. As used in this chapter and Chapter 1533. of the Revised Code: 28220
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(A) "Person" means a person as defined in section 1.59 of the Revised Code or a company; an employee, agent, or officer of such a person or company; a combination of individuals; the state; a political subdivision of the state; an interstate body created by a compact; or the federal government or a department, agency, or instrumentality of it. 28222
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(B) "Resident" means any individual who has resided in this state for not less than six months next preceding the date of making application for a license. 28228
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(C) "Nonresident" means any individual who does not qualify as a resident. 28231
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(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise. 28233
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(E) "Closed season" means that period of time during which 28236

the taking of wild animals protected by this chapter and Chapter 28237
1533. of the Revised Code is prohibited. 28238

(F) "Open season" means that period of time during which the 28239
taking of wild animals protected by this chapter and Chapter 1533. 28240
of the Revised Code is permitted. 28241

(G) "Take or taking" includes pursuing, shooting, hunting, 28242
killing, trapping, angling, fishing with a trotline, or netting 28243
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 28244
wild bird, or wild quadruped, and any lesser act, such as 28245
wounding, or placing, setting, drawing, or using any other device 28246
for killing or capturing any wild animal, whether it results in 28247
killing or capturing the animal or not. "Take or taking" includes 28248
every attempt to kill or capture and every act of assistance to 28249
any other person in killing or capturing or attempting to kill or 28250
capture a wild animal. 28251

(H) "Possession" means both actual and constructive 28252
possession and any control of things referred to. 28253

(I) "Bag limit" means the number, measurement, or weight of 28254
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 28255
birds, and wild quadrupeds permitted to be taken. 28256

(J) "Transport and transportation" means carrying or moving 28257
or causing to be carried or moved. 28258

(K) "Sell and sale" means barter, exchange, or offer or 28259
expose for sale. 28260

(L) "Whole to include part" means that every provision 28261
relating to any wild animal protected by this chapter and Chapter 28262
1533. of the Revised Code applies to any part of the wild animal 28263
with the same effect as it applies to the whole. 28264

(M) "Angling" means fishing with not more than two hand 28265
lines, not more than two units of rod and line, or a combination 28266

of not more than one hand line and one rod and line, either in 28267
hand or under control at any time while fishing. The hand line or 28268
rod and line shall have attached to it not more than three baited 28269
hooks, not more than three artificial fly rod lures, or one 28270
artificial bait casting lure equipped with not more than three 28271
sets of three hooks each. 28272

(N) "Trotline" means a device for catching fish that consists 28273
of a line having suspended from it, at frequent intervals, 28274
vertical lines with hooks attached. 28275

(O) "Fish" means a cold-blooded vertebrate having fins. 28276

(P) "Measurement of fish" means length from the end of the 28277
nose to the longest tip or end of the tail. 28278

(Q) "Wild birds" includes game birds and nongame birds. 28279

(R) "Game" includes game birds, game quadrupeds, and 28280
fur-bearing animals. 28281

(S) "Game birds" includes mourning doves, ringneck pheasants, 28282
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 28283
grouse, wild turkey, Hungarian partridge, Chukar partridge, 28284
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 28285
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 28286
duck, geese, brant, and crows. 28287

(T) "Nongame birds" includes all other wild birds not 28288
included and defined as game birds or migratory game birds. 28289

(U) "Wild quadrupeds" includes game quadrupeds and 28290
fur-bearing animals. 28291

(V) "Game quadrupeds" includes cottontail rabbits, gray 28292
squirrels, black squirrels, fox squirrels, red squirrels, flying 28293
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 28294
wild boar, and black bears. 28295

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 28296

skunks, opossums, muskrats, fox, beavers, badgers, otters,	28297
coyotes, and bobcats.	28298
(X) "Wild animals" includes mollusks, crustaceans, aquatic	28299
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	28300
and all other wild mammals, but does not include domestic deer.	28301
(Y) "Hunting" means pursuing, shooting, killing, following	28302
after or on the trail of, lying in wait for, shooting at, or	28303
wounding wild birds or wild quadrupeds while employing any device	28304
commonly used to kill or wound wild birds or wild quadrupeds	28305
whether or not the acts result in killing or wounding. "Hunting"	28306
includes every attempt to kill or wound and every act of	28307
assistance to any other person in killing or wounding or	28308
attempting to kill or wound wild birds or wild quadrupeds.	28309
(Z) "Trapping" means securing or attempting to secure	28310
possession of a wild bird or wild quadruped by means of setting,	28311
placing, drawing, or using any device that is designed to close	28312
upon, hold fast, confine, or otherwise capture a wild bird or wild	28313
quadruped whether or not the means results in capture. "Trapping"	28314
includes every act of assistance to any other person in capturing	28315
wild birds or wild quadrupeds by means of the device whether or	28316
not the means results in capture.	28317
(AA) "Muskrat spear" means any device used in spearing	28318
muskrats.	28319
(BB) "Channels and passages" means those narrow bodies of	28320
water lying between islands or between an island and the mainland	28321
in Lake Erie.	28322
(CC) "Island" means a rock or land elevation above the waters	28323
of Lake Erie having an area of five or more acres above water.	28324
(DD) "Reef" means an elevation of rock, either broken or in	28325
place, or gravel shown by the latest United States chart to be	28326
above the common level of the surrounding bottom of the lake,	28327

other than the rock bottom, or in place forming the base or 28328
foundation rock of an island or mainland and sloping from the 28329
shore of it. "Reef" also means all elevations shown by that chart 28330
to be above the common level of the sloping base or foundation 28331
rock of an island or mainland, whether running from the shore of 28332
an island or parallel with the contour of the shore of an island 28333
or in any other way and whether formed by rock, broken or in 28334
place, or from gravel. 28335

(EE) "Fur farm" means any area used exclusively for raising 28336
fur-bearing animals or in addition thereto used for hunting game, 28337
the boundaries of which are plainly marked as such. 28338

(FF) "Waters" includes any lake, pond, reservoir, stream, 28339
channel, lagoon, or other body of water, or any part thereof, 28340
whether natural or artificial. 28341

(GG) "Crib" or "car" refers to that particular compartment of 28342
the net from which the fish are taken when the net is lifted. 28343

(HH) "Commercial fish" means those species of fish permitted 28344
to be taken, possessed, bought, or sold unless otherwise 28345
restricted by the Revised Code or division rule and are alewife 28346
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 28347
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 28348
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 28349
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 28350
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 28351
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 28352
olivaris), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 28353
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 28354
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 28355
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 28356
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 28357
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 28358
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 28359

than buffalo and quillback (Carpiodes sp., Catostomus sp.,
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone
chrysops), white perch (Roccus americanus), and yellow perch
(Perca flavescens). When the common name of a fish is used in this
chapter or Chapter 1533. of the Revised Code, it refers to the
fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any
method, and all other acts such as placing, setting, drawing, or
using any device commonly used to take fish whether resulting in a
taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from
both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from
one side of a fish.

(LL) "Round" when used in describing fish means with head and
tail intact.

(MM) "Migrate" means the transit or movement of fish to or
from one place to another as a result of natural forces or
instinct and includes, but is not limited to, movement of fish
induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across
the entire width of the back, at the top and bottom of the cars in
all trap, crib, and fyke nets for the purpose of keeping the
meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration
or hire, operates a boat, rents, leases, or otherwise furnishes
angling devices, ice fishing shanties or shelters of any kind, or
other fishing equipment, and accompanies, guides, directs, or
assists any other person in order for the other person to engage
in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.

(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.

(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.

(WW) "Reptiles" includes common musk turtle (*sternotherus odoratus*), common snapping turtle (*Chelydra serpentina serpentina*), spotted turtle (*Clemmys guttata*), eastern box turtle (*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea blandingii*), common map turtle (*Graptemys geographica*), ouachita

map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	28421
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	28422
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	28423
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	28424
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	28425
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	28426
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	28427
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	28428
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	28429
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	28430
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	28431
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	28432
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	28433
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	28434
northern redbelly snake (<i>Storeria occipitomaculata</i>	28435
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	28436
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	28437
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	28438
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	28439
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	28440
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	28441
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	28442
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	28443
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	28444
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	28445
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	28446
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	28447
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	28448
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	28449
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	28450
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	28451
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	28452
rattlesnake (<i>Crotalus horridus horridus</i>).	28453

(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	28454
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	28455
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	28456
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	28457
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	28458
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	28459
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	28460
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	28461
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	28462
mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	28463
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	28464
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	28465
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	28466
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	28467
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	28468
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	28469
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	28470
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	28471
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	28472
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	28473
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	28474
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	28475
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	28476
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	28477
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	28478
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	28479
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	28480
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	28481
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	28482
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	28483
frog (<i>Rana sylvatica</i>).	28484
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	28485
<i>virginianus</i>).	28486

(ZZ) "Domestic deer" means nonnative deer that have been	28487
legally acquired or their offspring and that are held in private	28488
ownership for primarily agricultural purposes.	28489
(AAA) "Migratory game bird" includes waterfowl (Anatidae);	28490
doves (Columbidae); cranes (Gruidae); cormorants	28491
(Phalacrocoracidea); rails, coots, and gallinules (Rallidae); and	28492
woodcock and snipe (Scolopacidae).	28493
(BBB) "Accompany" means to go along with another person while	28494
staying within a distance from the person that enables	28495
uninterrupted, unaided visual and auditory communication.	28496
(CCC) "Electric-powered all-purpose vehicle" means any	28497
battery-powered self-propelled electric vehicle that is designed	28498
primarily for cross-country travel on land, water, or land and	28499
water and that is steered by wheels, caterpillar treads, or a	28500
combination of wheels and caterpillar treads and includes vehicles	28501
that operate on a cushion of air, vehicles commonly known as	28502
all-terrain vehicles, all-season vehicles, mini-bikes, and trail	28503
bikes. "Electric-powered all-purpose vehicle" does not include a	28504
utility vehicle as defined in section 4501.01 of the Revised Code,	28505
any vehicle that is principally used in playing golf, any motor	28506
vehicle or aircraft that is required to be registered under	28507
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is	28508
excluded from the definition of "motor vehicle" as provided in	28509
division (B) of section 4501.01 of the Revised Code.	28510
<u>(DDD) "Children" means biological or adopted sons or</u>	28511
<u>daughters and adopted stepsons or stepdaughters.</u>	28512
<u>(EEE) "Grandchildren" means the children of one's child.</u>	28513
Sec. 1533.10. Except as provided in this section or division	28514
(A)(2) of section 1533.12 of the Revised Code, no person shall	28515
hunt any wild bird or wild quadruped without a hunting license.	28516

Each day that any person hunts within the state without procuring 28517
such a license constitutes a separate offense. Except as otherwise 28518
provided in this section, every applicant for a hunting license 28519
who is a resident of the state and eighteen years of age or more 28520
shall procure a resident hunting license or an apprentice resident 28521
hunting license, the fee for which shall be eighteen dollars 28522
unless the rules adopted under division (B) of section 1533.12 of 28523
the Revised Code provide for issuance of a resident hunting 28524
license to the applicant free of charge. Except as provided in 28525
rules adopted under division (B)(2) of that section, each 28526
applicant who is a resident of this state and who at the time of 28527
application is sixty-six years of age or older shall procure a 28528
special senior hunting license, the fee for which shall be 28529
one-half of the regular hunting license fee. Every applicant who 28530
is under the age of eighteen years shall procure a special youth 28531
hunting license or an apprentice youth hunting license, the fee 28532
for which shall be one-half of the regular hunting license fee. 28533
~~The owner of~~ A resident of this state who owns lands in the state 28534
and the owner's children of any age and grandchildren under 28535
eighteen years of age may hunt on the lands without a hunting 28536
license, but shall obtain a deer or wild turkey permit as required 28537
in section 1533.11 of the Revised Code. The tenant and children of 28538
the tenant, residing on lands in the state, may hunt on them 28539
without a hunting license, but shall obtain a deer or wild turkey 28540
permit as required in section 1533.11 of the Revised Code. Except 28541
as otherwise provided in division (A)(1) of section 1533.12 of the 28542
Revised Code, every applicant for a hunting license who is a 28543
nonresident of the state and who is eighteen years of age or older 28544
shall procure a nonresident hunting license or an apprentice 28545
nonresident hunting license, the fee for which shall be one 28546
hundred twenty-four dollars unless the applicant is a resident of 28547
a state that is a party to an agreement under section 1533.91 of 28548
the Revised Code, in which case the fee shall be eighteen dollars. 28549

Apprentice resident hunting licenses, apprentice youth hunting licenses, and apprentice nonresident hunting licenses are subject to the requirements established under section 1533.102 of the Revised Code and rules adopted pursuant to it.

The chief of the division of wildlife may issue a small game hunting license expiring three days from the effective date of the license to a nonresident of the state, the fee for which shall be thirty-nine dollars. No person shall take or possess deer, wild turkeys, fur-bearing animals, ducks, geese, brant, or any nongame animal while possessing only a small game hunting license. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of ducks, geese, or brant without having obtained, in addition to the small game hunting license or the apprentice nonresident hunting license, a wetlands habitat stamp as provided in section 1533.112 of the Revised Code. A small game hunting license or an apprentice nonresident hunting license does not authorize the taking or possessing of deer, wild turkeys, or fur-bearing animals. A nonresident of the state who wishes to take or possess deer, wild turkeys, or fur-bearing animals in this state shall procure, respectively, a deer or wild turkey permit as provided in section 1533.11 of the Revised Code or a fur taker permit as provided in section 1533.111 of the Revised Code in addition to a nonresident hunting license, an apprentice nonresident hunting license, a special youth hunting license, or an apprentice youth hunting license, as applicable, as provided in this section.

No person shall procure or attempt to procure a hunting license by fraud, deceit, misrepresentation, or any false statement.

This section does not authorize the taking and possessing of deer or wild turkeys without first having obtained, in addition to the hunting license required by this section, a deer or wild

turkey permit as provided in section 1533.11 of the Revised Code 28582
or the taking and possessing of ducks, geese, or brant without 28583
first having obtained, in addition to the hunting license required 28584
by this section, a wetlands habitat stamp as provided in section 28585
1533.112 of the Revised Code. 28586

This section does not authorize the hunting or trapping of 28587
fur-bearing animals without first having obtained, in addition to 28588
a hunting license required by this section, a fur taker permit as 28589
provided in section 1533.111 of the Revised Code. 28590

No hunting license shall be issued unless it is accompanied 28591
by a written explanation of the law in section 1533.17 of the 28592
Revised Code and the penalty for its violation, including a 28593
description of terms of imprisonment and fines that may be 28594
imposed. 28595

No hunting license, other than an apprentice hunting license, 28596
shall be issued unless the applicant presents to the agent 28597
authorized to issue the license a previously held hunting license 28598
or evidence of having held such a license in content and manner 28599
approved by the chief, a certificate of completion issued upon 28600
completion of a hunter education and conservation course approved 28601
by the chief, or evidence of equivalent training in content and 28602
manner approved by the chief. A previously held apprentice hunting 28603
license does not satisfy the requirement concerning the 28604
presentation of a previously held hunting license or evidence of 28605
it. 28606

No person shall issue a hunting license, except an apprentice 28607
hunting license, to any person who fails to present the evidence 28608
required by this section. No person shall purchase or obtain a 28609
hunting license, other than an apprentice hunting license, without 28610
presenting to the issuing agent the evidence required by this 28611
section. Issuance of a hunting license in violation of the 28612
requirements of this section is an offense by both the purchaser 28613

of the illegally obtained hunting license and the clerk or agent 28614
who issued the hunting license. Any hunting license issued in 28615
violation of this section is void. 28616

The chief, with approval of the wildlife council, shall adopt 28617
rules prescribing a hunter education and conservation course for 28618
first-time hunting license buyers, other than buyers of apprentice 28619
hunting licenses, and for volunteer instructors. The course shall 28620
consist of subjects including, but not limited to, hunter safety 28621
and health, use of hunting implements, hunting tradition and 28622
ethics, the hunter and conservation, the law in section 1533.17 of 28623
the Revised Code along with the penalty for its violation, 28624
including a description of terms of imprisonment and fines that 28625
may be imposed, and other law relating to hunting. Authorized 28626
personnel of the division or volunteer instructors approved by the 28627
chief shall conduct such courses with such frequency and at such 28628
locations throughout the state as to reasonably meet the needs of 28629
license applicants. The chief shall issue a certificate of 28630
completion to each person who successfully completes the course 28631
and passes an examination prescribed by the chief. 28632

Sec. 1533.11. (A) ~~Except as provided in this section, no (1)~~ 28633
~~No~~ person shall hunt deer ~~on lands of another~~ without first 28634
obtaining an annual deer permit. ~~Except as provided in this~~ 28635
~~section, no~~ No person shall hunt wild turkeys ~~on lands of another~~ 28636
without first obtaining an annual wild turkey permit. ~~Each~~ 28637

(2) Except as otherwise provided in this division, each 28638
applicant for a deer or wild turkey permit shall pay an annual fee 28639
of twenty-three dollars for each permit unless the rules adopted 28640
under division (B) of section 1533.12 of the Revised Code provide 28641
for issuance of a deer or wild turkey permit to the applicant free 28642
of charge. A resident of this state who owns lands in this state 28643
and the owner's children and grandchildren under eighteen years of 28644

age shall procure a landowner deer or landowner wild turkey permit 28645
free of charge in order to hunt deer or wild turkeys on those 28646
lands. A tenant and children of the tenant residing on lands in 28647
this state shall procure a landowner deer or landowner wild turkey 28648
permit free of charge in order to hunt deer or wild turkeys on 28649
those lands. Except as provided in rules adopted under division 28650
(B)(2) of ~~that~~ section 1533.12 of the Revised Code, each applicant 28651
who is a resident of this state and who at the time of application 28652
is sixty-six years of age or older shall procure a senior deer or 28653
wild turkey permit in order to hunt on lands of another, the fee 28654
for which shall be one-half of the regular deer or wild turkey 28655
permit fee. Each applicant who is under the age of eighteen years 28656
shall procure a youth deer or wild turkey permit in order to hunt 28657
on lands of another, the fee for which shall be one-half of the 28658
regular deer or wild turkey permit fee. ~~Except~~ 28659
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(3) Except as provided in division (A)(2) of section 1533.12 28661
of the Revised Code, a deer or wild turkey permit shall run 28662
concurrently with the hunting license. ~~The~~ 28663

(4) The money received shall be paid into the state treasury 28664
to the credit of the wildlife fund, created in section 1531.17 of 28665
the Revised Code, exclusively for the use of the division of 28666
wildlife in the acquisition and development of land for deer or 28667
wild turkey management, for investigating deer or wild turkey 28668
problems, and for the stocking, management, and protection of deer 28669
or wild turkey. ~~Every~~ 28670

(5) Every person, while hunting deer or wild turkey ~~on lands~~ 28671
~~of another~~, shall carry the person's deer or wild turkey permit 28672
and exhibit it to any enforcement officer so requesting. Failure 28673
to so carry and exhibit such a permit constitutes an offense under 28674
this section. The chief of the division of wildlife shall adopt 28675
any additional rules the chief considers necessary to carry out 28676

this section and section 1533.10 of the Revised Code. 28677

~~The owner and the children of the owner of lands in this 28678
state may hunt deer or wild turkey thereon without a deer or wild 28679
turkey permit. The tenant and children of the tenant may hunt deer 28680
or wild turkey on lands where they reside without a deer or wild 28681
turkey permit. 28682~~

(B) A deer or wild turkey permit is not transferable. No 28683
person shall carry a deer or wild turkey permit issued in the name 28684
of another person. 28685

(C) The wildlife refunds fund is hereby created in the state 28686
treasury. The fund shall consist of money received from 28687
application fees for deer permits that are not issued. Money in 28688
the fund shall be used to make refunds of such application fees. 28689

Sec. 1541.03. All lands and waters dedicated and set apart 28690
for state park purposes shall be under the control and management 28691
of the division of parks and recreation, which shall protect, 28692
maintain, and keep them in repair. The division shall have the 28693
following powers over all such lands and waters: 28694

(A) To make alterations and improvements; 28695

(B) To construct and maintain dikes, wharves, landings, 28696
docks, dams, and other works; 28697

(C) To construct and maintain roads and drives in, around, 28698
upon, and to the lands and waters to make them conveniently 28699
accessible and useful to the public; 28700

(D) Except as otherwise provided in this section, to adopt, 28701
amend, and rescind, in accordance with Chapter 119. of the Revised 28702
Code, rules necessary for the proper management of state parks, 28703
bodies of water, and the lands adjacent to them under its 28704
jurisdiction and control, including the following: 28705

(1) Governing opening and closing times and dates of the 28706

parks;	28707
(2) Establishing fees and charges for use of facilities in state parks;	28708 28709
(3) Governing camps, camping, and fees for camps and camping;	28710
(4) Governing the application for and rental of, rental fees for, and the use of cottages;	28711 28712
(5) Relating to public use of state park lands, and governing the operation of motor vehicles, including speeds, and parking on those lands;	28713 28714 28715
(6) Governing all advertising within state parks and the requirements for the operation of places selling tangible personal property and control of food service sales on lands and waters under the control of the division, which rules shall establish uniform requirements;	28716 28717 28718 28719 28720
(7) Providing uniform standards relating to the size, type, location, construction, and maintenance of structures and devices used for fishing or moorage of watercraft, rowboats, sailboats, and powercraft, as those terms are defined in section 1547.01 of the Revised Code, over waters under the control of the division and establishing reasonable fees for the construction of and annual use permits for those structures and devices;	28721 28722 28723 28724 28725 28726 28727
(8) Governing state beaches, swimming, inflatable devices, and fees for them;	28728 28729
(9) Governing the removal and disposition of any watercraft, rowboat, sailboat, or powercraft, as those terms are defined in section 1547.01 of the Revised Code, left unattended for more than seven days on any lands or waters under the control of the division;	28730 28731 28732 28733 28734
(10) Governing the establishment and collection of check collection charges for checks that are returned to the division or	28735 28736

dishonored for any reason. 28737

(E) To coordinate and plan trails in accordance with section 1519.03 of the Revised Code; 28738
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(F) To cooperate with the United States and agencies of it and with political subdivisions in administering federal recreation moneys under the "Land and Water Conservation Fund Act of 1965," 78 Stat. 897, 16 U.S.C. 4601-8, as amended; prepare and distribute the statewide comprehensive outdoor recreation plan; and administer the state recreational vehicle fund created in section 4519.11 of the Revised Code; 28740
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(G) To administer any state or federally funded grant program that is related to natural resources and recreation as considered necessary by the director of natural resources; 28747
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(H) To assist the department of natural resources and its divisions by providing department-wide planning, capital improvements planning, and special purpose planning. 28750
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With the approval of the director, the chief of the division of parks and recreation may enter into contracts or agreements with any agency of the United States government, any other public agency, or any private entity or organization for the performance of the duties of the division. 28753
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The division shall adopt rules under this section 28758
establishing a discount program for all persons who are issued a 28759
golden buckeye card under section 173.06 of the Revised Code. The 28760
discount program shall provide a discount for all park services 28761
and rentals, but shall not provide a discount for the purchase of 28762
merchandise. 28763

The division shall not adopt rules establishing fees or 28764
charges for parking a motor vehicle in a state park or for 28765
admission to a state park. 28766

Every resident of this state with a disability that has been 28767
determined by the veterans administration to be permanently and 28768
totally disabling, who receives a pension or compensation from the 28769
veterans administration, and who received an honorable discharge 28770
from the armed forces of the United States, and every veteran to 28771
whom the registrar of motor vehicles has issued a set of license 28772
plates under section 4503.41 of the Revised Code, shall be exempt 28773
from the fees for camping, provided that the resident or veteran 28774
carries in the state park such evidence of the resident's or 28775
veteran's disability as the chief ~~of the division of parks and~~ 28776
~~recreation~~ prescribes by rule. 28777

Unless otherwise provided by division rule, every resident of 28778
this state who is sixty-five years of age or older or who is 28779
permanently and totally disabled and who furnishes evidence of 28780
that age or disability in a manner prescribed by division rule 28781
shall be charged one-half of the regular fee for camping, except 28782
on the weekends and holidays designated by the division, and shall 28783
not be charged more than ninety per cent of the regular charges 28784
for state recreational facilities, equipment, services, and food 28785
service operations utilized by the person at any time of year, 28786
whether maintained or operated by the state or leased for 28787
operation by another entity. 28788

As used in this section, "food service operations" means 28789
restaurants that are owned by the department of natural resources 28790
at Hocking Hills, Lake Hope, Malabar Farm, and Rocky Fork state 28791
parks or are part of a state park lodge. "Food service operations" 28792
does not include automatic vending machines, concession stands, or 28793
snack bars. 28794

As used in this section, "prisoner of war" means any 28795
regularly appointed, enrolled, enlisted, or inducted member of the 28796
military forces of the United States who was captured, separated, 28797
and incarcerated by an enemy of the United States. Any person who 28798

has been a prisoner of war, was honorably discharged from the 28799
military forces, and is a resident of this state is exempt from 28800
the fees for camping. To claim this exemption, the person shall 28801
present written evidence in the form of a record of separation, a 28802
letter from one of the military forces of the United States, or 28803
such other evidence as the chief prescribes by rule that satisfies 28804
the eligibility criteria established by this section. 28805

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 28806
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 28807
1547.56, 1547.57, 1547.66, 3733.21, and 5311.01 of the Revised 28808
Code, "watercraft" means any of the following when used or capable 28809
of being used for transportation on the water: 28810

(1) A vessel operated by machinery either permanently or 28811
temporarily affixed; 28812

(2) A sailboat other than a sailboard; 28813

(3) An inflatable, manually propelled boat that is required 28814
by federal law to have a hull identification number meeting the 28815
requirements of the United States coast guard; 28816

(4) A canoe or rowboat. 28817

"Watercraft" does not include ferries as referred to in 28818
Chapter 4583. of the Revised Code. 28819

Watercraft subject to section 1547.54 of the Revised Code 28820
shall be divided into five classes as follows: 28821

Class A: Less than sixteen feet in length; 28822

Class 1: At least sixteen feet, but less than twenty-six feet 28823
in length; 28824

Class 2: At least twenty-six feet, but less than forty feet 28825
in length; 28826

Class 3: At least forty feet, but less than sixty-five feet 28827

in length;	28828
Class 4: At least sixty-five feet in length.	28829
(B) As used in this chapter:	28830
(1) "Vessel" includes every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water.	28831 28832 28833
(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	28834 28835 28836 28837 28838
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	28839 28840 28841
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	28842 28843
(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.	28844 28845
(c) Any sailboat being propelled by mechanical power, whether under sail or not, is deemed a powercraft and subject to all laws and rules governing powercraft operation.	28846 28847 28848
(4) "Powercraft" means any vessel propelled by machinery, fuel, rockets, or similar device.	28849 28850
(5) "Person" includes any legal entity defined as a person in section 1.59 of the Revised Code and any body politic, except the United States and this state, and includes any agent, trustee, executor, receiver, assignee, or other representative thereof.	28851 28852 28853 28854
(6) "Owner" includes any person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein that entitled the person to that possession.	28855 28856 28857

- (7) "Operator" includes any person who navigates or has under the person's control a vessel, or vessel and detachable motor, on the waters in this state. 28858
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- (8) "Visible" means visible on a dark night with clear atmosphere. 28861
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- (9) "Waters in this state" means all streams, rivers, lakes, ponds, marshes, watercourses, waterways, and other bodies of water, natural or humanmade, that are situated wholly or partially within this state or within its jurisdiction and are used for recreational boating. 28863
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- (10) "Navigable waters" means waters that come under the jurisdiction of the department of the army of the United States and any waterways within or adjacent to this state, except inland lakes having neither a navigable inlet nor outlet. 28868
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- (11) "In operation" in reference to a vessel means that the vessel is being navigated or otherwise used on the waters in this state. 28872
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- (12) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste. 28875
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- (13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls. 28878
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- (14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard. 28881
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- (15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy. 28883
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(16) "Type two personal flotation device" means a device that 28888
is designed to turn an unconscious person in the water from a face 28889
downward position to a vertical or slightly face upward position 28890
and that has at least seven kilograms, approximately fifteen and 28891
four-tenths pounds, of buoyancy. 28892

(17) "Type three personal flotation device" means a device 28893
that is designed to keep a conscious person in a vertical or 28894
slightly face upward position and that has at least seven 28895
kilograms, approximately fifteen and four-tenths pounds, of 28896
buoyancy. 28897

(18) "Type four personal flotation device" means a device 28898
that is designed to be thrown to a person in the water and not 28899
worn and that has at least seven and five-tenths kilograms, 28900
approximately sixteen and five-tenths pounds, of buoyancy. 28901

(19) "Type five personal flotation device" means a device 28902
that, unlike other personal flotation devices, has limitations on 28903
its approval by the United States coast guard, including, without 28904
limitation, all of the following: 28905

(a) The approval label on the type five personal flotation 28906
device indicates that the device is approved for the activity in 28907
which the vessel is being used or as a substitute for a personal 28908
flotation device of the type required on the vessel in use. 28909

(b) The personal flotation device is used in accordance with 28910
any requirements on the approval label. 28911

(c) The personal flotation device is used in accordance with 28912
requirements in its owner's manual if the approval label refers to 28913
such a manual. 28914

(20) "Inflatable watercraft" means any vessel constructed of 28915
rubber, canvas, or other material that is designed to be inflated 28916
with any gaseous substance, constructed with two or more air 28917
cells, and operated as a vessel. Inflatable watercraft propelled 28918

by a motor shall be classified as powercraft and shall be 28919
registered by length. Inflatable watercraft propelled by a sail 28920
shall be classified as a sailboat and shall be registered by 28921
length. 28922

(21) "Idle speed" means the slowest possible speed needed to 28923
maintain steerage or maneuverability. 28924

(22) "Diver's flag" means a red flag not less than one foot 28925
square having a diagonal white stripe extending from the masthead 28926
to the opposite lower corner that when displayed indicates that 28927
divers are in the water. 28928

(23) "Muffler" means an acoustical suppression device or 28929
system that is designed and installed to abate the sound of 28930
exhaust gases emitted from an internal combustion engine and that 28931
prevents excessive or unusual noise. 28932

(24) "Law enforcement vessel" means any vessel used in law 28933
enforcement and under the command of a law enforcement officer. 28934

(25) "Personal watercraft" means a vessel, less than sixteen 28935
feet in length, that is propelled by machinery and designed to be 28936
operated by an individual sitting, standing, or kneeling on the 28937
vessel rather than by an individual sitting or standing inside the 28938
vessel. 28939

(26) "No wake" has the same meaning as "idle speed." 28940

(27) "Watercraft dealer" means any person who is regularly 28941
engaged in the business of manufacturing, selling, displaying, 28942
offering for sale, or dealing in vessels at an established place 28943
of business. "Watercraft dealer" does not include a person who is 28944
a marine salvage dealer or any other person who dismantles, 28945
salvages, or rebuilds vessels using used parts. 28946

(28) "Electronic" includes electrical, digital, magnetic, 28947
optical, electromagnetic, or any other form of technology that 28948

entails capabilities similar to these technologies. 28949

(29) "Electronic record" means a record generated, 28950
communicated, received, or stored by electronic means for use in 28951
an information system or for transmission from one information 28952
system to another. 28953

(30) "Electronic signature" means a signature in electronic 28954
form attached to or logically associated with an electronic 28955
record. 28956

(31) "Drug of abuse" has the same meaning as in section 28957
4506.01 of the Revised Code. 28958

~~(C) Unless otherwise provided, this chapter applies to all 28959
vessels operating on the waters in this state. Nothing in this 28960
chapter shall be construed in contravention of any valid federal 28961
act or regulation, but is in addition to the act or regulation 28962
where not inconsistent. 28963~~

~~The state reserves to itself the exclusive right to regulate 28964
the minimum equipment requirements of watercraft and vessels 28965
operated on the waters in this state. 28966~~

(32) "Watercourse" means a substantially natural channel with 28967
recognized banks and bottom in which a flow of water occurs, with 28968
an average of at least ten feet mean surface water width and at 28969
least five miles of length. 28970

(33) "Impoundment" means the reservoir created by a dam or 28971
other artificial barrier across a watercourse that causes water to 28972
be stored deeper than and generally beyond the banks of the 28973
natural channel of the watercourse during periods of normal flow, 28974
but does not include water stored behind rock piles, rock riffle 28975
dams, and low channel dams where the depth of water is less than 28976
ten feet above the channel bottom and is essentially confined 28977
within the banks of the natural channel during periods of normal 28978
stream flow. 28979

(34) "Wild river area" means an area declared a wild river area by the director of natural resources under this chapter and includes those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, representing vestiges of primitive America. 28980
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(35) "Scenic river area" means an area declared a scenic river area by the director under this chapter and includes those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. 28986
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(36) "Recreational river area" means an area declared a recreational river area by the director under this chapter and includes those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. 28991
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Sec. 1547.02. Unless otherwise provided, this chapter applies to all vessels operating on the waters in this state. Nothing in this chapter shall be construed in contravention of any valid federal act or regulation, but is in addition to the act or regulation where not inconsistent. 28997
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The state reserves to itself the exclusive right to regulate the minimum equipment requirements of watercraft and vessels operated on the waters in this state. 29002
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Sec. 1547.51. There is hereby created within the department of natural resources the division of watercraft. The division shall administer do all of the following: 29005
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(A) Administer and enforce all laws relative to the identification, numbering, registration, titling, use, and 29008
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operation of vessels operated on the waters in this state ~~and,~~ 29010
~~with the approval of the director of natural resources, educate;~~ 29011

(B) Educate and inform the citizens of the state about, and 29012
promote, conservation, navigation, safety practices, and the 29013
benefits of recreational boating; 29014

(C) Provide wild, scenic, and recreational river area 29015
conservation education and provide for corridor protection, 29016
restoration, habitat enhancement, and clean-up projects in wild 29017
river areas, scenic river areas, and recreational river areas; 29018

(D) Provide for and assist in the development, maintenance, 29019
and operation of marine recreational facilities, docks, launching 29020
facilities, and harbors for the benefit of public navigation, 29021
recreation, or commerce if the chief of the division of watercraft 29022
determines that they are in the best interests of the state. 29023

Sec. 1547.52. (A) The division of watercraft shall be 29024
administered by the chief of the division of watercraft. The chief 29025
may adopt, amend, and rescind: 29026

(1) Rules considered necessary by the chief to supplement the 29027
identification, operation, titling, use, registration, and 29028
numbering of watercraft or vessels as provided in this chapter and 29029
Chapter 1548. of the Revised Code; 29030

(2) Rules governing the navigation of vessels on waters in 29031
this state, including, but not limited to, rules regarding 29032
steering and sailing, the conduct of vessels in sight of one 29033
another or in restricted visibility, lights and shapes of lights 29034
used on vessels, and sound and light signals. As the chief 29035
considers necessary, these navigational rules shall be consistent 29036
with and equivalent to the regulations and interpretive rulings 29037
governing inland waters adopted or issued under the "Inland 29038
Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 29039

1604, 1605, 1608, 2001 to 2008, and 2071 to 2073.	29040
(3) <u>Rules governing the use, visitation, protection, and administration of wild river areas, scenic river areas, and recreational river areas;</u>	29041
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	29043
(4) Rules establishing fees and charges for all of the following:	29044
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(a) Boating skill development classes and other educational classes;	29046
	29047
(b) Law enforcement services provided at special events when the services are in addition to normal enforcement duties;	29048
	29049
(c) Inspections of vessels or motors conducted under this chapter or Chapter 1548. of the Revised Code;	29050
	29051
(d) <u>The conducting of stream impact reviews of any planned or proposed construction, modification, renovation, or development project that may potentially impact a watercourse within a designated wild, scenic, or recreational river area.</u>	29052
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All rules adopted by the chief under division (A) of this section shall be adopted in accordance with Chapter 119. of the Revised Code and are subject to the prior approval of the director of natural resources.	29056
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(B) The chief, with the approval of the director, may employ such clerical and technical help as the chief considers necessary.	29060
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(C) The chief may designate license agents with the approval of the director.	29062
	29063
(D) The division is hereby designated as the agency to administer the Ohio boating safety program and allocated federal funds under, and the chief shall prepare and submit reports in such form as may be required by, the "Federal Boat Safety Act of 1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended.	29064
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(E) The chief may sell any of the following:	29069

(1) Items related to or that promote boating safety,	29070
including, but not limited to, pins, badges, books, bulletins,	29071
maps, publications, calendars, and other educational articles;	29072
(2) Artifacts pertaining to boating;	29073
(3) Confiscated or forfeited items;	29074
(4) Surplus equipment.	29075
Sec. 1547.531. (A)(1) Except as provided in division (A)(2)	29076
or (B) of this section, no person shall operate or give permission	29077
for the operation of any watercraft on the waters in this state	29078
unless the watercraft is registered in the name of the current	29079
owner in accordance with section 1547.54 of the Revised Code, and	29080
the registration is valid and in effect.	29081
(2) On and after January 1, 1999, if a watercraft that is	29082
required to be issued a certificate of title under Chapter 1548.	29083
of the Revised Code is transferred to a new owner, it need not be	29084
registered under section 1547.54 of the Revised Code for	29085
forty-five days following the date of the transfer, provided that	29086
the new owner purchases a temporary watercraft registration under	29087
division (A) of this section or holds a bill of sale from a	29088
watercraft dealer.	29089
For the purposes of division (A)(2) of this section, a	29090
temporary watercraft registration or a bill of sale from a	29091
watercraft dealer shall contain at least all of the following	29092
information:	29093
(a) The hull identification number or serial number of the	29094
watercraft;	29095
(b) The make of the watercraft;	29096
(c) The length of the watercraft;	29097
(d) The type of propulsion, if any;	29098

(e) The state in which the watercraft principally is operated;	29099 29100
(f) The name of the owner;	29101
(g) The address of the owner, including the zip code;	29102
(h) The signature of the owner;	29103
(i) The date of purchase;	29104
(j) A notice to the owner that the temporary watercraft registration expires forty-five days after the date of purchase of the watercraft or that the watercraft cannot be operated on the waters in this state solely under the bill of sale beginning forty-five days after the date of purchase of the watercraft, as applicable.	29105 29106 29107 29108 29109 29110
(3) A person may purchase a temporary watercraft registration from the chief of the division of watercraft or from an authorized agent designated under section 1547.54 of the Revised Code. The chief shall furnish forms for temporary watercraft registrations to authorized agents. In addition to completing the registration form with the information specified in divisions (A)(2)(a) to (i) of this section, the person shall pay one of the applicable fees required under divisions (A)(2)(a) to (g) of section 1547.54 of the Revised Code as provided in that section.	29111 29112 29113 29114 29115 29116 29117 29118 29119
Moneys received for the payment of temporary watercraft registrations shall be deposited to the credit of the waterways safety fund created in section 1547.75 of the Revised Code.	29120 29121 29122
(4) In addition to the applicable fee required under division (A)(3) of this section, the chief or an authorized agent shall charge an additional <u>writing</u> fee of three dollars for a temporary watercraft registration that the chief or the authorized agent issues. When the temporary watercraft registration is issued by an authorized agent, the agent may retain the additional <u>writing</u> fee.	29123 29124 29125 29126 29127 29128

When the temporary watercraft registration is issued by the chief, 29129
the additional writing fee shall be deposited to the credit of the 29130
waterways safety fund. 29131

(5) A person who purchases a temporary watercraft 29132
registration for a watercraft and who subsequently applies for a 29133
registration certificate under section 1547.54 of the Revised Code 29134
need not pay the fee required under division (A)(2) of that 29135
section for the initial registration certificate issued for that 29136
watercraft, provided that at the time of application for the 29137
registration certificate, the person furnishes proof of payment 29138
for the temporary watercraft registration. 29139

(6) A person who purchases a temporary watercraft 29140
registration, who subsequently applies for a registration 29141
certificate under section 1547.54 of the Revised Code, and who is 29142
exempt from payment for the registration certificate under 29143
division ~~(O)~~(P) of that section may apply to the chief for a 29144
refund of the amount paid for the temporary watercraft 29145
registration at the time that the person applies for a 29146
registration certificate. The chief shall refund that amount upon 29147
issuance to the person of a registration certificate. 29148

(7) All records of the division of watercraft made or 29149
maintained for the purposes of divisions (A)(2) to (8) of this 29150
section are public records. The records shall be available for 29151
inspection at reasonable hours and in a manner that is compatible 29152
with normal operations of the division. 29153

(8) Pursuant to division (A)(1) of section 1547.52 of the 29154
Revised Code, the chief may adopt rules establishing all of the 29155
following: 29156

(a) Record-keeping requirements governing the issuance of 29157
temporary watercraft registrations and the use of bills of sale 29158
from watercraft dealers for the purposes of division (A)(2) of 29159

this section;	29160
(b) Procedures and requirements for the refund of fees under division (A)(6) of this section;	29161 29162
(c) Any other procedures and requirements necessary for the administration and enforcement of divisions (A)(2) to (8) of this section.	29163 29164 29165
(B) All of the following watercraft are exempt from registration:	29166 29167
(1) Those that are exempt from numbering by the state under divisions (B) to (G) of section 1547.53 of the Revised Code;	29168 29169
(2) Those that have been issued a commercial documentation by the United States coast guard or its successor and are used exclusively for commercial purposes;	29170 29171 29172
(3) Those that have been documented by the United States coast guard or its successor as temporarily transitting, whose principal use is not on the waters in this state, and that have not been used within this state for more than sixty days.	29173 29174 29175 29176
(C) No person shall operate a watercraft documented by the United States coast guard or its successor unless the certificate of documentation is valid, is on the watercraft for which it has been issued, and is available for inspection whenever the watercraft is in operation. In accordance with 46 C.F.R. part 67, as amended, the watercraft shall display the official number, the vessel name, and the home port listed on the certificate of documentation.	29177 29178 29179 29180 29181 29182 29183 29184
(D)(1) For the purposes of this section and section 1547.53 of the Revised Code, a watercraft is principally using the waters in this state if any of the following applies:	29185 29186 29187
(a) The owner resides in this state and declares that the watercraft principally is using the waters in this state.	29188 29189

(b) The owner resides in another state, but declares that the watercraft principally is using the waters in this state. 29190
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(c) The watercraft is registered in another state or documented by the United States coast guard and is used within this state for more than sixty days regardless of whether it has been assigned a seasonal or permanent mooring at any public or private docking facility in this state. 29192
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(2) Notwithstanding division (D)(1)(c) of this section, a person on active duty in the armed forces of the United States may register a watercraft in the person's state of permanent residence in lieu of registering it in this state regardless of the number of days that the watercraft is used in this state. 29197
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Sec. 1547.54. (A)(1) Except as otherwise provided in section 1547.542 of the Revised Code, the owner of every watercraft requiring registration under this chapter shall file an application for a triennial registration certificate with the chief of the division of watercraft on forms that shall be provided by the chief or by an electronic means approved by the chief. The application shall be signed by the following: 29202
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(a) If the watercraft is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code, by both of those persons as owners of the watercraft. The signatures may be done by electronic signature if the owners themselves are renewing the registration and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually. 29209
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(b) If the watercraft is owned by a minor, by the minor and a parent or legal guardian. The signatures may be done by electronic signature if the parent or legal guardian and the minor themselves are renewing the registration and there are no changes in the 29217
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registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually.

(c) In all other cases, by the owner of the watercraft. The signature may be done by electronic signature if the owner is renewing the registration personally and there are no changes in the registration information since the issuance of the immediately preceding registration certificate. In all other instances, the signatures shall be done manually.

(2) An application for a triennial registration of a watercraft filed under division (A)(1) of this section shall be accompanied by the following fee:

(a) For canoes, rowboats, and inflatable watercraft that are numbered under section 1547.53 of the Revised Code, twelve dollars;

(b) For canoes, row boats, and inflatable watercraft that are not numbered under section 1547.53 of the Revised Code, seventeen dollars;

(c) For class A watercraft, including motorized canoes, thirty dollars;

(d) For class 1 watercraft, forty-five dollars;

(e) For class 2 watercraft, sixty dollars;

(f) For class 3 watercraft, seventy-five dollars;

(g) For class 4 watercraft, ninety dollars.

(3) For the purpose of registration, any watercraft operated by means of power, sail, or any other mechanical or electrical means of propulsion, except motorized canoes, shall be registered by length as prescribed in this section.

(4) If an application for registration is filed by two persons as owners under division (A)(1)(a) of this section, the

person who is listed first on the title shall serve as and perform 29251
the duties of the "owner" and shall be considered the person "in 29252
whose name the watercraft is registered" for purposes of divisions 29253
(B) to ~~(Q)~~(R) of this section and for purposes of all other 29254
sections in this chapter. 29255

(B) All registration certificates issued under this section 29256
are valid for three years and are renewable on a triennial basis 29257
unless sooner terminated or discontinued in accordance with this 29258
chapter. The renewal date shall be printed on the registration 29259
certificate. A registration certificate may be renewed by the 29260
owner in the manner prescribed by the chief. All fees shall be 29261
charged according to a proration of the time remaining in the 29262
registration cycle to the nearest year. 29263

(C) In addition to the fees set forth in this section, the 29264
chief, or any authorized agent, shall charge an additional writing 29265
fee of three dollars for any registration certificate the chief or 29266
authorized agent issues. When the registration certificate is 29267
issued by an authorized agent, the additional writing fee of three 29268
dollars shall be retained by the issuing agent. When the 29269
registration certificate is issued by the chief, the additional 29270
writing fee of three dollars shall be deposited to the credit of 29271
the waterways safety fund established in section 1547.75 of the 29272
Revised Code. 29273

(D) In addition to the fees established in this section, 29274
watercraft that are not powercraft shall be charged a waterways 29275
conservation assessment fee of five dollars. The fee shall be 29276
collected at the time of the issuance of a triennial watercraft 29277
registration under division (A)(2) of this section and deposited 29278
in the state treasury and credited to a distinct account in the 29279
waterways safety fund created in section 1547.75 of the Revised 29280
Code. 29281

(E)(1) Upon receipt of the application in approved form, the 29282

chief shall enter the same upon the records of the office of the 29283
division of watercraft, assign a number to the watercraft if a 29284
number is required under section 1547.53 of the Revised Code, and 29285
issue to the applicant a registration certificate. If a number is 29286
assigned by the chief, it shall be set forth on the certificate. 29287
The registration certificate shall be on the watercraft for which 29288
it is issued and available at all times for inspection whenever 29289
the watercraft is in operation, except that livery operators may 29290
retain the registration certificate at the livery where it shall 29291
remain available for inspection at all times and except as 29292
otherwise provided in division ~~(D)~~(E)(2) of this section. 29293

(2) A person who is operating on the waters of this state a 29294
canoe, rowboat, or inflatable watercraft that has not been 29295
numbered under section 1547.53 of the Revised Code and who is 29296
stopped by a law enforcement officer in the enforcement of this 29297
chapter or rules adopted under it shall present to the officer, 29298
not later than seventy-two hours after being stopped, a 29299
registration certificate. The registration certificate shall have 29300
been obtained under this section for the canoe, rowboat, or 29301
inflatable watercraft prior to the time that it was stopped. 29302
Failure of the person to present the registration certificate 29303
within seventy-two hours constitutes prima-facie evidence of a 29304
violation of this section. 29305

~~(E)~~(F) No person shall issue or be issued a registration 29306
certificate for a watercraft that is required to be issued a 29307
certificate of title under Chapter 1548. of the Revised Code 29308
except upon presentation of a certificate of title for the 29309
watercraft as provided in that chapter, proof of current 29310
documentation by the United States coast guard, a renewal 29311
registration form provided by the division of watercraft, or a 29312
certificate of registration issued under this section that has 29313
expired if there is no change in the ownership or description of 29314

the watercraft. 29315

~~(F)~~(G) Whenever the ownership of a watercraft changes, a new 29316
application form together with the prescribed fee shall be filed 29317
with the chief or the chief's agent and a new registration 29318
certificate shall be issued. The application shall be signed 29319
manually by the person or persons specified in divisions (A)(1)(a) 29320
to (c) of this section and shall be accompanied by a two-dollar 29321
transfer fee. Any remaining time on the registration shall be 29322
transferred. An authorized agent of the chief shall charge an 29323
additional writing fee of three dollars, which shall be retained 29324
by the issuing agent. If the certificate is issued by the chief, 29325
an additional writing fee of three dollars for each certificate 29326
issued shall be collected and deposited to the credit of the 29327
waterways safety fund. 29328

~~(G)~~(H) If an agency of the United States has in force an 29329
overall system of identification numbering for watercraft or 29330
certain types of watercraft within the United States, the 29331
numbering system employed by the division shall be in conformity 29332
with that system. 29333

~~(H)~~(I)(1) The chief may assign any registration certificates 29334
to any authorized agent for the assignment of the registration 29335
certificates. If a person accepts that authorization, the person 29336
may be assigned a block of numbers and certificates that upon 29337
assignment, in conformity with this chapter and Chapter 1548. of 29338
the Revised Code and with rules of the division, shall be valid as 29339
if assigned directly by the division. Any person so designated as 29340
an agent by the chief shall post with the division security as may 29341
be required by the director of natural resources. The chief may 29342
issue an order temporarily or permanently restricting or 29343
suspending an agent's authorization without a hearing if the chief 29344
finds that the agent has violated this chapter or Chapter 1548. of 29345
the Revised Code, rules adopted under them, or any agreements 29346

prescribed by the chief. 29347

(2) A clerk of the court of common pleas may apply for 29348
designation as an authorized agent of the chief. The division 29349
shall accept the clerk's bond that is required under section 29350
2303.02 of the Revised Code for any security that is required for 29351
agents under this division, provided that the bond includes a 29352
rider or other provision specifically covering the clerk's duties 29353
as an authorized agent of the chief. 29354

~~(I)~~(J) All records of the division made or kept pursuant to 29355
this section shall be public records. Those records shall be 29356
available for inspection at reasonable hours and in a manner 29357
compatible with normal operations of the division. 29358

~~(J)~~(K) The owner shall furnish the division notice within 29359
fifteen days of the following: 29360

(1) The transfer, other than through the creation of a 29361
security interest in any watercraft, of all or any part of the 29362
owner's interest or, if the watercraft is owned by two persons 29363
under joint ownership with right of survivorship established under 29364
section 2131.12 of the Revised Code, of all or any part of the 29365
joint interest of either of the two persons. The transfer shall 29366
not terminate the registration certificate. 29367

(2) Any change in the address appearing on the certificate . 29368
As a part of the notification, the owner shall furnish the chief 29369
with the owner's new address. 29370

(3) The destruction or abandonment of the watercraft. 29371

~~(K)~~(L) The chief may issue duplicate registration 29372
certificates or duplicate tags to owners of currently registered 29373
watercraft, the fee for which shall be four dollars. 29374

~~(L)~~(M) If the chief finds that a registration certificate 29375
previously issued to an owner is in error to a degree that would 29376

impair its basic purpose and use, the chief may issue a corrected certificate to the owner without charge. 29377
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~~(M)~~(N) No authorized agent shall issue and no person shall receive or accept from an authorized agent a registration certificate assigned to the authorized agent under division ~~(H)~~(I) of this section unless the exact month, day, and year of issue are plainly written on the certificate by the agent. Certificates issued with incorrect dates of issue are void from the time they are issued. 29379
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~~(N)~~(O) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the renewal of watercraft registrations by electronic means. 29386
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~~(O)~~(P) As used in this section: 29389

(1) "Disabled veteran" means a person who is included in either of the following categories: 29390
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(a) Because of a service-connected disability, has been or is awarded funds for the purchase of a motor vehicle under the "Disabled Veterans' and Servicemen's Automobile Assistance Act of 1970," 84 Stat. 1998, 38 U.S.C. 1901, and amendments thereto; 29392
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(b) Has a service-connected disability rated at one hundred per cent by the veterans administration. 29396
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(2) "Prisoner of war" means any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated, and incarcerated by an enemy of the United States at any time, and any regularly appointed, enrolled, or enlisted member of the military forces of Great Britain, France, Australia, Belgium, Brazil, Canada, China, Denmark, Greece, the Netherlands, New Zealand, Norway, Poland, South Africa, or the republics formerly associated with the Union of Soviet Socialist Republics or Yugoslavia who was a citizen of the United States at the time of the appointment, enrollment, or 29398
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enlistment, and was captured, separated, and incarcerated by an 29408
enemy of this country during World War II. 29409

~~(P)~~(Q) Any disabled veteran, congressional medal of honor 29410
awardee, or prisoner of war may apply to the chief for a 29411
certificate of registration, or for a renewal of the certificate 29412
of registration, without the payment of any fee required by this 29413
section. The application for a certificate of registration shall 29414
be accompanied by evidence of disability or by documentary 29415
evidence in support of a congressional medal of honor that the 29416
chief requires by rule. The application for a certificate of 29417
registration by any person who has been a prisoner of war shall be 29418
accompanied by written evidence in the form of a record of 29419
separation, a letter from one of the armed forces of a country 29420
listed in division ~~(O)~~(P)(2) of this section, or other evidence 29421
that the chief may require by rule, that the person was honorably 29422
discharged or is currently residing in this state on active duty 29423
with one of the branches of the armed forces of the United States, 29424
or was a prisoner of war and was honorably discharged or received 29425
an equivalent discharge or release from one of the armed forces of 29426
a country listed in division ~~(O)~~(P)(2) of this section. 29427

~~(Q)~~(R) Annually by the fifteenth day of January, the director 29428
of natural resources shall determine the amount of fees that would 29429
have been collected in the prior calendar year for each 29430
certificate of registration issued or renewed pursuant to division 29431
~~(P)~~(Q) of this section and shall certify the total amount of 29432
foregone revenue to the director of budget and management for 29433
reimbursement. The director of budget and management shall 29434
transfer the amount certified from the general revenue fund to the 29435
waterways safety fund ~~created pursuant to section 1547.75 of the~~ 29436
~~Revised Code.~~ 29437

Sec. 1547.542. Any person or organization owning any number 29438

of canoes, rowboats, inflatable watercraft, or sailboats for the 29439
purpose of rental to the public may apply with the chief of the 29440
division of watercraft for and receive an annual certificate of 29441
livery registration. No watercraft shall be rented to the public 29442
from a livery or other place of business in this state unless it 29443
first has been numbered and registered in accordance with this 29444
section or section 1547.54 of the Revised Code. Certificates of 29445
livery registration shall be issued by an authorized agent who is 29446
selected by the chief from among those designated under section 29447
1547.54 of the Revised Code. The certificate shall display the 29448
name of the owner of the livery, the date of issuance, the date of 29449
expiration, the number of watercraft registered, the fee paid, an 29450
authorized facsimile of the signature of the chief provided by the 29451
authorized agent who is selected to issue the certificate, and the 29452
signature of the livery owner. The certificate shall bear the 29453
livery watercraft registration number assigned to the livery 29454
owner, which shall be displayed in accordance with section 1547.57 29455
of the Revised Code on each watercraft in the fleet for which the 29456
certificate was issued. The owner of a livery shall obtain an 29457
amended certificate of livery registration from the chief whenever 29458
the composition of the fleet changes. 29459

The fee for each watercraft registered under this section 29460
shall be an annual registration fee. The fee shall be one-third of 29461
the triennial registration fees prescribed in section 1547.54 of 29462
the Revised Code. However, if the size of the fleet does not 29463
increase, the fee for an amended certificate of livery 29464
registration shall be the fee prescribed for issuing a duplicate 29465
registration certificate under section 1547.54 of the Revised 29466
Code, and the chief shall not refund to the livery owner all or 29467
any portion of an annual registration fee applicable to a 29468
watercraft transferred or abandoned by the livery owner. If the 29469
size of the fleet increases, the livery owner shall be required to 29470
pay the applicable annual registration fee for each watercraft 29471

registered under an amended certificate of livery registration 29472
that is in excess of the number of watercraft contained in the 29473
annual certificate of livery registration. 29474

In addition to the fees established in this section, 29475
watercraft that are not powercraft shall be charged a waterways 29476
conservation assessment fee. The fee shall be collected at the 29477
time of the issuance of an annual livery registration under this 29478
section and shall be one dollar and fifty cents for each 29479
watercraft included in the registration. The fee shall be 29480
deposited in the state treasury and credited to a distinct account 29481
in the waterways safety fund created in section 1547.75 of the 29482
Revised Code. 29483

The certificate of livery registration, rental receipts, and 29484
required safety equipment are subject to inspection at any time at 29485
the livery's place of business by any authorized representative of 29486
the division of watercraft or any law enforcement officer in 29487
accordance with section 1547.63 of the Revised Code. 29488

Except as provided in this section, all watercraft registered 29489
under this section are subject to this chapter and Chapter 1548. 29490
of the Revised Code. 29491

The chief may issue an order temporarily or permanently 29492
restricting or suspending a livery certificate of registration and 29493
the privileges associated with it without a hearing if the chief 29494
finds that the holder of the certificate has violated this 29495
chapter. 29496

Sec. 1547.73. There is hereby created in the division of 29497
watercraft, a waterways safety council composed of five members 29498
appointed by the governor with the advice and consent of the 29499
senate. Not more than three of such appointees shall belong to the 29500
same political party. Terms of office shall be for five years, 29501
commencing on the first day of February and ending on the 29502

thirty-first day of January, ~~except that upon expiration of the~~ 29503
~~term ending February 4, 1973, the new term which succeeds it shall~~ 29504
~~commence on February 5, 1973 and end on January 31, 1978; upon~~ 29505
~~expiration of the term ending February 3, 1974, the new term which~~ 29506
~~succeeds it shall commence on February 4, 1974 and end on January~~ 29507
~~31, 1979; upon expiration of the term ending February 2, 1975, the~~ 29508
~~new term which succeeds it shall commence on February 3, 1975 and~~ 29509
~~end on January 31, 1980; and upon expiration of the term ending~~ 29510
~~February 6, 1977, the new term which succeeds it shall commence on~~ 29511
~~February 7, 1977 and end on January 31, 1982.~~ Each member shall 29512
hold office from the date of ~~his~~ appointment until the end of the 29513
term for which ~~he~~ the member was appointed. The chief of the 29514
division of watercraft shall act as secretary of the council. In 29515
the event of the death, removal, resignation, or incapacity of a 29516
member of the council, the governor, with the advice and consent 29517
of the senate, shall appoint a successor to fill the unexpired 29518
term who shall hold office for the remainder of the term for which 29519
~~his~~ the member's predecessor was appointed. Any member shall 29520
continue in office subsequent to the expiration date of ~~his~~ the 29521
member's term until ~~his~~ the member's successor takes office, or 29522
until a period of sixty days has elapsed, whichever occurs first. 29523
The governor may remove any appointed member of the council for 29524
misfeasance, nonfeasance, or malfeasance in office. 29525

The council may: 29526

(A) Advise with and recommend to the chief as to plans and 29527
~~program~~ programs for the construction, maintenance, repair, and 29528
operation of refuge harbors and other projects for the harboring, 29529
mooring, docking, and storing of light draft vessels as provided 29530
in sections 1547.71, 1547.72, and 1547.78 of the Revised Code; 29531

(B) Advise with and recommend to the chief as to the methods 29532
of coordinating the shore erosion projects of the department of 29533
natural resources with the refuge of light draft vessel harbor 29534

projects; 29535

(C) Advise with and recommend to the chief as to plans and 29536
programs for the acquisition, protection, construction, 29537
maintenance, and administration of wild river areas, scenic river 29538
areas, and recreational river areas; 29539

(D) Consider and make recommendations upon any matter which 29540
is brought to its attention by any person or ~~which~~ that the chief 29541
may submit to it; 29542

~~(D)~~(E) Submit to the governor biennially recommendations for 29543
amendments to the laws of the state relative to refuge and light 29544
draft vessel harbor projects. 29545

Before entering upon the discharge of ~~his~~ official duties, 29546
each member of the council shall take and subscribe to an oath of 29547
office, which oath, in writing, shall be filed in the office of 29548
the secretary of state. 29549

The members of the council shall serve without compensation, 29550
but shall be entitled to receive their actual and necessary 29551
expenses incurred in the performance of their official duties from 29552
the waterways safety fund as provided in section 1547.75 of the 29553
Revised Code. 29554

The council shall, by a majority vote of all its members, 29555
adopt and amend bylaws. 29556

To be eligible for appointment as a member of the council, a 29557
person shall be a citizen of the United States, and an elector of 29558
the state, and possess a knowledge of and have an interest in 29559
small boat operations. 29560

The council shall hold at least four regular quarterly 29561
meetings each year. Special meetings shall be held at such times 29562
as the bylaws of the council provide, or at the behest of a 29563
majority of its members. Notices of all meetings shall be given in 29564

such manner as the bylaws provide. The council shall choose 29565
annually from among its members a ~~chairman~~ chairperson to preside 29566
over its meetings. A majority of the members of the council shall 29567
constitute a quorum. No advice shall be given or recommendation 29568
made without a majority of the members of the council concurring 29569
therein. 29570

Sec. ~~1517.14~~ 1547.81. ~~As used in sections 1517.14 to 1517.18~~ 29571
~~of the Revised Code, "watercourse" means a substantially natural~~ 29572
~~channel with recognized banks and bottom, in which a flow of water~~ 29573
~~occurs, with an average of at least ten feet mean surface water~~ 29574
~~width and at least five miles of length. The director of natural~~ 29575
resources or the director's representative may create, supervise, 29576
operate, protect, and maintain wild, scenic, and recreational 29577
river areas ~~under the classifications established in section~~ 29578
~~1517.15 of the Revised Code. In creating wild, scenic, and~~ 29579
~~recreational river areas, the director shall classify each such~~ 29580
~~area as either a wild river area, a scenic river area, or a~~ 29581
~~recreational river area.~~ The director or the director's 29582
representative may prepare and maintain a plan for the 29583
establishment, development, use, and administration of those areas 29584
as a part of the comprehensive state plans for water management 29585
and outdoor recreation. The director or the director's 29586
representative may cooperate with federal agencies administering 29587
any federal program concerning wild, scenic, or recreational river 29588
areas. 29589

The director may propose for establishment as a wild, scenic, 29590
or recreational river area a part or parts of any watercourse in 29591
this state, with adjacent lands, that in the director's judgment 29592
possesses water conservation, scenic, fish, wildlife, historic, or 29593
outdoor recreation values that should be preserved, ~~using the~~ 29594
~~classifications established in section 1517.15 of the Revised~~ 29595
~~Code.~~ The area shall include lands adjacent to the watercourse in 29596

sufficient width to preserve, protect, and develop the natural 29597
character of the watercourse, but shall not include any lands more 29598
than one thousand feet from the normal waterlines of the 29599
watercourse unless an additional width is necessary to preserve 29600
water conservation, scenic, fish, wildlife, historic, or outdoor 29601
recreation values. 29602

The director shall publish the intention to declare an area a 29603
wild, scenic, or recreational river area at least once in a 29604
newspaper of general circulation in each county, any part of which 29605
is within the area, and shall send written notice of the intention 29606
to the legislative authority of each county, township, and 29607
municipal corporation and to each conservancy district established 29608
under Chapter 6101. of the Revised Code, any part of which is 29609
within the area, and to the director of transportation, the 29610
director of development, the director of administrative services, 29611
and the director of environmental protection. The notices shall 29612
include a copy of a map and description of the area. 29613

After thirty days from the last date of publication or 29614
dispatch of written notice as required in this section, the 29615
director shall enter a declaration in the director's journal that 29616
the area is a wild river area, scenic river area, or recreational 29617
river area. When so entered, the area is a wild, scenic, or 29618
recreational river area, as applicable. The director, after thirty 29619
days' notice as prescribed in this section and upon the approval 29620
of the recreation and resources commission created in section 29621
1501.04 of the Revised Code, may terminate the status of an area 29622
as a wild river area, scenic river area, or recreational river 29623
area by an entry in the director's journal. 29624

Declaration by the director that an area is a wild, scenic, 29625
or recreational river area does not authorize the director or any 29626
governmental agency or political subdivision to restrict the use 29627
of land by the owner thereof or any person acting under the 29628

landowner's authority or to enter upon the land and does not 29629
expand or abridge the regulatory authority of any governmental 29630
agency or political subdivision over the area. 29631

The director may enter into a lease or other agreement with a 29632
political subdivision to administer all or part of a wild, scenic, 29633
or recreational river area and may acquire real property or any 29634
estate, right, or interest therein in order to provide for the 29635
protection and public recreational use of a wild, scenic, or 29636
recreational river area. 29637

The chief of the division of ~~natural areas and preserves~~ 29638
watercraft or the chief's representative may participate in 29639
watershed-wide planning with federal, state, and local agencies in 29640
order to protect the values of wild, scenic, and recreational 29641
river areas. 29642

Sec. ~~1517.16~~ 1547.82. No state department, state agency, or 29643
political subdivision shall build or enlarge any highway, road, or 29644
structure or modify or cause the modification of the channel of 29645
any watercourse within a wild, scenic, or recreational river area 29646
outside the limits of a municipal corporation without first having 29647
obtained approval of the plans for the highway, road, or structure 29648
or channel modification from the director of natural resources or 29649
~~his~~ the director's representative. The court of common pleas 29650
having jurisdiction, upon petition by the director, shall enjoin 29651
work on any highway, road, or structure or channel modification 29652
for which such approval has not been obtained. 29653

Sec. ~~1517.17~~ 1547.83. The chief of the division of ~~natural~~ 29654
~~areas and preserves~~ watercraft shall administer the state programs 29655
for wild river areas, scenic river areas, and recreational river 29656
areas. The chief may accept and administer state and federal 29657
financial assistance ~~programs~~ for the maintenance, protection, and 29658

administration of wild, scenic, and recreational river areas and 29659
for construction of facilities within those areas. The chief, with 29660
the approval of the director of natural resources, may expend for 29661
the purpose of administering the state programs for wild, scenic, 29662
and recreational river areas money that is appropriated by the 29663
general assembly for that purpose, money that is in the scenic 29664
rivers protection fund created in section 4501.24 of the Revised 29665
Code, and money that is in the waterways safety fund created in 29666
section 1547.75 of the Revised Code as determined to be necessary 29667
by the division of watercraft not to exceed four per cent of all 29668
money accruing to the fund. The chief may condition any 29669
expenditures, maintenance activities, or construction of 29670
facilities on the adoption and enforcement of adequate floodplain 29671
zoning or land use rules. 29672

~~The director of natural resources may make a lease or~~ 29673
~~agreement with a political subdivision to administer all or part~~ 29674
~~of a wild, scenic, or recreational river area.~~ 29675

~~The director may acquire real property or any estate, right,~~ 29676
~~or interest therein for protection and public recreational use as~~ 29677
~~a wild, scenic, or recreational river area.~~ 29678

~~The chief may expend funds for the acquisition, protection,~~ 29679
~~construction, maintenance, and administration of real property and~~ 29680
~~public use facilities in wild, scenic, or recreational river areas~~ 29681
~~when the funds are so appropriated by the general assembly. The~~ 29682
~~chief may condition such expenditures, acquisition of land or~~ 29683
~~easements, or construction of facilities within a wild, scenic, or~~ 29684
~~recreational river area upon adoption and enforcement of adequate~~ 29685
~~floodplain zoning rules.~~ 29686

Any instrument by which real property is acquired pursuant to 29687
this section shall identify the agency of the state that has the 29688
use and benefit of the real property as specified in section 29689
5301.012 of the Revised Code. 29690

The chief may cooperate with federal agencies administering any federal program concerning wild, scenic, or recreational river areas. 29691
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Sec. ~~1517.18~~ 1547.84. The director of natural resources shall 29694
appoint an advisory council for each wild, scenic, or recreational 29695
river area, composed of not more than ten persons who are 29696
representative of local government and local organizations and 29697
interests in the vicinity of the wild, scenic, or recreational 29698
river area, who shall serve without compensation. The chief of the 29699
division of ~~natural areas and preserves~~ watercraft or ~~his~~ the 29700
chief's representative shall serve as an ex officio member of each 29701
council. 29702

~~The terms of all members serving on any advisory council under this section on the effective date of this amendment shall end on January 31, 1995. The director shall appoint new members to serve on each council for terms beginning on February 1, 1995, provided that a member serving on a council on the effective date of this amendment may be appointed to such a new term. The initial members appointed to each council shall serve for terms of not more than three years, with the terms of not more than four members of any council ending in the same year. Thereafter, terms of office shall be for three years commencing on the first day of February and ending on the last day of January.~~ 29703
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Each council shall advise the chief on the acquisition of 29714
land and easements and on the lands and waters that should be 29715
included in a wild, scenic, or recreational river area or a 29716
proposed wild, scenic, or recreational river area, facilities 29717
therein, and other aspects of establishment and administration of 29718
the area that may affect the local interest. 29719

Sec. 1547.85. The director of natural resources may 29720

participate in the federal program for the protection of certain 29721
selected rivers that are located within the boundaries of the 29722
state as provided in the "Wild and Scenic Rivers Act," 82 Stat. 29723
906 (1968), 16 U.S.C. 1271 et seq., as amended. The director may 29724
authorize the chief of the division of watercraft to participate 29725
in any other federal program established for the purpose of 29726
protecting, conserving, or developing recreational access to 29727
waters in this state that possess outstanding scenic, 29728
recreational, geologic, fish and wildlife, historic, cultural, or 29729
other similar values. 29730

Sec. 1547.86. Any action taken by the chief of the division 29731
of watercraft under sections 1547.81 to 1547.87 of the Revised 29732
Code shall not be deemed in conflict with certain powers and 29733
duties conferred on and delegated to federal agencies and to 29734
municipal corporations under Section 7 of Article XVIII, Ohio 29735
Constitution, or as provided by sections 721.04 to 721.11 of the 29736
Revised Code. 29737

Sec. 1547.87. The division of watercraft, in carrying out 29738
sections 1547.81 to 1547.87 of the Revised Code, may accept, 29739
receive, and expend gifts, devises, or bequests of money, lands, 29740
or other properties under the terms established in section 9.20 of 29741
the Revised Code. 29742

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 29743
Revised Code is guilty of a felony of the fourth degree. 29744

(B) Whoever violates division (F) of section 1547.08, section 29745
1547.10, division (I) of section 1547.111, section 1547.13, or 29746
section 1547.66 of the Revised Code is guilty of a misdemeanor of 29747
the first degree. 29748

(C) Whoever violates a provision of this chapter or a rule 29749

adopted thereunder, for which no penalty is otherwise provided, is 29750
guilty of a minor misdemeanor. 29751

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 29752
the Revised Code without causing injury to persons or damage to 29753
property is guilty of a misdemeanor of the fourth degree. 29754

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 29755
the Revised Code causing injury to persons or damage to property 29756
is guilty of a misdemeanor of the third degree. 29757

(F) Whoever violates division ~~(M)~~(N) of section 1547.54, 29758
division (G) of section 1547.30, or section 1547.131, 1547.25, 29759
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 29760
of the Revised Code or a rule adopted under division (A)(2) of 29761
section 1547.52 of the Revised Code is guilty of a misdemeanor of 29762
the fourth degree. 29763

(G) Whoever violates section 1547.11 of the Revised Code is 29764
guilty of a misdemeanor of the first degree and shall be punished 29765
as provided in division (G)(1), (2), or (3) of this section. 29766

(1) Except as otherwise provided in division (G)(2) or (3) of 29767
this section, the court shall sentence the offender to a jail term 29768
of three consecutive days and may sentence the offender pursuant 29769
to section 2929.24 of the Revised Code to a longer jail term. In 29770
addition, the court shall impose upon the offender a fine of not 29771
less than one hundred fifty nor more than one thousand dollars. 29772

The court may suspend the execution of the mandatory jail 29773
term of three consecutive days that it is required to impose by 29774
division (G)(1) of this section if the court, in lieu of the 29775
suspended jail term, places the offender under a community control 29776
sanction pursuant to section 2929.25 of the Revised Code and 29777
requires the offender to attend, for three consecutive days, a 29778
drivers' intervention program that is certified pursuant to 29779
section 3793.10 of the Revised Code. The court also may suspend 29780

the execution of any part of the mandatory jail term of three 29781
consecutive days that it is required to impose by division (G)(1) 29782
of this section if the court places the offender under a community 29783
control sanction pursuant to section 2929.25 of the Revised Code 29784
for part of the three consecutive days; requires the offender to 29785
attend, for that part of the three consecutive days, a drivers' 29786
intervention program that is certified pursuant to section 3793.10 29787
of the Revised Code; and sentences the offender to a jail term 29788
equal to the remainder of the three consecutive days that the 29789
offender does not spend attending the drivers' intervention 29790
program. The court may require the offender, as a condition of 29791
community control, to attend and satisfactorily complete any 29792
treatment or education programs, in addition to the required 29793
attendance at a drivers' intervention program, that the operators 29794
of the drivers' intervention program determine that the offender 29795
should attend and to report periodically to the court on the 29796
offender's progress in the programs. The court also may impose any 29797
other conditions of community control on the offender that it 29798
considers necessary. 29799

(2) If, within six years of the offense, the offender has 29800
been convicted of or pleaded guilty to one violation of section 29801
1547.11 of the Revised Code or one other equivalent offense, the 29802
court shall sentence the offender to a jail term of ten 29803
consecutive days and may sentence the offender pursuant to section 29804
2929.24 of the Revised Code to a longer jail term. In addition, 29805
the court shall impose upon the offender a fine of not less than 29806
one hundred fifty nor more than one thousand dollars. 29807

In addition to any other sentence that it imposes upon the 29808
offender, the court may require the offender to attend a drivers' 29809
intervention program that is certified pursuant to section 3793.10 29810
of the Revised Code. 29811

(3) If, within six years of the offense, the offender has 29812

been convicted of or pleaded guilty to more than one violation or 29813
offense identified in division (G)(2) of this section, the court 29814
shall sentence the offender to a jail term of thirty consecutive 29815
days and may sentence the offender to a longer jail term of not 29816
more than one year. In addition, the court shall impose upon the 29817
offender a fine of not less than one hundred fifty nor more than 29818
one thousand dollars. 29819

In addition to any other sentence that it imposes upon the 29820
offender, the court may require the offender to attend a drivers' 29821
intervention program that is certified pursuant to section 3793.10 29822
of the Revised Code. 29823

(4) Upon a showing that serving a jail term would seriously 29824
affect the ability of an offender sentenced pursuant to division 29825
(G)(1), (2), or (3) of this section to continue the offender's 29826
employment, the court may authorize that the offender be granted 29827
work release after the offender has served the mandatory jail term 29828
of three, ten, or thirty consecutive days that the court is 29829
required by division (G)(1), (2), or (3) of this section to 29830
impose. No court shall authorize work release during the mandatory 29831
jail term of three, ten, or thirty consecutive days that the court 29832
is required by division (G)(1), (2), or (3) of this section to 29833
impose. The duration of the work release shall not exceed the time 29834
necessary each day for the offender to commute to and from the 29835
place of employment and the place in which the jail term is served 29836
and the time actually spent under employment. 29837

(5) Notwithstanding any section of the Revised Code that 29838
authorizes the suspension of the imposition or execution of a 29839
sentence or the placement of an offender in any treatment program 29840
in lieu of being imprisoned or serving a jail term, no court shall 29841
suspend the mandatory jail term of ten or thirty consecutive days 29842
required to be imposed by division (G)(2) or (3) of this section 29843
or place an offender who is sentenced pursuant to division (G)(2) 29844

or (3) of this section in any treatment program in lieu of being 29845
imprisoned or serving a jail term until after the offender has 29846
served the mandatory jail term of ten or thirty consecutive days 29847
required to be imposed pursuant to division (G)(2) or (3) of this 29848
section. Notwithstanding any section of the Revised Code that 29849
authorizes the suspension of the imposition or execution of a 29850
sentence or the placement of an offender in any treatment program 29851
in lieu of being imprisoned or serving a jail term, no court, 29852
except as specifically authorized by division (G)(1) of this 29853
section, shall suspend the mandatory jail term of three 29854
consecutive days required to be imposed by division (G)(1) of this 29855
section or place an offender who is sentenced pursuant to division 29856
(G)(1) of this section in any treatment program in lieu of 29857
imprisonment until after the offender has served the mandatory 29858
jail term of three consecutive days required to be imposed 29859
pursuant to division (G)(1) of this section. 29860

(6) As used in division (G) of this section: 29861

(a) "Equivalent offense" has the same meaning as in section 29862
4511.181 of the Revised Code. 29863

(b) "Jail term" and "mandatory jail term" have the same 29864
meanings as in section 2929.01 of the Revised Code. 29865

(H) Whoever violates section 1547.304 of the Revised Code is 29866
guilty of a misdemeanor of the fourth degree and also shall be 29867
assessed any costs incurred by the state or a county, township, 29868
municipal corporation, or other political subdivision in disposing 29869
of an abandoned junk vessel or outboard motor, less any money 29870
accruing to the state, county, township, municipal corporation, or 29871
other political subdivision from that disposal. 29872

(I) Whoever violates division (B) or (C) of section 1547.49 29873
of the Revised Code is guilty of a minor misdemeanor. 29874

(J) Whoever violates section 1547.31 of the Revised Code is 29875

guilty of a misdemeanor of the fourth degree on a first offense. 29876
On each subsequent offense, the person is guilty of a misdemeanor 29877
of the third degree. 29878

(K) Whoever violates section 1547.05 or 1547.051 of the 29879
Revised Code is guilty of a misdemeanor of the fourth degree if 29880
the violation is not related to a collision, injury to a person, 29881
or damage to property and a misdemeanor of the third degree if the 29882
violation is related to a collision, injury to a person, or damage 29883
to property. 29884

(L) The sentencing court, in addition to the penalty provided 29885
under this section for a violation of this chapter or a rule 29886
adopted under it that involves a powercraft powered by more than 29887
ten horsepower and that, in the opinion of the court, involves a 29888
threat to the safety of persons or property, shall order the 29889
offender to complete successfully a boating course approved by the 29890
national association of state boating law administrators before 29891
the offender is allowed to operate a powercraft powered by more 29892
than ten horsepower on the waters in this state. Violation of a 29893
court order entered under this division is punishable as contempt 29894
under Chapter 2705. of the Revised Code. 29895

Sec. 1548.10. (A) The clerk of the court of common pleas 29896
shall charge and retain fees as follows: 29897

(1) Fifteen dollars for each duplicate copy of a certificate 29898
of title. The clerk shall retain that entire fee. 29899

(2) Fifteen dollars for each certificate of title, which 29900
shall include any notation or indication of any lien or security 29901
interest on a certificate of title and any memorandum certificate 29902
of title or non-negotiable evidence of ownership requested at the 29903
time the certificate of title is issued. The clerk shall retain 29904
ten dollars and fifty cents of that fee when there is a notation 29905
of a lien or security interest on the certificate of title and 29906

twelve dollars when there is no lien or security interest noted on 29907
the certificate of title. 29908

(3) Five dollars for each certificate of title with no 29909
security interest noted that is issued to a licensed watercraft 29910
dealer for resale purposes. The clerk shall retain two dollars of 29911
that fee. 29912

(4) Five dollars for each memorandum certificate of title or 29913
non-negotiable evidence of ownership that is applied for 29914
separately. The clerk shall retain that entire fee. 29915

(B) The fees charged for a certificate of title and the 29916
notation or indication of any lien or security interest on a 29917
certificate of title that are not retained by the clerk shall be 29918
paid to the chief of the division of watercraft by monthly 29919
returns, which shall be forwarded to the chief not later than the 29920
fifth day of the month next succeeding that in which the 29921
certificate is forwarded, or that in which the chief is notified 29922
of a lien or security interest or cancellation of a lien or 29923
security interest. 29924

The chief shall deposit one dollar of the amount the chief 29925
receives for each certificate of title in the automated title 29926
processing fund created in section 4505.09 of the Revised Code. 29927
Moneys deposited in that fund under this section shall be used for 29928
the purpose specified in division (B)(3)(b) of that section. 29929

Sec. 1707.17. (A)(1) The license of every dealer in and 29930
salesperson of securities shall expire on the thirty-first day of 29931
December of each year, and may be renewed upon the filing with the 29932
division of securities of an application for renewal, and the 29933
payment of the fee prescribed in this section. The division shall 29934
give notice, without unreasonable delay, of its action on any 29935
application for renewal of a dealer's or salesperson's license. 29936

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing under division (B) of section 1707.141 of the Revised Code annually shall file with the division the notice filing and the fee prescribed in division (B) of this section, no later than the thirty-first day of December of each year.

(4) The license of every state retirement system investment officer licensed under section 1707.163 of the Revised Code and the license of a bureau of workers' compensation chief investment officer issued under section 1707.165 of the Revised Code shall expire on the thirtieth day of June of each year. The licenses may be renewed on the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(B)(1) The fee for each dealer's license, and for each annual renewal thereof, shall be ~~one~~ two hundred dollars.

(2) The fee for each salesperson's license, and for each annual renewal thereof, shall be ~~fifty~~ sixty dollars.

(3) The fee for each investment adviser's license, and for each annual renewal thereof, shall be ~~fifty~~ one hundred dollars.

(4) The fee for each investment adviser notice filing required by division (B) of section 1707.141 of the Revised Code shall be ~~fifty~~ one hundred dollars.

(5) The fee for each investment adviser representative's license, and for each annual renewal thereof, shall be ~~thirty-five~~ fifty dollars. 29968
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(6) The fee for each state retirement system investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 29971
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(7) The fee for a bureau of workers' compensation chief investment officer's license, and for each annual renewal thereof, shall be fifty dollars. 29974
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(C) A dealer's, salesperson's, investment adviser's, investment adviser representative's, bureau of workers' compensation chief investment officer's, or state retirement system investment officer's license may be issued at any time for the remainder of the calendar year. In that event, the annual fee shall not be reduced. 29977
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Sec. 1707.18. (A)(1) If a partnership licensed as a dealer is terminated under the laws of the state where the partnership is organized, or by death, resignation, withdrawal, or addition of a general partner, the license of the partnership shall be automatically extended for a period of thirty days after the termination. The license of the partnership and the licenses of its salespersons may be transferred to the successor partnership within that period if the division of securities finds that the successor partnership is substantially similar to its predecessor partnership, and if an application for transfer of license has been filed. The fee for such a transfer shall be fifty dollars, plus ~~ten~~ fifteen dollars for every salesperson's license that is transferred. 29983
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(2) If a partnership licensed as an investment adviser is terminated under the laws of the state where the partnership is organized, or by death, resignation, withdrawal, or addition of a 29996
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general partner, the license of the partnership shall be 29999
automatically extended for a period of thirty days after the 30000
termination. The license of the partnership shall, and the 30001
licenses of its investment adviser representatives may, be 30002
transferred to the successor partnership within that period if the 30003
division finds that the successor partnership is substantially 30004
similar to its predecessor partnership, and if an application for 30005
transfer of license has been filed. The fee for such transfer 30006
shall be fifty dollars, plus ~~ten~~ fifteen dollars for every 30007
investment adviser representative's license that is transferred. 30008

(B)(1) If a licensed dealer changes its business form, 30009
reincorporates, or by merger or otherwise becomes a different 30010
person, as person is defined in section 1707.01 of the Revised 30011
Code, upon application the division may transfer the dealer's 30012
license and the licenses of its salespersons to the successor 30013
entity, if the division finds that the successor entity is 30014
substantially similar to the predecessor entity. The fee for such 30015
a transfer shall be fifty dollars plus ~~ten~~ fifteen dollars for 30016
every salesperson's license transferred. 30017

(2) If a licensed investment adviser changes its business 30018
form, reincorporates, or by merger or otherwise becomes a 30019
different person, as person is defined in section 1707.01 of the 30020
Revised Code, upon application, the division may transfer the 30021
investment adviser license and the licenses of its investment 30022
adviser representatives to the successor entity, if the division 30023
finds that the successor entity is substantially similar to the 30024
predecessor entity. The fee for the transfer shall be fifty 30025
dollars plus ~~ten~~ fifteen dollars for every investment adviser 30026
representative's license transferred. 30027

Sec. 1707.37. (A) All fees and charges collected under 30028
~~Chapter 1707. of the Revised Code~~ this chapter shall be paid into 30029

the state treasury to the credit of the division of securities fund, which is hereby created. All expenses of the division of securities, other than those specified in division (B) of this section, shall be paid from the fund.

The fund shall be assessed a proportionate share of the administrative costs of the department of commerce in accordance with procedures prescribed by the director of commerce and approved by the director of budget and management. The assessments shall be paid from the division of securities fund to the division of administration fund.

If moneys in the division of securities fund are determined by the director of budget and management and the director of commerce to be in excess of those necessary to defray all the expenses in any fiscal year, the director of budget and management shall transfer the excess to the general revenue fund.

(B) There is hereby created in the state treasury the division of securities investor education and enforcement expense fund, which shall consist of all money received in settlement of any violation of this chapter and any cash transfers. Money in the fund shall be used to pay expenses of the division of securities relating to education or enforcement for the protection of securities investors and the public. The division may adopt rules pursuant to section 1707.20 of the Revised Code that establish what qualifies as such an expense.

If the director of budget and management and the director of commerce determine that money in the fund is in excess of one million dollars at the end of a fiscal year and that any amount of that excess is not needed to defray the qualifying expenses of the division, the director of budget and management may transfer that amount to the general revenue fund.

Sec. 1710.01. As used in this chapter:

(A) "Special improvement district" means a special	30061
improvement district organized under this chapter.	30062
(B) "Church" means a fellowship of believers, congregation,	30063
society, corporation, convention, or association that is formed	30064
primarily or exclusively for religious purposes and that is not	30065
formed for the private profit of any person.	30066
(C) "Church property" means property that is described as	30067
being exempt from taxation under division (A)(2) of section	30068
5709.07 of the Revised Code and that the county auditor has	30069
entered on the exempt list compiled under section 5713.07 of the	30070
Revised Code.	30071
(D) "Municipal executive" means the mayor, city manager, or	30072
other chief executive officer of the municipal corporation in	30073
which a special improvement district is located.	30074
(E) "Participating political subdivision" means the municipal	30075
corporation or township, or each of the municipal corporations or	30076
townships, that has territory within the boundaries of a special	30077
improvement district created under this chapter.	30078
(F) "Legislative authority of a participating political	30079
subdivision" means, with reference to a township, the board of	30080
township trustees.	30081
(G) "Public improvement" means the planning, design,	30082
construction, reconstruction, enlargement, or alteration of any	30083
facility or improvement, including the acquisition of land, for	30084
which a special assessment may be levied under Chapter 727. of the	30085
Revised Code.	30086
(H) "Public service" means any service that can be provided	30087
by a municipal corporation or any service for which a special	30088
assessment may be levied under Chapter 727. of the Revised Code.	30089
<u>(I) "Existing qualified nonprofit corporation" means a</u>	30090

nonprofit corporation that existed before the creation of the 30091
corresponding district under this chapter, that is composed of 30092
members located within or adjacent to the district, that has 30093
established a police department under section 1702.80 of the 30094
Revised Code, and that is organized for purposes that include 30095
acquisition of real property within an area specified by its 30096
articles for the subsequent transfer of such property to its 30097
members exclusively for charitable, scientific, literary, or 30098
educational purposes, or holding and maintaining and leasing such 30099
property; planning for and assisting in the development of its 30100
members; providing for the relief of the poor and distressed or 30101
underprivileged in the area and adjacent areas; combating 30102
community deterioration and lessening the burdens of government; 30103
providing or assisting others in providing housing for low- or 30104
moderate-income persons; and assisting its members by the 30105
provision of public safety and security services, parking 30106
facilities, transit service, landscaping, and parks. 30107

Sec. 1710.02. (A) A special improvement district may be 30108
created within the boundaries of any one municipal corporation, 30109
any one township, or any combination of contiguous municipal 30110
corporations and townships ~~by a petition of the property owners~~ 30111
~~within the proposed district,~~ for the purpose of developing and 30112
implementing plans for public improvements and public services 30113
that benefit the district. A district may be created by petition 30114
of the owners of real property within the proposed district, or by 30115
an existing qualified nonprofit corporation. If the district is 30116
created by an existing qualified nonprofit corporation, the 30117
purposes for which the district is created may be supplemental to 30118
the other purposes for which the corporation is organized. All 30119
territory in a district shall be contiguous. 30120

The district shall be governed by the board of trustees of a 30121
nonprofit corporation. This board shall be known as the board of 30122

directors of the special improvement district. No special 30123
improvement district shall include any church property, or 30124
property of the federal or state government or a county, township, 30125
or municipal corporation, unless the church or the county, 30126
township, or municipal corporation specifically requests in 30127
writing that the property be included within the district, or 30128
unless the church is a member of the existing qualified nonprofit 30129
corporation creating the district at the time the district is 30130
created. More than one district may be created within a 30131
participating political subdivision, but no real property may be 30132
included within more than one district unless the owner of the 30133
property files a written consent with the clerk of the legislative 30134
authority, the township fiscal officer, or the village clerk, as 30135
appropriate. The area of each district shall be contiguous. 30136

(B) Except as provided in division (C) of this section, a 30137
district created under this chapter is not a political 30138
subdivision. A district created under this chapter shall be 30139
considered a public agency under section 102.01 and a public 30140
authority under section 4115.03 of the Revised Code. Each member 30141
of the board of directors of a district, each member's designee or 30142
proxy, and each officer and employee of a district shall be 30143
considered a public official or employee under section 102.01 of 30144
the Revised Code and a public official and public servant under 30145
section 2921.42 of the Revised Code. Districts created under this 30146
chapter are not subject to section 121.24 of the Revised Code. 30147
Districts created under this chapter are subject to sections 30148
121.22 and 121.23 of the Revised Code. 30149

(C) Each district created under this chapter shall be 30150
considered a political subdivision for purposes of section 4905.34 30151
of the Revised Code. 30152

Membership on the board of directors of the district shall 30153
not be considered as holding a public office. Directors and their 30154

designees shall be entitled to the immunities provided by Chapter 30155
1702. and to the same immunity as an employee under division 30156
(A)(6) of section 2744.03 of the Revised Code, except that 30157
directors and their designees shall not be entitled to the 30158
indemnification provided in section 2744.07 of the Revised Code 30159
unless the director or designee is an employee or official of a 30160
participating political subdivision of the district and is acting 30161
within the scope of the director's or designee's employment or 30162
official responsibilities. 30163

District officers and district members and directors and 30164
their designees or proxies shall not be required to file a 30165
statement with the Ohio ethics commission under section 102.02 of 30166
the Revised Code. All records of the district shall be treated as 30167
public records under section 149.43 of the Revised Code, except 30168
that records of organizations contracting with a district shall 30169
not be considered to be public records under section 149.43 or 30170
section 149.431 of the Revised Code solely by reason of any 30171
contract with a district. 30172

(D) Except as otherwise provided in this section, the 30173
nonprofit corporation that governs a district shall be organized 30174
in the manner described in Chapter 1702. of the Revised Code. ~~The~~ 30175
Except in the case of a district created by an existing qualified 30176
nonprofit corporation, the corporation's articles of incorporation 30177
are required to be approved, as provided in division (E) of this 30178
section, by resolution of the legislative authority of each 30179
participating political subdivision of the district. A copy of 30180
that resolution shall be filed along with the articles of 30181
incorporation in the secretary of state's office. 30182

In addition to meeting the requirements for articles of 30183
incorporation set forth in Chapter 1702. of the Revised Code, the 30184
articles of incorporation for the nonprofit corporation governing 30185
a district formed under this chapter shall provide all the 30186

following:	30187
(1) The name for the district, which shall include the name of each participating political subdivision of the district;	30188 30189
(2) A description of the territory within the district, which may be all or part of each participating political subdivision. The description shall be specific enough to enable real property owners to determine if their property is located within the district.	30190 30191 30192 30193 30194
(3) A description of the procedure by which the articles of incorporation may be amended. The procedure shall include receiving approval of the amendment, by resolution, from the legislative authority of each participating political subdivision and filing the approved amendment and resolution with the secretary of state.	30195 30196 30197 30198 30199 30200
(4) The reasons for creating the district, plus an explanation of how the district will be conducive to the public health, safety, peace, convenience, and welfare of the district.	30201 30202 30203
(E) The articles of incorporation for a nonprofit corporation governing a district created under this chapter and amendments to them shall be submitted to the municipal executive, if any, and the legislative authority of each municipal corporation or township in which the proposed district is to be located ⁷ . <u>Except in the case of a district created by an existing qualified nonprofit corporation, the articles or amendments shall be</u> accompanied by a petition signed either by the owners of at least sixty per cent of the front footage of all real property located in the proposed district that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the proposed district, excluding church property or property owned by the state, county, township, municipal, or federal government, unless a church,	30204 30205 30206 30207 30208 30209 30210 30211 30212 30213 30214 30215 30216 30217

county, township, or municipal corporation has specifically 30218
requested in writing that the property be included in the 30219
district, or by the owners of at least seventy-five per cent of 30220
the area of all real property located within the proposed 30221
district, excluding church property or property owned by the 30222
state, county, township, municipal, or federal government, unless 30223
a church, county, township, or municipal corporation has 30224
specifically requested in writing that the property be included in 30225
the district. For purposes of determining compliance with these 30226
requirements, the area of the district, or the front footage and 30227
ownership of property, shall be as shown in the most current 30228
records available at the county recorder's office and the county 30229
engineer's office sixty days prior to the date on which the 30230
petition is filed. 30231

Each municipal corporation or township with which the 30232
petition is filed has sixty days to approve or disapprove, by 30233
resolution, the petition, including the articles of incorporation. 30234
In the case of a district created by an existing qualified 30235
nonprofit corporation, each municipal corporation or township has 30236
sixty days to approve or disapprove the creation of the district 30237
after the corporation submits the articles of incorporation or 30238
amendments thereto. This chapter does not prohibit or restrict the 30239
rights of municipal corporations under Article XVIII of the Ohio 30240
Constitution or the right of the municipal legislative authority 30241
to impose reasonable conditions in a resolution of approval. 30242

(F) Persons proposing creation and operation of the district 30243
may propose an initial plan for public services or public 30244
improvements that benefit all or any part of the district. Any 30245
initial plan shall be submitted as part of the petition proposing 30246
creation of the district or, in the case of a district created by 30247
an existing qualified nonprofit corporation, shall be submitted 30248
with the articles of incorporation or amendments thereto. 30249

An initial plan may include provisions for the following:	30250
(1) Creation and operation of the district and of the nonprofit corporation to govern the district under this chapter;	30251 30252
(2) Hiring employees and professional services;	30253
(3) Contracting for insurance;	30254
(4) Purchasing or leasing office space and office equipment;	30255
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	30256 30257 30258
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (5) of that section.	30259 30260 30261 30262 30263 30264
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan. For purposes of levying an assessment for this initial plan, the services or improvements included in the initial plan shall be deemed a special benefit to property owners within the district.	30265 30266 30267 30268 30269 30270 30271 30272 30273
(G) Each nonprofit corporation governing a district under this chapter may do the following:	30274 30275
(1) Exercise all powers of nonprofit corporations granted under Chapter 1702. of the Revised Code that do not conflict with this chapter;	30276 30277 30278
(2) Develop, adopt, revise, implement, and repeal plans for	30279

public improvements and public services for all or any part of the 30280
district; 30281

(3) Contract with any person, political subdivision as 30282
defined in section 2744.01 of the Revised Code, or state agency as 30283
defined in section 1.60 of the Revised Code to develop and 30284
implement plans for public improvements or public services within 30285
the district; 30286

(4) Contract and pay for insurance for the district and for 30287
directors, officers, agents, contractors, employees, or members of 30288
the district for any consequences of the implementation of any 30289
plan adopted by the district or any actions of the district. 30290

Sec. 1710.03. (A) ~~Each owner, other than a church or the~~ 30291
~~state, county, township, municipal, or federal government, unless~~ 30292
~~a church or county, township, or municipal corporation has~~ 30293
~~specifically requested in writing that the property be included in~~ 30294
~~the district, Except as otherwise provided in this division, each~~ 30295
owner of real property within a special improvement district other 30296
than the state or federal government is a member of the district, 30297
and the real property of each member of the district is subject to 30298
special assessment under division (C) of section 1710.06 of the 30299
Revised Code. ~~The~~ A church is not a member of the district unless 30300
the church specifically requested in writing that its property be 30301
included in the district or unless, in the case of a district 30302
created by an existing qualified nonprofit corporation, the church 30303
is a member of the corporation at the time the district is 30304
created. A county, township, or municipal corporation owning real 30305
property in the district is not a member of the district unless 30306
such entity specifically requested in writing that its property be 30307
included in the district. 30308

The identity and address of the owners shall be determined 30309
for any particular action of the nonprofit corporation that 30310

governs the district, including notice of meetings of the 30311
district, no more than sixty days prior to the date of the action, 30312
from the most current records available at the county auditor's 30313
office. For purposes of this chapter, the persons shown on such 30314
records as having common or joint ownership interests in a parcel 30315
of real property collectively shall constitute the owner of the 30316
real property. 30317

(B) A member may file a written statement with the district's 30318
secretary at least three days prior to any meeting of the entire 30319
membership of the district to appoint a proxy to carry out the 30320
member's rights and responsibilities under this chapter at that 30321
meeting. 30322

(C) A member also may appoint a designee to carry out the 30323
member's rights and responsibilities under this chapter by filing 30324
a written designation form with the district's secretary. This 30325
form shall include the name and address of the member, the name 30326
and address of the designee, and the expiration date, if any, of 30327
the designation and may authorize the designee to vote at any 30328
meeting of the district. 30329

(D) A proxy or designee need not be an elector or resident of 30330
any participating political subdivision of the district or a 30331
member of the district. The appointment of a proxy or a designee 30332
may be changed by filing a new form with the district's secretary. 30333
The most current form filed with the secretary is the valid 30334
appointment. Service of any notice upon a proxy or designee at the 30335
proxy's or designee's address as shown on that form satisfies any 30336
requirements for notification of the member. 30337

Sec. 1710.04. (A) A special improvement district created 30338
under this chapter shall be governed by the board of directors of 30339
the special improvement district. The board shall consist of at 30340
least five directors. The board shall include a person appointed 30341

by the legislative authority of each participating political 30342
subdivision and the municipal executive of each municipal 30343
corporation with territory within the boundaries of the special 30344
improvement district. The remainder of the board's members shall 30345
be members of the district. Except for the municipal executives 30346
and the appointees of the legislative authorities, and except as 30347
otherwise provided in this division, members of the board of 30348
directors shall be elected at a meeting of the entire membership 30349
of the district. The initial election of directors may occur at 30350
the first meeting of the entire membership of the district after 30351
its creation. All subsequent elections shall be held at a November 30352
meeting of the membership. 30353

Each municipal executive may designate one person who is an 30354
employee of the municipal corporation involved with its planning 30355
or economic development functions to serve in the municipal 30356
executive's stead. This designee shall serve at the pleasure of 30357
the municipal executive. 30358

In the case of a district created by an existing qualified 30359
nonprofit corporation, the corporation's board of trustees or 30360
other governing board, however denominated, shall be the board of 30361
directors of the special improvement district for the purposes of 30362
this chapter. The election of directors otherwise required by this 30363
division shall not be required, and the requirement that municipal 30364
executives and appointees of the legislative authorities be 30365
members of the district's board of directors may be satisfied by 30366
the membership on the corporation's governing board of 30367
representatives of such participating political subdivisions, or 30368
may be waived if approved by resolution of the legislative 30369
authorities of the participating political subdivisions. 30370

(B) A director may file a written statement with the 30371
district's secretary at least three days prior to any meeting of 30372
the board to have a person act as proxy to carry out the 30373

director's rights and responsibilities under this chapter at that meeting. 30374
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A director may also appoint a designee to carry out the director's rights and responsibilities under this chapter by filing a written designation form with the district's secretary. This form shall include the name and address of the director, the name and address of the designee, and the expiration date, if any, of the designation. 30376
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A proxy or designee need not be an elector or resident of a participating political subdivision of the district or a member of the district. The appointment of a proxy or designee may be changed by filing a new form with the district's secretary. The most current form filed with the secretary is the valid appointment. Service of any notice upon a proxy or designee at the proxy's or designee's address as shown on that form satisfies any requirements for notification of the director. 30382
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(C) Notice of the time, date, place, and agenda for any meeting of the board of directors shall be by written notice to each director, transmitted by certified mail, personal service, or electronic device prior to the meeting. If possible, the notice shall be served at least one week prior to the meeting. 30390
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The board shall act by a majority vote of those present and authorized to vote at any meeting where proper notice has been served. 30395
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(D) The board shall elect a chairperson, vice-chairperson, secretary, and treasurer of the board. These officers shall serve at the board's pleasure. A director may be elected to more than one office, except that the director elected as treasurer shall not be elected to any other office of the board. 30398
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By the first day of March of each year, the treasurer shall submit to each member of the district and to the municipal 30403
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executive, chief fiscal officer, and legislative authority of each 30405
municipal corporation with territory within the boundaries of the 30406
special improvement district and the board of township trustees of 30407
each township with territory within the boundaries of the special 30408
improvement district, a report of the district's activities and 30409
financial condition for the previous year. 30410

(E) Divisions (B), (C), and (D) of this section do not apply 30411
to a district created by an existing qualified nonprofit 30412
corporation to the extent those divisions are not consistent with 30413
the regulations of the corporation, in which case the regulations 30414
of the corporation shall govern. 30415

Sec. 1710.06. (A) The board of directors of a special 30416
improvement district may develop and adopt one or more written 30417
plans for public improvements or public services that benefit all 30418
or any part of the district. Each plan shall set forth the 30419
specific public improvements or public services that are to be 30420
provided, identify the area in which they will be provided, and 30421
specify the method of assessment to be used. Each plan for public 30422
improvements or public services shall indicate the period of time 30423
the assessments are to be levied for the improvements and services 30424
and, if public services are included in the plan, the period of 30425
time the services are to remain in effect. Plans for public 30426
improvements may include the planning, design, construction, 30427
reconstruction, enlargement, or alteration of any public 30428
improvements and the acquisition of land for the improvements. 30429
Plans for public improvements or public services may also include, 30430
but are not limited to, provisions for the following: 30431

(1) Creating and operating the district and the nonprofit 30432
corporation under this chapter, including hiring employees and 30433
professional services, contracting for insurance, and purchasing 30434
or leasing office space and office equipment and other 30435

requirements of the district;	30436
(2) Planning, designing, and implementing a public	30437
improvements or public services plan, including hiring	30438
architectural, engineering, legal, appraisal, insurance, and	30439
planning services, and, for public services, managing, protecting,	30440
and maintaining public and private facilities, including public	30441
improvements;	30442
(3) Conducting court proceedings to carry out this chapter;	30443
(4) Paying damages resulting from the provision of public	30444
improvements or public services and implementing the plans;	30445
(5) Paying the costs of issuing, paying interest on, and	30446
redeeming notes and bonds issued for funding public improvements	30447
and public services plans.	30448
(B) Once the board of directors adopts a plan, it shall	30449
submit the plan to the legislative authority of each participating	30450
political subdivision and the municipal executive of each	30451
municipal corporation in which the district is located, if any.	30452
The legislative authorities and municipal executives shall review	30453
the plan and, within sixty days after receiving it, may submit	30454
their comments and recommendations about it to the district. After	30455
reviewing these comments and recommendations, the board of	30456
directors may amend the plan. It may then submit the plan, amended	30457
or otherwise, in the form of a petition to members of the district	30458
whose property may be assessed for the plan. Once the petition is	30459
signed by those members who own at least sixty per cent of the	30460
front footage of property that is to be assessed and that abuts	30461
upon a street, alley, public road, place, boulevard, parkway, park	30462
entrance, easement, or other public improvement, or those members	30463
who own at least seventy-five per cent of the area to be assessed	30464
for the improvement or service, the petition may be submitted to	30465
each legislative authority for approval.	30466

Each legislative authority shall, by resolution, approve or 30467
reject the petition within sixty days after receiving it. If the 30468
petition is approved by the legislative authority of each 30469
participating political subdivision, the plan contained in the 30470
petition shall be effective at the earliest date on which a 30471
nonemergency resolution of the legislative authority with the 30472
latest effective date may become effective. A plan may not be 30473
resubmitted to the legislative authorities and municipal 30474
executives more than three times in any twelve-month period. 30475

(C) Each participating political subdivision shall levy, by 30476
special assessment upon specially benefited property located 30477
within the district, the costs of any public improvements or 30478
public services plan contained in a petition approved by the 30479
participating political subdivisions under this section or 30480
division (F) of section 1710.02 of the Revised Code. The levy 30481
shall be made in accordance with the procedures set forth in 30482
Chapter 727. of the Revised Code, except that: 30483

(1) The assessment for each improvements or services plan may 30484
be levied by any one or any combination of the methods of 30485
assessment listed in section 727.01 of the Revised Code, provided 30486
that the assessment is uniformly applied. 30487

(2) For the purpose of levying an assessment, the board of 30488
directors may combine one or more improvements or services plans 30489
or parts of plans and levy a single assessment against specially 30490
benefited property. 30491

(3) For purposes of special assessments levied by a township 30492
pursuant to this chapter, references in Chapter 727. of the 30493
Revised Code to the municipal corporation shall be deemed to refer 30494
to the township, and references to the legislative authority of 30495
the municipal corporation shall be deemed to refer to the board of 30496
township trustees. 30497

Church property or property owned by a political subdivision, 30498
including any participating political subdivision in which a 30499
special improvement district is located, shall be included in and 30500
be subject to special assessments made pursuant to a plan adopted 30501
under this section or division (F) of section 1710.02 of the 30502
Revised Code, if the church or political subdivision has 30503
specifically requested in writing that its property be included 30504
within the special improvement district and the church or 30505
political subdivision is a member of the district or, in the case 30506
of a district created by an existing qualified nonprofit 30507
corporation, if the church is a member of the corporation. 30508

(D) All rights and privileges of property owners who are 30509
assessed under Chapter 727. of the Revised Code shall be granted 30510
to property owners assessed under this chapter, including those 30511
rights and privileges specified in sections 727.15 to 727.17 and 30512
727.18 to 727.22 of the Revised Code and the right to notice of 30513
the resolution of necessity and the filing of the estimated 30514
assessment under section 727.13 of the Revised Code. Property 30515
owners assessed for public services under this chapter shall have 30516
the same rights and privileges as property owners assessed for 30517
public improvements under this chapter. 30518

Sec. 1710.10. (A) When a participating political subdivision 30519
contracts to provide improvements or services to a special 30520
improvement district, the participating political subdivision 30521
shall charge only its additional cost of providing the improvement 30522
or service, without any allocation of overhead costs, fixed costs, 30523
or assignment of costs at rates higher than those at which the 30524
participating political subdivision assigns costs for similar 30525
improvements or services for political subdivision purposes. 30526

(B) ~~Any~~ Except in the case of a district created by an 30527
existing qualified nonprofit corporation, any law enforcement or 30528

fire protection service to be provided under a district's public 30529
service plan shall be provided only by contract with a 30530
participating political subdivision of the district. ~~The~~ In the 30531
case of a district created by an existing qualified nonprofit 30532
corporation, the corporation may provide law enforcement service 30533
as provided under section 1702.80 of the Revised Code. 30534

The district shall reimburse the participating political 30535
subdivision for any additional cost incurred in providing that law 30536
enforcement or fire protection service. This additional cost shall 30537
not include any overhead, fixed costs, or assignment of costs at 30538
rates higher than those at which the political subdivision assigns 30539
costs for these services for political subdivision purposes. 30540

30541

(C) Any liability for providing fire or police services under 30542
this section by a participating political subdivision shall remain 30543
with the participating political subdivision and shall not be 30544
assumed by the district. 30545

Sec. 1710.13. ~~The~~ This section does not apply to a special 30546
improvement district created by an existing qualified nonprofit 30547
corporation. 30548

The process for dissolving a special improvement district or 30549
repealing an improvements or services plan may be initiated by a 30550
petition signed by members of the district who own at least twenty 30551
per cent of the appraised value of the real property located in 30552
the district, excluding church property or real property owned by 30553
the federal government, the state, or a county, township, or 30554
municipal corporation, unless the church, county, township, or 30555
municipal corporation has specifically requested in writing that 30556
the property be included in the district, and filed with the 30557
municipal executive, if any, and the legislative authorities of 30558
all the participating political subdivisions of the district. As 30559

used in this section, "appraised value" means the taxable value 30560
established by the county auditor for purposes of real estate 30561
taxation. 30562

No later than forty-five days after such a petition is filed, 30563
the members of the district shall meet to consider it. Notice of 30564
the meeting shall be given as provided in section 1710.05 of the 30565
Revised Code. Upon the affirmative vote of members who 30566
collectively own more than fifty per cent of the appraised value 30567
of the real property in the district that may be subject to 30568
assessment under division (C) of section 1710.06 of the Revised 30569
Code, the district shall be dissolved, or the plan shall be 30570
repealed, as applicable. 30571

No rights or obligations of any person under any contract, or 30572
in relation to any bonds, notes, or assessments made under this 30573
chapter, shall be affected by the dissolution of the district or 30574
the repeal of a plan, except with the consent of that person or by 30575
order of a court with jurisdiction over the matter. Upon 30576
dissolution of a district, any assets or rights of the district, 30577
after payment of all bonds, notes, or other obligations of the 30578
district, shall be deposited in a special account in the treasury 30579
of each participating political subdivision, prorated among all 30580
participating political subdivisions to reflect the percentage of 30581
the district's territory within that political subdivision, to be 30582
used for the benefit of the territory that made up the district. 30583

Once the members have approved the repeal of a plan, all 30584
bonds, notes, and other obligations of the district associated 30585
with the plan shall be paid. Thereafter, the plan shall be 30586
repealed. Upon receipt of proof that all bonds, notes, and other 30587
obligations have been paid and that the plan has been repealed, 30588
the participating political subdivisions shall terminate any 30589
levies imposed to pay for costs of the plan. 30590

Sec. 1724.04. A county ~~having a population of more than one million two hundred thousand as of the most recent decennial census~~ that elects under section 5722.02 of the Revised Code to adopt and implement the procedures set forth in sections 5722.02 to 5722.15 of the Revised Code may organize a county land reutilization corporation under this chapter and Chapter 1702. of the Revised Code for the purpose of exercising the powers granted to a county under Chapter 5722. of the Revised Code. The county treasurer of the county for the benefit of which the corporation is being organized shall be the incorporator of the county land reutilization corporation. The form of the articles of incorporation of the corporation shall be approved by resolution of the board of county commissioners of the county. A county land reutilization corporation may not be organized under this chapter after the day that is one year after ~~the effective date of the amendment of this section by S.B. 353 of the 127th General Assembly~~ April 7, 2009.

When the articles of incorporation of any community improvement corporation, or any amendment, amended articles, merger, or consolidation which provides for the creation of such a corporation, are deposited for filing and recording in the office of the secretary of state, the secretary of state shall submit them to the attorney general for examination. If such articles, amendment, amended articles, merger, or consolidation, are found by the attorney general to be in accordance with Chapter 1724. of the Revised Code, and not inconsistent with the constitution and laws of the United States and of this state, the attorney general shall endorse thereon the attorney general's approval and deliver them to the secretary of state, who shall file and record them pursuant to section 1702.07 of the Revised Code.

Sec. 1739.05. (A) A multiple employer welfare arrangement

that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 3923.84, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29

U.S.C.A. 1161, as amended. 30653

Sec. 1751.03. (A) Each application for a certificate of 30654
authority under this chapter shall be verified by an officer or 30655
authorized representative of the applicant, shall be in a format 30656
prescribed by the superintendent of insurance, and shall set forth 30657
or be accompanied by the following: 30658

(1) A certified copy of the applicant's articles of 30659
incorporation and all amendments to the articles of incorporation; 30660

(2) A copy of any regulations adopted for the government of 30661
the corporation, any bylaws, and any similar documents, and a copy 30662
of all amendments to these regulations, bylaws, and documents. The 30663
corporate secretary shall certify that these regulations, bylaws, 30664
documents, and amendments have been properly adopted or approved. 30665

(3) A list of the names, addresses, and official positions of 30666
the persons responsible for the conduct of the applicant, 30667
including all members of the board, the principal officers, and 30668
the person responsible for completing or filing financial 30669
statements with the department of insurance, accompanied by a 30670
completed original biographical affidavit and release of 30671
information for each of these persons on forms acceptable to the 30672
department; 30673

(4) A full and complete disclosure of the extent and nature 30674
of any contractual or other financial arrangement between the 30675
applicant and any provider or a person listed in division (A)(3) 30676
of this section, including, but not limited to, a full and 30677
complete disclosure of the financial interest held by any such 30678
provider or person in any health care facility, provider, or 30679
insurer that has entered into a financial relationship with the 30680
health insuring corporation; 30681

(5) A description of the applicant, its facilities, and its 30682

personnel, including, but not limited to, the location, hours of operation, and telephone numbers of all contracted facilities;	30683 30684
(6) The applicant's projected annual enrollee population over a three-year period;	30685 30686
(7) A clear and specific description of the health care plan or plans to be used by the applicant, including a description of the proposed providers, procedures for accessing care, and the form of all proposed and existing contracts relating to the administration, delivery, or financing of health care services;	30687 30688 30689 30690 30691
(8) A copy of each type of evidence of coverage and identification card or similar document to be issued to subscribers;	30692 30693 30694
(9) A copy of each type of individual or group policy, contract, or agreement to be used;	30695 30696
(10) The schedule of the proposed contractual periodic prepayments or premium rates, or both, accompanied by appropriate supporting data;	30697 30698 30699
(11) A financial plan which provides a three-year projection of operating results, including the projected expenses, income, and sources of working capital;	30700 30701 30702
(12) The enrollee complaint procedure to be utilized as required under section 1751.19 of the Revised Code;	30703 30704
(13) A description of the procedures and programs to be implemented on an ongoing basis to assure the quality of health care services delivered to enrollees, including, if applicable, a description of a quality assurance program complying with the requirements of sections 1751.73 to 1751.75 of the Revised Code;	30705 30706 30707 30708 30709
(14) A statement describing the geographic area or areas to be served, by county;	30710 30711
(15) A copy of all solicitation documents;	30712

(16) A balance sheet and other financial statements showing 30713
the applicant's assets, liabilities, income, and other sources of 30714
financial support; 30715

(17) A description of the nature and extent of any 30716
reinsurance program to be implemented, and a demonstration that 30717
errors and omission insurance and, if appropriate, fidelity 30718
insurance, will be in place upon the applicant's receipt of a 30719
certificate of authority; 30720

(18) Copies of all proposed or in force related-party or 30721
intercompany agreements with an explanation of the financial 30722
impact of these agreements on the applicant. If the applicant 30723
intends to enter into a contract for managerial or administrative 30724
services, with either an affiliated or an unaffiliated person, the 30725
applicant shall provide a copy of the contract and a detailed 30726
description of the person to provide these services. The 30727
description shall include that person's experience in managing or 30728
administering health care plans, a copy of that person's most 30729
recent audited financial statement, and a completed biographical 30730
affidavit on a form acceptable to the superintendent for each of 30731
that person's principal officers and board members and for any 30732
additional employee to be directly involved in providing 30733
managerial or administrative services to the health insuring 30734
corporation. If the person to provide managerial or administrative 30735
services is affiliated with the health insuring corporation, the 30736
contract must provide for payment for services based on actual 30737
costs. 30738

(19) A statement from the applicant's board that the admitted 30739
assets of the applicant have not been and will not be pledged or 30740
hypothecated; 30741

(20) A statement from the applicant's board that the 30742
applicant will submit monthly financial statements during the 30743
first year of operations; 30744

(21) The name and address of the applicant's Ohio statutory agent for service of process, notice, or demand;	30745
	30746
(22) Copies of all documents the applicant filed with the secretary of state;	30747
	30748
(23) The location of those books and records of the applicant that must be maintained, which books and records shall be maintained in Ohio if the applicant is a domestic corporation, and which may be maintained either in the applicant's state of domicile or in Ohio if the applicant is a foreign corporation;	30749
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(24) The applicant's federal identification number, corporate address, and mailing address;	30754
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(25) An internal and external organizational chart;	30756
(26) A list of the assets representing the initial net worth of the applicant;	30757
	30758
(27) If the applicant has a parent company, the parent company's guaranty, on a form acceptable to the superintendent, that the applicant will maintain Ohio's minimum net worth. If no parent company exists, a statement regarding the availability of future funds if needed.	30759
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(28) The names and addresses of the applicant's actuary and external auditors;	30764
	30765
(29) If the applicant is a foreign corporation, a copy of the most recent financial statements filed with the insurance regulatory agency in the applicant's state of domicile;	30766
	30767
	30768
(30) If the applicant is a foreign corporation, a statement from the insurance regulatory agency of the applicant's state of domicile stating that the regulatory agency has no objection to the applicant applying for an Ohio license and that the applicant is in good standing in the applicant's state of domicile;	30769
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	30771
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	30773
(31) Any other information that the superintendent may	30774

require; 30775

(32) Documentation acceptable to the superintendent of the 30776
bond or securities required by section 1751.271 of the Revised 30777
Code. 30778

(B)(1) A health insuring corporation, unless otherwise 30779
provided for in this chapter or in section 3901.321 of the Revised 30780
Code, shall file a timely notice with the superintendent 30781
describing any change to the corporation's articles of 30782
incorporation or regulations, or any major modification to its 30783
operations as set out in the information required by division (A) 30784
of this section that affects any of the following: 30785

(a) The solvency of the health insuring corporation; 30786

(b) The health insuring corporation's continued provision of 30787
services that it has contracted to provide; 30788

(c) The manner in which the health insuring corporation 30789
conducts its business. 30790

(2) If the change or modification is to be the result of an 30791
action to be taken by the health insuring corporation, the notice 30792
shall be filed with the superintendent prior to the health 30793
insuring corporation taking the action. The action shall be deemed 30794
approved if the superintendent does not disapprove it within sixty 30795
days of filing. 30796

(3) The filing of a notice pursuant to division (B)(1) or (2) 30797
of this section shall also serve as the submission of a notice 30798
when required for the superintendent's review for purposes of 30799
section 3901.341 of the Revised Code, if the notice contains all 30800
of the information that section 3901.341 of the Revised Code 30801
requires for such submissions and a copy of any written agreement. 30802
The filing of such a notice, for the purpose of satisfying this 30803
division and section 3901.341 of the Revised Code, shall be 30804
subject to the sixty-day review period of division (B)(2) of this 30805

section. 30806

(C)(1) No health insuring corporation shall expand its 30807
approved service area until a copy of the request for expansion, 30808
accompanied by documentation of the network of providers, forms of 30809
all proposed or existing provider contracts relating to the 30810
delivery of health care services, a schedule of proposed 30811
contractual periodic prepayments and premium rates for group 30812
contracts accompanied by appropriate supporting data, enrollment 30813
projections, plan of operation, and any other changes have been 30814
filed with the superintendent. 30815

~~(2) Within ten calendar days after receipt of a complete 30816
filing under division (C)(1) of this section, the superintendent 30817
shall refer the appropriate jurisdictional issues to the director 30818
of health if required pursuant to section 1751.04 of the Revised 30819
Code. 30820~~

~~(3) Within seventy-five days after the superintendent's 30821
receipt of a complete filing under division (C)(1) of this 30822
section, the superintendent shall determine whether the plan for 30823
expansion is lawful, fair, and reasonable. If a referral is 30824
required pursuant to section 1751.04 of the Revised Code, the 30825
superintendent may not make a determination until the 30826
superintendent has received the director's certification of 30827
compliance, which the director shall furnish within forty five 30828
days after the referral under division (C)(2) of this section. The 30829
director shall not certify that the requirements of section 30830
1751.04 of the Revised Code are not met, unless the applicant has 30831
been given an opportunity for a hearing as provided in division 30832
(D) of section 1751.04 of the Revised Code. The forty five day and 30833
seventy five day review periods provided for in division (C)(3) of 30834
this section shall cease to run as of the date on which the notice 30835
of the applicant's right to request a hearing is mailed and shall 30836
remain suspended until the director issues a final certification. 30837~~

~~(4)~~ If the superintendent has not approved or disapproved all or a portion of a service area expansion within the seventy-five-day period ~~provided for in division (C)(3) of this section~~, the filing shall be deemed approved.

~~(5)(3)~~ Disapproval of all or a portion of the filing shall be effected by written notice, which shall state the grounds for the order of disapproval and shall be given in accordance with Chapter 119. of the Revised Code.

Sec. 1751.04. (A) Except as provided by division ~~(F)(D)~~ of this section, upon the receipt by the superintendent of insurance of a complete application for a certificate of authority to establish or operate a health insuring corporation, which application sets forth or is accompanied by the information and documents required by division (A) of section 1751.03 of the Revised Code, the superintendent shall ~~transmit copies of the application and accompanying documents to the director of health.~~

~~(B)~~ ~~The director shall~~ review the application and accompanying documents and make findings as to whether the applicant for a certificate of authority has done all of the following with respect to any basic health care services and supplemental health care services to be furnished:

(1) Demonstrated the willingness and potential ability to ensure that all basic health care services and supplemental health care services described in the evidence of coverage will be provided to all its enrollees as promptly as is appropriate and in a manner that assures continuity;

(2) Made effective arrangements to ensure that its enrollees have reliable access to qualified providers in those specialties that are generally available in the geographic area or areas to be served by the applicant and that are necessary to provide all basic health care services and supplemental health care services

described in the evidence of coverage; 30869

(3) Made appropriate arrangements for the availability of 30870
short-term health care services in emergencies within the 30871
geographic area or areas to be served by the applicant, 30872
twenty-four hours per day, seven days per week, and for the 30873
provision of adequate coverage whenever an out-of-area emergency 30874
arises; 30875

(4) Made appropriate arrangements for an ongoing evaluation 30876
and assurance of the quality of health care services provided to 30877
enrollees, including, if applicable, the development of a quality 30878
assurance program complying with the requirements of sections 30879
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 30880
personnel, facilities, and equipment by or through which the 30881
services are rendered; 30882

(5) Developed a procedure to gather and report statistics 30883
relating to the cost and effectiveness of its operations, the 30884
pattern of utilization of its services, and the quality, 30885
availability, and accessibility of its services. 30886

~~(C)~~ Within ninety days of the director's receipt of (B) Based 30887
upon the information provided in the application for issuance of a 30888
certificate of authority, the director shall certify to the 30889
superintendent shall determine whether or not the applicant meets 30890
the requirements of division ~~(B)~~(A) of this section ~~and sections~~ 30891
~~3702.51 to 3702.62~~ of the Revised Code. If the ~~director certifies~~ 30892
superintendent determines that the applicant does not meet these 30893
requirements, the ~~director~~ superintendent shall specify in what 30894
respects it is deficient. However, the ~~director~~ superintendent 30895
shall not ~~certify that~~ deny an application because the 30896
requirements of this section are not met unless the applicant has 30897
been given an opportunity for a hearing on that issue. 30898

~~(D)~~(C) If the applicant requests a hearing, the ~~director~~ 30899

superintendent shall hold a hearing before ~~certifying that~~ denying
an application because the applicant does not meet the
requirements of this section. The hearing shall be held in
accordance with Chapter 119. of the Revised Code.

~~(E) The ninety day review period provided for under division
(C) of this section shall cease to run as of the date on which the
notice of the applicant's right to request a hearing is mailed and
shall remain suspended until the director issues a final
certification order.~~

~~(F)~~(D) Nothing in this section requires the ~~director~~
superintendent to review or make findings with regard to an
application and accompanying documents to establish or operate any
of the following:

(1) A health insuring corporation to cover solely medicaid
recipients;

(2) A health insuring corporation to cover solely medicare
beneficiaries;

(3) A health insuring corporation to cover solely medicaid
recipients and medicare beneficiaries;

(4) A health insuring corporation to cover solely
participants of the children's buy-in program;

(5) A health insuring corporation to cover solely medicaid
recipients and participants of the children's buy-in program;

(6) A health insuring corporation to cover solely medicaid
recipients, medicare beneficiaries, and participants of the
children's buy-in program.

Sec. 1751.05. (A) The superintendent of insurance shall issue
or deny a certificate of authority to ~~health insuring corporations~~
~~within the deadlines specified as follows:~~

~~(1) For a health insuring corporation filing an application pursuant to section 1751.03 of the Revised Code, forty five days from the superintendent's receipt of the certification from the director of health under division (C) of section 1751.04 of the Revised Code;~~ 30929
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~~(2) One one hundred thirty-five days from the superintendent's receipt of a complete application and accompanying documents if the health insuring corporation is to cover solely the following;~~ 30934
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~~(a) Medicaid recipients;~~ 30938

~~(b) Medicare beneficiaries;~~ 30939

~~(c) Medicaid recipients and medicare beneficiaries;~~ 30940

~~(d) Participants of the children's buy in program;~~ 30941

~~(e) Medicaid recipients and participants of the children's buy in program;~~ 30942
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~~(f) Medicaid recipients, medicare beneficiaries, and participants of the children's buy in program.~~ 30944
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(B) A certificate of authority shall be issued upon payment of the application fee prescribed in section 1751.44 of the Revised Code if the superintendent is satisfied that the following conditions are met: 30946
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(1) The persons responsible for the conduct of the affairs of the applicant are competent, trustworthy, and possess good reputations. 30950
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(2) The ~~director certifies~~ superintendent determines, in accordance with division ~~(C)~~(B) of section 1751.04 of the Revised Code, that the organization's proposed plan of operation meets the requirements of division ~~(B)~~(A) of that section ~~and sections 3702.51 to 3702.62 of the Revised Code. If, after the director has certified compliance, the application is amended in a manner that~~ 30953
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~~affects its approval under section 1751.04 of the Revised Code, 30959
the superintendent shall request the director to review and 30960
recertify the amended plan of operation. Within forty five days of 30961
receipt of the amended plan from the superintendent, the director 30962
shall certify to the superintendent, pursuant to section 1751.04 30963
of the Revised Code, whether or not the amended plan meets the 30964
requirements of section 1751.04 of the Revised Code. The 30965
superintendent's forty five day review period shall cease to run 30966
as of the date on which the amended plan is transmitted to the 30967
director and shall remain suspended until the superintendent 30968
receives a new certification from the director. 30969~~

(3) The applicant constitutes an appropriate mechanism to 30970
effectively provide or arrange for the provision of the basic 30971
health care services, supplemental health care services, or 30972
specialty health care services to be provided to enrollees. 30973

(4) The applicant is financially responsible, complies with 30974
section 1751.28 of the Revised Code, and may reasonably be 30975
expected to meet its obligations to enrollees and prospective 30976
enrollees. In making this determination, the superintendent may 30977
consider: 30978

(a) The financial soundness of the applicant's arrangements 30979
for health care services, including the applicant's proposed 30980
contractual periodic prepayments or premiums and the use of 30981
copayments and deductibles; 30982

(b) The adequacy of working capital; 30983

(c) Any agreement with an insurer, a government, or any other 30984
person for insuring the payment of the cost of health care 30985
services or providing for automatic applicability of an 30986
alternative coverage in the event of discontinuance of the health 30987
insuring corporation's operations; 30988

(d) Any agreement with providers or health care facilities 30989

for the provision of health care services; 30990

(e) Any deposit of securities submitted in accordance with 30991
section 1751.27 of the Revised Code as a guarantee that the 30992
obligations will be performed. 30993

(5) The applicant has submitted documentation of an 30994
arrangement to provide health care services to its enrollees until 30995
the expiration of the enrollees' contracts with the applicant if a 30996
health care plan or the operations of the health insuring 30997
corporation are discontinued prior to the expiration of the 30998
enrollees' contracts. An arrangement to provide health care 30999
services may be made by using any one, or any combination, of the 31000
following methods: 31001

(a) The maintenance of insolvency insurance; 31002

(b) A provision in contracts with providers and health care 31003
facilities, but no health insuring corporation shall rely solely 31004
on such a provision for more than thirty days; 31005

(c) An agreement with other health insuring corporations or 31006
insurers, providing enrollees with automatic conversion rights 31007
upon the discontinuation of a health care plan or the health 31008
insuring corporation's operations; 31009

(d) Such other methods as approved by the superintendent. 31010

(6) Nothing in the applicant's proposed method of operation, 31011
as shown by the information submitted pursuant to section 1751.03 31012
of the Revised Code or by independent investigation, will cause 31013
harm to an enrollee or to the public at large, as determined by 31014
the superintendent. 31015

(7) Any deficiencies ~~certified~~ identified by the ~~director~~ 31016
superintendent under section 1751.04 of the Revised Code have been 31017
corrected. 31018

(8) The applicant has deposited securities as set forth in 31019

section 1751.27 of the Revised Code. 31020

(C) If an applicant elects to fulfill the requirements of 31021
division ~~(A)~~(B)(5) of this section through an agreement with other 31022
health insuring corporations or insurers, the agreement shall 31023
require those health insuring corporations or insurers to give 31024
thirty days' notice to the superintendent prior to cancellation or 31025
discontinuation of the agreement for any reason. 31026

(D) A certificate of authority shall be denied only after 31027
compliance with the requirements of section 1751.36 of the Revised 31028
Code. 31029

Sec. 1751.14. (A) ~~Any~~ Notwithstanding section 3901.71 of the 31030
Revised Code, any policy, contract, or agreement for health care 31031
services authorized by this chapter that is issued, delivered, or 31032
renewed in this state and that provides that coverage of an 31033
unmarried dependent child will terminate upon attainment of the 31034
limiting age for dependent children specified in the policy, 31035
contract, or agreement, shall also provide in substance ~~that~~ both 31036
of the following: 31037

(1) Once an unmarried child has attained the limiting age for 31038
dependent children, as provided in the policy, contract, or 31039
agreement, upon the request of the subscriber, the health insuring 31040
corporation shall offer to cover the unmarried child until the 31041
child attains twenty-nine years of age if all of the following are 31042
true: 31043

(a) The child is a resident of this state or a full-time 31044
student at an accredited public or private institution of higher 31045
education. 31046

(b) The child is not employed by an employer that offers any 31047
health benefit plan under which the child is eligible for 31048
coverage. 31049

(c) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 31050
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of the a dependent child if the child is and continues to be both of the following: 31054
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(1)(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 31058
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(2)(b) Primarily dependent upon the subscriber for support and maintenance. 31060
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(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency. 31062
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(C) Nothing in this section shall do any of the following: 31069

(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy, contract, or agreement; 31070
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy, contract, or agreement; 31074
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 31078
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(D) This section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care services. 31080
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(E) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following: 31084
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31086

(1) A public employee benefit plan; 31087

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 31088
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Sec. 1751.15. (A) After a health insuring corporation has furnished, directly or indirectly, basic health care services for a period of twenty-four months, and if it currently meets the financial requirements set forth in section 1751.28 of the Revised Code and had net income as reported to the superintendent of insurance for at least one of the preceding four calendar quarters, it shall hold an annual open enrollment period of not less than thirty days during its month of licensure for individuals who are not federally eligible individuals at the time they apply for enrollment. 31090
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(B) During the open enrollment period described in division (A) of this section, the health insuring corporation shall accept applicants and their dependents in the order in which they apply for enrollment and in accordance with any of the following: 31100
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(1) Up to its capacity, as determined by the health insuring corporation subject to review by the superintendent; 31104
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(2) If less than its capacity, ~~one~~ the health insuring corporation shall not be required to accept applicants under this section if the total number of subscribers covered by the health insuring corporation under this section and section 3923.581 of 31106
31107
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the Revised Code exceeds four and one-half per cent of the health 31110
insuring corporation's total number of subscribers residing in 31111
this state as of the immediately preceding thirty-first day of 31112
December. 31113

(C) Premiums charged to individuals for open enrollment 31114
coverage under this section shall not exceed an amount that is one 31115
and one-half times the base rate for coverage offered to any other 31116
individual to which the health insuring corporation is currently 31117
accepting new business, and for which similar copayments and 31118
deductibles are applied. 31119

(D) Where a health insuring corporation demonstrates to the 31120
satisfaction of the superintendent that such open enrollment would 31121
jeopardize its economic viability, the superintendent may do any 31122
of the following: 31123

(1) Waive the requirement for open enrollment; 31124

(2) Impose a limit on the number of applicants and their 31125
dependents that must be enrolled; 31126

(3) Authorize such underwriting restrictions upon open 31127
enrollment as are necessary to do any of the following: 31128

(a) Preserve its financial stability; 31129

(b) Prevent excessive adverse selection; 31130

(c) Avoid unreasonably high or unmarketable charges for 31131
coverage of health care services. 31132

~~(D)~~(E)(1) A request to the superintendent under division 31133
~~(C)~~(D) of this section for any restriction, limit, or waiver 31134
during an open enrollment period must be accompanied by supporting 31135
documentation, including financial data. In reviewing the request, 31136
the superintendent may consider various factors, including the 31137
size of the health insuring corporation, the health insuring 31138
corporation's net worth and profitability, the health insuring 31139

corporation's delivery system structure, and the effect on 31140
profitability of prior open enrollments. 31141

(2) Any action taken by the superintendent under division 31142
~~(C)~~(D) of this section shall be effective for a period of not more 31143
than one year. At the expiration of such time, a new demonstration 31144
of the health insuring corporation's need for the restriction, 31145
limit, or waiver shall be made before a new restriction, limit, or 31146
waiver is granted by the superintendent. 31147

(3) Irrespective of the granting of any restriction, limit, 31148
or waiver by the superintendent, a health insuring corporation may 31149
reject an applicant or a dependent of the applicant during its 31150
open enrollment period if the applicant or dependent: 31151

(a) Was eligible for and was covered under any 31152
employer-sponsored health care coverage, or if employer-sponsored 31153
health care coverage was available at the time of open enrollment; 31154

(b) Is eligible for continuation coverage under state or 31155
federal law; 31156

(c) Is eligible for medicare, and the health insuring 31157
corporation does not have an agreement on appropriate payment 31158
mechanisms with the governmental agency administering the medicare 31159
program. 31160

~~(E)~~(F) A health insuring corporation shall not be required 31161
either to enroll applicants or their dependents who are confined 31162
to a health care facility because of chronic illness, permanent 31163
injury, or other infirmity that would cause economic impairment to 31164
the health insuring corporation if such applicants or their 31165
dependents were enrolled or to make the effective date of benefits 31166
for applicants or their dependents enrolled under this section 31167
earlier than ninety days after the date of enrollment. 31168

~~(F)~~(G) A health insuring corporation shall not be required to 31169
cover the fees or costs, or both, for any basic health care 31170

service related to a transplant of a body organ if the transplant 31171
occurs within one year after the effective date of an enrollee's 31172
coverage under this section. This limitation on coverage does not 31173
apply to a newly born child who meets the requirements for 31174
coverage under section 1751.61 of the Revised Code. 31175

~~(G)~~(H) Each health insuring corporation required to hold an 31176
open enrollment pursuant to division (A) of this section shall 31177
file with the superintendent, not later than sixty days prior to 31178
the commencement of the proposed open enrollment period, the 31179
following documents: 31180

(1) The proposed public notice of open enrollment; 31181

(2) The evidence of coverage approved pursuant to section 31182
1751.11 of the Revised Code that will be used during open 31183
enrollment; 31184

(3) The contractual periodic prepayment and premium rate 31185
approved pursuant to this section and section 1751.12 of the 31186
Revised Code that will be applicable during open enrollment; 31187

(4) Any solicitation document approved pursuant to section 31188
1751.31 of the Revised Code to be sent to applicants, including 31189
the application form that will be used during open enrollment; 31190

(5) A list of the proposed dates of publication of the public 31191
notice, and the names of the newspapers in which the notice will 31192
appear; 31193

(6) Any request for a restriction, limit, or waiver with 31194
respect to the open enrollment period, along with any supporting 31195
documentation. 31196

~~(H)~~(I)(1) An open enrollment period shall not satisfy the 31197
requirements of this section unless the health insuring 31198
corporation provides adequate public notice in accordance with 31199
divisions ~~(H)~~(I)(2) and (3) of this section. No public notice 31200

shall be used until the form of the public notice has been filed 31201
by the health insuring corporation with the superintendent. If the 31202
superintendent does not disapprove the public notice within sixty 31203
days after it is filed, it shall be deemed approved, unless the 31204
superintendent sooner gives approval for the public notice. If the 31205
superintendent determines within this sixty-day period that the 31206
public notice fails to meet the requirements of this section, the 31207
superintendent shall so notify the health insuring corporation and 31208
it shall be unlawful for the health insuring corporation to use 31209
the public notice. Such disapproval shall be effected by a written 31210
order, which shall state the grounds for disapproval and shall be 31211
issued in accordance with Chapter 119. of the Revised Code. 31212

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(2) A public notice pursuant to division ~~(H)~~(I)(1) of this 31214
section shall be published in at least one newspaper of general 31215
circulation in each county in the health insuring corporation's 31216
service area, at least once in each of the two weeks immediately 31217
preceding the month in which the open enrollment is to occur and 31218
in each week of that month, or until the enrollment limitation is 31219
reached, whichever occurs first. The notice published during the 31220
last week of open enrollment shall appear not less than five days 31221
before the end of the open enrollment period. It shall be at least 31222
two newspaper columns wide or two and one-half inches wide, 31223
whichever is larger. The first two lines of the text shall be 31224
published in not less than twelve-point, boldface type. The 31225
remainder of the text of the notice shall be published in not less 31226
than eight-point type. The entire public notice shall be 31227
surrounded by a continuous black line not less than one-eighth of 31228
an inch wide. 31229

(3) The following information shall be included in the public 31230
notice provided under division ~~(H)~~(I)(2) of this section: 31231

(a) The dates that open enrollment will be held and the date 31232

coverage obtained under the open enrollment will become effective; 31233

(b) Notice that an applicant or the applicant's dependents 31234
will not be denied coverage during open enrollment because of a 31235
preexisting health condition, but that some limitations and 31236
restrictions may apply; 31237

(c) The address where a person may obtain an application; 31238

(d) The telephone number that a person may call to request an 31239
application or to ask questions; 31240

(e) The date the first payment will be due; 31241

(f) The actual rates or range of rates that will be 31242
applicable for applicants; 31243

(g) Any limitation granted by the superintendent on the 31244
number of applications that will be accepted by the health 31245
insuring corporation. 31246

(4) Within thirty days after the end of an open enrollment 31247
period, the health insuring corporation shall submit to the 31248
superintendent proof of publication for the public notices, and 31249
shall report the total number of applicants and their dependents 31250
enrolled during the open enrollment period. 31251

~~(I)~~(J)(1) No health insuring corporation may employ any 31252
scheme, plan, or device that restricts the ability of any person 31253
to enroll during open enrollment. 31254

(2) No health insuring corporation may require enrollment to 31255
be made in person. Every health insuring corporation shall permit 31256
application for coverage by mail. A representative of the health 31257
insuring corporation may visit an applicant who has submitted an 31258
application by mail, in order to explain the operations of the 31259
health insuring corporation and to answer any questions the 31260
applicant may have. Every health insuring corporation shall make 31261
open enrollment applications and solicitation documents readily 31262

available to any potential applicant who requests such material. 31263

~~(J)~~(K) An application postmarked on the last day of an open 31264
enrollment period shall qualify as a valid application, regardless 31265
of the date on which it is received by the health insuring 31266
corporation. 31267

~~(K)~~(L) This section does not apply to any of the following: 31268

(1) Any health insuring corporation that offers only 31269
supplemental health care services or specialty health care 31270
services; 31271

(2) Any health insuring corporation that offers plans only 31272
through medicare, medicaid, or the children's buy-in program and 31273
that has no other commercial enrollment; 31274

(3) Any health insuring corporation that offers plans only 31275
through other federal health care programs regulated by federal 31276
regulatory bodies and that has no other commercial enrollment; 31277

(4) Any health insuring corporation that offers plans only 31278
through contracts covering officers or employees of the state that 31279
have been entered into by the department of administrative 31280
services and that has no other commercial enrollment. 31281

~~(I)~~(M) Each health insuring corporation shall accept 31282
federally eligible individuals for open enrollment coverage as 31283
provided in section 3923.581 of the Revised Code. A health 31284
insuring corporation may reinsure coverage of any federally 31285
eligible individual acquired under that section with the open 31286
enrollment reinsurance program in accordance with division (G) of 31287
section 3924.11 of the Revised Code. Fixed periodic prepayment 31288
rates charged for coverage reinsured by the program shall be 31289
established in accordance with section 3924.12 of the Revised 31290
Code. 31291

~~(M)~~(N) As used in this section, ~~"federally:~~ 31292

(1) "Base rate" means, as to any health benefit plan that is issued by a health insuring corporation in the individual market, the lowest premium rate for new or existing business prescribed by the health insuring corporation for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics.

(2) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103.

Sec. 1751.16. (A) Except as provided in division (F) of this section, every group contract issued by a health insuring corporation shall provide an option for conversion to an individual contract issued on a direct-payment basis to any subscriber covered by the group contract who terminates employment or membership in the group, unless:

(1) Termination of the conversion option or contract is based upon nonpayment of premium after reasonable notice in writing has been given by the health insuring corporation to the subscriber.

(2) The subscriber is, or is eligible to be, covered for benefits at least comparable to the group contract under any of the following:

(a) Medicare;

(b) Any act of congress or law under this or any other state of the United States providing coverage at least comparable to the benefits under division (A)(2)(a) of this section;

(c) Any policy of insurance or health care plan providing coverage at least comparable to the benefits under division (A)(2)(a) of this section.

(B)(1) The direct-payment contract offered by the health insuring corporation pursuant to division (A) of this section shall provide the following:

(a) In the case of an individual who is not a federally 31323
eligible individual, benefits comparable to benefits in any of the 31324
individual contracts then being issued to individual subscribers 31325
by the health insuring corporation; 31326

(b) In the case of a federally eligible individual, a basic 31327
and standard plan established ~~by the board of directors of the~~ 31328
~~Ohio health reinsurance program~~ under section 3924.10 of the 31329
Revised Code or plans substantially similar to the basic and 31330
standard plan in benefit design and scope of covered services. For 31331
purposes of division (B)(1)(b) of this section, the superintendent 31332
of insurance shall determine whether a plan is substantially 31333
similar to the basic or standard plan in benefit design and scope 31334
of covered services. The contractual periodic prepayments charged 31335
for such plans may not exceed an amount that is ~~two~~ one and 31336
one-half times the ~~midpoint of the standard~~ base rate charged any 31337
other individual of a group to which the organization is currently 31338
accepting new business and for which similar copayments and 31339
deductibles are applied. 31340

(2) The direct payment contract offered pursuant to division 31341
(A) of this section may include a coordination of benefits 31342
provision as approved by the superintendent. 31343

(3) For purposes of division (B) of this section ~~"federally:~~ 31344

(a) "Federally eligible individual" means an eligible 31345
individual as defined in 45 C.F.R. 148.103. 31346

(b) "Base rate" means, as to any health benefit plan that is 31347
issued by a health insuring corporation in the individual market, 31348
the lowest premium rate for new or existing business prescribed by 31349
the health insuring corporation for the same or similar coverage 31350
under a plan or arrangement covering any individual with similar 31351
case characteristics. 31352

(C) The option for conversion shall be available: 31353

(1) Upon the death of the subscriber, to the surviving spouse 31354
with respect to such of the spouse and dependents as are then 31355
covered by the group contract; 31356

(2) To a child solely with respect to the child upon the 31357
child's attaining the limiting age of coverage under the group 31358
contract while covered as a dependent under the contract; 31359

(3) Upon the divorce, dissolution, or annulment of the 31360
marriage of the subscriber, to the divorced spouse, or, in the 31361
event of annulment, to the former spouse of the subscriber. 31362

(D) No health insuring corporation shall use age or health 31363
status as the basis for refusing to renew a converted contract. 31364

(E) Written notice of the conversion option provided by this 31365
section shall be given to the subscriber by the health insuring 31366
corporation by mail. The notice shall be sent to the subscriber's 31367
address in the records of the employer upon receipt of notice from 31368
the employer of the event giving rise to the conversion option. If 31369
the subscriber has not received notice of the conversion privilege 31370
at least fifteen days prior to the expiration of the thirty-day 31371
conversion period, then the subscriber shall have an additional 31372
period within which to exercise the privilege. This additional 31373
period shall expire fifteen days after the subscriber receives 31374
notice, but in no event shall the period extend beyond sixty days 31375
after the expiration of the thirty-day conversion period. 31376

(F) This section does not apply to any group contract 31377
offering only supplemental health care services or specialty 31378
health care services. 31379

Sec. 1751.19. (A) A health insuring corporation shall 31380
establish and maintain a complaint system that has been approved 31381
by the superintendent of insurance to provide adequate and 31382
reasonable procedures for the expeditious resolution of written 31383

complaints initiated by subscribers or enrollees concerning any 31384
matter relating to services provided, directly or indirectly, by 31385
the health insuring corporation, including, but not limited to, 31386
complaints regarding cancellations or nonrenewals of coverage. 31387
Complaints regarding a health insuring corporation's decision to 31388
deny, reduce, or terminate coverage for health care services are 31389
subject to section 1751.83 of the Revised Code. 31390

(B) A health insuring corporation shall provide a timely 31391
written response to each written complaint it receives. 31392

(C)(1) Copies of complaints and responses, including medical 31393
records related to those complaints, shall be available to the 31394
superintendent ~~and the director of health~~ for inspection for three 31395
years. Any document or information provided to the superintendent 31396
pursuant to this division that contains a medical record is 31397
confidential, and is not a public record subject to section 149.43 31398
of the Revised Code. 31399

(2) Notwithstanding division (C)(1) of this section, the 31400
superintendent may share documents and information that contain a 31401
medical record in connection with the investigation or prosecution 31402
of any illegal or criminal activity with the chief deputy 31403
rehabilitator, the chief deputy liquidator, other deputy 31404
rehabilitators and liquidators, and any other person employed by, 31405
or acting on behalf of, the superintendent pursuant to Chapter 31406
3901. or 3903. of the Revised Code, with other local, state, 31407
federal, and international regulatory and law enforcement 31408
agencies, with local, state, and federal prosecutors, and with the 31409
national association of insurance commissioners and its affiliates 31410
and subsidiaries, provided that the recipient agrees to maintain 31411
the confidential or privileged status of the confidential or 31412
privileged document or information and has authority to do so. 31413

(3) Nothing in this section shall prohibit the superintendent 31414
from receiving documents and information in accordance with 31415

section 3901.045 of the Revised Code. 31416

(4) The superintendent may enter into agreements governing 31417
the sharing and use of documents and information consistent with 31418
the requirements of this section. 31419

(5) No waiver of any applicable privilege or claim of 31420
confidentiality in the documents and information described in 31421
division (C)(1) of this section occurs as a result of sharing or 31422
receiving documents and information as authorized in divisions 31423
(C)(2) and (3) of this section. 31424

(D) A health insuring corporation shall establish and 31425
maintain a procedure to accept complaints over the telephone or in 31426
person. These complaints are not subject to the reporting 31427
requirement under division (C) of section 1751.32 of the Revised 31428
Code. 31429

(E) A health insuring corporation may comply with this 31430
section and section 1751.83 of the Revised Code by establishing 31431
one system for receiving and reviewing complaints and requests for 31432
internal review from enrollees and subscribers if the system meets 31433
the requirements of both sections. 31434

Sec. 1751.32. Each health insuring corporation, annually, on 31435
or before the first day of March, shall file a report with the 31436
superintendent of insurance ~~and the director of health~~, covering 31437
the preceding calendar year. 31438

The report shall be verified by an officer of the health 31439
insuring corporation, shall be in the form the superintendent 31440
prescribes, and shall include: 31441

(A) A financial statement of the health insuring corporation, 31442
including its balance sheet and receipts and disbursements for the 31443
preceding year, which reflect, at a minimum: 31444

(1) All premium rate and other payments received for health 31445

care services rendered;	31446
(2) Expenditures with respect to all categories of providers, facilities, insurance companies, and other persons engaged to fulfill obligations of the health insuring corporation arising out of its health care policies, contracts, certificates, and agreements;	31447 31448 31449 31450 31451
(3) Expenditures for capital improvements or additions thereto, including, but not limited to, construction, renovation, or purchase of facilities and equipment.	31452 31453 31454
(B) A description of the enrollee population and composition, group and nongroup;	31455 31456
(C) A summary of enrollee written complaints and their disposition;	31457 31458
(D) A statement of the number of subscriber policies, contracts, certificates, and agreements that have been terminated by action of the health insuring corporation, including the number of enrollees affected;	31459 31460 31461 31462
(E) A summary of the information compiled pursuant to division (B)(5) of section 1751.04 of the Revised Code;	31463 31464
(F) A current report of the names and addresses of the persons responsible for the conduct of the affairs of the health insuring corporation as required by section 1751.03 of the Revised Code. Additionally, the report shall include the amount of wages, expense reimbursements, and other payments to these persons for services to the health insuring corporation, and shall include a full disclosure of the financial interests related to the operations of the health insuring corporation acquired by these persons during the preceding year.	31465 31466 31467 31468 31469 31470 31471 31472 31473
(G) An actuarial opinion in the form prescribed by the superintendent by rule;	31474 31475

(H) Any other information relating to the performance of the health insuring corporation that is necessary to enable the superintendent to carry out the superintendent's duties under this chapter.

Sec. 1751.321. Each health insuring corporation, annually, on or before the first day of June, shall file with the superintendent of insurance ~~and the director of health~~ an audit report certified by an independent certified public accountant covering the preceding calendar year. The report shall be verified by an officer of the health insuring corporation and shall be in the form prescribed by the superintendent by rule.

Sec. 1751.34. (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination fund.

(B) The ~~director of health~~ superintendent shall make an examination concerning the matters subject to the ~~director's~~ superintendent's consideration in section 1751.04 of the Revised Code as often as the ~~director~~ superintendent considers it necessary for the protection of the interests of the people of this state, ~~but not less frequently than once every three years.~~ The expenses of such examinations shall be assessed against the health insuring corporation being examined in the manner in which expenses of examinations are assessed against an insurance company

under section 3901.07 of the Revised Code. Nothing in this 31507
division requires the ~~director~~ superintendent to make an 31508
examination of any of the following: 31509

(1) A health insuring corporation that covers solely medicaid 31510
recipients; 31511

(2) A health insuring corporation that covers solely medicare 31512
beneficiaries; 31513

(3) A health insuring corporation that covers solely medicaid 31514
recipients and medicare beneficiaries; 31515

(4) A health insuring corporation that covers solely 31516
participants of the children's buy-in program; 31517

(5) A health insuring corporation that covers solely medicaid 31518
recipients and participants of the children's buy-in program; 31519

(6) A health insuring corporation that covers solely medicaid 31520
recipients, medicare beneficiaries, and participants of the 31521
children's buy-in program. 31522

(C) An examination, pursuant to section 3901.07 of the 31523
Revised Code, of an insurance company holding a certificate of 31524
authority under this chapter to organize and operate a health 31525
insuring corporation shall include an examination of the health 31526
insuring corporation pursuant to this section and the examination 31527
shall satisfy the requirements of divisions (A) and (B) of this 31528
section. 31529

(D) The superintendent may conduct market conduct 31530
examinations pursuant to section 3901.011 of the Revised Code of 31531
any health insuring corporation as often as the superintendent 31532
considers it necessary for the protection of the interests of 31533
subscribers and enrollees. The expenses of such market conduct 31534
examinations shall be assessed against the health insuring 31535
corporation being examined. All costs, assessments, or fines 31536

collected under this division shall be paid into the state 31537
treasury to the credit of the department of insurance operating 31538
fund. 31539

Sec. 1751.35. (A) The superintendent of insurance may suspend 31540
or revoke any certificate of authority issued to a health insuring 31541
corporation under this chapter if the superintendent finds that: 31542
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(1) The health insuring corporation is operating in 31544
contravention of its articles of incorporation, its health care 31545
plan or plans, or in a manner contrary to that described in and 31546
reasonably inferred from any other information submitted under 31547
section 1751.03 of the Revised Code, unless amendments to such 31548
submissions have been filed and have taken effect in compliance 31549
with this chapter. 31550

(2) The health insuring corporation fails to issue evidences 31551
of coverage in compliance with the requirements of section 1751.11 31552
of the Revised Code. 31553

(3) The contractual periodic prepayments or premium rates 31554
used do not comply with the requirements of section 1751.12 of the 31555
Revised Code. 31556

(4) The health insuring corporation enters into a contract, 31557
agreement, or other arrangement with any health care facility or 31558
provider, that does not comply with the requirements of section 31559
1751.13 of the Revised Code, or the corporation fails to provide 31560
an annual certificate as required by section 1751.13 of the 31561
Revised Code. 31562

(5) The ~~director of health has certified~~ superintendent 31563
determines, after a hearing conducted in accordance with Chapter 31564
119. of the Revised Code, that the health insuring corporation no 31565
longer meets the requirements of section 1751.04 of the Revised 31566

Code.	31567
(6) The health insuring corporation is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees.	31568 31569 31570
(7) The health insuring corporation has failed to implement the complaint system that complies with the requirements of section 1751.19 of the Revised Code.	31571 31572 31573
(8) The health insuring corporation, or any agent or representative of the corporation, has advertised, merchandised, or solicited on its behalf in contravention of the requirements of section 1751.31 of the Revised Code.	31574 31575 31576 31577
(9) The health insuring corporation has unlawfully discriminated against any enrollee or prospective enrollee with respect to enrollment, disenrollment, or price or quality of health care services.	31578 31579 31580 31581
(10) The continued operation of the health insuring corporation would be hazardous or otherwise detrimental to its enrollees.	31582 31583 31584
(11) The health insuring corporation has submitted false information in any filing or submission required under this chapter or any rule adopted under this chapter.	31585 31586 31587
(12) The health insuring corporation has otherwise failed to substantially comply with this chapter or any rule adopted under this chapter.	31588 31589 31590
(13) The health insuring corporation is not operating a health care plan.	31591 31592
(14) The health insuring corporation has failed to comply with any of the requirements of sections 1751.77 to 1751.88 of the Revised Code.	31593 31594 31595
(B) A certificate of authority shall be suspended or revoked	31596

only after compliance with the requirements of Chapter 119. of the Revised Code. 31597
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(C) When the certificate of authority of a health insuring corporation is suspended, the health insuring corporation, during the period of suspension, shall not enroll any additional subscribers or enrollees except newborn children or other newly acquired dependents of existing subscribers or enrollees, and shall not engage in any advertising or solicitation whatsoever. 31599
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(D) When the certificate of authority of a health insuring corporation is revoked, the health insuring corporation, following the effective date of the order of revocation, shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the health insuring corporation. The health insuring corporation shall engage in no further advertising or solicitation whatsoever. The superintendent, by written order, may permit such further operation of the health insuring corporation as the superintendent may find to be in the best interest of enrollees, to the end that enrollees will be afforded the greatest practical opportunity to obtain continuing health care coverage. 31605
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Sec. 1751.36. (A) When the superintendent of insurance has cause to believe that grounds for the denial of an application for a certificate of authority exist, or that grounds for the suspension or revocation of a certificate of authority exist, the superintendent shall notify the applicant or health insuring corporation ~~and the director of health~~ in writing, specifically stating the grounds for the denial, suspension, or revocation and setting a date of at least thirty days after the notification for a hearing on the matter. 31617
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(B) ~~The recommendations and findings of the director of health with respect to matters subject to the director's~~ 31626
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~~consideration under section 1751.04 of the Revised Code, provided 31628
in connection with any decision regarding the denial, suspension, 31629
or revocation of a certificate of authority, shall be reviewed and 31630
considered by the superintendent. After the hearing authorized by 31631
division (A) of this section, or upon the failure of the applicant 31632
or health insuring corporation to appear at the hearing, the 31633
superintendent shall take such action as in accordance with law 31634
and the evidence. The action shall be set out in written findings 31635
which shall be mailed to the applicant or health insuring 31636
corporation with a copy to the director of health. The action of 31637
the superintendent is subject to review in accordance with Chapter 31638
119. of the Revised Code, except that a certification by the 31639
director under division (D) of section 1751.04 or division (A)(5) 31640
of section 1751.35 of the Revised Code that was made in accordance 31641
with Chapter 119. of the Revised Code shall be final as to the 31642
matters certified. 31643~~

(C) Chapter 119. of the Revised Code applies to proceedings 31644
under this section to the extent that it is not in conflict with 31645
divisions (A) and (B) of this section. 31646

Sec. 1751.45. (A) In lieu of the suspension or revocation of 31647
a certificate of authority under section 1751.35 of the Revised 31648
Code, the superintendent of insurance, pursuant to an adjudication 31649
hearing initiated and conducted in accordance with Chapter 119. of 31650
the Revised Code, or by consent of the health insuring corporation 31651
without an adjudication hearing, may levy an administrative 31652
penalty. The administrative penalty shall be in an amount 31653
determined by the superintendent, but the administrative penalty 31654
shall not exceed one hundred thousand dollars per violation. 31655
Additionally, the superintendent may require the health insuring 31656
corporation to correct any deficiency that may be the basis for 31657
the suspension or revocation of the health insuring corporation's 31658
certificate of authority. All penalties collected shall be paid 31659

into the state treasury to the credit of the department of 31660
insurance operating fund. 31661

(B) If the superintendent ~~or the director of health~~ for any 31662
reason has cause to believe that any violation of this chapter has 31663
occurred or is threatened, the superintendent ~~or the director~~ may 31664
give notice to the health insuring corporation and to the 31665
representatives or other persons who appear to be involved in the 31666
suspected violation to arrange a conference with the suspected 31667
violators or their authorized representatives for the purpose of 31668
attempting to ascertain the facts relating to the suspected 31669
violation, and, if it appears that any violation has occurred or 31670
is threatened, to arrive at an adequate and effective means of 31671
correcting or preventing the violation. 31672

Proceedings under this division shall not be covered by any 31673
formal procedural requirements, and may be conducted in the manner 31674
the superintendent ~~or the director of health~~ may consider 31675
appropriate under the circumstances. 31676

(C)(1) The superintendent may issue an order directing a 31677
health insuring corporation or a representative of the health 31678
insuring corporation to cease and desist from engaging in any act 31679
or practice in violation of this chapter. Within thirty days after 31680
service of the order to cease and desist, the respondent may 31681
request a hearing on the question of whether acts or practices in 31682
violation of this chapter have occurred. Such hearings shall be 31683
conducted in accordance with Chapter 119. of the Revised Code and 31684
judicial review shall be available as provided by that chapter. 31685

(2) If the superintendent has reasonable cause to believe 31686
that an order issued pursuant to this division has been violated 31687
in whole or in part, the superintendent may request the attorney 31688
general to commence and prosecute any appropriate action or 31689
proceeding in the name of the state against the violators in the 31690
court of common pleas of Franklin county. The court in any such 31691

action or proceeding may levy civil penalties, not to exceed one 31692
hundred thousand dollars per violation, in addition to any other 31693
appropriate relief, including requiring a violator to pay the 31694
expenses reasonably incurred by the superintendent in enforcing 31695
the order. The penalties and fees collected under this division 31696
shall be paid into the state treasury to the credit of the 31697
department of insurance operating fund. 31698

Sec. 1751.46. (A) The superintendent of insurance ~~and the~~ 31699
~~director of health~~ may contract with qualified persons to make 31700
recommendations concerning the determinations required to be made 31701
by the superintendent ~~or the director~~ relative to an expansion of 31702
a service area pursuant to division (C) of section 1751.03 of the 31703
Revised Code, an application for a certificate of authority 31704
pursuant to sections 1751.04 and 1751.05 of the Revised Code, a 31705
contractual periodic prepayment or premium rate pursuant to 31706
section 1751.12 of the Revised Code, and an examination pursuant 31707
to division (B) of section 1751.34 of the Revised Code. The 31708
recommendations may be accepted in full or in part, or may be 31709
rejected, by the superintendent ~~or director~~. 31710

The total cost of a contract with a qualified person pursuant 31711
to this division shall represent the fair market value of the 31712
services provided and shall be borne by the health insuring 31713
corporation that is the subject of the determination required to 31714
be made by the superintendent ~~or the director~~. 31715

(B) No qualified person placed on contract by the 31716
superintendent ~~or the director~~ pursuant to division (A) of this 31717
section shall have a conflict of interest with the department of 31718
insurance, ~~the department of health~~, or the health insuring 31719
corporation. 31720

Sec. 1751.48. ~~(A)~~ The superintendent of insurance may adopt 31721

rules as are necessary to carry out the provisions of this 31722
chapter. These rules shall be adopted in accordance with Chapter 31723
119. of the Revised Code. 31724

~~(B) The director of health may make recommendations to the 31725
superintendent for rules that are necessary to enable the director 31726
to carry out the director's responsibilities under this chapter, 31727
including rules that prescribe standards relating to the 31728
requirements set forth in division (B) of section 1751.04 of the 31729
Revised Code. In adopting any rules pertaining to the director's 31730
responsibilities, the superintendent shall consider the 31731
recommendations of the director. 31732~~

Sec. 1751.68. (A) Notwithstanding section 3901.71 of the 31733
Revised Code, no health insuring corporation policy, contract, or 31734
agreement that provides basic health care services that is 31735
delivered, issued for delivery, or renewed in this state shall 31736
exclude coverage for the screening and diagnosis of autism 31737
spectrum disorders or for any of the following services when those 31738
services are medically necessary and are prescribed, provided, or 31739
ordered for an individual diagnosed with an autism spectrum 31740
disorder by a health care professional licensed or certified under 31741
the laws of this state to prescribe, provide, or order such 31742
services: 31743

(1) Habilitative or rehabilitative care; 31744

(2) Pharmacy care if the policy, contract, or agreement 31745
provides coverage for other prescription drug services; 31746

(3) Psychiatric care; 31747

(4) Psychological care; 31748

(5) Therapeutic care; 31749

(6) Counseling services; 31750

(7) Any additional treatments or therapies adopted by the 31751

director of mental retardation and developmental disabilities 31752
pursuant to division (I)(4) of section 3923.84 of the Revised 31753
Code. 31754

(B) Coverage provided under this section shall be delineated 31755
in a treatment plan developed by the attending psychologist or 31756
physician and shall not be subject to any limits on the number or 31757
duration of visits an individual may make to any autism service 31758
provider, except as delineated in the treatment plan, if the 31759
services are medically necessary. 31760

(C) Coverage provided under this section may be subject to 31761
any copayment, deductible, and coinsurance provisions of the 31762
policy, contract, or agreement to the extent that other medical 31763
services covered by the policy, contract, or agreement are subject 31764
to those provisions. Coverage provided under this section may be 31765
subject to a yearly maximum limitation of thirty-six thousand 31766
dollars on claims paid for services related to coverage provided 31767
under this section. 31768

(D)(1) Not more than once every six months, a health insuring 31769
corporation may request a review of any treatment provided under 31770
this section unless the insured's licensed physician or licensed 31771
psychologist agrees that more frequent review is necessary. The 31772
health insuring corporation shall pay for any review requested 31773
under this division. 31774

(2) If requested by the health insuring corporation, the 31775
provider shall provide the health insuring corporation with an 31776
annual treatment plan. 31777

(3) Inpatient services are not subject to the six-month 31778
review limitations under division (D)(1) of this section. 31779

(E) This section shall not be construed as limiting benefits 31780
otherwise available under an individual's policy, contract, or 31781
agreement. 31782

(F) This section shall not be construed as affecting any 31783
obligation to provide services to an individual under an 31784
individualized family service plan developed under 20 U.S.C. 1436 31785
or individualized service plan developed under section 5126.31 of 31786
the Revised Code, or affecting the duty of a public school to 31787
provide a child with a disability with a free appropriate public 31788
education under the "Individuals with Disabilities Education 31789
Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and 31790
Chapter 3323. of the Revised Code. 31791

(G) A health insuring corporation that offers coverage for 31792
basic health care services is not required to offer the coverage 31793
required under division (A) of this section in combination with 31794
the offer of coverage for basic health care services if all of the 31795
following apply: 31796

(1) The health insuring corporation submits documentation 31797
certified by an independent member of the American academy of 31798
actuaries to the superintendent of insurance showing that incurred 31799
claims for the coverage required under division (A) of this 31800
section for a period of at least six months independently caused 31801
the health insuring corporation's costs for claims and 31802
administrative expenses for the coverage of all covered services 31803
to increase by more than one per cent per year. 31804

(2) The health insuring corporation submits a signed letter 31805
from an independent member of the American academy of actuaries to 31806
the superintendent of insurance opining that the increase in costs 31807
described in division (D)(1) of this section could reasonably 31808
justify an increase of more than one per cent in the annual 31809
premiums or rates charged by the health insuring corporation for 31810
the coverage of basic health care services. 31811

(3) The superintendent of insurance makes the following 31812
determinations from the documentation and opinion submitted 31813
pursuant to divisions (D)(1) and (2) of this section: 31814

(a) Incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the health insuring corporation's costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 31815
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(b) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the health insuring corporation for the coverage of basic health care services. 31820
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Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code. 31824
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(H) The services covered under this section shall not be considered supplemental health care services under division (B)(1) of section 1751.01 of the Revised Code. 31826
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(I) As used in this section: 31829

(1) "Applied behavior analysis" means the design, implementation, and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, but not limited to, the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior. 31830
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(2) "Autism services provider" means any person whose professional scope of practice allows treatment of autism spectrum disorders, whose services are delineated in the treatment plan under division (B) of this section, and of whom one of the following is true: 31837
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(a) The person is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan. 31842
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(b) The person is directly supervised by an individual who is licensed, certified, or registered by an appropriate agency of this state to perform the services assigned to the person in the treatment plan. 31845
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(3) "Autism spectrum disorder" means any of the pervasive developmental disorders as defined by the most recent edition of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, or if that manual is no longer published, a similar diagnostic manual. Autism spectrum disorders includes, but is not limited to, autistic disorder, Asperger's disorder, Rett's disorder, childhood disintegrative disorder, and pervasive developmental disorder. 31849
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(4) "Diagnosis of autism spectrum disorders" means medically necessary assessments, evaluations, or tests, including but not limited to genetic and psychological tests to determine whether an individual has an autism spectrum disorder. 31857
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(5) "Habilitative or rehabilitative care" means professional, counseling, and guidance services and treatment programs, including applied behavior analysis, that are necessary to develop, maintain, or restore the functioning of an individual to the maximum extent practicable. 31861
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(6) "Medically necessary" means the service is based upon evidence; is prescribed, provided, or ordered by a health care professional licensed or certified under the laws of this state to prescribe, provide, or order autism-related services in accordance with accepted standards of practice; and will or is reasonably expected to do any of the following: 31866
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(a) Prevent the onset of an illness, condition, injury, or disability; 31872
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(b) Reduce or ameliorate the physical, mental or developmental effects of an illness, condition, injury, or 31874
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<u>disability;</u>	31876
<u>(c) Assist in achieving or maintaining maximum functional capacity for performing daily activities, taking into account both the functional capacity of the individual and the appropriate functional capacities of individuals of the same age.</u>	31877 31878 31879 31880
<u>(7) "Pharmacy care" means prescribed medications and any medically necessary health-related services used to determine the need or effectiveness of the medications.</u>	31881 31882 31883
<u>(8) "Psychiatric care" means direct or consultative services provided by a psychiatrist licensed in the state in which the psychiatrist practices psychiatry.</u>	31884 31885 31886
<u>(9) "Psychological care" means direct or consultative services provided by a psychologist licensed in the state in which the psychologist practices psychology.</u>	31887 31888 31889
<u>(10) "Therapeutic care" means services, communication devices, or other adaptive devices or equipment provided by a licensed speech-language pathologist, licensed occupational therapist, or licensed physical therapist.</u>	31890 31891 31892 31893
Sec. 1751.831. The superintendent of insurance shall establish and maintain a system for receiving and reviewing requests for review from or on behalf of enrollees who, under section 1751.83 of the Revised Code, have been denied coverage of a health care service or had coverage reduced or terminated when the grounds for the denial, reduction, or termination is that the service is not a service covered under the terms of the enrollee's policy, contract, or agreement.	31894 31895 31896 31897 31898 31899 31900 31901
On receipt of a written request from an enrollee or authorized person, the superintendent shall consider whether the health care service is a service covered under the terms of the enrollee's policy, contract, or agreement, except that the	31902 31903 31904 31905

superintendent shall not conduct a review under this section 31906
unless the enrollee has exhausted the health insuring 31907
corporation's internal review process established pursuant to 31908
section 1751.83 of the Revised Code. The health insuring 31909
corporation and the enrollee or authorized person shall provide 31910
the superintendent with any information required by the 31911
superintendent that is in their possession and is germane to the 31912
review. 31913

Unless the superintendent is not able to do so because making 31914
the determination requires resolution of a medical issue, the 31915
superintendent shall determine whether the health care service at 31916
issue is a service covered under the terms of the enrollee's 31917
contract, policy, or agreement. The superintendent shall notify 31918
the enrollee, or authorized person, and the health insuring 31919
corporation of the superintendent's determination or that the 31920
superintendent is not able to make a determination. 31921

If the superintendent notifies the health insuring 31922
corporation that making the determination requires the resolution 31923
of a medical issue, the health insuring corporation shall ~~afford~~ 31924
~~the enrollee an opportunity for~~ initiate an external review under 31925
section 1751.84 or 1751.85 of the Revised Code. If the 31926
superintendent notifies the health insuring corporation that the 31927
health service is a covered service, the health insuring 31928
corporation shall ~~either~~ cover the service ~~or afford the enrollee~~ 31929
~~an opportunity for an external review under section 1751.84 or~~ 31930
~~1751.85 of the Revised Code.~~ If the superintendent notifies the 31931
health insuring corporation that the health care service is not a 31932
covered service, the health insuring corporation is not required 31933
to cover the service or afford the enrollee an external review. 31934

Sec. 1751.84. (A) Except as provided in divisions (B) and (C) 31935
of this section, a health insuring corporation shall afford an 31936

enrollee an opportunity for an external review if both of the 31937
following are the case: 31938

(1) The health insuring corporation has denied, reduced, or 31939
terminated coverage for what would be a covered health care 31940
service except for the fact that the health insuring corporation 31941
has determined that the health care service is not medically 31942
necessary; 31943

(2) Except in the case of an expedited review, the service, 31944
plus any ancillary services and follow-up care, will cost the 31945
enrollee more than five hundred dollars if the proposed service is 31946
not covered by the health insuring corporation. 31947

External review shall be conducted in accordance with this 31948
section, except that if an enrollee with a terminal condition 31949
meets all of the criteria of division (A) of section 1751.85 of 31950
the Revised Code, an external review shall be conducted under that 31951
section. 31952

(B) An enrollee need not be afforded a review under this 31953
section in any of the following circumstances: 31954

(1) The superintendent of insurance has determined under 31955
section 1751.831 of the Revised Code that the health care service 31956
is not a service covered under the terms of the enrollee's policy, 31957
contract, or agreement. 31958

(2) Except as provided in section 1751.811 of the Revised 31959
Code, the enrollee has failed to exhaust the health insuring 31960
corporation's internal review process established pursuant to 31961
section 1751.83 of the Revised Code. 31962

(3) The enrollee has previously been afforded an external 31963
review for the same adverse determination and no new clinical 31964
information has been submitted to the health insuring corporation. 31965

(C)(1) A health insuring corporation may deny a request for 31966

an external review of an adverse determination if it is requested 31967
later than ~~sixty~~ one hundred eighty days after the enrollee's 31968
receipt of notice of the result of an internal review brought 31969
under section 1751.83 of the Revised Code. An external review may 31970
be requested by the enrollee, an authorized person, the enrollee's 31971
provider, or a health care facility rendering health care service 31972
to the enrollee. The enrollee may request a review without the 31973
approval of the provider or the health care facility rendering the 31974
health care service. The provider or health care facility may not 31975
request a review without the prior consent of the enrollee. 31976

(2) An external review must be requested in writing, except 31977
that if the enrollee has a condition that requires expedited 31978
review, the review may be requested orally or by electronic means. 31979
When an oral or electronic request for review is made, written 31980
confirmation of the request shall be submitted to the health 31981
insuring corporation not later than five days after the oral or 31982
written request is submitted. 31983

Except in the case of an expedited review, a request for an 31984
external review must be accompanied by written certification from 31985
the enrollee's provider or the health care facility rendering the 31986
health care service to the enrollee that the proposed service, 31987
plus any ancillary services and follow-up care, will cost the 31988
enrollee more than five hundred dollars if the proposed service is 31989
not covered by the health insuring corporation. 31990

(3) For an expedited review, the enrollee's provider must 31991
certify that the enrollee's condition could, in the absence of 31992
immediate medical attention, result in any of the following: 31993

(a) Placing the health of the enrollee or, with respect to a 31994
pregnant woman, the health of the enrollee or the unborn child, in 31995
serious jeopardy; 31996

(b) Serious impairment to bodily functions; 31997

(c) Serious dysfunction of any bodily organ or part.	31998
(D) The procedures used in conducting an external review of an adverse determination shall include all of the following:	31999 32000
(1) The review shall be conducted by an independent review organization assigned by the superintendent of insurance under section 3901.80 of the Revised Code.	32001 32002 32003
(2) Except as provided in division (D)(3) and (4) of this section, neither the clinical peer nor any health care facility with which the clinical peer is affiliated shall have any professional, familial, or financial affiliation with any of the following:	32004 32005 32006 32007 32008
(a) The health insuring corporation or any officer, director, or managerial employee of the health insuring corporation;	32009 32010
(b) The enrollee, the enrollee's provider, or the practice group of the enrollee's provider;	32011 32012
(c) The health care facility at which the health care service requested by the enrollee would be provided;	32013 32014
(d) The development or manufacture of the principal drug, device, procedure, or therapy proposed for the enrollee.	32015 32016
(3) Division (D)(2) of this section does not prohibit a clinical peer from conducting a review under any of the following circumstances:	32017 32018 32019
(a) The clinical peer is affiliated with an academic medical center that provides health care services to enrollees of the health insuring corporation.	32020 32021 32022
(b) The clinical peer has staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation.	32023 32024 32025
(c) The clinical peer is a participating provider but was not involved with the health insuring corporation's adverse	32026 32027

determination. 32028

(4) Division (D)(2) of this section does not prohibit the 32029
health insuring corporation from paying the independent review 32030
organization for the conduct of the review. 32031

(5) An enrollee shall not be required to pay for any part of 32032
the cost of the review. The cost of the review shall be borne by 32033
the health insuring corporation. 32034

(6)(a) The health insuring corporation shall provide to the 32035
independent review organization conducting the review a copy of 32036
those records in its possession that are relevant to the 32037
enrollee's medical condition and the review. The records shall be 32038
used solely for the purpose of this division. 32039

At the request of the independent review organization, the 32040
health insuring corporation, enrollee, or the provider or health 32041
care facility rendering health care services to the enrollee shall 32042
provide any additional information the independent review 32043
organization requests to complete the review. A request for 32044
additional information may be made in writing, orally, or by 32045
electronic means. The independent review organization shall submit 32046
the request to the enrollee and health insuring corporation. If a 32047
request is submitted orally or by electronic means to an enrollee 32048
or health insuring corporation, not later than five days after the 32049
request is submitted, the independent review organization shall 32050
provide written confirmation of the request. If the review was 32051
initiated by a provider or health care facility, a copy of the 32052
request shall be submitted to the provider or health care 32053
facility. 32054

(b) An independent review organization is not required to 32055
make a decision if it has not received any requested information 32056
that it considers necessary to complete a review. An independent 32057
review organization that does not make a decision for this reason 32058

shall notify the enrollee and the health insuring corporation that 32059
a decision is not being made. The notice may be made in writing, 32060
orally, or by electronic means. An oral or electronic notice shall 32061
be confirmed in writing not later than five days after the oral or 32062
electronic notice is made. If the review was initiated by a 32063
provider or health care facility, a copy of the notice shall be 32064
submitted to the provider or health care facility. 32065

(7) The health insuring corporation may elect to cover the 32066
service requested and terminate the review. The health insuring 32067
corporation shall notify the enrollee and all other parties 32068
involved with the decision by mail or, with the consent or 32069
approval of the enrollee, by electronic means. 32070

(8) In making its decision, an independent review 32071
organization conducting the review shall take into account all of 32072
the following: 32073

(a) Information submitted by the health insuring corporation, 32074
the enrollee, the enrollee's provider, and the health care 32075
facility rendering the health care service, including the 32076
following: 32077

(i) The enrollee's medical records; 32078

(ii) The standards, criteria, and clinical rationale used by 32079
the health insuring corporation to make its decision. 32080

(b) Findings, studies, research, and other relevant documents 32081
of government agencies and nationally recognized organizations, 32082
including the national institutes of health or any board 32083
recognized by the national institutes of health, the national 32084
cancer institute, the national academy of sciences, the United 32085
States food and drug administration, the health care financing 32086
administration of the United States department of health and human 32087
services, and the agency for health care policy and research; 32088

(c) Relevant findings in peer-reviewed medical or scientific 32089

literature, published opinions of nationally recognized medical 32090
experts, and clinical guidelines adopted by relevant national 32091
medical societies. 32092

(9)(a) In the case of an expedited review, the independent 32093
review organization shall issue a written decision not later than 32094
seven days after the filing of the request for review. In all 32095
other cases, the independent review organization shall issue a 32096
written decision not later than thirty days after the filing of 32097
the request. The independent review organization shall send a copy 32098
of its decision to the health insuring corporation and the 32099
enrollee. If the enrollee's provider or the health care facility 32100
rendering health care services to the enrollee requested the 32101
review, the independent review organization shall also send a copy 32102
of its decision to the enrollee's provider or the health care 32103
facility. 32104

(b) The independent review organization's decision shall 32105
include a description of the enrollee's condition and the 32106
principal reasons for the decision and an explanation of the 32107
clinical rationale for the decision. 32108

(E) The independent review organization shall base its 32109
decision on the information submitted under division (D)(8) of 32110
this section. In making its decision, the independent review 32111
organization shall consider safety, efficacy, appropriateness, and 32112
cost effectiveness. 32113

(F) The health insuring corporation shall provide any 32114
coverage determined by the independent review organization's 32115
decision to be medically necessary, subject to the other terms, 32116
limitations, and conditions of the enrollee's contract. The 32117
decision shall apply only to the individual enrollee's external 32118
review. 32119

Sec. 1751.85. (A) Each health insuring corporation shall 32120

establish a reasonable external, independent review process to 32121
examine the health insuring corporation's coverage decisions for 32122
enrollees who meet all of the following criteria: 32123

(1) The enrollee has a terminal condition that, according to 32124
the current diagnosis of the enrollee's physician, has a high 32125
probability of causing death within two years. 32126

(2) The enrollee requests a review not later than ~~sixty one~~ 32127
hundred eighty days after receipt by the enrollee of notice of the 32128
result of an internal review under section 1751.83 of the Revised 32129
Code. 32130

(3) The enrollee's physician certifies that the enrollee has 32131
the condition described in division (A)(1) of this section and any 32132
of the following situations are applicable: 32133

(a) Standard therapies have not been effective in improving 32134
the condition of the enrollee; 32135

(b) Standard therapies are not medically appropriate for the 32136
enrollee; 32137

(c) There is no standard therapy covered by the health 32138
insuring corporation that is more beneficial than therapy 32139
described in division (A)(4) of this section. 32140

(4) The enrollee's physician has recommended a drug, device, 32141
procedure, or other therapy that the physician certifies, in 32142
writing, is likely to be more beneficial to the enrollee, in the 32143
physician's opinion, than standard therapies, or, the enrollee has 32144
requested a therapy that has been found in a preponderance of 32145
peer-reviewed published studies to be associated with effective 32146
clinical outcomes for the same condition. 32147

(5) The enrollee has been denied coverage by the health 32148
insuring corporation for a drug, device, procedure, or other 32149
therapy recommended or requested pursuant to division (A)(4) of 32150

this section, and has exhausted the health insuring corporation's 32151
internal review process established pursuant to section 1751.83 of 32152
the Revised Code. 32153

(6) The drug, device, procedure, or other therapy, for which 32154
coverage has been denied would be a covered health care service 32155
except for the health insuring corporation's determination that 32156
the drug, device, procedure, or other therapy is experimental or 32157
investigational. 32158

(B) A review shall be requested in writing, except that if 32159
the enrollee's physician determines that a therapy would be 32160
significantly less effective if not promptly initiated, the review 32161
may be requested orally or by electronic means. When an oral or 32162
electronic request for review is made, written confirmation of the 32163
request shall be submitted to the health insuring corporation not 32164
later than five days after the oral or written request is 32165
submitted. 32166

(C) The external, independent review process established by a 32167
health insuring corporation shall meet all of the following 32168
criteria: 32169

(1) Except as provided in division (E) of this section, the 32170
process shall afford all enrollees who meet the criteria set forth 32171
in division (A) of this section the opportunity to have the health 32172
insuring corporation's decision to deny coverage of the 32173
recommended or requested therapy reviewed under the process. 32174

(2) The review shall be conducted by an independent review 32175
organization assigned by the superintendent of insurance under 32176
section 3901.80 of the Revised Code. 32177

The independent review organization shall select a panel to 32178
conduct the review, which panel shall be composed of at least 32179
three physicians or other providers who, through clinical 32180
experience in the past three years, are experts in the treatment 32181

of the enrollee's medical condition and knowledgeable about the 32182
recommended or requested therapy. 32183

In either of the following circumstances, an exception may be 32184
made to the requirement that the review be conducted by an expert 32185
panel composed of a minimum of three physicians or other 32186
providers: 32187

(a) A review may be conducted by an expert panel composed of 32188
only two physicians or other providers if an enrollee has 32189
consented in writing to a review by the smaller panel; 32190

(b) A review may be conducted by a single expert physician or 32191
other provider if only one expert physician or other provider is 32192
available for the review. 32193

(3) Neither the health insuring corporation nor the enrollee 32194
shall choose, or control the choice of, the physician or other 32195
provider experts. 32196

(4) The selected experts, any health care facility with which 32197
an expert is affiliated, and the independent review organization 32198
arranging for the experts' review, shall not have any 32199
professional, familial, or financial affiliation with any of the 32200
following: 32201

(a) The health insuring corporation or any officer, director, 32202
or managerial employee of the health insuring corporation; 32203

(b) The enrollee, the enrollee's physician, or the practice 32204
group of the enrollee's physician; 32205

(c) The health care facility at which the recommended or 32206
requested therapy would be provided; 32207

(d) The development or manufacture of the principal drug, 32208
device, procedure, or therapy involved in the recommended or 32209
requested therapy. 32210

However, experts affiliated with academic medical centers who 32211

provide health care services to enrollees of the health insuring corporation may serve as experts on the review panel. Further, experts with staff privileges at a health care facility that provides health care services to enrollees of the health insuring corporation, as well as experts who are participating providers, but who were not involved with the health insuring corporation's denial of coverage for the therapy under review, may serve as experts on the review panel. These nonaffiliation provisions do not preclude a health insuring corporation from paying for the experts' review, as specified in division (C)(5) of this section.

(5) Enrollees shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the health insuring corporation.

(6) The health insuring corporation shall provide to the independent review organization arranging for the experts' review a copy of those records in the health insuring corporation's possession that are relevant to the enrollee's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the health insuring corporation or the physician recommending the therapy shall provide any additional information that the expert reviewers request to complete the review. An expert reviewer is not required to render an opinion if the reviewer has not received any requested information that the reviewer considers necessary to complete the review.

(7)(a) The opinions of the experts on the panel shall be rendered within thirty days after the enrollee's request for review. If the enrollee's physician determines that a therapy would be significantly less effective if not promptly initiated, the opinions shall be rendered within seven days after the enrollee's request for review.

(b) In conducting the review, the experts on the panel shall	32244
take into account all of the following:	32245
(i) Information submitted by the health insuring corporation,	32246
the enrollee, and the enrollee's physician, including the	32247
enrollee's medical records and the standards, criteria, and	32248
clinical rationale used by the health insuring corporation to	32249
reach its coverage decision;	32250
(ii) Findings, studies, research, and other relevant	32251
documents of government agencies and nationally recognized	32252
organizations;	32253
(iii) Relevant findings in peer-reviewed medical or	32254
scientific literature and published opinions of nationally	32255
recognized medical experts;	32256
(iv) Clinical guidelines adopted by relevant national medical	32257
societies;	32258
(v) Safety, efficacy, appropriateness, and cost	32259
effectiveness.	32260
(8) Each expert on the panel shall provide the independent	32261
review organization with a professional opinion as to whether	32262
there is sufficient evidence to demonstrate that the recommended	32263
or requested therapy is likely to be more beneficial to the	32264
enrollee than standard therapies.	32265
(9) Each expert's opinion shall be presented in written form	32266
and shall include the following information:	32267
(a) A description of the enrollee's condition;	32268
(b) A description of the indicators relevant to determining	32269
whether there is sufficient evidence to demonstrate that the	32270
recommended or requested therapy is more likely than not to be	32271
more beneficial to the enrollee than standard therapies;	32272
(c) A description and analysis of any relevant findings	32273

published in peer-reviewed medical or scientific literature or the 32274
published opinions of medical experts or specialty societies; 32275

(d) A description of the enrollee's suitability to receive 32276
the recommended or requested therapy according to a treatment 32277
protocol in a clinical trial, if applicable. 32278

(10) The independent review organization shall provide the 32279
health insuring corporation with the opinions of the experts. The 32280
health insuring corporation shall make the experts' opinions 32281
available to the enrollee and the enrollee's physician, upon 32282
request. 32283

(11) The opinion of the majority of the experts on the panel, 32284
rendered pursuant to division (C)(8) of this section, is binding 32285
on the health insuring corporation with respect to that enrollee. 32286
If the opinions of the experts on the panel are evenly divided as 32287
to whether the therapy should be covered, then the health insuring 32288
corporation's final decision shall be in favor of coverage. If 32289
less than a majority of the experts on the panel recommend 32290
coverage of the therapy, the health insuring corporation may, in 32291
its discretion, cover the therapy. However, any coverage provided 32292
pursuant to division (C)(11) of this section is subject to the 32293
terms, limitations, and conditions of the enrollee's contract with 32294
the health insuring corporation. 32295

(12) The health insuring corporation shall have written 32296
policies describing the external, independent review process. 32297

(D) At any time during the external, independent review 32298
process, the health insuring corporation may elect to cover the 32299
recommended or requested health care service and terminate the 32300
review. The health insuring corporation shall notify the enrollee 32301
and all other parties involved by mail or, with the consent or 32302
approval of the enrollee, by electronic means. 32303

(E) If a health insuring corporation's initial denial of 32304

coverage for a therapy recommended or requested pursuant to 32305
division (A)(4) of this section is based upon an external, 32306
independent review of that therapy meeting the requirements of 32307
division (C) of this section, this section shall not be a basis 32308
for requiring a second external, independent review of the 32309
recommended or requested therapy. 32310

(F) The health insuring corporation shall annually file a 32311
certificate with the superintendent of insurance certifying its 32312
compliance with the requirements of this section. 32313

Sec. 1753.09. (A) Except as provided in division (D) of this 32314
section, prior to terminating the participation of a provider on 32315
the basis of the participating provider's failure to meet the 32316
health insuring corporation's standards for quality or utilization 32317
in the delivery of health care services, a health insuring 32318
corporation shall give the participating provider notice of the 32319
reason or reasons for its decision to terminate the provider's 32320
participation and an opportunity to take corrective action. The 32321
health insuring corporation shall develop a performance 32322
improvement plan in conjunction with the participating provider. 32323
If after being afforded the opportunity to comply with the 32324
performance improvement plan, the participating provider fails to 32325
do so, the health insuring corporation may terminate the 32326
participation of the provider. 32327

(B)(1) A participating provider whose participation has been 32328
terminated under division (A) of this section may appeal the 32329
termination to the appropriate medical director of the health 32330
insuring corporation. The medical director shall give the 32331
participating provider an opportunity to discuss with the medical 32332
director the reason or reasons for the termination. 32333

(2) If a satisfactory resolution of a participating 32334
provider's appeal cannot be reached under division (B)(1) of this 32335

section, the participating provider may appeal the termination to 32336
a panel composed of participating providers who have comparable or 32337
higher levels of education and training than the participating 32338
provider making the appeal. A representative of the participating 32339
provider's specialty shall be a member of the panel, if possible. 32340
This panel shall hold a hearing, and shall render its 32341
recommendation in the appeal within thirty days after holding the 32342
hearing. The recommendation shall be presented to the medical 32343
director and to the participating provider. 32344

(3) The medical director shall review and consider the 32345
panel's recommendation before making a decision. The decision 32346
rendered by the medical director shall be final. 32347

(C) A provider's status as a participating provider shall 32348
remain in effect during the appeal process set forth in division 32349
(B) of this section unless the termination was based on any of the 32350
reasons listed in division (D) of this section. 32351

(D) Notwithstanding division (A) of this section, a 32352
provider's participation may be immediately terminated if the 32353
participating provider's conduct presents an imminent risk of harm 32354
to an enrollee or enrollees; or if there has occurred unacceptable 32355
quality of care, fraud, patient abuse, loss of clinical 32356
privileges, loss of professional liability coverage, incompetence, 32357
or loss of authority to practice in the participating provider's 32358
field; or if a governmental action has impaired the participating 32359
provider's ability to practice. 32360

(E) Divisions (A) to (D) of this section apply only to 32361
providers who are natural persons. 32362

(F)(1) Nothing in this section prohibits a health insuring 32363
corporation from rejecting a provider's application for 32364
participation, or from terminating a participating provider's 32365
contract, if the health insuring corporation determines that the 32366

health care needs of its enrollees are being met and no need 32367
exists for the provider's or participating provider's services. 32368

(2) Nothing in this section shall be construed as prohibiting 32369
a health insuring corporation from terminating a participating 32370
provider who does not meet the terms and conditions of the 32371
participating provider's contract. 32372

(3) Nothing in this section shall be construed as prohibiting 32373
a health insuring corporation from terminating a participating 32374
provider's contract pursuant to any provision of the contract 32375
described in division (E)(2) of section 3963.02 of the Revised 32376
Code, except that, notwithstanding any provision of a contract 32377
described in that division, this section applies to the 32378
termination of a participating provider's contract for any of the 32379
causes described in divisions (A), (D), and (F)(1) and (2) of this 32380
section. 32381

(G) The superintendent of insurance may adopt rules as 32382
necessary to implement and enforce sections 1753.06, 1753.07, and 32383
1753.09 of the Revised Code. Such rules shall be adopted in 32384
accordance with Chapter 119. of the Revised Code. ~~The director of 32385
health may make recommendations to the superintendent for rules 32386
necessary to implement and enforce sections 1753.06, 1753.07, and 32387
1753.09 of the Revised Code. In adopting any rules pursuant to 32388
this division, the superintendent shall consider the 32389
recommendations of the director.~~ 32390

Sec. 1901.26. (A) Subject to division (E) of this section, 32391
costs in a municipal court shall be fixed and taxed as follows: 32392

(1)(a) The municipal court shall require an advance deposit 32393
for the filing of any new civil action or proceeding when required 32394
by division (C) of this section, and in all other cases, by rule, 32395
shall establish a schedule of fees and costs to be taxed in any 32396
civil or criminal action or proceeding. 32397

(b)(i) The legislative authority of a municipal corporation 32398
may by ordinance establish a schedule of fees to be taxed as costs 32399
in any civil, criminal, or traffic action or proceeding in a 32400
municipal court for the performance by officers or other employees 32401
of the municipal corporation's police department or marshal's 32402
office of any of the services specified in sections 311.17 and 32403
509.15 of the Revised Code. No fee in the schedule shall be higher 32404
than the fee specified in section 311.17 of the Revised Code for 32405
the performance of the same service by the sheriff. If a fee 32406
established in the schedule conflicts with a fee for the same 32407
service established in another section of the Revised Code or a 32408
rule of court, the fee established in the other section of the 32409
Revised Code or the rule of court shall apply. 32410

(ii) When an officer or employee of a municipal police 32411
department or marshal's office performs in a civil, criminal, or 32412
traffic action or proceeding in a municipal court a service 32413
specified in section 311.17 or 509.15 of the Revised Code for 32414
which a taxable fee has been established under this or any other 32415
section of the Revised Code, the applicable legal fees and any 32416
other extraordinary expenses, including overtime, provided for the 32417
service shall be taxed as costs in the case. The clerk of the 32418
court shall pay those legal fees and other expenses, when 32419
collected, into the general fund of the municipal corporation that 32420
employs the officer or employee. 32421

(iii) If a bailiff of a municipal court performs in a civil, 32422
criminal, or traffic action or proceeding in that court a service 32423
specified in section 311.17 or 509.15 of the Revised Code for 32424
which a taxable fee has been established under this section or any 32425
other section of the Revised Code, the fee for the service is the 32426
same and is taxable to the same extent as if the service had been 32427
performed by an officer or employee of the police department or 32428
marshal's office of the municipal corporation in which the court 32429

is located. The clerk of that court shall pay the fee, when 32430
collected, into the general fund of the entity or entities that 32431
fund the bailiff's salary, in the same prorated amount as the 32432
salary is funded. 32433

(iv) Division (A)(1)(b) of this section does not authorize or 32434
require any officer or employee of a police department or 32435
marshal's office of a municipal corporation or any bailiff of a 32436
municipal court to perform any service not otherwise authorized by 32437
law. 32438

(2) The municipal court, by rule, may require an advance 32439
deposit for the filing of any civil action or proceeding and 32440
publication fees as provided in section 2701.09 of the Revised 32441
Code. The court may waive the requirement for advance deposit upon 32442
affidavit or other evidence that a party is unable to make the 32443
required deposit. 32444

(3) When a jury trial is demanded in any civil action or 32445
proceeding, the party making the demand may be required to make an 32446
advance deposit as fixed by rule of court, unless, upon affidavit 32447
or other evidence, the court concludes that the party is unable to 32448
make the required deposit. If a jury is called, the fees of a jury 32449
shall be taxed as costs. 32450

(4) In any civil or criminal action or proceeding, each 32451
witness shall receive twelve dollars for each full day's 32452
attendance and six dollars for each half day's attendance. Each 32453
witness in a municipal court that is not a county-operated 32454
municipal court also shall receive fifty and one-half cents for 32455
each mile necessarily traveled to and from the witness's place of 32456
residence to the action or proceeding. 32457

(5) A reasonable charge for driving, towing, carting, 32458
storing, keeping, and preserving motor vehicles and other personal 32459
property recovered or seized in any proceeding may be taxed as 32460

part of the costs in a trial of the cause, in an amount that shall 32461
be fixed by rule of court. 32462

(6) Chattel property seized under any writ or process issued 32463
by the court shall be preserved pending final disposition for the 32464
benefit of all persons interested and may be placed in storage 32465
when necessary or proper for that preservation. The custodian of 32466
any chattel property so stored shall not be required to part with 32467
the possession of the property until a reasonable charge, to be 32468
fixed by the court, is paid. 32469

(7) The municipal court, as it determines, may refund all 32470
deposits and advance payments of fees and costs, including those 32471
for jurors and summoning jurors, when they have been paid by the 32472
losing party. 32473

(8) Charges for the publication of legal notices required by 32474
statute or order of court may be taxed as part of the costs, as 32475
provided by section 7.13 of the Revised Code. 32476

(B)(1) The municipal court may determine that, for the 32477
efficient operation of the court, additional funds are necessary 32478
to acquire and pay for special projects of the court including, 32479
but not limited to, the acquisition of additional facilities or 32480
the rehabilitation of existing facilities, the acquisition of 32481
equipment, the hiring and training of staff, community service 32482
programs, mediation or dispute resolution services, the employment 32483
of magistrates, the training and education of judges, acting 32484
judges, and magistrates, and other related services. Upon that 32485
determination, the court by rule may charge a fee, in addition to 32486
all other court costs, on the filing of each criminal cause, civil 32487
action or proceeding, or judgment by confession. 32488

If the municipal court offers a special program or service in 32489
cases of a specific type, the municipal court by rule may assess 32490
an additional charge in a case of that type, over and above court 32491

costs, to cover the special program or service. The municipal 32492
court shall adjust the special assessment periodically, but not 32493
retroactively, so that the amount assessed in those cases does not 32494
exceed the actual cost of providing the service or program. 32495

All moneys collected under division (B) of this section shall 32496
be paid to the county treasurer if the court is a county-operated 32497
municipal court or to the city treasurer if the court is not a 32498
county-operated municipal court for deposit into either a general 32499
special projects fund or a fund established for a specific special 32500
project. Moneys from a fund of that nature shall be disbursed upon 32501
an order of the court in an amount no greater than the actual cost 32502
to the court of a project. If a specific fund is terminated 32503
because of the discontinuance of a program or service established 32504
under division (B) of this section, the municipal court may order 32505
that moneys remaining in the fund be transferred to an account 32506
established under this division for a similar purpose. 32507

(2) As used in division (B) of this section: 32508

(a) "Criminal cause" means a charge alleging the violation of 32509
a statute or ordinance, or subsection of a statute or ordinance, 32510
that requires a separate finding of fact or a separate plea before 32511
disposition and of which the defendant may be found guilty, 32512
whether filed as part of a multiple charge on a single summons, 32513
citation, or complaint or as a separate charge on a single 32514
summons, citation, or complaint. "Criminal cause" does not include 32515
separate violations of the same statute or ordinance, or 32516
subsection of the same statute or ordinance, unless each charge is 32517
filed on a separate summons, citation, or complaint. 32518

(b) "Civil action or proceeding" means any civil litigation 32519
that must be determined by judgment entry. 32520

(c) The municipal court shall collect in all its divisions 32521
except the small claims division the sum of ~~twenty-six~~ thirty-one 32522

dollars as additional filing fees in each new civil action or 32523
proceeding for the charitable public purpose of providing 32524
financial assistance to legal aid societies that operate within 32525
the state and to support the office of the state public defender. 32526
The municipal court shall collect in its small claims division the 32527
sum of eleven dollars as additional filing fees in each new civil 32528
action or proceeding for the charitable public purpose of 32529
providing financial assistance to legal aid societies that operate 32530
within the state and to support the office of the state public 32531
defender. This division does not apply to any execution on a 32532
judgment, proceeding in aid of execution, or other post-judgment 32533
proceeding arising out of a civil action. The filing fees required 32534
to be collected under this division shall be in addition to any 32535
other court costs imposed in the action or proceeding and shall be 32536
collected at the time of the filing of the action or proceeding. 32537
The court shall not waive the payment of the additional filing 32538
fees in a new civil action or proceeding unless the court waives 32539
the advanced payment of all filing fees in the action or 32540
proceeding. All such moneys collected during a month except for an 32541
amount equal to up to one per cent of those moneys retained to 32542
cover administrative costs shall be transmitted on or before the 32543
twentieth day of the following month by the clerk of the court to 32544
the treasurer of state in a manner prescribed by the treasurer of 32545
state or by the Ohio legal assistance foundation. The treasurer of 32546
state shall deposit four per cent of the funds collected under 32547
this division to the credit of the civil case filing fee fund 32548
established under section 120.07 of the Revised Code and 32549
ninety-six per cent of the funds collected under this division to 32550
the credit of the legal aid fund established under section 120.52 32551
of the Revised Code. 32552

The court may retain up to one per cent of the moneys it 32553
collects under this division to cover administrative costs, 32554
including the hiring of any additional personnel necessary to 32555

implement this division. If the court fails to transmit to the 32556
treasurer of state the moneys the court collects under this 32557
division in a manner prescribed by the treasurer of state or by 32558
the Ohio legal assistance foundation, the court shall forfeit the 32559
moneys the court retains under this division to cover 32560
administrative costs, including the hiring of any additional 32561
personnel necessary to implement this division, and shall transmit 32562
to the treasurer of state all moneys collected under this 32563
division, including the forfeited amount retained for 32564
administrative costs, for deposit in the legal aid fund. 32565

(D) In the Cleveland municipal court, reasonable charges for 32566
investigating titles of real estate to be sold or disposed of 32567
under any writ or process of the court may be taxed as part of the 32568
costs. 32569

(E) Under the circumstances described in sections 2969.21 to 32570
2969.27 of the Revised Code, the clerk of the municipal court 32571
shall charge the fees and perform the other duties specified in 32572
those sections. 32573

(F) As used in this section: 32574

(1) "Full day's attendance" means a day on which a witness is 32575
required or requested to be present at an action or proceeding 32576
before and after twelve noon, regardless of whether the witness 32577
actually testifies. 32578

(2) "Half day's attendance" means a day on which a witness is 32579
required or requested to be present at an action or proceeding 32580
either before or after twelve noon, but not both, regardless of 32581
whether the witness actually testifies. 32582

Sec. 1901.31. The clerk and deputy clerks of a municipal 32583
court shall be selected, be compensated, give bond, and have 32584
powers and duties as follows: 32585

(A) There shall be a clerk of the court who is appointed or
elected as follows: 32586
32587

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 32588
county, Portage county, and Wayne county municipal courts and 32589
through December 31, 2008, the Cuyahoga Falls municipal court, if 32590
the population of the territory equals or exceeds one hundred 32591
thousand at the regular municipal election immediately preceding 32592
the expiration of the term of the present clerk, the clerk shall 32593
be nominated and elected by the qualified electors of the 32594
territory in the manner that is provided for the nomination and 32595
election of judges in section 1901.07 of the Revised Code. 32596

The clerk so elected shall hold office for a term of six 32597
years, which term shall commence on the first day of January 32598
following the clerk's election and continue until the clerk's 32599
successor is elected and qualified. 32600

(b) In the Hamilton county municipal court, the clerk of 32601
courts of Hamilton county shall be the clerk of the municipal 32602
court and may appoint an assistant clerk who shall receive the 32603
compensation, payable out of the treasury of Hamilton county in 32604
semimonthly installments, that the board of county commissioners 32605
prescribes. The clerk of courts of Hamilton county, acting as the 32606
clerk of the Hamilton county municipal court and assuming the 32607
duties of that office, shall receive compensation at one-fourth 32608
the rate that is prescribed for the clerks of courts of common 32609
pleas as determined in accordance with the population of the 32610
county and the rates set forth in sections 325.08 and 325.18 of 32611
the Revised Code. This compensation shall be paid from the county 32612
treasury in semimonthly installments and is in addition to the 32613
annual compensation that is received for the performance of the 32614
duties of the clerk of courts of Hamilton county, as provided in 32615
sections 325.08 and 325.18 of the Revised Code. 32616

(c) In the Portage county and Wayne county municipal courts, 32617

the clerks of courts of Portage county and Wayne county shall be 32618
the clerks, respectively, of the Portage county and Wayne county 32619
municipal courts and may appoint a chief deputy clerk for each 32620
branch that is established pursuant to section 1901.311 of the 32621
Revised Code and assistant clerks as the judges of the municipal 32622
court determine are necessary, all of whom shall receive the 32623
compensation that the legislative authority prescribes. The clerks 32624
of courts of Portage county and Wayne county, acting as the clerks 32625
of the Portage county and Wayne county municipal courts and 32626
assuming the duties of these offices, shall receive compensation 32627
payable from the county treasury in semimonthly installments at 32628
one-fourth the rate that is prescribed for the clerks of courts of 32629
common pleas as determined in accordance with the population of 32630
the county and the rates set forth in sections 325.08 and 325.18 32631
of the Revised Code. 32632

(d) Except as otherwise provided in division (A)(1)(d) of 32633
this section, in the Akron municipal court, candidates for 32634
election to the office of clerk of the court shall be nominated by 32635
primary election. The primary election shall be held on the day 32636
specified in the charter of the city of Akron for the nomination 32637
of municipal officers. Notwithstanding any contrary provision of 32638
section 3513.05 or 3513.257 of the Revised Code, the declarations 32639
of candidacy and petitions of partisan candidates and the 32640
nominating petitions of independent candidates for the office of 32641
clerk of the Akron municipal court shall be signed by at least 32642
fifty qualified electors of the territory of the court. 32643

The candidates shall file a declaration of candidacy and 32644
petition, or a nominating petition, whichever is applicable, not 32645
later than four p.m. of the seventy-fifth day before the day of 32646
the primary election, in the form prescribed by section 3513.07 or 32647
3513.261 of the Revised Code. The declaration of candidacy and 32648
petition, or the nominating petition, shall conform to the 32649

applicable requirements of section 3513.05 or 3513.257 of the Revised Code. 32650
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If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Akron municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code. 32652
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Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Akron municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified. 32664
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(e) Except as otherwise provided in division (A)(1)(e) of this section, in the Barberton municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Barberton for the nomination of municipal officers. Notwithstanding any contrary 32676
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provision of section 3513.05 or 3513.257 of the Revised Code, the 32682
declarations of candidacy and petitions of partisan candidates and 32683
the nominating petitions of independent candidates for the office 32684
of clerk of the Barberton municipal court shall be signed by at 32685
least fifty qualified electors of the territory of the court. 32686

The candidates shall file a declaration of candidacy and 32687
petition, or a nominating petition, whichever is applicable, not 32688
later than four p.m. of the seventy-fifth day before the day of 32689
the primary election, in the form prescribed by section 3513.07 or 32690
3513.261 of the Revised Code. The declaration of candidacy and 32691
petition, or the nominating petition, shall conform to the 32692
applicable requirements of section 3513.05 or 3513.257 of the 32693
Revised Code. 32694

If no valid declaration of candidacy and petition is filed by 32695
any person for nomination as a candidate of a particular political 32696
party for election to the office of clerk of the Barberton 32697
municipal court, a primary election shall not be held for the 32698
purpose of nominating a candidate of that party for election to 32699
that office. If only one person files a valid declaration of 32700
candidacy and petition for nomination as a candidate of a 32701
particular political party for election to that office, a primary 32702
election shall not be held for the purpose of nominating a 32703
candidate of that party for election to that office, and the 32704
candidate shall be issued a certificate of nomination in the 32705
manner set forth in section 3513.02 of the Revised Code. 32706

Declarations of candidacy and petitions, nominating 32707
petitions, and certificates of nomination for the office of clerk 32708
of the Barberton municipal court shall contain a designation of 32709
the term for which the candidate seeks election. At the following 32710
regular municipal election, all candidates for the office shall be 32711
submitted to the qualified electors of the territory of the court 32712
in the manner that is provided in section 1901.07 of the Revised 32713

Code for the election of the judges of the court. The clerk so 32714
elected shall hold office for a term of six years, which term 32715
shall commence on the first day of January following the clerk's 32716
election and continue until the clerk's successor is elected and 32717
qualified. 32718

(f)(i) Through December 31, 2008, except as otherwise 32719
provided in division (A)(1)(f)(i) of this section, in the Cuyahoga 32720
Falls municipal court, candidates for election to the office of 32721
clerk of the court shall be nominated by primary election. The 32722
primary election shall be held on the day specified in the charter 32723
of the city of Cuyahoga Falls for the nomination of municipal 32724
officers. Notwithstanding any contrary provision of section 32725
3513.05 or 3513.257 of the Revised Code, the declarations of 32726
candidacy and petitions of partisan candidates and the nominating 32727
petitions of independent candidates for the office of clerk of the 32728
Cuyahoga Falls municipal court shall be signed by at least fifty 32729
qualified electors of the territory of the court. 32730

The candidates shall file a declaration of candidacy and 32731
petition, or a nominating petition, whichever is applicable, not 32732
later than four p.m. of the seventy-fifth day before the day of 32733
the primary election, in the form prescribed by section 3513.07 or 32734
3513.261 of the Revised Code. The declaration of candidacy and 32735
petition, or the nominating petition, shall conform to the 32736
applicable requirements of section 3513.05 or 3513.257 of the 32737
Revised Code. 32738

If no valid declaration of candidacy and petition is filed by 32739
any person for nomination as a candidate of a particular political 32740
party for election to the office of clerk of the Cuyahoga Falls 32741
municipal court, a primary election shall not be held for the 32742
purpose of nominating a candidate of that party for election to 32743
that office. If only one person files a valid declaration of 32744
candidacy and petition for nomination as a candidate of a 32745

particular political party for election to that office, a primary 32746
election shall not be held for the purpose of nominating a 32747
candidate of that party for election to that office, and the 32748
candidate shall be issued a certificate of nomination in the 32749
manner set forth in section 3513.02 of the Revised Code. 32750

Declarations of candidacy and petitions, nominating 32751
petitions, and certificates of nomination for the office of clerk 32752
of the Cuyahoga Falls municipal court shall contain a designation 32753
of the term for which the candidate seeks election. At the 32754
following regular municipal election, all candidates for the 32755
office shall be submitted to the qualified electors of the 32756
territory of the court in the manner that is provided in section 32757
1901.07 of the Revised Code for the election of the judges of the 32758
court. The clerk so elected shall hold office for a term of six 32759
years, which term shall commence on the first day of January 32760
following the clerk's election and continue until the clerk's 32761
successor is elected and qualified. 32762

(ii) Division (A)(1)(f)(i) of this section shall have no 32763
effect after December 31, 2008. 32764

(g) Except as otherwise provided in division (A)(1)(g) of 32765
this section, in the Toledo municipal court, candidates for 32766
election to the office of clerk of the court shall be nominated by 32767
primary election. The primary election shall be held on the day 32768
specified in the charter of the city of Toledo for the nomination 32769
of municipal officers. Notwithstanding any contrary provision of 32770
section 3513.05 or 3513.257 of the Revised Code, the declarations 32771
of candidacy and petitions of partisan candidates and the 32772
nominating petitions of independent candidates for the office of 32773
clerk of the Toledo municipal court shall be signed by at least 32774
fifty qualified electors of the territory of the court. 32775

The candidates shall file a declaration of candidacy and 32776
petition, or a nominating petition, whichever is applicable, not 32777

later than four p.m. of the seventy-fifth day before the day of 32778
the primary election, in the form prescribed by section 3513.07 or 32779
3513.261 of the Revised Code. The declaration of candidacy and 32780
petition, or the nominating petition, shall conform to the 32781
applicable requirements of section 3513.05 or 3513.257 of the 32782
Revised Code. 32783

If no valid declaration of candidacy and petition is filed by 32784
any person for nomination as a candidate of a particular political 32785
party for election to the office of clerk of the Toledo municipal 32786
court, a primary election shall not be held for the purpose of 32787
nominating a candidate of that party for election to that office. 32788
If only one person files a valid declaration of candidacy and 32789
petition for nomination as a candidate of a particular political 32790
party for election to that office, a primary election shall not be 32791
held for the purpose of nominating a candidate of that party for 32792
election to that office, and the candidate shall be issued a 32793
certificate of nomination in the manner set forth in section 32794
3513.02 of the Revised Code. 32795

Declarations of candidacy and petitions, nominating 32796
petitions, and certificates of nomination for the office of clerk 32797
of the Toledo municipal court shall contain a designation of the 32798
term for which the candidate seeks election. At the following 32799
regular municipal election, all candidates for the office shall be 32800
submitted to the qualified electors of the territory of the court 32801
in the manner that is provided in section 1901.07 of the Revised 32802
Code for the election of the judges of the court. The clerk so 32803
elected shall hold office for a term of six years, which term 32804
shall commence on the first day of January following the clerk's 32805
election and continue until the clerk's successor is elected and 32806
qualified. 32807

(2)(a) Except for the Alliance, Auglaize county, Brown 32808
county, Columbiana county, Holmes county, Lorain, Massillon, and 32809

Youngstown municipal courts, in a municipal court for which the 32810
population of the territory is less than one hundred thousand, the 32811
clerk shall be appointed by the court, and the clerk shall hold 32812
office until the clerk's successor is appointed and qualified. 32813

(b) In the Alliance, Lorain, Massillon, and Youngstown 32814
municipal courts, the clerk shall be elected for a term of office 32815
as described in division (A)(1)(a) of this section. 32816

(c) In the Auglaize county, Brown county, and Holmes county 32817
municipal courts, the clerks of courts of Auglaize county, Brown 32818
county, and Holmes county shall be the clerks, respectively, of 32819
the Auglaize county, Brown county, and Holmes county municipal 32820
courts and may appoint a chief deputy clerk for each branch office 32821
that is established pursuant to section 1901.311 of the Revised 32822
Code, and assistant clerks as the judge of the court determines 32823
are necessary, all of whom shall receive the compensation that the 32824
legislative authority prescribes. The clerks of courts of Auglaize 32825
county, Brown county, and Holmes county, acting as the clerks of 32826
the Auglaize county, Brown county, and Holmes county municipal 32827
courts and assuming the duties of these offices, shall receive 32828
compensation payable from the county treasury in semimonthly 32829
installments at one-fourth the rate that is prescribed for the 32830
clerks of courts of common pleas as determined in accordance with 32831
the population of the county and the rates set forth in sections 32832
325.08 and 325.18 of the Revised Code. 32833

(d) In the Columbiana county municipal court, the clerk of 32834
courts of Columbiana county shall be the clerk of the municipal 32835
court, may appoint a chief deputy clerk for each branch office 32836
that is established pursuant to section 1901.311 of the Revised 32837
Code, and may appoint any assistant clerks that the judges of the 32838
court determine are necessary. All of the chief deputy clerks and 32839
assistant clerks shall receive the compensation that the 32840
legislative authority prescribes. The clerk of courts of 32841

Columbiana county, acting as the clerk of the Columbiana county 32842
municipal court and assuming the duties of that office, shall 32843
receive in either biweekly installments or semimonthly 32844
installments, as determined by the payroll administrator, 32845
compensation payable from the county treasury at one-fourth the 32846
rate that is prescribed for the clerks of courts of common pleas 32847
as determined in accordance with the population of the county and 32848
the rates set forth in sections 325.08 and 325.18 of the Revised 32849
Code. 32850

(3) During the temporary absence of the clerk due to illness, 32851
vacation, or other proper cause, the court may appoint a temporary 32852
clerk, who shall be paid the same compensation, have the same 32853
authority, and perform the same duties as the clerk. 32854

(B) Except in the Hamilton county, Portage county, and Wayne 32855
county municipal courts, if a vacancy occurs in the office of the 32856
clerk of the Alliance, Lorain, Massillon, or Youngstown municipal 32857
court or occurs in the office of the clerk of a municipal court 32858
for which the population of the territory equals or exceeds one 32859
hundred thousand because the clerk ceases to hold the office 32860
before the end of the clerk's term or because a clerk-elect fails 32861
to take office, the vacancy shall be filled, until a successor is 32862
elected and qualified, by a person chosen by the residents of the 32863
territory of the court who are members of the county central 32864
committee of the political party by which the last occupant of 32865
that office or the clerk-elect was nominated. Not less than five 32866
nor more than fifteen days after a vacancy occurs, those members 32867
of that county central committee shall meet to make an appointment 32868
to fill the vacancy. At least four days before the date of the 32869
meeting, the chairperson or a secretary of the county central 32870
committee shall notify each such member of that county central 32871
committee by first class mail of the date, time, and place of the 32872
meeting and its purpose. A majority of all such members of that 32873

county central committee constitutes a quorum, and a majority of 32874
the quorum is required to make the appointment. If the office so 32875
vacated was occupied or was to be occupied by a person not 32876
nominated at a primary election, or if the appointment was not 32877
made by the committee members in accordance with this division, 32878
the court shall make an appointment to fill the vacancy. A 32879
successor shall be elected to fill the office for the unexpired 32880
term at the first municipal election that is held more than one 32881
hundred twenty days after the vacancy occurred. 32882

(C)(1) In a municipal court, other than the Auglaize county, 32883
the Brown county, the Columbiana county, the Holmes county, and 32884
the Lorain municipal courts, for which the population of the 32885
territory is less than one hundred thousand, the clerk of the 32886
municipal court shall receive the annual compensation that the 32887
presiding judge of the court prescribes, if the revenue of the 32888
court for the preceding calendar year, as certified by the auditor 32889
or chief fiscal officer of the municipal corporation in which the 32890
court is located or, in the case of a county-operated municipal 32891
court, the county auditor, is equal to or greater than the 32892
expenditures, including any debt charges, for the operation of the 32893
court payable under this chapter from the city treasury or, in the 32894
case of a county-operated municipal court, the county treasury for 32895
that calendar year, as also certified by the auditor or chief 32896
fiscal officer. If the revenue of a municipal court, other than 32897
the Auglaize county, the Brown county, the Columbiana county, and 32898
the Lorain municipal courts, for which the population of the 32899
territory is less than one hundred thousand for the preceding 32900
calendar year as so certified is not equal to or greater than 32901
those expenditures for the operation of the court for that 32902
calendar year as so certified, the clerk of a municipal court 32903
shall receive the annual compensation that the legislative 32904
authority prescribes. As used in this division, "revenue" means 32905
the total of all costs and fees that are collected and paid to the 32906

city treasury or, in a county-operated municipal court, the county 32907
treasury by the clerk of the municipal court under division (F) of 32908
this section and all interest received and paid to the city 32909
treasury or, in a county-operated municipal court, the county 32910
treasury in relation to the costs and fees under division (G) of 32911
this section. 32912

(2) In a municipal court, other than the Hamilton county, 32913
Portage county, and Wayne county municipal courts, for which the 32914
population of the territory is one hundred thousand or more, and 32915
in the Lorain municipal court, the clerk of the municipal court 32916
shall receive annual compensation in a sum equal to eighty-five 32917
per cent of the salary of a judge of the court. 32918

(3) The compensation of a clerk described in division (C)(1) 32919
or (2) of this section and of the clerk of the Columbiana county 32920
municipal court is payable in either semimonthly installments or 32921
biweekly installments, as determined by the payroll administrator, 32922
from the same sources and in the same manner as provided in 32923
section 1901.11 of the Revised Code, except that the compensation 32924
of the clerk of the Carroll county municipal court is payable in 32925
biweekly installments. 32926

(D) Before entering upon the duties of the clerk's office, 32927
the clerk of a municipal court shall give bond of not less than 32928
six thousand dollars to be determined by the judges of the court, 32929
conditioned upon the faithful performance of the clerk's duties. 32930

(E) The clerk of a municipal court may do all of the 32931
following: administer oaths, take affidavits, and issue executions 32932
upon any judgment rendered in the court, including a judgment for 32933
unpaid costs; issue, sign, and attach the seal of the court to all 32934
writs, process, subpoenas, and papers issuing out of the court; 32935
and approve all bonds, sureties, recognizances, and undertakings 32936
fixed by any judge of the court or by law. The clerk may refuse to 32937
accept for filing any pleading or paper submitted for filing by a 32938

person who has been found to be a vexatious litigator under 32939
section 2323.52 of the Revised Code and who has failed to obtain 32940
leave to proceed under that section. The clerk shall do all of the 32941
following: file and safely keep all journals, records, books, and 32942
papers belonging or appertaining to the court; record the 32943
proceedings of the court; perform all other duties that the judges 32944
of the court may prescribe; and keep a book showing all receipts 32945
and disbursements, which book shall be open for public inspection 32946
at all times. 32947

The clerk shall prepare and maintain a general index, a 32948
docket, and other records that the court, by rule, requires, all 32949
of which shall be the public records of the court. In the docket, 32950
the clerk shall enter, at the time of the commencement of an 32951
action, the names of the parties in full, the names of the 32952
counsel, and the nature of the proceedings. Under proper dates, 32953
the clerk shall note the filing of the complaint, issuing of 32954
summons or other process, returns, and any subsequent pleadings. 32955
The clerk also shall enter all reports, verdicts, orders, 32956
judgments, and proceedings of the court, clearly specifying the 32957
relief granted or orders made in each action. The court may order 32958
an extended record of any of the above to be made and entered, 32959
under the proper action heading, upon the docket at the request of 32960
any party to the case, the expense of which record may be taxed as 32961
costs in the case or may be required to be prepaid by the party 32962
demanding the record, upon order of the court. 32963

(F) The clerk of a municipal court shall receive, collect, 32964
and issue receipts for all costs, fees, fines, bail, and other 32965
moneys payable to the office or to any officer of the court. The 32966
clerk shall each month disburse to the proper persons or officers, 32967
and take receipts for, all costs, fees, fines, bail, and other 32968
moneys that the clerk collects. Subject to sections 3375.50 and 32969
4511.193 of the Revised Code and to any other section of the 32970

Revised Code that requires a specific manner of disbursement of 32971
any moneys received by a municipal court and except for the 32972
Hamilton county, Lawrence county, and Ottawa county municipal 32973
courts, the clerk shall pay all fines received for violation of 32974
municipal ordinances into the treasury of the municipal 32975
corporation the ordinance of which was violated and shall pay all 32976
fines received for violation of township resolutions adopted 32977
pursuant to section 503.52 or 503.53 or Chapter 504. of the 32978
Revised Code into the treasury of the township the resolution of 32979
which was violated. Subject to sections 1901.024 and 4511.193 of 32980
the Revised Code, in the Hamilton county, Lawrence county, and 32981
Ottawa county municipal courts, the clerk shall pay fifty per cent 32982
of the fines received for violation of municipal ordinances and 32983
fifty per cent of the fines received for violation of township 32984
resolutions adopted pursuant to section 503.52 or 503.53 or 32985
Chapter 504. of the Revised Code into the treasury of the county. 32986
Subject to sections 3375.50, 3375.53, 4511.19, and 5503.04 of the 32987
Revised Code and to any other section of the Revised Code that 32988
requires a specific manner of disbursement of any moneys received 32989
by a municipal court, the clerk shall pay all fines collected for 32990
the violation of state laws into the county treasury. Except in a 32991
county-operated municipal court, the clerk shall pay all costs and 32992
fees the disbursement of which is not otherwise provided for in 32993
the Revised Code into the city treasury. The clerk of a 32994
county-operated municipal court shall pay the costs and fees the 32995
disbursement of which is not otherwise provided for in the Revised 32996
Code into the county treasury. Moneys deposited as security for 32997
costs shall be retained pending the litigation. The clerk shall 32998
keep a separate account of all receipts and disbursements in civil 32999
and criminal cases, which shall be a permanent public record of 33000
the office. On the expiration of the term of the clerk, the clerk 33001
shall deliver the records to the clerk's successor. The clerk 33002
shall have other powers and duties as are prescribed by rule or 33003

order of the court. 33004

(G) All moneys paid into a municipal court shall be noted on 33005
the record of the case in which they are paid and shall be 33006
deposited in a state or national bank, or a domestic savings and 33007
loan association, as defined in section 1151.01 of the Revised 33008
Code, that is selected by the clerk. Any interest received upon 33009
the deposits shall be paid into the city treasury, except that, in 33010
a county-operated municipal court, the interest shall be paid into 33011
the treasury of the county in which the court is located. 33012

On the first Monday in January of each year, the clerk shall 33013
make a list of the titles of all cases in the court that were 33014
finally determined more than one year past in which there remains 33015
unclaimed in the possession of the clerk any funds, or any part of 33016
a deposit for security of costs not consumed by the costs in the 33017
case. The clerk shall give notice of the moneys to the parties who 33018
are entitled to the moneys or to their attorneys of record. All 33019
the moneys remaining unclaimed on the first day of April of each 33020
year shall be paid by the clerk to the city treasurer, except 33021
that, in a county-operated municipal court, the moneys shall be 33022
paid to the treasurer of the county in which the court is located. 33023
The treasurer shall pay any part of the moneys at any time to the 33024
person who has the right to the moneys upon proper certification 33025
of the clerk. 33026

(H) Deputy clerks of a municipal court other than the Carroll 33027
county municipal court may be appointed by the clerk and shall 33028
receive the compensation, payable in either biweekly installments 33029
or semimonthly installments, as determined by the payroll 33030
administrator, out of the city treasury, that the clerk may 33031
prescribe, except that the compensation of any deputy clerk of a 33032
county-operated municipal court shall be paid out of the treasury 33033
of the county in which the court is located. The judge of the 33034
Carroll county municipal court may appoint deputy clerks for the 33035

court, and the deputy clerks shall receive the compensation, 33036
payable in biweekly installments out of the county treasury, that 33037
the judge may prescribe. Each deputy clerk shall take an oath of 33038
office before entering upon the duties of the deputy clerk's 33039
office and, when so qualified, may perform the duties appertaining 33040
to the office of the clerk. The clerk may require any of the 33041
deputy clerks to give bond of not less than three thousand 33042
dollars, conditioned for the faithful performance of the deputy 33043
clerk's duties. 33044

(I) For the purposes of this section, whenever the population 33045
of the territory of a municipal court falls below one hundred 33046
thousand but not below ninety thousand, and the population of the 33047
territory prior to the most recent regular federal census exceeded 33048
one hundred thousand, the legislative authority of the municipal 33049
corporation may declare, by resolution, that the territory shall 33050
be considered to have a population of at least one hundred 33051
thousand. 33052

(J) The clerk or a deputy clerk shall be in attendance at all 33053
sessions of the municipal court, although not necessarily in the 33054
courtroom, and may administer oaths to witnesses and jurors and 33055
receive verdicts. 33056

Sec. 1907.24. (A) Subject to division (C) of this section, a 33057
county court shall fix and tax fees and costs as follows: 33058

(1) The county court shall require an advance deposit for the 33059
filing of any new civil action or proceeding when required by 33060
division (C) of this section and, in all other cases, shall 33061
establish a schedule of fees and costs to be taxed in any civil or 33062
criminal action or proceeding. 33063

(2) The county court by rule may require an advance deposit 33064
for the filing of a civil action or proceeding and publication 33065
fees as provided in section 2701.09 of the Revised Code. The court 33066

may waive an advance deposit requirement upon the presentation of 33067
an affidavit or other evidence that establishes that a party is 33068
unable to make the requisite deposit. 33069

(3) When a party demands a jury trial in a civil action or 33070
proceeding, the county court may require the party to make an 33071
advance deposit as fixed by rule of court, unless the court 33072
concludes, on the basis of an affidavit or other evidence 33073
presented by the party, that the party is unable to make the 33074
requisite deposit. If a jury is called, the county court shall tax 33075
the fees of a jury as costs. 33076

(4) In a civil or criminal action or proceeding, the county 33077
court shall fix the fees of witnesses in accordance with sections 33078
2335.06 and 2335.08 of the Revised Code. 33079

(5) A county court may tax as part of the costs in a trial of 33080
the cause, in an amount fixed by rule of court, a reasonable 33081
charge for driving, towing, carting, storing, keeping, and 33082
preserving motor vehicles and other personal property recovered or 33083
seized in a proceeding. 33084

(6) The court shall preserve chattel property seized under a 33085
writ or process issued by the court pending final disposition for 33086
the benefit of all interested persons. The court may place the 33087
chattel property in storage when necessary or proper for its 33088
preservation. The custodian of chattel property so stored shall 33089
not be required to part with the possession of the property until 33090
a reasonable charge, to be fixed by the court, is paid. 33091

(7) The county court, as it determines, may refund all 33092
deposits and advance payments of fees and costs, including those 33093
for jurors and summoning jurors, when they have been paid by the 33094
losing party. 33095

(8) The court may tax as part of costs charges for the 33096
publication of legal notices required by statute or order of 33097

court, as provided by section 7.13 of the Revised Code. 33098

(B)(1) The county court may determine that, for the efficient 33099
operation of the court, additional funds are necessary to acquire 33100
and pay for special projects of the court including, but not 33101
limited to, the acquisition of additional facilities or the 33102
rehabilitation of existing facilities, the acquisition of 33103
equipment, the hiring and training of staff, community service 33104
programs, mediation or dispute resolution services, the employment 33105
of magistrates, the training and education of judges, acting 33106
judges, and magistrates, and other related services. Upon that 33107
determination, the court by rule may charge a fee, in addition to 33108
all other court costs, on the filing of each criminal cause, civil 33109
action or proceeding, or judgment by confession. 33110

If the county court offers a special program or service in 33111
cases of a specific type, the county court by rule may assess an 33112
additional charge in a case of that type, over and above court 33113
costs, to cover the special program or service. The county court 33114
shall adjust the special assessment periodically, but not 33115
retroactively, so that the amount assessed in those cases does not 33116
exceed the actual cost of providing the service or program. 33117

All moneys collected under division (B) of this section shall 33118
be paid to the county treasurer for deposit into either a general 33119
special projects fund or a fund established for a specific special 33120
project. Moneys from a fund of that nature shall be disbursed upon 33121
an order of the court in an amount no greater than the actual cost 33122
to the court of a project. If a specific fund is terminated 33123
because of the discontinuance of a program or service established 33124
under division (B) of this section, the county court may order 33125
that moneys remaining in the fund be transferred to an account 33126
established under this division for a similar purpose. 33127

(2) As used in division (B) of this section: 33128

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(c) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of ~~twenty-six~~ thirty-one dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. Subject to division (E) of this section, the county court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless

the court waives the advanced payment of all filing fees in the 33161
action or proceeding. All such moneys collected during a month 33162
except for an amount equal to up to one per cent of those moneys 33163
retained to cover administrative costs shall be transmitted on or 33164
before the twentieth day of the following month by the clerk of 33165
the court to the treasurer of state in a manner prescribed by the 33166
treasurer of state or by the Ohio legal assistance foundation. The 33167
treasurer of state shall deposit four per cent of the funds 33168
collected under this division to the credit of the civil case 33169
filing fee fund established under section 120.07 of the Revised 33170
Code and ninety-six per cent of the funds collected under this 33171
division to the credit of the legal aid fund established under 33172
section 120.52 of the Revised Code. 33173

The court may retain up to one per cent of the moneys it 33174
collects under this division to cover administrative costs, 33175
including the hiring of any additional personnel necessary to 33176
implement this division. If the court fails to transmit to the 33177
treasurer of state the moneys the court collects under this 33178
division in a manner prescribed by the treasurer of state or by 33179
the Ohio legal assistance foundation, the court shall forfeit the 33180
moneys the court retains under this division to cover 33181
administrative costs, including the hiring of any additional 33182
personnel necessary to implement this division, and shall transmit 33183
to the treasurer of state all moneys collected under this 33184
division, including the forfeited amount retained for 33185
administrative costs, for deposit in the legal aid fund. 33186

(D) The county court shall establish by rule a schedule of 33187
fees for miscellaneous services performed by the county court or 33188
any of its judges in accordance with law. If judges of the court 33189
of common pleas perform similar services, the fees prescribed in 33190
the schedule shall not exceed the fees for those services 33191
prescribed by the court of common pleas. 33192

(E) Under the circumstances described in sections 2969.21 to 33193
2969.27 of the Revised Code, the clerk of the county court shall 33194
charge the fees and perform the other duties specified in those 33195
sections. 33196

Sec. 2101.01. (A) A probate division of the court of common 33197
pleas shall be held at the county seat in each county in an office 33198
furnished by the board of county commissioners, in which the 33199
books, records, and papers pertaining to the probate division 33200
shall be deposited and safely kept by the probate judge. The board 33201
shall provide suitable cases or other necessary items for the 33202
safekeeping and preservation of the books, records, and papers of 33203
the court and shall furnish any blankbooks, blanks, and 33204
stationery, and any machines, equipment, and materials for the 33205
keeping or examining of records, that the probate judge requires 33206
in the discharge of official duties. The board also shall 33207
authorize expenditures for accountants, financial consultants, and 33208
other agents required for auditing or financial consulting by the 33209
probate division whenever the probate judge considers these 33210
services and expenditures necessary for the efficient performance 33211
of the division's duties. The probate judge shall employ and 33212
supervise all clerks, deputies, magistrates, and other employees 33213
of the probate division. The probate judge shall supervise all 33214
probate court investigators and assessors in the performance of 33215
their duties as investigators and assessors and shall employ, 33216
appoint, or designate all probate court investigators and 33217
assessors in the manner described in divisions (A)(2) and (3) of 33218
section 2101.11 of the Revised Code. 33219

(B) As used in the Revised Code: 33220

(1) Except as provided in division (B)(2) of this section, 33221
"probate court" means the probate division of the court of common 33222
pleas, and "probate judge" means the judge of the court of common 33223

pleas who is judge of the probate division. 33224

(2) With respect to Lorain county: 33225

(a) From ~~January 1, 2006, through February 8, 2009,~~ "probate 33226
court" ~~means both the probate division and the domestic relations~~ 33227
~~division of the court of common pleas, and "probate judge" means~~ 33228
~~both the judge of the court of common pleas who is judge of the~~ 33229
~~probate division and each of the judges of the court of common~~ 33230
~~pleas who are judges of the domestic relations division.~~ 33231

~~(b) On and after February 9, 2009, through September 28,~~ 33232
2009, "probate court" means the domestic relations division of the 33233
court of common pleas, and "probate judge" means each of the 33234
judges of the court of common pleas who are judges of the domestic 33235
relations division. 33236

(b) The judge of the court of common pleas, division of 33237
domestic relations, whose term begins on February 9, 2009, and 33238
successors, shall be the probate judge beginning September 29, 33239
2009, and shall be elected and designated as judge of the court of 33240
common pleas, probate division. 33241

(C) Except as otherwise provided in this division, all 33242
pleadings, forms, journals, and other records filed or used in the 33243
probate division shall be entitled "In the Court of Common Pleas, 33244
Probate Division," but are not defective if entitled "In the 33245
Probate Court." In Lorain county, ~~on and after~~ from February 9, 33246
2009, through September 28, 2009, all pleadings, forms, journals, 33247
and other records filed or used in probate matters shall be 33248
entitled "In the Court of Common Pleas, Domestic Relations 33249
Division," but are not defective if entitled "In the Probate 33250
Division" or "In the Probate Court." 33251

Sec. 2151.011. (A) As used in the Revised Code: 33252

(1) "Juvenile court" means whichever of the following is 33253

applicable that has jurisdiction under this chapter and Chapter	33254
2152. of the Revised Code:	33255
(a) The division of the court of common pleas specified in	33256
section 2101.022 or 2301.03 of the Revised Code as having	33257
jurisdiction under this chapter and Chapter 2152. of the Revised	33258
Code or as being the juvenile division or the juvenile division	33259
combined with one or more other divisions;	33260
(b) The juvenile court of Cuyahoga county or Hamilton county	33261
that is separately and independently created by section 2151.08 or	33262
Chapter 2153. of the Revised Code and that has jurisdiction under	33263
this chapter and Chapter 2152. of the Revised Code;	33264
(c) If division (A)(1)(a) or (b) of this section does not	33265
apply, the probate division of the court of common pleas.	33266
(2) "Juvenile judge" means a judge of a court having	33267
jurisdiction under this chapter.	33268
(3) "Private child placing agency" means any association, as	33269
defined in section 5103.02 of the Revised Code, that is certified	33270
under section 5103.03 of the Revised Code to accept temporary,	33271
permanent, or legal custody of children and place the children for	33272
either foster care or adoption.	33273
(4) "Private noncustodial agency" means any person,	33274
organization, association, or society certified by the department	33275
of job and family services that does not accept temporary or	33276
permanent legal custody of children, that is privately operated in	33277
this state, and that does one or more of the following:	33278
(a) Receives and cares for children for two or more	33279
consecutive weeks;	33280
(b) Participates in the placement of children in certified	33281
foster homes;	33282
(c) Provides adoption services in conjunction with a public	33283

children services agency or private child placing agency.	33284
(B) As used in this chapter:	33285
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	33286 33287 33288 33289 33290 33291
(2) "Adult" means an individual who is eighteen years of age or older.	33292 33293
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	33294 33295 33296 33297
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	33298 33299 33300
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	33301 33302 33303 33304 33305 33306 33307 33308
(6) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the	33309 33310 33311 33312 33313 33314

Revised Code.	33315
(7) "Child care provider" means an individual who is a	33316
child-care staff member or administrator of a child day-care	33317
center, a type A family day-care home, or a type B family day-care	33318
home, or an in-home aide or an individual who is licensed, is	33319
regulated, is approved, operates under the direction of, or	33320
otherwise is certified by the department of job and family	33321
services, department of mental retardation and developmental	33322
disabilities, or the early childhood programs of the department of	33323
education.	33324
(8) "Chronic truant" has the same meaning as in section	33325
2152.02 of the Revised Code.	33326
(9) "Commit" means to vest custody as ordered by the court.	33327
(10) "Counseling" includes both of the following:	33328
(a) General counseling services performed by a public	33329
children services agency or shelter for victims of domestic	33330
violence to assist a child, a child's parents, and a child's	33331
siblings in alleviating identified problems that may cause or have	33332
caused the child to be an abused, neglected, or dependent child.	33333
(b) Psychiatric or psychological therapeutic counseling	33334
services provided to correct or alleviate any mental or emotional	33335
illness or disorder and performed by a licensed psychiatrist,	33336
licensed psychologist, or a person licensed under Chapter 4757. of	33337
the Revised Code to engage in social work or professional	33338
counseling.	33339
(11) "Custodian" means a person who has legal custody of a	33340
child or a public children services agency or private child	33341
placing agency that has permanent, temporary, or legal custody of	33342
a child.	33343
(12) "Delinquent child" has the same meaning as in section	33344

2152.02 of the Revised Code. 33345

(13) "Detention" means the temporary care of children pending 33346
court adjudication or disposition, or execution of a court order, 33347
in a public or private facility designed to physically restrict 33348
the movement and activities of children. 33349

(14) "Developmental disability" has the same meaning as in 33350
section 5123.01 of the Revised Code. 33351

(15) "Foster caregiver" has the same meaning as in section 33352
5103.02 of the Revised Code. 33353

(16) "Guardian" means a person, association, or corporation 33354
that is granted authority by a probate court pursuant to Chapter 33355
2111. of the Revised Code to exercise parental rights over a child 33356
to the extent provided in the court's order and subject to the 33357
residual parental rights of the child's parents. 33358

(17) "Habitual truant" means any child of compulsory school 33359
age who is absent without legitimate excuse for absence from the 33360
public school the child is supposed to attend for five or more 33361
consecutive school days, seven or more school days in one school 33362
month, or twelve or more school days in a school year. 33363

(18) "Juvenile traffic offender" has the same meaning as in 33364
section 2152.02 of the Revised Code. 33365

(19) "Legal custody" means a legal status that vests in the 33366
custodian the right to have physical care and control of the child 33367
and to determine where and with whom the child shall live, and the 33368
right and duty to protect, train, and discipline the child and to 33369
provide the child with food, shelter, education, and medical care, 33370
all subject to any residual parental rights, privileges, and 33371
responsibilities. An individual granted legal custody shall 33372
exercise the rights and responsibilities personally unless 33373
otherwise authorized by any section of the Revised Code or by the 33374
court. 33375

(20) A "legitimate excuse for absence from the public school	33376
the child is supposed to attend" includes, but is not limited to,	33377
any of the following:	33378
(a) The fact that the child in question has enrolled in and	33379
is attending another public or nonpublic school in this or another	33380
state;	33381
(b) The fact that the child in question is excused from	33382
attendance at school for any of the reasons specified in section	33383
3321.04 of the Revised Code;	33384
(c) The fact that the child in question has received an age	33385
and schooling certificate in accordance with section 3331.01 of	33386
the Revised Code.	33387
(21) "Mental illness" and "mentally ill person subject to	33388
hospitalization by court order" have the same meanings as in	33389
section 5122.01 of the Revised Code.	33390
(22) "Mental injury" means any behavioral, cognitive,	33391
emotional, or mental disorder in a child caused by an act or	33392
omission that is described in section 2919.22 of the Revised Code	33393
and is committed by the parent or other person responsible for the	33394
child's care.	33395
(23) "Mentally retarded person" has the same meaning as in	33396
section 5123.01 of the Revised Code.	33397
(24) "Nonsecure care, supervision, or training" means care,	33398
supervision, or training of a child in a facility that does not	33399
confine or prevent movement of the child within the facility or	33400
from the facility.	33401
(25) "Of compulsory school age" has the same meaning as in	33402
section 3321.01 of the Revised Code.	33403
(26) "Organization" means any institution, public,	33404
semipublic, or private, and any private association, society, or	33405

agency located or operating in the state, incorporated or 33406
unincorporated, having among its functions the furnishing of 33407
protective services or care for children, or the placement of 33408
children in certified foster homes or elsewhere. 33409

(27) "Out-of-home care" means detention facilities, shelter 33410
facilities, certified children's crisis care facilities, certified 33411
foster homes, placement in a prospective adoptive home prior to 33412
the issuance of a final decree of adoption, organizations, 33413
certified organizations, child day-care centers, type A family 33414
day-care homes, child care provided by type B family day-care home 33415
providers and by in-home aides, group home providers, group homes, 33416
institutions, state institutions, residential facilities, 33417
residential care facilities, residential camps, day camps, public 33418
schools, chartered nonpublic schools, educational service centers, 33419
hospitals, and medical clinics that are responsible for the care, 33420
physical custody, or control of children. 33421

(28) "Out-of-home care child abuse" means any of the 33422
following when committed by a person responsible for the care of a 33423
child in out-of-home care: 33424

(a) Engaging in sexual activity with a child in the person's 33425
care; 33426

(b) Denial to a child, as a means of punishment, of proper or 33427
necessary subsistence, education, medical care, or other care 33428
necessary for a child's health; 33429

(c) Use of restraint procedures on a child that cause injury 33430
or pain; 33431

(d) Administration of prescription drugs or psychotropic 33432
medication to the child without the written approval and ongoing 33433
supervision of a licensed physician; 33434

(e) Commission of any act, other than by accidental means, 33435
that results in any injury to or death of the child in out-of-home 33436

care or commission of any act by accidental means that results in 33437
an injury to or death of a child in out-of-home care and that is 33438
at variance with the history given of the injury or death. 33439

(29) "Out-of-home care child neglect" means any of the 33440
following when committed by a person responsible for the care of a 33441
child in out-of-home care: 33442

(a) Failure to provide reasonable supervision according to 33443
the standards of care appropriate to the age, mental and physical 33444
condition, or other special needs of the child; 33445

(b) Failure to provide reasonable supervision according to 33446
the standards of care appropriate to the age, mental and physical 33447
condition, or other special needs of the child, that results in 33448
sexual or physical abuse of the child by any person; 33449

(c) Failure to develop a process for all of the following: 33450

(i) Administration of prescription drugs or psychotropic 33451
drugs for the child; 33452

(ii) Assuring that the instructions of the licensed physician 33453
who prescribed a drug for the child are followed; 33454

(iii) Reporting to the licensed physician who prescribed the 33455
drug all unfavorable or dangerous side effects from the use of the 33456
drug. 33457

(d) Failure to provide proper or necessary subsistence, 33458
education, medical care, or other individualized care necessary 33459
for the health or well-being of the child; 33460

(e) Confinement of the child to a locked room without 33461
monitoring by staff; 33462

(f) Failure to provide ongoing security for all prescription 33463
and nonprescription medication; 33464

(g) Isolation of a child for a period of time when there is 33465
substantial risk that the isolation, if continued, will impair or 33466

retard the mental health or physical well-being of the child. 33467

(30) "Permanent custody" means a legal status that vests in a 33468
public children services agency or a private child placing agency, 33469
all parental rights, duties, and obligations, including the right 33470
to consent to adoption, and divests the natural parents or 33471
adoptive parents of all parental rights, privileges, and 33472
obligations, including all residual rights and obligations. 33473

(31) "Permanent surrender" means the act of the parents or, 33474
if a child has only one parent, of the parent of a child, by a 33475
voluntary agreement authorized by section 5103.15 of the Revised 33476
Code, to transfer the permanent custody of the child to a public 33477
children services agency or a private child placing agency. 33478

(32) "Person" means an individual, association, corporation, 33479
or partnership and the state or any of its political subdivisions, 33480
departments, or agencies. 33481

(33) "Person responsible for a child's care in out-of-home 33482
care" means any of the following: 33483

(a) Any foster caregiver, in-home aide, or provider; 33484

(b) Any administrator, employee, or agent of any of the 33485
following: a public or private detention facility; shelter 33486
facility; certified children's crisis care facility; organization; 33487
certified organization; child day-care center; type A family 33488
day-care home; certified type B family day-care home; group home; 33489
institution; state institution; residential facility; residential 33490
care facility; residential camp; day camp; school district; 33491
community school; chartered nonpublic school; educational service 33492
center; hospital; or medical clinic; 33493

(c) Any person who supervises or coaches children as part of 33494
an extracurricular activity sponsored by a school district, public 33495
school, or chartered nonpublic school; 33496

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	33497 33498
(34) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	33499 33500 33501 33502
(a) A substantial impairment of vision, speech, or hearing;	33503
(b) A congenital orthopedic impairment;	33504
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	33505 33506 33507
(35) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	33508 33509 33510 33511
(36) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	33512 33513 33514 33515
(37) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	33516 33517
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	33518 33519 33520
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	33521 33522 33523 33524
(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the	33525 33526

Revised Code.	33527
(39) "Sanction, service, or condition" means a sanction,	33528
service, or condition created by court order following an	33529
adjudication that a child is an unruly child that is described in	33530
division (A)(4) of section 2152.19 of the Revised Code.	33531
(40) "Protective supervision" means an order of disposition	33532
pursuant to which the court permits an abused, neglected,	33533
dependent, or unruly child to remain in the custody of the child's	33534
parents, guardian, or custodian and stay in the child's home,	33535
subject to any conditions and limitations upon the child, the	33536
child's parents, guardian, or custodian, or any other person that	33537
the court prescribes, including supervision as directed by the	33538
court for the protection of the child.	33539
(41) "Psychiatrist" has the same meaning as in section	33540
5122.01 of the Revised Code.	33541
(42) "Psychologist" has the same meaning as in section	33542
4732.01 of the Revised Code.	33543
(43) "Residential camp" means a program in which the care,	33544
physical custody, or control of children is accepted overnight for	33545
recreational or recreational and educational purposes.	33546
(44) "Residential care facility" means an institution,	33547
residence, or facility that is licensed by the department of	33548
mental health under section 5119.22 of the Revised Code and that	33549
provides care for a child.	33550
(45) "Residential facility" means a home or facility that is	33551
licensed by the department of mental retardation and developmental	33552
disabilities under section 5123.19 of the Revised Code and in	33553
which a child with a developmental disability resides.	33554
(46) "Residual parental rights, privileges, and	33555
responsibilities" means those rights, privileges, and	33556

responsibilities remaining with the natural parent after the 33557
transfer of legal custody of the child, including, but not 33558
necessarily limited to, the privilege of reasonable visitation, 33559
consent to adoption, the privilege to determine the child's 33560
religious affiliation, and the responsibility for support. 33561

~~(47) "School day" means the school day established by the 33562
state board of education pursuant to section 3313.48 of the 33563
Revised Code. 33564~~

~~(48) "School," "school month," and "school year" have the 33565
same meanings as in section 3313.62 of the Revised Code. 33566~~

~~(49)~~(48) "Secure correctional facility" means a facility 33567
under the direction of the department of youth services that is 33568
designed to physically restrict the movement and activities of 33569
children and used for the placement of children after adjudication 33570
and disposition. 33571

~~(50)~~(49) "Sexual activity" has the same meaning as in section 33572
2907.01 of the Revised Code. 33573

~~(51)~~(50) "Shelter" means the temporary care of children in 33574
physically unrestricted facilities pending court adjudication or 33575
disposition. 33576

~~(52)~~(51) "Shelter for victims of domestic violence" has the 33577
same meaning as in section 3113.33 of the Revised Code. 33578

~~(53)~~(52) "Temporary custody" means legal custody of a child 33579
who is removed from the child's home, which custody may be 33580
terminated at any time at the discretion of the court or, if the 33581
legal custody is granted in an agreement for temporary custody, by 33582
the person who executed the agreement. 33583

(C) For the purposes of this chapter, a child shall be 33584
presumed abandoned when the parents of the child have failed to 33585
visit or maintain contact with the child for more than ninety 33586

days, regardless of whether the parents resume contact with the 33587
child after that period of ninety days. 33588

Sec. 2301.02. The number of judges of the court of common 33589
pleas for each county, the time for the next election of the 33590
judges in the several counties, and the beginning of their terms 33591
shall be as follows: 33592

(A) In Adams, Ashland, Fayette, and Pike counties, one judge, 33593
elected in 1956, term to begin February 9, 1957; 33594

In Brown, Crawford, Defiance, Highland, Holmes, Morgan, 33595
Ottawa, and Union counties, one judge, to be elected in 1954, term 33596
to begin February 9, 1955; 33597

In Auglaize county, one judge, to be elected in 1956, term to 33598
begin January 9, 1957; 33599

In Coshocton, Darke, Fulton, Gallia, Guernsey, Hardin, 33600
Jackson, Knox, Madison, Mercer, Monroe, Paulding, Vinton, and 33601
Wyandot counties, one judge, to be elected in 1956, term to begin 33602
January 1, 1957; 33603

In Morrow county, two judges, one to be elected in 1956, term 33604
to begin January 1, 1957, and one to be elected in 2006, term to 33605
begin January 1, 2007; 33606

In Logan county, two judges, one to be elected in 1956, term 33607
to begin January 1, 1957, and one to be elected in 2004, term to 33608
begin January 2, 2005; 33609

In Carroll, Clinton, Hocking, Meigs, Pickaway, Preble, 33610
Shelby, Van Wert, and Williams counties, one judge, to be elected 33611
in 1952, term to begin January 1, 1953; 33612

In Champaign county, two judges, one to be elected in 1952, 33613
term to begin January 1, 1953, and one to be elected in 2008, term 33614
to begin February 10, 2009. 33615

In Harrison and Noble counties, one judge, to be elected in 1954, term to begin April 18, 1955;	33616 33617
In Henry county, two judges, one to be elected in 1956, term to begin May 9, 1957, and one to be elected in 2004, term to begin January 1, 2005;	33618 33619 33620
In Putnam county, one judge, to be elected in 1956, term to begin May 9, 1957;	33621 33622
In Huron county, one judge, to be elected in 1952, term to begin May 14, 1953;	33623 33624
In Perry county, one judge, to be elected in 1954, term to begin July 6, 1956;	33625 33626
In Sandusky county, two judges, one to be elected in 1954, term to begin February 10, 1955, and one to be elected in 1978, term to begin January 1, 1979;	33627 33628 33629
(B) In Allen county, three judges, one to be elected in 1956, term to begin February 9, 1957, the second to be elected in 1958, term to begin January 1, 1959, and the third to be elected in 1992, term to begin January 1, 1993;	33630 33631 33632 33633
In Ashtabula county, three judges, one to be elected in 1954, term to begin February 9, 1955, one to be elected in 1960, term to begin January 1, 1961, and one to be elected in 1978, term to begin January 2, 1979;	33634 33635 33636 33637
In Athens county, two judges, one to be elected in 1954, term to begin February 9, 1955, and one to be elected in 1990, term to begin July 1, 1991;	33638 33639 33640
In Erie county, four judges, one to be elected in 1956, term to begin January 1, 1957, the second to be elected in 1970, term to begin January 2, 1971, the third to be elected in 2004, term to begin January 2, 2005, and the fourth to be elected in 2008, term to begin February 9, 2009;	33641 33642 33643 33644 33645

In Fairfield county, three judges, one to be elected in 1954, 33646
term to begin February 9, 1955, the second to be elected in 1970, 33647
term to begin January 1, 1971, and the third to be elected in 33648
1994, term to begin January 2, 1995; 33649

In Geauga county, two judges, one to be elected in 1956, term 33650
to begin January 1, 1957, and the second to be elected in 1976, 33651
term to begin January 6, 1977; 33652

In Greene county, four judges, one to be elected in 1956, 33653
term to begin February 9, 1957, the second to be elected in 1960, 33654
term to begin January 1, 1961, the third to be elected in 1978, 33655
term to begin January 2, 1979, and the fourth to be elected in 33656
1994, term to begin January 1, 1995; 33657

In Hancock county, two judges, one to be elected in 1952, 33658
term to begin January 1, 1953, and the second to be elected in 33659
1978, term to begin January 1, 1979; 33660

In Lawrence county, two judges, one to be elected in 1954, 33661
term to begin February 9, 1955, and the second to be elected in 33662
1976, term to begin January 1, 1977; 33663

In Marion county, three judges, one to be elected in 1952, 33664
term to begin January 1, 1953, the second to be elected in 1976, 33665
term to begin January 2, 1977, and the third to be elected in 33666
1998, term to begin February 9, 1999; 33667

In Medina county, three judges, one to be elected in 1956, 33668
term to begin January 1, 1957, the second to be elected in 1966, 33669
term to begin January 1, 1967, and the third to be elected in 33670
1994, term to begin January 1, 1995; 33671

In Miami county, two judges, one to be elected in 1954, term 33672
to begin February 9, 1955, and one to be elected in 1970, term to 33673
begin on January 1, 1971; 33674

In Muskingum county, three judges, one to be elected in 1968, 33675

term to begin August 9, 1969, one to be elected in 1978, term to 33676
begin January 1, 1979, and one to be elected in 2002, term to 33677
begin January 2, 2003; 33678

In Portage county, three judges, one to be elected in 1956, 33679
term to begin January 1, 1957, the second to be elected in 1960, 33680
term to begin January 1, 1961, and the third to be elected in 33681
1986, term to begin January 2, 1987; 33682

In Ross county, two judges, one to be elected in 1956, term 33683
to begin February 9, 1957, and the second to be elected in 1976, 33684
term to begin January 1, 1977; 33685

In Scioto county, three judges, one to be elected in 1954, 33686
term to begin February 10, 1955, the second to be elected in 1960, 33687
term to begin January 1, 1961, and the third to be elected in 33688
1994, term to begin January 2, 1995; 33689

In Seneca county, two judges, one to be elected in 1956, term 33690
to begin January 1, 1957, and the second to be elected in 1986, 33691
term to begin January 2, 1987; 33692

In Warren county, four judges, one to be elected in 1954, 33693
term to begin February 9, 1955, the second to be elected in 1970, 33694
term to begin January 1, 1971, the third to be elected in 1986, 33695
term to begin January 1, 1987, and the fourth to be elected in 33696
2004, term to begin January 2, 2005; 33697

In Washington county, two judges, one to be elected in 1952, 33698
term to begin January 1, 1953, and one to be elected in 1986, term 33699
to begin January 1, 1987; 33700

In Wood county, three judges, one to be elected in 1968, term 33701
beginning January 1, 1969, the second to be elected in 1970, term 33702
to begin January 2, 1971, and the third to be elected in 1990, 33703
term to begin January 1, 1991; 33704

In Belmont and Jefferson counties, two judges, to be elected 33705

in 1954, terms to begin January 1, 1955, and February 9, 1955, 33706
respectively; 33707

In Clark county, four judges, one to be elected in 1952, term 33708
to begin January 1, 1953, the second to be elected in 1956, term 33709
to begin January 2, 1957, the third to be elected in 1986, term to 33710
begin January 3, 1987, and the fourth to be elected in 1994, term 33711
to begin January 2, 1995. 33712

In Clermont county, five judges, one to be elected in 1956, 33713
term to begin January 1, 1957, the second to be elected in 1964, 33714
term to begin January 1, 1965, the third to be elected in 1982, 33715
term to begin January 2, 1983, the fourth to be elected in 1986, 33716
term to begin January 2, 1987; and the fifth to be elected in 33717
2006, term to begin January 3, 2007; 33718

In Columbiana county, two judges, one to be elected in 1952, 33719
term to begin January 1, 1953, and the second to be elected in 33720
1956, term to begin January 1, 1957; 33721

In Delaware county, two judges, one to be elected in 1990, 33722
term to begin February 9, 1991, the second to be elected in 1994, 33723
term to begin January 1, 1995; 33724

In Lake county, six judges, one to be elected in 1958, term 33725
to begin January 1, 1959, the second to be elected in 1960, term 33726
to begin January 2, 1961, the third to be elected in 1964, term to 33727
begin January 3, 1965, the fourth and fifth to be elected in 1978, 33728
terms to begin January 4, 1979, and January 5, 1979, respectively, 33729
and the sixth to be elected in 2000, term to begin January 6, 33730
2001; 33731

In Licking county, four judges, one to be elected in 1954, 33732
term to begin February 9, 1955, one to be elected in 1964, term to 33733
begin January 1, 1965, one to be elected in 1990, term to begin 33734
January 1, 1991, and one to be elected in 2004, term to begin 33735
January 1, 2005; 33736

In Lorain county, ~~ten~~ nine judges, two to be elected in 1952, 33737
terms to begin January 1, 1953, and January 2, 1953, respectively, 33738
one to be elected in 1958, term to begin January 3, 1959, one to 33739
be elected in 1968, term to begin January 1, 1969, two to be 33740
elected in 1988, terms to begin January 4, 1989, and January 5, 33741
1989, respectively, two to be elected in 1998, terms to begin 33742
January 2, 1999, and January 3, 1999, respectively; and one to be 33743
elected in 2006, term to begin January 6, 2007; ~~and one to be~~ 33744
~~elected in 2008, term to begin February 9, 2009, as described in~~ 33745
~~division (C)(1)(c) of section 2301.03 of the Revised Code;~~ 33746

In Butler county, eleven judges, one to be elected in 1956, 33747
term to begin January 1, 1957; two to be elected in 1954, terms to 33748
begin January 1, 1955, and February 9, 1955, respectively; one to 33749
be elected in 1968, term to begin January 2, 1969; one to be 33750
elected in 1986, term to begin January 3, 1987; two to be elected 33751
in 1988, terms to begin January 1, 1989, and January 2, 1989, 33752
respectively; one to be elected in 1992, term to begin January 4, 33753
1993; two to be elected in 2002, terms to begin January 2, 2003, 33754
and January 3, 2003, respectively; and one to be elected in 2006, 33755
term to begin January 3, 2007; 33756

In Richland county, four judges, one to be elected in 1956, 33757
term to begin January 1, 1957, the second to be elected in 1960, 33758
term to begin February 9, 1961, the third to be elected in 1968, 33759
term to begin January 2, 1969, and the fourth to be elected in 33760
2004, term to begin January 3, 2005; 33761

In Tuscarawas county, two judges, one to be elected in 1956, 33762
term to begin January 1, 1957, and the second to be elected in 33763
1960, term to begin January 2, 1961; 33764

In Wayne county, two judges, one to be elected in 1956, term 33765
beginning January 1, 1957, and one to be elected in 1968, term to 33766
begin January 2, 1969; 33767

In Trumbull county, six judges, one to be elected in 1952, 33768
term to begin January 1, 1953, the second to be elected in 1954, 33769
term to begin January 1, 1955, the third to be elected in 1956, 33770
term to begin January 1, 1957, the fourth to be elected in 1964, 33771
term to begin January 1, 1965, the fifth to be elected in 1976, 33772
term to begin January 2, 1977, and the sixth to be elected in 33773
1994, term to begin January 3, 1995; 33774

(C) In Cuyahoga county, thirty-nine judges; eight to be 33775
elected in 1954, terms to begin on successive days beginning from 33776
January 1, 1955, to January 7, 1955, and February 9, 1955, 33777
respectively; eight to be elected in 1956, terms to begin on 33778
successive days beginning from January 1, 1957, to January 8, 33779
1957; three to be elected in 1952, terms to begin from January 1, 33780
1953, to January 3, 1953; two to be elected in 1960, terms to 33781
begin on January 8, 1961, and January 9, 1961, respectively; two 33782
to be elected in 1964, terms to begin January 4, 1965, and January 33783
5, 1965, respectively; one to be elected in 1966, term to begin on 33784
January 10, 1967; four to be elected in 1968, terms to begin on 33785
successive days beginning from January 9, 1969, to January 12, 33786
1969; two to be elected in 1974, terms to begin on January 18, 33787
1975, and January 19, 1975, respectively; five to be elected in 33788
1976, terms to begin on successive days beginning January 6, 1977, 33789
to January 10, 1977; two to be elected in 1982, terms to begin 33790
January 11, 1983, and January 12, 1983, respectively; and two to 33791
be elected in 1986, terms to begin January 13, 1987, and January 33792
14, 1987, respectively; 33793

In Franklin county, twenty-two judges; two to be elected in 33794
1954, terms to begin January 1, 1955, and February 9, 1955, 33795
respectively; four to be elected in 1956, terms to begin January 33796
1, 1957, to January 4, 1957; four to be elected in 1958, terms to 33797
begin January 1, 1959, to January 4, 1959; three to be elected in 33798
1968, terms to begin January 5, 1969, to January 7, 1969; three to 33799

be elected in 1976, terms to begin on successive days beginning 33800
January 5, 1977, to January 7, 1977; one to be elected in 1982, 33801
term to begin January 8, 1983; one to be elected in 1986, term to 33802
begin January 9, 1987; two to be elected in 1990, terms to begin 33803
July 1, 1991, and July 2, 1991, respectively; one to be elected in 33804
1996, term to begin January 2, 1997; and one to be elected in 33805
2004, term to begin July 1, 2005; 33806

In Hamilton county, twenty-one judges; eight to be elected in 33807
1966, terms to begin January 1, 1967, January 2, 1967, and from 33808
February 9, 1967, to February 14, 1967, respectively; five to be 33809
elected in 1956, terms to begin from January 1, 1957, to January 33810
5, 1957; one to be elected in 1964, term to begin January 1, 1965; 33811
one to be elected in 1974, term to begin January 15, 1975; one to 33812
be elected in 1980, term to begin January 16, 1981; two to be 33813
elected at large in the general election in 1982, terms to begin 33814
April 1, 1983; one to be elected in 1990, term to begin July 1, 33815
1991; and two to be elected in 1996, terms to begin January 3, 33816
1997, and January 4, 1997, respectively; 33817

In Lucas county, fourteen judges; two to be elected in 1954, 33818
terms to begin January 1, 1955, and February 9, 1955, 33819
respectively; two to be elected in 1956, terms to begin January 1, 33820
1957, and October 29, 1957, respectively; two to be elected in 33821
1952, terms to begin January 1, 1953, and January 2, 1953, 33822
respectively; one to be elected in 1964, term to begin January 3, 33823
1965; one to be elected in 1968, term to begin January 4, 1969; 33824
two to be elected in 1976, terms to begin January 4, 1977, and 33825
January 5, 1977, respectively; one to be elected in 1982, term to 33826
begin January 6, 1983; one to be elected in 1988, term to begin 33827
January 7, 1989; one to be elected in 1990, term to begin January 33828
2, 1991; and one to be elected in 1992, term to begin January 2, 33829
1993; 33830

In Mahoning county, seven judges; three to be elected in 33831

1954, terms to begin January 1, 1955, January 2, 1955, and 33832
February 9, 1955, respectively; one to be elected in 1956, term to 33833
begin January 1, 1957; one to be elected in 1952, term to begin 33834
January 1, 1953; one to be elected in 1968, term to begin January 33835
2, 1969; and one to be elected in 1990, term to begin July 1, 33836
1991; 33837

In Montgomery county, fifteen judges; three to be elected in 33838
1954, terms to begin January 1, 1955, January 2, 1955, and January 33839
3, 1955, respectively; four to be elected in 1952, terms to begin 33840
January 1, 1953, January 2, 1953, July 1, 1953, and July 2, 1953, 33841
respectively; one to be elected in 1964, term to begin January 3, 33842
1965; one to be elected in 1968, term to begin January 3, 1969; 33843
three to be elected in 1976, terms to begin on successive days 33844
beginning January 4, 1977, to January 6, 1977; two to be elected 33845
in 1990, terms to begin July 1, 1991, and July 2, 1991, 33846
respectively; and one to be elected in 1992, term to begin January 33847
1, 1993. 33848

In Stark county, eight judges; one to be elected in 1958, 33849
term to begin on January 2, 1959; two to be elected in 1954, terms 33850
to begin on January 1, 1955, and February 9, 1955, respectively; 33851
two to be elected in 1952, terms to begin January 1, 1953, and 33852
April 16, 1953, respectively; one to be elected in 1966, term to 33853
begin on January 4, 1967; and two to be elected in 1992, terms to 33854
begin January 1, 1993, and January 2, 1993, respectively; 33855

In Summit county, thirteen judges; four to be elected in 33856
1954, terms to begin January 1, 1955, January 2, 1955, January 3, 33857
1955, and February 9, 1955, respectively; three to be elected in 33858
1958, terms to begin January 1, 1959, January 2, 1959, and May 17, 33859
1959, respectively; one to be elected in 1966, term to begin 33860
January 4, 1967; one to be elected in 1968, term to begin January 33861
5, 1969; one to be elected in 1990, term to begin May 1, 1991; one 33862
to be elected in 1992, term to begin January 6, 1993; and two to 33863

be elected in 2008, terms to begin January 5, 2009, and January 6,
2009, respectively.

Notwithstanding the foregoing provisions, in any county
having two or more judges of the court of common pleas, in which
more than one-third of the judges plus one were previously elected
at the same election, if the office of one of those judges so
elected becomes vacant more than forty days prior to the second
general election preceding the expiration of that judge's term,
the office that that judge had filled shall be abolished as of the
date of the next general election, and a new office of judge of
the court of common pleas shall be created. The judge who is to
fill that new office shall be elected for a six-year term at the
next general election, and the term of that judge shall commence
on the first day of the year following that general election, on
which day no other judge's term begins, so that the number of
judges that the county shall elect shall not be reduced.

Judges of the probate division of the court of common pleas
are judges of the court of common pleas but shall be elected
pursuant to sections 2101.02 and 2101.021 of the Revised Code,
except in Adams, Harrison, Henry, Morgan, Noble, and Wyandot
counties in which the judge of the court of common pleas elected
pursuant to this section also shall serve as judge of the probate
division, except in Lorain county in which the judges of the
domestic relations division of the Lorain county court of common
pleas elected pursuant to this section also shall perform the
duties and functions of the judge of the probate division from
February 9, 2009, through September 28, 2009, and except in Morrow
county in which the judges of the court of common pleas elected
pursuant to this section also shall perform the duties and
functions of the judge of the probate division.

Sec. 2301.03. (A) In Franklin county, the judges of the court

of common pleas whose terms begin on January 1, 1953, January 2, 1953, January 5, 1969, January 5, 1977, and January 2, 1997, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Franklin county and shall be elected and designated as judges of the court of common pleas, division of domestic relations. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them. In addition to the judge's regular duties, the judge who is senior in point of service shall serve on the children services board and the county advisory board and shall be the administrator of the domestic relations division and its subdivisions and departments.

(B) In Hamilton county:

(1) The judge of the court of common pleas, whose term begins on January 1, 1957, and successors, and the judge of the court of common pleas, whose term begins on February 14, 1967, and successors, shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdiction conferred by those chapters.

(2) The judges of the court of common pleas whose terms begin on January 5, 1957, January 16, 1981, and July 1, 1991, and successors, shall be elected and designated as judges of the court of common pleas, division of domestic relations, and shall have assigned to them all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court. On or after the first day of July and before the first day of August of 1991 and each year thereafter, a majority of the judges of the

division of domestic relations shall elect one of the judges of 33927
the division as administrative judge of that division. If a 33928
majority of the judges of the division of domestic relations are 33929
unable for any reason to elect an administrative judge for the 33930
division before the first day of August, a majority of the judges 33931
of the Hamilton county court of common pleas, as soon as possible 33932
after that date, shall elect one of the judges of the division of 33933
domestic relations as administrative judge of that division. The 33934
term of the administrative judge shall begin on the earlier of the 33935
first day of August of the year in which the administrative judge 33936
is elected or the date on which the administrative judge is 33937
elected by a majority of the judges of the Hamilton county court 33938
of common pleas and shall terminate on the date on which the 33939
administrative judge's successor is elected in the following year. 33940

In addition to the judge's regular duties, the administrative 33941
judge of the division of domestic relations shall be the 33942
administrator of the domestic relations division and its 33943
subdivisions and departments and shall have charge of the 33944
employment, assignment, and supervision of the personnel of the 33945
division engaged in handling, servicing, or investigating divorce, 33946
dissolution of marriage, legal separation, and annulment cases, 33947
including any referees considered necessary by the judges in the 33948
discharge of their various duties. 33949

The administrative judge of the division of domestic 33950
relations also shall designate the title, compensation, expense 33951
allowances, hours, leaves of absence, and vacations of the 33952
personnel of the division, and shall fix the duties of its 33953
personnel. The duties of the personnel, in addition to those 33954
provided for in other sections of the Revised Code, shall include 33955
the handling, servicing, and investigation of divorce, dissolution 33956
of marriage, legal separation, and annulment cases and counseling 33957
and conciliation services that may be made available to persons 33958

requesting them, whether or not the persons are parties to an 33959
action pending in the division. 33960

The board of county commissioners shall appropriate the sum 33961
of money each year as will meet all the administrative expenses of 33962
the division of domestic relations, including reasonable expenses 33963
of the domestic relations judges and the division counselors and 33964
other employees designated to conduct the handling, servicing, and 33965
investigation of divorce, dissolution of marriage, legal 33966
separation, and annulment cases, conciliation and counseling, and 33967
all matters relating to those cases and counseling, and the 33968
expenses involved in the attendance of division personnel at 33969
domestic relations and welfare conferences designated by the 33970
division, and the further sum each year as will provide for the 33971
adequate operation of the division of domestic relations. 33972

The compensation and expenses of all employees and the salary 33973
and expenses of the judges shall be paid by the county treasurer 33974
from the money appropriated for the operation of the division, 33975
upon the warrant of the county auditor, certified to by the 33976
administrative judge of the division of domestic relations. 33977

The summonses, warrants, citations, subpoenas, and other 33978
writs of the division may issue to a bailiff, constable, or staff 33979
investigator of the division or to the sheriff of any county or 33980
any marshal, constable, or police officer, and the provisions of 33981
law relating to the subpoenaing of witnesses in other cases shall 33982
apply insofar as they are applicable. When a summons, warrant, 33983
citation, subpoena, or other writ is issued to an officer, other 33984
than a bailiff, constable, or staff investigator of the division, 33985
the expense of serving it shall be assessed as a part of the costs 33986
in the case involved. 33987

(3) The judge of the court of common pleas of Hamilton county 33988
whose term begins on January 3, 1997, and the successors to that 33989
judge shall each be elected and designated as the drug court judge 33990

of the court of common pleas of Hamilton county. The drug court 33991
judge may accept or reject any case referred to the drug court 33992
judge under division (B)(3) of this section. After the drug court 33993
judge accepts a referred case, the drug court judge has full 33994
authority over the case, including the authority to conduct 33995
arraignment, accept pleas, enter findings and dispositions, 33996
conduct trials, order treatment, and if treatment is not 33997
successfully completed pronounce and enter sentence. 33998

A judge of the general division of the court of common pleas 33999
of Hamilton county and a judge of the Hamilton county municipal 34000
court may refer to the drug court judge any case, and any 34001
companion cases, the judge determines meet the criteria described 34002
under divisions (B)(3)(a) and (b) of this section. If the drug 34003
court judge accepts referral of a referred case, the case, and any 34004
companion cases, shall be transferred to the drug court judge. A 34005
judge may refer a case meeting the criteria described in divisions 34006
(B)(3)(a) and (b) of this section that involves a violation of a 34007
condition of a community control sanction to the drug court judge, 34008
and, if the drug court judge accepts the referral, the referring 34009
judge and the drug court judge have concurrent jurisdiction over 34010
the case. 34011

A judge of the general division of the court of common pleas 34012
of Hamilton county and a judge of the Hamilton county municipal 34013
court may refer a case to the drug court judge under division 34014
(B)(3) of this section if the judge determines that both of the 34015
following apply: 34016

(a) One of the following applies: 34017

(i) The case involves a drug abuse offense, as defined in 34018
section 2925.01 of the Revised Code, that is a felony of the third 34019
or fourth degree if the offense is committed prior to July 1, 34020
1996, a felony of the third, fourth, or fifth degree if the 34021
offense is committed on or after July 1, 1996, or a misdemeanor. 34022

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending

before the drug court judge constitutes a sufficient caseload for 34053
the drug court judge. 34054

(5) As used in division (B) of this section, "community 34055
control sanction," "mandatory prison term," and "mandatory jail 34056
term" have the same meanings as in section 2929.01 of the Revised 34057
Code. 34058

(C)(1) In Lorain county: 34059

(a) The judges of the court of common pleas whose terms begin 34060
on January 3, 1959, January 4, 1989, and January 2, 1999, and 34061
~~February 9, 2009,~~ and successors, and the judge of the court of 34062
common pleas whose term begins on February 9, 2009, shall have the 34063
same qualifications, exercise the same powers and jurisdiction, 34064
and receive the same compensation as the other judges of the court 34065
of common pleas of Lorain county and shall be elected and 34066
designated as the judges of the court of common pleas, division of 34067
domestic relations. ~~They~~ The judges of the court of common pleas 34068
whose terms begin on January 3, 1959, January 4, 1989, and January 34069
2, 1999, and successors, shall have all of the powers relating to 34070
juvenile courts, and all cases under Chapters 2151. and 2152. of 34071
the Revised Code, all parentage proceedings over which the 34072
juvenile court has jurisdiction, and all divorce, dissolution of 34073
marriage, legal separation, and annulment cases shall be assigned 34074
to them, except cases that for some special reason are assigned to 34075
some other judge of the court of common pleas. From February 9, 34076
2009, through September 28, 2009, the judge of the court of common 34077
pleas whose term begins on February 9, 2009, shall have all the 34078
powers relating to juvenile courts, and cases under Chapters 2151. 34079
and 2152. of the Revised Code, parentage proceedings over which 34080
the juvenile court has jurisdiction, and divorce, dissolution of 34081
marriage, legal separation, and annulment cases shall be assigned 34082
to that judge, except cases that for some special reason are 34083
assigned to some other judge of the court of common pleas. 34084

(b) ~~On and after~~ From January 1, 2006, through September 28, 34085
2009, the judges of the court of common pleas, division of 34086
domestic relations, in addition to the powers and jurisdiction set 34087
forth in division (C)(1)(a) of this section, shall have 34088
jurisdiction over matters that are within the jurisdiction of the 34089
probate court under Chapter 2101. and other provisions of the 34090
Revised Code. ~~From January 1, 2006, through February 8, 2009, the~~ 34091
~~judges of the court of common pleas, division of domestic~~ 34092
~~relations, shall exercise probate jurisdiction concurrently with~~ 34093
~~the probate judge.~~ 34094

(c) The judge of the court of common pleas, division of 34095
domestic relations, whose term begins on February 9, 2009, is the 34096
successor to the probate judge who was elected in 2002 for a term 34097
that began on February 9, 2003. After September 28, 2009, the 34098
judge of the court of common pleas, division of domestic 34099
relations, whose term begins on February 9, 2009, shall be the 34100
probate judge. 34101

(2)(a) ~~From January 1, 2006, through February 8, 2009, with~~ 34102
~~respect to Lorain county, all references in law to the probate~~ 34103
~~court shall be construed as references to both the probate court~~ 34104
~~and the court of common pleas, division of domestic relations, and~~ 34105
~~all references in law to the probate judge shall be construed as~~ 34106
~~references to both the probate judge and the judges of the court~~ 34107
~~of common pleas, division of domestic relations. On and after~~ From 34108
February 9, 2009, through September 28, 2009, with respect to 34109
Lorain county, all references in law to the probate court shall be 34110
construed as references to the court of common pleas, division of 34111
domestic relations, and all references to the probate judge shall 34112
be construed as references to the judges of the court of common 34113
pleas, division of domestic relations. 34114

(b) ~~On and after~~ From February 9, 2009, through September 28, 34115
2009, with respect to Lorain county, all references in law to the 34116

clerk of the probate court shall be construed as references to the 34117
judge who is serving pursuant to Rule 4 of the Rules of 34118
Superintendence for the Courts of Ohio as the administrative judge 34119
of the court of common pleas, division of domestic relations. 34120

34121

(D) In Lucas county: 34122

(1) The judges of the court of common pleas whose terms begin 34123
on January 1, 1955, and January 3, 1965, and successors, shall 34124
have the same qualifications, exercise the same powers and 34125
jurisdiction, and receive the same compensation as other judges of 34126
the court of common pleas of Lucas county and shall be elected and 34127
designated as judges of the court of common pleas, division of 34128
domestic relations. All divorce, dissolution of marriage, legal 34129
separation, and annulment cases shall be assigned to them. 34130

The judge of the division of domestic relations, senior in 34131
point of service, shall be considered as the presiding judge of 34132
the court of common pleas, division of domestic relations, and 34133
shall be charged exclusively with the assignment and division of 34134
the work of the division and the employment and supervision of all 34135
other personnel of the domestic relations division. 34136

(2) The judges of the court of common pleas whose terms begin 34137
on January 5, 1977, and January 2, 1991, and successors shall have 34138
the same qualifications, exercise the same powers and 34139
jurisdiction, and receive the same compensation as other judges of 34140
the court of common pleas of Lucas county, shall be elected and 34141
designated as judges of the court of common pleas, juvenile 34142
division, and shall be the juvenile judges as provided in Chapters 34143
2151. and 2152. of the Revised Code with the powers and 34144
jurisdictions conferred by those chapters. In addition to the 34145
judge's regular duties, the judge of the court of common pleas, 34146
juvenile division, senior in point of service, shall be the 34147
administrator of the juvenile division and its subdivisions and 34148

departments and shall have charge of the employment, assignment, 34149
and supervision of the personnel of the division engaged in 34150
handling, servicing, or investigating juvenile cases, including 34151
any referees considered necessary by the judges of the division in 34152
the discharge of their various duties. 34153

The judge of the court of common pleas, juvenile division, 34154
senior in point of service, also shall designate the title, 34155
compensation, expense allowance, hours, leaves of absence, and 34156
vacation of the personnel of the division and shall fix the duties 34157
of the personnel of the division. The duties of the personnel, in 34158
addition to other statutory duties include the handling, 34159
servicing, and investigation of juvenile cases and counseling and 34160
conciliation services that may be made available to persons 34161
requesting them, whether or not the persons are parties to an 34162
action pending in the division. 34163

(3) If one of the judges of the court of common pleas, 34164
division of domestic relations, or one of the judges of the 34165
juvenile division is sick, absent, or unable to perform that 34166
judge's judicial duties or the volume of cases pending in that 34167
judge's division necessitates it, the duties shall be performed by 34168
the judges of the other of those divisions. 34169

(E) In Mahoning county: 34170

(1) The judge of the court of common pleas whose term began 34171
on January 1, 1955, and successors, shall have the same 34172
qualifications, exercise the same powers and jurisdiction, and 34173
receive the same compensation as other judges of the court of 34174
common pleas of Mahoning county, shall be elected and designated 34175
as judge of the court of common pleas, division of domestic 34176
relations, and shall be assigned all the divorce, dissolution of 34177
marriage, legal separation, and annulment cases coming before the 34178
court. In addition to the judge's regular duties, the judge of the 34179
court of common pleas, division of domestic relations, shall be 34180

the administrator of the domestic relations division and its 34181
subdivisions and departments and shall have charge of the 34182
employment, assignment, and supervision of the personnel of the 34183
division engaged in handling, servicing, or investigating divorce, 34184
dissolution of marriage, legal separation, and annulment cases, 34185
including any referees considered necessary in the discharge of 34186
the various duties of the judge's office. 34187

The judge also shall designate the title, compensation, 34188
expense allowances, hours, leaves of absence, and vacations of the 34189
personnel of the division and shall fix the duties of the 34190
personnel of the division. The duties of the personnel, in 34191
addition to other statutory duties, include the handling, 34192
servicing, and investigation of divorce, dissolution of marriage, 34193
legal separation, and annulment cases and counseling and 34194
conciliation services that may be made available to persons 34195
requesting them, whether or not the persons are parties to an 34196
action pending in the division. 34197

(2) The judge of the court of common pleas whose term began 34198
on January 2, 1969, and successors, shall have the same 34199
qualifications, exercise the same powers and jurisdiction, and 34200
receive the same compensation as other judges of the court of 34201
common pleas of Mahoning county, shall be elected and designated 34202
as judge of the court of common pleas, juvenile division, and 34203
shall be the juvenile judge as provided in Chapters 2151. and 34204
2152. of the Revised Code, with the powers and jurisdictions 34205
conferred by those chapters. In addition to the judge's regular 34206
duties, the judge of the court of common pleas, juvenile division, 34207
shall be the administrator of the juvenile division and its 34208
subdivisions and departments and shall have charge of the 34209
employment, assignment, and supervision of the personnel of the 34210
division engaged in handling, servicing, or investigating juvenile 34211
cases, including any referees considered necessary by the judge in 34212

the discharge of the judge's various duties. 34213

The judge also shall designate the title, compensation, 34214
expense allowances, hours, leaves of absence, and vacation of the 34215
personnel of the division and shall fix the duties of the 34216
personnel of the division. The duties of the personnel, in 34217
addition to other statutory duties, include the handling, 34218
servicing, and investigation of juvenile cases and counseling and 34219
conciliation services that may be made available to persons 34220
requesting them, whether or not the persons are parties to an 34221
action pending in the division. 34222

(3) If a judge of the court of common pleas, division of 34223
domestic relations or juvenile division, is sick, absent, or 34224
unable to perform that judge's judicial duties, or the volume of 34225
cases pending in that judge's division necessitates it, that 34226
judge's duties shall be performed by another judge of the court of 34227
common pleas. 34228

(F) In Montgomery county: 34229

(1) The judges of the court of common pleas whose terms begin 34230
on January 2, 1953, and January 4, 1977, and successors, shall 34231
have the same qualifications, exercise the same powers and 34232
jurisdiction, and receive the same compensation as other judges of 34233
the court of common pleas of Montgomery county and shall be 34234
elected and designated as judges of the court of common pleas, 34235
division of domestic relations. These judges shall have assigned 34236
to them all divorce, dissolution of marriage, legal separation, 34237
and annulment cases. 34238

The judge of the division of domestic relations, senior in 34239
point of service, shall be charged exclusively with the assignment 34240
and division of the work of the division and shall have charge of 34241
the employment and supervision of the personnel of the division 34242
engaged in handling, servicing, or investigating divorce, 34243

dissolution of marriage, legal separation, and annulment cases, 34244
including any necessary referees, except those employees who may 34245
be appointed by the judge, junior in point of service, under this 34246
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 34247
Code. The judge of the division of domestic relations, senior in 34248
point of service, also shall designate the title, compensation, 34249
expense allowances, hours, leaves of absence, and vacation of the 34250
personnel of the division and shall fix their duties. 34251

(2) The judges of the court of common pleas whose terms begin 34252
on January 1, 1953, and January 1, 1993, and successors, shall 34253
have the same qualifications, exercise the same powers and 34254
jurisdiction, and receive the same compensation as other judges of 34255
the court of common pleas of Montgomery county, shall be elected 34256
and designated as judges of the court of common pleas, juvenile 34257
division, and shall be, and have the powers and jurisdiction of, 34258
the juvenile judge as provided in Chapters 2151. and 2152. of the 34259
Revised Code. 34260

In addition to the judge's regular duties, the judge of the 34261
court of common pleas, juvenile division, senior in point of 34262
service, shall be the administrator of the juvenile division and 34263
its subdivisions and departments and shall have charge of the 34264
employment, assignment, and supervision of the personnel of the 34265
juvenile division, including any necessary referees, who are 34266
engaged in handling, servicing, or investigating juvenile cases. 34267
The judge, senior in point of service, also shall designate the 34268
title, compensation, expense allowances, hours, leaves of absence, 34269
and vacation of the personnel of the division and shall fix their 34270
duties. The duties of the personnel, in addition to other 34271
statutory duties, shall include the handling, servicing, and 34272
investigation of juvenile cases and of any counseling and 34273
conciliation services that are available upon request to persons, 34274
whether or not they are parties to an action pending in the 34275

division. 34276

If one of the judges of the court of common pleas, division 34277
of domestic relations, or one of the judges of the court of common 34278
pleas, juvenile division, is sick, absent, or unable to perform 34279
that judge's duties or the volume of cases pending in that judge's 34280
division necessitates it, the duties of that judge may be 34281
performed by the judge or judges of the other of those divisions. 34282

(G) In Richland county: 34283

(1) The judge of the court of common pleas whose term begins 34284
on January 1, 1957, and successors, shall have the same 34285
qualifications, exercise the same powers and jurisdiction, and 34286
receive the same compensation as the other judges of the court of 34287
common pleas of Richland county and shall be elected and 34288
designated as judge of the court of common pleas, division of 34289
domestic relations. That judge shall be assigned and hear all 34290
divorce, dissolution of marriage, legal separation, and annulment 34291
cases, all domestic violence cases arising under section 3113.31 34292
of the Revised Code, and all post-decree proceedings arising from 34293
any case pertaining to any of those matters. The division of 34294
domestic relations has concurrent jurisdiction with the juvenile 34295
division of the court of common pleas of Richland county to 34296
determine the care, custody, or control of any child not a ward of 34297
another court of this state, and to hear and determine a request 34298
for an order for the support of any child if the request is not 34299
ancillary to an action for divorce, dissolution of marriage, 34300
annulment, or legal separation, a criminal or civil action 34301
involving an allegation of domestic violence, or an action for 34302
support brought under Chapter 3115. of the Revised Code. Except in 34303
cases that are subject to the exclusive original jurisdiction of 34304
the juvenile court, the judge of the division of domestic 34305
relations shall be assigned and hear all cases pertaining to 34306
paternity or parentage, the care, custody, or control of children, 34307

parenting time or visitation, child support, or the allocation of 34308
parental rights and responsibilities for the care of children, all 34309
proceedings arising under Chapter 3111. of the Revised Code, all 34310
proceedings arising under the uniform interstate family support 34311
act contained in Chapter 3115. of the Revised Code, and all 34312
post-decree proceedings arising from any case pertaining to any of 34313
those matters. 34314

In addition to the judge's regular duties, the judge of the 34315
court of common pleas, division of domestic relations, shall be 34316
the administrator of the domestic relations division and its 34317
subdivisions and departments. The judge shall have charge of the 34318
employment, assignment, and supervision of the personnel of the 34319
domestic relations division, including any magistrates the judge 34320
considers necessary for the discharge of the judge's duties. The 34321
judge shall also designate the title, compensation, expense 34322
allowances, hours, leaves of absence, vacation, and other 34323
employment-related matters of the personnel of the division and 34324
shall fix their duties. 34325

(2) The judge of the court of common pleas whose term begins 34326
on January 3, 2005, and successors, shall have the same 34327
qualifications, exercise the same powers and jurisdiction, and 34328
receive the same compensation as other judges of the court of 34329
common pleas of Richland county, shall be elected and designated 34330
as judge of the court of common pleas, juvenile division, and 34331
shall be, and have the powers and jurisdiction of, the juvenile 34332
judge as provided in Chapters 2151. and 2152. of the Revised Code. 34333
Except in cases that are subject to the exclusive original 34334
jurisdiction of the juvenile court, the judge of the juvenile 34335
division shall not have jurisdiction or the power to hear, and 34336
shall not be assigned, any case pertaining to paternity or 34337
parentage, the care, custody, or control of children, parenting 34338
time or visitation, child support, or the allocation of parental 34339

rights and responsibilities for the care of children or any 34340
post-decree proceeding arising from any case pertaining to any of 34341
those matters. The judge of the juvenile division shall not have 34342
jurisdiction or the power to hear, and shall not be assigned, any 34343
proceeding under the uniform interstate family support act 34344
contained in Chapter 3115. of the Revised Code. 34345

In addition to the judge's regular duties, the judge of the 34346
juvenile division shall be the administrator of the juvenile 34347
division and its subdivisions and departments. The judge shall 34348
have charge of the employment, assignment, and supervision of the 34349
personnel of the juvenile division who are engaged in handling, 34350
servicing, or investigating juvenile cases, including any 34351
magistrates whom the judge considers necessary for the discharge 34352
of the judge's various duties. 34353

The judge of the juvenile division also shall designate the 34354
title, compensation, expense allowances, hours, leaves of absence, 34355
and vacation of the personnel of the division and shall fix their 34356
duties. The duties of the personnel, in addition to other 34357
statutory duties, include the handling, servicing, and 34358
investigation of juvenile cases and providing any counseling, 34359
conciliation, and mediation services that the court makes 34360
available to persons, whether or not the persons are parties to an 34361
action pending in the court, who request the services. 34362

(H) In Stark county, the judges of the court of common pleas 34363
whose terms begin on January 1, 1953, January 2, 1959, and January 34364
1, 1993, and successors, shall have the same qualifications, 34365
exercise the same powers and jurisdiction, and receive the same 34366
compensation as other judges of the court of common pleas of Stark 34367
county and shall be elected and designated as judges of the court 34368
of common pleas, division of domestic relations. They shall have 34369
all the powers relating to juvenile courts, and all cases under 34370
Chapters 2151. and 2152. of the Revised Code, all parentage 34371

proceedings over which the juvenile court has jurisdiction, and 34372
all divorce, dissolution of marriage, legal separation, and 34373
annulment cases, except cases that are assigned to some other 34374
judge of the court of common pleas for some special reason, shall 34375
be assigned to the judges. 34376

The judge of the division of domestic relations, second most 34377
senior in point of service, shall have charge of the employment 34378
and supervision of the personnel of the division engaged in 34379
handling, servicing, or investigating divorce, dissolution of 34380
marriage, legal separation, and annulment cases, and necessary 34381
referees required for the judge's respective court. 34382

The judge of the division of domestic relations, senior in 34383
point of service, shall be charged exclusively with the 34384
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 34385
of the Revised Code and with the assignment and division of the 34386
work of the division and the employment and supervision of all 34387
other personnel of the division, including, but not limited to, 34388
that judge's necessary referees, but excepting those employees who 34389
may be appointed by the judge second most senior in point of 34390
service. The senior judge further shall serve in every other 34391
position in which the statutes permit or require a juvenile judge 34392
to serve. 34393

(I) In Summit county: 34394

(1) The judges of the court of common pleas whose terms begin 34395
on January 4, 1967, and January 6, 1993, and successors, shall 34396
have the same qualifications, exercise the same powers and 34397
jurisdiction, and receive the same compensation as other judges of 34398
the court of common pleas of Summit county and shall be elected 34399
and designated as judges of the court of common pleas, division of 34400
domestic relations. The judges of the division of domestic 34401
relations shall have assigned to them and hear all divorce, 34402
dissolution of marriage, legal separation, and annulment cases 34403

that come before the court. Except in cases that are subject to 34404
the exclusive original jurisdiction of the juvenile court, the 34405
judges of the division of domestic relations shall have assigned 34406
to them and hear all cases pertaining to paternity, custody, 34407
visitation, child support, or the allocation of parental rights 34408
and responsibilities for the care of children and all post-decree 34409
proceedings arising from any case pertaining to any of those 34410
matters. The judges of the division of domestic relations shall 34411
have assigned to them and hear all proceedings under the uniform 34412
interstate family support act contained in Chapter 3115. of the 34413
Revised Code. 34414

The judge of the division of domestic relations, senior in 34415
point of service, shall be the administrator of the domestic 34416
relations division and its subdivisions and departments and shall 34417
have charge of the employment, assignment, and supervision of the 34418
personnel of the division, including any necessary referees, who 34419
are engaged in handling, servicing, or investigating divorce, 34420
dissolution of marriage, legal separation, and annulment cases. 34421
That judge also shall designate the title, compensation, expense 34422
allowances, hours, leaves of absence, and vacations of the 34423
personnel of the division and shall fix their duties. The duties 34424
of the personnel, in addition to other statutory duties, shall 34425
include the handling, servicing, and investigation of divorce, 34426
dissolution of marriage, legal separation, and annulment cases and 34427
of any counseling and conciliation services that are available 34428
upon request to all persons, whether or not they are parties to an 34429
action pending in the division. 34430

(2) The judge of the court of common pleas whose term begins 34431
on January 1, 1955, and successors, shall have the same 34432
qualifications, exercise the same powers and jurisdiction, and 34433
receive the same compensation as other judges of the court of 34434
common pleas of Summit county, shall be elected and designated as 34435

judge of the court of common pleas, juvenile division, and shall 34436
be, and have the powers and jurisdiction of, the juvenile judge as 34437
provided in Chapters 2151. and 2152. of the Revised Code. Except 34438
in cases that are subject to the exclusive original jurisdiction 34439
of the juvenile court, the judge of the juvenile division shall 34440
not have jurisdiction or the power to hear, and shall not be 34441
assigned, any case pertaining to paternity, custody, visitation, 34442
child support, or the allocation of parental rights and 34443
responsibilities for the care of children or any post-decree 34444
proceeding arising from any case pertaining to any of those 34445
matters. The judge of the juvenile division shall not have 34446
jurisdiction or the power to hear, and shall not be assigned, any 34447
proceeding under the uniform interstate family support act 34448
contained in Chapter 3115. of the Revised Code. 34449

The juvenile judge shall be the administrator of the juvenile 34450
division and its subdivisions and departments and shall have 34451
charge of the employment, assignment, and supervision of the 34452
personnel of the juvenile division, including any necessary 34453
referees, who are engaged in handling, servicing, or investigating 34454
juvenile cases. The judge also shall designate the title, 34455
compensation, expense allowances, hours, leaves of absence, and 34456
vacation of the personnel of the division and shall fix their 34457
duties. The duties of the personnel, in addition to other 34458
statutory duties, shall include the handling, servicing, and 34459
investigation of juvenile cases and of any counseling and 34460
conciliation services that are available upon request to persons, 34461
whether or not they are parties to an action pending in the 34462
division. 34463

(J) In Trumbull county, the judges of the court of common 34464
pleas whose terms begin on January 1, 1953, and January 2, 1977, 34465
and successors, shall have the same qualifications, exercise the 34466
same powers and jurisdiction, and receive the same compensation as 34467

other judges of the court of common pleas of Trumbull county and 34468
shall be elected and designated as judges of the court of common 34469
pleas, division of domestic relations. They shall have all the 34470
powers relating to juvenile courts, and all cases under Chapters 34471
2151. and 2152. of the Revised Code, all parentage proceedings 34472
over which the juvenile court has jurisdiction, and all divorce, 34473
dissolution of marriage, legal separation, and annulment cases 34474
shall be assigned to them, except cases that for some special 34475
reason are assigned to some other judge of the court of common 34476
pleas. 34477

(K) In Butler county: 34478

(1) The judges of the court of common pleas whose terms begin 34479
on January 1, 1957, and January 4, 1993, and successors, shall 34480
have the same qualifications, exercise the same powers and 34481
jurisdiction, and receive the same compensation as other judges of 34482
the court of common pleas of Butler county and shall be elected 34483
and designated as judges of the court of common pleas, division of 34484
domestic relations. The judges of the division of domestic 34485
relations shall have assigned to them all divorce, dissolution of 34486
marriage, legal separation, and annulment cases coming before the 34487
court, except in cases that for some special reason are assigned 34488
to some other judge of the court of common pleas. The judge senior 34489
in point of service shall be charged with the assignment and 34490
division of the work of the division and with the employment and 34491
supervision of all other personnel of the domestic relations 34492
division. 34493

The judge senior in point of service also shall designate the 34494
title, compensation, expense allowances, hours, leaves of absence, 34495
and vacations of the personnel of the division and shall fix their 34496
duties. The duties of the personnel, in addition to other 34497
statutory duties, shall include the handling, servicing, and 34498
investigation of divorce, dissolution of marriage, legal 34499

separation, and annulment cases and providing any counseling and 34500
conciliation services that the division makes available to 34501
persons, whether or not the persons are parties to an action 34502
pending in the division, who request the services. 34503

(2) The judges of the court of common pleas whose terms begin 34504
on January 3, 1987, and January 2, 2003, and successors, shall 34505
have the same qualifications, exercise the same powers and 34506
jurisdiction, and receive the same compensation as other judges of 34507
the court of common pleas of Butler county, shall be elected and 34508
designated as judges of the court of common pleas, juvenile 34509
division, and shall be the juvenile judges as provided in Chapters 34510
2151. and 2152. of the Revised Code, with the powers and 34511
jurisdictions conferred by those chapters. The judge of the court 34512
of common pleas, juvenile division, who is senior in point of 34513
service, shall be the administrator of the juvenile division and 34514
its subdivisions and departments. The judge, senior in point of 34515
service, shall have charge of the employment, assignment, and 34516
supervision of the personnel of the juvenile division who are 34517
engaged in handling, servicing, or investigating juvenile cases, 34518
including any referees whom the judge considers necessary for the 34519
discharge of the judge's various duties. 34520

The judge, senior in point of service, also shall designate 34521
the title, compensation, expense allowances, hours, leaves of 34522
absence, and vacation of the personnel of the division and shall 34523
fix their duties. The duties of the personnel, in addition to 34524
other statutory duties, include the handling, servicing, and 34525
investigation of juvenile cases and providing any counseling and 34526
conciliation services that the division makes available to 34527
persons, whether or not the persons are parties to an action 34528
pending in the division, who request the services. 34529

(3) If a judge of the court of common pleas, division of 34530
domestic relations or juvenile division, is sick, absent, or 34531

unable to perform that judge's judicial duties or the volume of 34532
cases pending in the judge's division necessitates it, the duties 34533
of that judge shall be performed by the other judges of the 34534
domestic relations and juvenile divisions. 34535

(L)(1) In Cuyahoga county, the judges of the court of common 34536
pleas whose terms begin on January 8, 1961, January 9, 1961, 34537
January 18, 1975, January 19, 1975, and January 13, 1987, and 34538
successors, shall have the same qualifications, exercise the same 34539
powers and jurisdiction, and receive the same compensation as 34540
other judges of the court of common pleas of Cuyahoga county and 34541
shall be elected and designated as judges of the court of common 34542
pleas, division of domestic relations. They shall have all the 34543
powers relating to all divorce, dissolution of marriage, legal 34544
separation, and annulment cases, except in cases that are assigned 34545
to some other judge of the court of common pleas for some special 34546
reason. 34547

(2) The administrative judge is administrator of the domestic 34548
relations division and its subdivisions and departments and has 34549
the following powers concerning division personnel: 34550

(a) Full charge of the employment, assignment, and 34551
supervision; 34552

(b) Sole determination of compensation, duties, expenses, 34553
allowances, hours, leaves, and vacations. 34554

(3) "Division personnel" include persons employed or referees 34555
engaged in hearing, servicing, investigating, counseling, or 34556
conciliating divorce, dissolution of marriage, legal separation 34557
and annulment matters. 34558

(M) In Lake county: 34559

(1) The judge of the court of common pleas whose term begins 34560
on January 2, 1961, and successors, shall have the same 34561
qualifications, exercise the same powers and jurisdiction, and 34562

receive the same compensation as the other judges of the court of 34563
common pleas of Lake county and shall be elected and designated as 34564
judge of the court of common pleas, division of domestic 34565
relations. The judge shall be assigned all the divorce, 34566
dissolution of marriage, legal separation, and annulment cases 34567
coming before the court, except in cases that for some special 34568
reason are assigned to some other judge of the court of common 34569
pleas. The judge shall be charged with the assignment and division 34570
of the work of the division and with the employment and 34571
supervision of all other personnel of the domestic relations 34572
division. 34573

The judge also shall designate the title, compensation, 34574
expense allowances, hours, leaves of absence, and vacations of the 34575
personnel of the division and shall fix their duties. The duties 34576
of the personnel, in addition to other statutory duties, shall 34577
include the handling, servicing, and investigation of divorce, 34578
dissolution of marriage, legal separation, and annulment cases and 34579
providing any counseling and conciliation services that the 34580
division makes available to persons, whether or not the persons 34581
are parties to an action pending in the division, who request the 34582
services. 34583

(2) The judge of the court of common pleas whose term begins 34584
on January 4, 1979, and successors, shall have the same 34585
qualifications, exercise the same powers and jurisdiction, and 34586
receive the same compensation as other judges of the court of 34587
common pleas of Lake county, shall be elected and designated as 34588
judge of the court of common pleas, juvenile division, and shall 34589
be the juvenile judge as provided in Chapters 2151. and 2152. of 34590
the Revised Code, with the powers and jurisdictions conferred by 34591
those chapters. The judge of the court of common pleas, juvenile 34592
division, shall be the administrator of the juvenile division and 34593
its subdivisions and departments. The judge shall have charge of 34594

the employment, assignment, and supervision of the personnel of 34595
the juvenile division who are engaged in handling, servicing, or 34596
investigating juvenile cases, including any referees whom the 34597
judge considers necessary for the discharge of the judge's various 34598
duties. 34599

The judge also shall designate the title, compensation, 34600
expense allowances, hours, leaves of absence, and vacation of the 34601
personnel of the division and shall fix their duties. The duties 34602
of the personnel, in addition to other statutory duties, include 34603
the handling, servicing, and investigation of juvenile cases and 34604
providing any counseling and conciliation services that the 34605
division makes available to persons, whether or not the persons 34606
are parties to an action pending in the division, who request the 34607
services. 34608

(3) If a judge of the court of common pleas, division of 34609
domestic relations or juvenile division, is sick, absent, or 34610
unable to perform that judge's judicial duties or the volume of 34611
cases pending in the judge's division necessitates it, the duties 34612
of that judge shall be performed by the other judges of the 34613
domestic relations and juvenile divisions. 34614

(N) In Erie county: 34615

(1) The judge of the court of common pleas whose term begins 34616
on January 2, 1971, and the successors to that judge whose terms 34617
begin before January 2, 2007, shall have the same qualifications, 34618
exercise the same powers and jurisdiction, and receive the same 34619
compensation as the other judge of the court of common pleas of 34620
Erie county and shall be elected and designated as judge of the 34621
court of common pleas, division of domestic relations. The judge 34622
shall have all the powers relating to juvenile courts, and shall 34623
be assigned all cases under Chapters 2151. and 2152. of the 34624
Revised Code, parentage proceedings over which the juvenile court 34625
has jurisdiction, and divorce, dissolution of marriage, legal 34626

separation, and annulment cases, except cases that for some 34627
special reason are assigned to some other judge. 34628

On or after January 2, 2007, the judge of the court of common 34629
pleas who is elected in 2006 shall be the successor to the judge 34630
of the domestic relations division whose term expires on January 34631
1, 2007, shall be designated as judge of the court of common 34632
pleas, juvenile division, and shall be the juvenile judge as 34633
provided in Chapters 2151. and 2152. of the Revised Code with the 34634
powers and jurisdictions conferred by those chapters. 34635

(2) The judge of the court of common pleas, general division, 34636
whose term begins on January 1, 2005, and successors, the judge of 34637
the court of common pleas, general division whose term begins on 34638
January 2, 2005, and successors, and the judge of the court of 34639
common pleas, general division, whose term begins February 9, 34640
2009, and successors, shall have assigned to them, in addition to 34641
all matters that are within the jurisdiction of the general 34642
division of the court of common pleas, all divorce, dissolution of 34643
marriage, legal separation, and annulment cases coming before the 34644
court, and all matters that are within the jurisdiction of the 34645
probate court under Chapter 2101., and other provisions, of the 34646
Revised Code. 34647

(0) In Greene county: 34648

(1) The judge of the court of common pleas whose term begins 34649
on January 1, 1961, and successors, shall have the same 34650
qualifications, exercise the same powers and jurisdiction, and 34651
receive the same compensation as the other judges of the court of 34652
common pleas of Greene county and shall be elected and designated 34653
as the judge of the court of common pleas, division of domestic 34654
relations. The judge shall be assigned all divorce, dissolution of 34655
marriage, legal separation, annulment, uniform reciprocal support 34656
enforcement, and domestic violence cases and all other cases 34657
related to domestic relations, except cases that for some special 34658

reason are assigned to some other judge of the court of common 34659
pleas. 34660

The judge shall be charged with the assignment and division 34661
of the work of the division and with the employment and 34662
supervision of all other personnel of the division. The judge also 34663
shall designate the title, compensation, hours, leaves of absence, 34664
and vacations of the personnel of the division and shall fix their 34665
duties. The duties of the personnel of the division, in addition 34666
to other statutory duties, shall include the handling, servicing, 34667
and investigation of divorce, dissolution of marriage, legal 34668
separation, and annulment cases and the provision of counseling 34669
and conciliation services that the division considers necessary 34670
and makes available to persons who request the services, whether 34671
or not the persons are parties in an action pending in the 34672
division. The compensation for the personnel shall be paid from 34673
the overall court budget and shall be included in the 34674
appropriations for the existing judges of the general division of 34675
the court of common pleas. 34676

(2) The judge of the court of common pleas whose term begins 34677
on January 1, 1995, and successors, shall have the same 34678
qualifications, exercise the same powers and jurisdiction, and 34679
receive the same compensation as the other judges of the court of 34680
common pleas of Greene county, shall be elected and designated as 34681
judge of the court of common pleas, juvenile division, and, on or 34682
after January 1, 1995, shall be the juvenile judge as provided in 34683
Chapters 2151. and 2152. of the Revised Code with the powers and 34684
jurisdiction conferred by those chapters. The judge of the court 34685
of common pleas, juvenile division, shall be the administrator of 34686
the juvenile division and its subdivisions and departments. The 34687
judge shall have charge of the employment, assignment, and 34688
supervision of the personnel of the juvenile division who are 34689
engaged in handling, servicing, or investigating juvenile cases, 34690

including any referees whom the judge considers necessary for the discharge of the judge's various duties.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(3) If one of the judges of the court of common pleas, general division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the general division necessitates it, the duties of that judge of the general division shall be performed by the judge of the division of domestic relations and the judge of the juvenile division.

(P) In Portage county, the judge of the court of common pleas, whose term begins January 2, 1987, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Portage county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall be assigned all divorce, dissolution of marriage, legal separation, and annulment cases coming before the court, except in cases that for some special reason are assigned to some other judge of the court of common pleas. The judge shall be charged with the assignment and division of the work of the division and with the employment and supervision of all other personnel of the domestic relations division.

The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the

personnel of the division and shall fix their duties. The duties 34723
of the personnel, in addition to other statutory duties, shall 34724
include the handling, servicing, and investigation of divorce, 34725
dissolution of marriage, legal separation, and annulment cases and 34726
providing any counseling and conciliation services that the 34727
division makes available to persons, whether or not the persons 34728
are parties to an action pending in the division, who request the 34729
services. 34730

(Q) In Clermont county, the judge of the court of common 34731
pleas, whose term begins January 2, 1987, and successors, shall 34732
have the same qualifications, exercise the same powers and 34733
jurisdiction, and receive the same compensation as the other 34734
judges of the court of common pleas of Clermont county and shall 34735
be elected and designated as judge of the court of common pleas, 34736
division of domestic relations. The judge shall be assigned all 34737
divorce, dissolution of marriage, legal separation, and annulment 34738
cases coming before the court, except in cases that for some 34739
special reason are assigned to some other judge of the court of 34740
common pleas. The judge shall be charged with the assignment and 34741
division of the work of the division and with the employment and 34742
supervision of all other personnel of the domestic relations 34743
division. 34744

The judge also shall designate the title, compensation, 34745
expense allowances, hours, leaves of absence, and vacations of the 34746
personnel of the division and shall fix their duties. The duties 34747
of the personnel, in addition to other statutory duties, shall 34748
include the handling, servicing, and investigation of divorce, 34749
dissolution of marriage, legal separation, and annulment cases and 34750
providing any counseling and conciliation services that the 34751
division makes available to persons, whether or not the persons 34752
are parties to an action pending in the division, who request the 34753
services. 34754

(R) In Warren county, the judge of the court of common pleas, 34755
whose term begins January 1, 1987, and successors, shall have the 34756
same qualifications, exercise the same powers and jurisdiction, 34757
and receive the same compensation as the other judges of the court 34758
of common pleas of Warren county and shall be elected and 34759
designated as judge of the court of common pleas, division of 34760
domestic relations. The judge shall be assigned all divorce, 34761
dissolution of marriage, legal separation, and annulment cases 34762
coming before the court, except in cases that for some special 34763
reason are assigned to some other judge of the court of common 34764
pleas. The judge shall be charged with the assignment and division 34765
of the work of the division and with the employment and 34766
supervision of all other personnel of the domestic relations 34767
division. 34768

The judge also shall designate the title, compensation, 34769
expense allowances, hours, leaves of absence, and vacations of the 34770
personnel of the division and shall fix their duties. The duties 34771
of the personnel, in addition to other statutory duties, shall 34772
include the handling, servicing, and investigation of divorce, 34773
dissolution of marriage, legal separation, and annulment cases and 34774
providing any counseling and conciliation services that the 34775
division makes available to persons, whether or not the persons 34776
are parties to an action pending in the division, who request the 34777
services. 34778

(S) In Licking county, the judges of the court of common 34779
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 34780
and successors, shall have the same qualifications, exercise the 34781
same powers and jurisdiction, and receive the same compensation as 34782
the other judges of the court of common pleas of Licking county 34783
and shall be elected and designated as judges of the court of 34784
common pleas, division of domestic relations. The judges shall be 34785
assigned all divorce, dissolution of marriage, legal separation, 34786

and annulment cases, all cases arising under Chapter 3111. of the 34787
Revised Code, all proceedings involving child support, the 34788
allocation of parental rights and responsibilities for the care of 34789
children and the designation for the children of a place of 34790
residence and legal custodian, parenting time, and visitation, and 34791
all post-decree proceedings and matters arising from those cases 34792
and proceedings, except in cases that for some special reason are 34793
assigned to another judge of the court of common pleas. The 34794
administrative judge of the division of domestic relations shall 34795
be charged with the assignment and division of the work of the 34796
division and with the employment and supervision of the personnel 34797
of the division. 34798

The administrative judge of the division of domestic 34799
relations shall designate the title, compensation, expense 34800
allowances, hours, leaves of absence, and vacations of the 34801
personnel of the division and shall fix the duties of the 34802
personnel of the division. The duties of the personnel of the 34803
division, in addition to other statutory duties, shall include the 34804
handling, servicing, and investigation of divorce, dissolution of 34805
marriage, legal separation, and annulment cases, cases arising 34806
under Chapter 3111. of the Revised Code, and proceedings involving 34807
child support, the allocation of parental rights and 34808
responsibilities for the care of children and the designation for 34809
the children of a place of residence and legal custodian, 34810
parenting time, and visitation and providing any counseling and 34811
conciliation services that the division makes available to 34812
persons, whether or not the persons are parties to an action 34813
pending in the division, who request the services. 34814

(T) In Allen county, the judge of the court of common pleas, 34815
whose term begins January 1, 1993, and successors, shall have the 34816
same qualifications, exercise the same powers and jurisdiction, 34817
and receive the same compensation as the other judges of the court 34818

of common pleas of Allen county and shall be elected and 34819
designated as judge of the court of common pleas, division of 34820
domestic relations. The judge shall be assigned all divorce, 34821
dissolution of marriage, legal separation, and annulment cases, 34822
all cases arising under Chapter 3111. of the Revised Code, all 34823
proceedings involving child support, the allocation of parental 34824
rights and responsibilities for the care of children and the 34825
designation for the children of a place of residence and legal 34826
custodian, parenting time, and visitation, and all post-decree 34827
proceedings and matters arising from those cases and proceedings, 34828
except in cases that for some special reason are assigned to 34829
another judge of the court of common pleas. The judge shall be 34830
charged with the assignment and division of the work of the 34831
division and with the employment and supervision of the personnel 34832
of the division. 34833

The judge shall designate the title, compensation, expense 34834
allowances, hours, leaves of absence, and vacations of the 34835
personnel of the division and shall fix the duties of the 34836
personnel of the division. The duties of the personnel of the 34837
division, in addition to other statutory duties, shall include the 34838
handling, servicing, and investigation of divorce, dissolution of 34839
marriage, legal separation, and annulment cases, cases arising 34840
under Chapter 3111. of the Revised Code, and proceedings involving 34841
child support, the allocation of parental rights and 34842
responsibilities for the care of children and the designation for 34843
the children of a place of residence and legal custodian, 34844
parenting time, and visitation, and providing any counseling and 34845
conciliation services that the division makes available to 34846
persons, whether or not the persons are parties to an action 34847
pending in the division, who request the services. 34848

(U) In Medina county, the judge of the court of common pleas 34849
whose term begins January 1, 1995, and successors, shall have the 34850

same qualifications, exercise the same powers and jurisdiction, 34851
and receive the same compensation as other judges of the court of 34852
common pleas of Medina county and shall be elected and designated 34853
as judge of the court of common pleas, division of domestic 34854
relations. The judge shall be assigned all divorce, dissolution of 34855
marriage, legal separation, and annulment cases, all cases arising 34856
under Chapter 3111. of the Revised Code, all proceedings involving 34857
child support, the allocation of parental rights and 34858
responsibilities for the care of children and the designation for 34859
the children of a place of residence and legal custodian, 34860
parenting time, and visitation, and all post-decree proceedings 34861
and matters arising from those cases and proceedings, except in 34862
cases that for some special reason are assigned to another judge 34863
of the court of common pleas. The judge shall be charged with the 34864
assignment and division of the work of the division and with the 34865
employment and supervision of the personnel of the division. 34866

The judge shall designate the title, compensation, expense 34867
allowances, hours, leaves of absence, and vacations of the 34868
personnel of the division and shall fix the duties of the 34869
personnel of the division. The duties of the personnel, in 34870
addition to other statutory duties, include the handling, 34871
servicing, and investigation of divorce, dissolution of marriage, 34872
legal separation, and annulment cases, cases arising under Chapter 34873
3111. of the Revised Code, and proceedings involving child 34874
support, the allocation of parental rights and responsibilities 34875
for the care of children and the designation for the children of a 34876
place of residence and legal custodian, parenting time, and 34877
visitation, and providing counseling and conciliation services 34878
that the division makes available to persons, whether or not the 34879
persons are parties to an action pending in the division, who 34880
request the services. 34881

(V) In Fairfield county, the judge of the court of common 34882

pleas whose term begins January 2, 1995, and successors, shall 34883
have the same qualifications, exercise the same powers and 34884
jurisdiction, and receive the same compensation as the other 34885
judges of the court of common pleas of Fairfield county and shall 34886
be elected and designated as judge of the court of common pleas, 34887
division of domestic relations. The judge shall be assigned all 34888
divorce, dissolution of marriage, legal separation, and annulment 34889
cases, all cases arising under Chapter 3111. of the Revised Code, 34890
all proceedings involving child support, the allocation of 34891
parental rights and responsibilities for the care of children and 34892
the designation for the children of a place of residence and legal 34893
custodian, parenting time, and visitation, and all post-decree 34894
proceedings and matters arising from those cases and proceedings, 34895
except in cases that for some special reason are assigned to 34896
another judge of the court of common pleas. The judge also has 34897
concurrent jurisdiction with the probate-juvenile division of the 34898
court of common pleas of Fairfield county with respect to and may 34899
hear cases to determine the custody of a child, as defined in 34900
section 2151.011 of the Revised Code, who is not the ward of 34901
another court of this state, cases that are commenced by a parent, 34902
guardian, or custodian of a child, as defined in section 2151.011 34903
of the Revised Code, to obtain an order requiring a parent of the 34904
child to pay child support for that child when the request for 34905
that order is not ancillary to an action for divorce, dissolution 34906
of marriage, annulment, or legal separation, a criminal or civil 34907
action involving an allegation of domestic violence, an action for 34908
support under Chapter 3115. of the Revised Code, or an action that 34909
is within the exclusive original jurisdiction of the 34910
probate-juvenile division of the court of common pleas of 34911
Fairfield county and that involves an allegation that the child is 34912
an abused, neglected, or dependent child, and post-decree 34913
proceedings and matters arising from those types of cases. 34914

The judge of the domestic relations division shall be charged 34915

with the assignment and division of the work of the division and 34916
with the employment and supervision of the personnel of the 34917
division. 34918

The judge shall designate the title, compensation, expense 34919
allowances, hours, leaves of absence, and vacations of the 34920
personnel of the division and shall fix the duties of the 34921
personnel of the division. The duties of the personnel of the 34922
division, in addition to other statutory duties, shall include the 34923
handling, servicing, and investigation of divorce, dissolution of 34924
marriage, legal separation, and annulment cases, cases arising 34925
under Chapter 3111. of the Revised Code, and proceedings involving 34926
child support, the allocation of parental rights and 34927
responsibilities for the care of children and the designation for 34928
the children of a place of residence and legal custodian, 34929
parenting time, and visitation, and providing any counseling and 34930
conciliation services that the division makes available to 34931
persons, regardless of whether the persons are parties to an 34932
action pending in the division, who request the services. When the 34933
judge hears a case to determine the custody of a child, as defined 34934
in section 2151.011 of the Revised Code, who is not the ward of 34935
another court of this state or a case that is commenced by a 34936
parent, guardian, or custodian of a child, as defined in section 34937
2151.011 of the Revised Code, to obtain an order requiring a 34938
parent of the child to pay child support for that child when the 34939
request for that order is not ancillary to an action for divorce, 34940
dissolution of marriage, annulment, or legal separation, a 34941
criminal or civil action involving an allegation of domestic 34942
violence, an action for support under Chapter 3115. of the Revised 34943
Code, or an action that is within the exclusive original 34944
jurisdiction of the probate-juvenile division of the court of 34945
common pleas of Fairfield county and that involves an allegation 34946
that the child is an abused, neglected, or dependent child, the 34947
duties of the personnel of the domestic relations division also 34948

include the handling, servicing, and investigation of those types 34949
of cases. 34950

(W)(1) In Clark county, the judge of the court of common 34951
pleas whose term begins on January 2, 1995, and successors, shall 34952
have the same qualifications, exercise the same powers and 34953
jurisdiction, and receive the same compensation as other judges of 34954
the court of common pleas of Clark county and shall be elected and 34955
designated as judge of the court of common pleas, domestic 34956
relations division. The judge shall have all the powers relating 34957
to juvenile courts, and all cases under Chapters 2151. and 2152. 34958
of the Revised Code and all parentage proceedings under Chapter 34959
3111. of the Revised Code over which the juvenile court has 34960
jurisdiction shall be assigned to the judge of the division of 34961
domestic relations. All divorce, dissolution of marriage, legal 34962
separation, annulment, uniform reciprocal support enforcement, and 34963
other cases related to domestic relations shall be assigned to the 34964
domestic relations division, and the presiding judge of the court 34965
of common pleas shall assign the cases to the judge of the 34966
domestic relations division and the judges of the general 34967
division. 34968

(2) In addition to the judge's regular duties, the judge of 34969
the division of domestic relations shall serve on the children 34970
services board and the county advisory board. 34971

(3) If the judge of the court of common pleas of Clark 34972
county, division of domestic relations, is sick, absent, or unable 34973
to perform that judge's judicial duties or if the presiding judge 34974
of the court of common pleas of Clark county determines that the 34975
volume of cases pending in the division of domestic relations 34976
necessitates it, the duties of the judge of the division of 34977
domestic relations shall be performed by the judges of the general 34978
division or probate division of the court of common pleas of Clark 34979
county, as assigned for that purpose by the presiding judge of 34980

that court, and the judges so assigned shall act in conjunction 34981
with the judge of the division of domestic relations of that 34982
court. 34983

(X) In Scioto county, the judge of the court of common pleas 34984
whose term begins January 2, 1995, and successors, shall have the 34985
same qualifications, exercise the same powers and jurisdiction, 34986
and receive the same compensation as other judges of the court of 34987
common pleas of Scioto county and shall be elected and designated 34988
as judge of the court of common pleas, division of domestic 34989
relations. The judge shall be assigned all divorce, dissolution of 34990
marriage, legal separation, and annulment cases, all cases arising 34991
under Chapter 3111. of the Revised Code, all proceedings involving 34992
child support, the allocation of parental rights and 34993
responsibilities for the care of children and the designation for 34994
the children of a place of residence and legal custodian, 34995
parenting time, visitation, and all post-decree proceedings and 34996
matters arising from those cases and proceedings, except in cases 34997
that for some special reason are assigned to another judge of the 34998
court of common pleas. The judge shall be charged with the 34999
assignment and division of the work of the division and with the 35000
employment and supervision of the personnel of the division. 35001

The judge shall designate the title, compensation, expense 35002
allowances, hours, leaves of absence, and vacations of the 35003
personnel of the division and shall fix the duties of the 35004
personnel of the division. The duties of the personnel, in 35005
addition to other statutory duties, include the handling, 35006
servicing, and investigation of divorce, dissolution of marriage, 35007
legal separation, and annulment cases, cases arising under Chapter 35008
3111. of the Revised Code, and proceedings involving child 35009
support, the allocation of parental rights and responsibilities 35010
for the care of children and the designation for the children of a 35011
place of residence and legal custodian, parenting time, and 35012

visitation, and providing counseling and conciliation services 35013
that the division makes available to persons, whether or not the 35014
persons are parties to an action pending in the division, who 35015
request the services. 35016

(Y) In Auglaize county, the judge of the probate and juvenile 35017
divisions of the Auglaize county court of common pleas also shall 35018
be the administrative judge of the domestic relations division of 35019
the court and shall be assigned all divorce, dissolution of 35020
marriage, legal separation, and annulment cases coming before the 35021
court. The judge shall have all powers as administrator of the 35022
domestic relations division and shall have charge of the personnel 35023
engaged in handling, servicing, or investigating divorce, 35024
dissolution of marriage, legal separation, and annulment cases, 35025
including any referees considered necessary for the discharge of 35026
the judge's various duties. 35027

(Z)(1) In Marion county, the judge of the court of common 35028
pleas whose term begins on February 9, 1999, and the successors to 35029
that judge, shall have the same qualifications, exercise the same 35030
powers and jurisdiction, and receive the same compensation as the 35031
other judges of the court of common pleas of Marion county and 35032
shall be elected and designated as judge of the court of common 35033
pleas, domestic relations-juvenile-probate division. Except as 35034
otherwise specified in this division, that judge, and the 35035
successors to that judge, shall have all the powers relating to 35036
juvenile courts, and all cases under Chapters 2151. and 2152. of 35037
the Revised Code, all cases arising under Chapter 3111. of the 35038
Revised Code, all divorce, dissolution of marriage, legal 35039
separation, and annulment cases, all proceedings involving child 35040
support, the allocation of parental rights and responsibilities 35041
for the care of children and the designation for the children of a 35042
place of residence and legal custodian, parenting time, and 35043
visitation, and all post-decree proceedings and matters arising 35044

from those cases and proceedings shall be assigned to that judge 35045
and the successors to that judge. Except as provided in division 35046
(Z)(2) of this section and notwithstanding any other provision of 35047
any section of the Revised Code, on and after February 9, 2003, 35048
the judge of the court of common pleas of Marion county whose term 35049
begins on February 9, 1999, and the successors to that judge, 35050
shall have all the powers relating to the probate division of the 35051
court of common pleas of Marion county in addition to the powers 35052
previously specified in this division, and shall exercise 35053
concurrent jurisdiction with the judge of the probate division of 35054
that court over all matters that are within the jurisdiction of 35055
the probate division of that court under Chapter 2101., and other 35056
provisions, of the Revised Code in addition to the jurisdiction of 35057
the domestic relations-juvenile-probate division of that court 35058
otherwise specified in division (Z)(1) of this section. 35059

(2) The judge of the domestic relations-juvenile-probate 35060
division of the court of common pleas of Marion county or the 35061
judge of the probate division of the court of common pleas of 35062
Marion county, whichever of those judges is senior in total length 35063
of service on the court of common pleas of Marion county, 35064
regardless of the division or divisions of service, shall serve as 35065
the clerk of the probate division of the court of common pleas of 35066
Marion county. 35067

(3) On and after February 9, 2003, all references in law to 35068
"the probate court," "the probate judge," "the juvenile court," or 35069
"the judge of the juvenile court" shall be construed, with respect 35070
to Marion county, as being references to both "the probate 35071
division" and "the domestic relations-juvenile-probate division" 35072
and as being references to both "the judge of the probate 35073
division" and "the judge of the domestic relations- 35074
juvenile-probate division." On and after February 9, 2003, all 35075
references in law to "the clerk of the probate court" shall be 35076

construed, with respect to Marion county, as being references to 35077
the judge who is serving pursuant to division (Z)(2) of this 35078
section as the clerk of the probate division of the court of 35079
common pleas of Marion county. 35080

(AA) In Muskingum county, the judge of the court of common 35081
pleas whose term begins on January 2, 2003, and successors, shall 35082
have the same qualifications, exercise the same powers and 35083
jurisdiction, and receive the same compensation as the other 35084
judges of the court of common pleas of Muskingum county and shall 35085
be elected and designated as the judge of the court of common 35086
pleas, division of domestic relations. The judge shall be assigned 35087
all divorce, dissolution of marriage, legal separation, and 35088
annulment cases, all cases arising under Chapter 3111. of the 35089
Revised Code, all proceedings involving child support, the 35090
allocation of parental rights and responsibilities for the care of 35091
children and the designation for the children of a place of 35092
residence and legal custodian, parenting time, and visitation, and 35093
all post-decree proceedings and matters arising from those cases 35094
and proceedings, except in cases that for some special reason are 35095
assigned to another judge of the court of common pleas. The judge 35096
shall be charged with the assignment and division of the work of 35097
the division and with the employment and supervision of the 35098
personnel of the division. 35099

The judge shall designate the title, compensation, expense 35100
allowances, hours, leaves of absence, and vacations of the 35101
personnel of the division and shall fix the duties of the 35102
personnel of the division. The duties of the personnel of the 35103
division, in addition to other statutory duties, shall include the 35104
handling, servicing, and investigation of divorce, dissolution of 35105
marriage, legal separation, and annulment cases, cases arising 35106
under Chapter 3111. of the Revised Code, and proceedings involving 35107
child support, the allocation of parental rights and 35108

responsibilities for the care of children and the designation for 35109
the children of a place of residence and legal custodian, 35110
parenting time, and visitation and providing any counseling and 35111
conciliation services that the division makes available to 35112
persons, whether or not the persons are parties to an action 35113
pending in the division, who request the services. 35114

(BB) In Henry county, the judge of the court of common pleas 35115
whose term begins on January 1, 2005, and successors, shall have 35116
the same qualifications, exercise the same powers and 35117
jurisdiction, and receive the same compensation as the other judge 35118
of the court of common pleas of Henry county and shall be elected 35119
and designated as the judge of the court of common pleas, division 35120
of domestic relations. The judge shall have all of the powers 35121
relating to juvenile courts, and all cases under Chapter 2151. or 35122
2152. of the Revised Code, all parentage proceedings arising under 35123
Chapter 3111. of the Revised Code over which the juvenile court 35124
has jurisdiction, all divorce, dissolution of marriage, legal 35125
separation, and annulment cases, all proceedings involving child 35126
support, the allocation of parental rights and responsibilities 35127
for the care of children and the designation for the children of a 35128
place of residence and legal custodian, parenting time, and 35129
visitation, and all post-decree proceedings and matters arising 35130
from those cases and proceedings shall be assigned to that judge, 35131
except in cases that for some special reason are assigned to the 35132
other judge of the court of common pleas. 35133

(CC)(1) In Logan county, the judge of the court of common 35134
pleas whose term begins January 2, 2005, and the successors to 35135
that judge, shall have the same qualifications, exercise the same 35136
powers and jurisdiction, and receive the same compensation as the 35137
other judges of the court of common pleas of Logan county and 35138
shall be elected and designated as judge of the court of common 35139
pleas, domestic relations-juvenile-probate division. Except as 35140

otherwise specified in this division, that judge, and the 35141
successors to that judge, shall have all the powers relating to 35142
juvenile courts, and all cases under Chapters 2151. and 2152. of 35143
the Revised Code, all cases arising under Chapter 3111. of the 35144
Revised Code, all divorce, dissolution of marriage, legal 35145
separation, and annulment cases, all proceedings involving child 35146
support, the allocation of parental rights and responsibilities 35147
for the care of children and designation for the children of a 35148
place of residence and legal custodian, parenting time, and 35149
visitation, and all post-decree proceedings and matters arising 35150
from those cases and proceedings shall be assigned to that judge 35151
and the successors to that judge. Notwithstanding any other 35152
provision of any section of the Revised Code, on and after January 35153
2, 2005, the judge of the court of common pleas of Logan county 35154
whose term begins on January 2, 2005, and the successors to that 35155
judge, shall have all the powers relating to the probate division 35156
of the court of common pleas of Logan county in addition to the 35157
powers previously specified in this division and shall exercise 35158
concurrent jurisdiction with the judge of the probate division of 35159
that court over all matters that are within the jurisdiction of 35160
the probate division of that court under Chapter 2101., and other 35161
provisions, of the Revised Code in addition to the jurisdiction of 35162
the domestic relations-juvenile-probate division of that court 35163
otherwise specified in division (CC)(1) of this section. 35164

(2) The judge of the domestic relations-juvenile-probate 35165
division of the court of common pleas of Logan county or the 35166
probate judge of the court of common pleas of Logan county who is 35167
elected as the administrative judge of the probate division of the 35168
court of common pleas of Logan county pursuant to Rule 4 of the 35169
Rules of Superintendence shall be the clerk of the probate 35170
division and juvenile division of the court of common pleas of 35171
Logan county. The clerk of the court of common pleas who is 35172
elected pursuant to section 2303.01 of the Revised Code shall keep 35173

all of the journals, records, books, papers, and files pertaining 35174
to the domestic relations cases. 35175

(3) On and after January 2, 2005, all references in law to 35176
"the probate court," "the probate judge," "the juvenile court," or 35177
"the judge of the juvenile court" shall be construed, with respect 35178
to Logan county, as being references to both "the probate 35179
division" and the "domestic relations-juvenile-probate division" 35180
and as being references to both "the judge of the probate 35181
division" and the "judge of the domestic 35182
relations-juvenile-probate division." On and after January 2, 35183
2005, all references in law to "the clerk of the probate court" 35184
shall be construed, with respect to Logan county, as being 35185
references to the judge who is serving pursuant to division 35186
(CC)(2) of this section as the clerk of the probate division of 35187
the court of common pleas of Logan county. 35188

(DD)(1) In Champaign county, the judge of the court of common 35189
pleas whose term begins February 9, 2003, and the judge of the 35190
court of common pleas whose term begins February 10, 2009, and the 35191
successors to those judges, shall have the same qualifications, 35192
exercise the same powers and jurisdiction, and receive the same 35193
compensation as the other judges of the court of common pleas of 35194
Champaign county and shall be elected and designated as judges of 35195
the court of common pleas, domestic relations-juvenile-probate 35196
division. Except as otherwise specified in this division, those 35197
judges, and the successors to those judges, shall have all the 35198
powers relating to juvenile courts, and all cases under Chapters 35199
2151. and 2152. of the Revised Code, all cases arising under 35200
Chapter 3111. of the Revised Code, all divorce, dissolution of 35201
marriage, legal separation, and annulment cases, all proceedings 35202
involving child support, the allocation of parental rights and 35203
responsibilities for the care of children and the designation for 35204
the children of a place of residence and legal custodian, 35205

parenting time, and visitation, and all post-decree proceedings 35206
and matters arising from those cases and proceedings shall be 35207
assigned to those judges and the successors to those judges. 35208
Notwithstanding any other provision of any section of the Revised 35209
Code, on and after February 9, 2009, the judges designated by this 35210
division as judges of the court of common pleas of Champaign 35211
county, domestic relations-juvenile-probate division, and the 35212
successors to those judges, shall have all the powers relating to 35213
probate courts in addition to the powers previously specified in 35214
this division and shall exercise jurisdiction over all matters 35215
that are within the jurisdiction of probate courts under Chapter 35216
2101., and other provisions, of the Revised Code in addition to 35217
the jurisdiction of the domestic relations-juvenile-probate 35218
division otherwise specified in division (DD)(1) of this section. 35219

(2) On and after February 9, 2009, all references in law to 35220
"the probate court," "the probate judge," "the juvenile court," or 35221
"the judge of the juvenile court" shall be construed with respect 35222
to Champaign county as being references to the "domestic 35223
relations-juvenile-probate division" and as being references to 35224
the "judge of the domestic relations-juvenile-probate division." 35225
On and after February 9, 2009, all references in law to "the clerk 35226
of the probate court" shall be construed with respect to Champaign 35227
county as being references to the judge who is serving pursuant to 35228
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 35229
the administrative judge of the court of common pleas, domestic 35230
relations-juvenile-probate division. 35231

(EE) If a judge of the court of common pleas, division of 35232
domestic relations, or juvenile judge, of any of the counties 35233
mentioned in this section is sick, absent, or unable to perform 35234
that judge's judicial duties or the volume of cases pending in the 35235
judge's division necessitates it, the duties of that judge shall 35236
be performed by another judge of the court of common pleas of that 35237

county, assigned for that purpose by the presiding judge of the 35238
court of common pleas of that county to act in place of or in 35239
conjunction with that judge, as the case may require. 35240

Sec. 2303.201. (A)(1) The court of common pleas of any county 35241
may determine that for the efficient operation of the court 35242
additional funds are required to computerize the court, to make 35243
available computerized legal research services, or to do both. 35244
Upon making a determination that additional funds are required for 35245
either or both of those purposes, the court shall authorize and 35246
direct the clerk of the court of common pleas to charge one 35247
additional fee, not to exceed three dollars, on the filing of each 35248
cause of action or appeal under divisions (A), (Q), and (U) of 35249
section 2303.20 of the Revised Code. 35250

(2) All fees collected under division (A)(1) of this section 35251
shall be paid to the county treasurer. The treasurer shall place 35252
the funds from the fees in a separate fund to be disbursed, upon 35253
an order of the court, in an amount not greater than the actual 35254
cost to the court of procuring and maintaining computerization of 35255
the court, computerized legal research services, or both. 35256

(3) If the court determines that the funds in the fund 35257
described in division (A)(2) of this section are more than 35258
sufficient to satisfy the purpose for which the additional fee 35259
described in division (A)(1) of this section was imposed, the 35260
court may declare a surplus in the fund and expend those surplus 35261
funds for other appropriate technological expenses of the court. 35262

(B)(1) The court of common pleas of any county may determine 35263
that, for the efficient operation of the court, additional funds 35264
are required to computerize the office of the clerk of the court 35265
of common pleas and, upon that determination, authorize and direct 35266
the clerk of the court of common pleas to charge an additional 35267
fee, not to exceed ten dollars, on the filing of each cause of 35268

action or appeal, on the filing, docketing, and endorsing of each 35269
certificate of judgment, or on the docketing and indexing of each 35270
aid in execution or petition to vacate, revive, or modify a 35271
judgment under divisions (A), (P), (Q), (T), and (U) of section 35272
2303.20 of the Revised Code. Subject to division (B)(2) of this 35273
section, all moneys collected under division (B)(1) of this 35274
section shall be paid to the county treasurer to be disbursed, 35275
upon an order of the court of common pleas and subject to 35276
appropriation by the board of county commissioners, in an amount 35277
no greater than the actual cost to the court of procuring and 35278
maintaining computer systems for the office of the clerk of the 35279
court of common pleas. 35280

(2) If the court of common pleas of a county makes the 35281
determination described in division (B)(1) of this section, the 35282
board of county commissioners of that county may issue one or more 35283
general obligation bonds for the purpose of procuring and 35284
maintaining the computer systems for the office of the clerk of 35285
the court of common pleas. In addition to the purposes stated in 35286
division (B)(1) of this section for which the moneys collected 35287
under that division may be expended, the moneys additionally may 35288
be expended to pay debt charges on and financing costs related to 35289
any general obligation bonds issued pursuant to division (B)(2) of 35290
this section as they become due. General obligation bonds issued 35291
pursuant to division (B)(2) of this section are Chapter 133. 35292
securities. 35293

(C) The court of common pleas shall collect the sum of 35294
~~twenty-six~~ thirty-one dollars as additional filing fees in each 35295
new civil action or proceeding for the charitable public purpose 35296
of providing financial assistance to legal aid societies that 35297
operate within the state and to support the office of the state 35298
public defender. This division does not apply to a domestic 35299
relations division of a court of common pleas, except that the 35300

additional filing fee shall apply to proceedings concerning 35301
annulments, dissolutions of marriage, divorces, and legal 35302
~~separation, spousal support, marital property or separate property~~ 35303
~~distribution, support, or other domestic relations matters;~~ to a 35304
juvenile division of a court of common pleas; to a probate 35305
division of a court of common pleas, except that the additional 35306
filing fees shall apply to name change, guardianship, adoption, 35307
and decedents' estate proceedings; or to an execution on a 35308
judgment, proceeding in aid of execution, or other post-judgment 35309
proceeding arising out of a civil action. The filing fees required 35310
to be collected under this division shall be in addition to any 35311
other filing fees imposed in the action or proceeding and shall be 35312
collected at the time of the filing of the action or proceeding. 35313
The court shall not waive the payment of the additional filing 35314
fees in a new civil action or proceeding unless the court waives 35315
the advanced payment of all filing fees in the action or 35316
proceeding. All such moneys collected during a month except for an 35317
amount equal to up to one per cent of those moneys retained to 35318
cover administrative costs shall be transmitted on or before the 35319
twentieth day of the following month by the clerk of the court to 35320
the treasurer of state in a manner prescribed by the treasurer of 35321
state or by the Ohio legal assistance foundation. The treasurer of 35322
state shall deposit four per cent of the funds collected under 35323
this division to the credit of the civil case filing fee fund 35324
established under section 120.07 of the Revised Code and 35325
ninety-six per cent of the funds collected under this division to 35326
the credit of the legal aid fund established under section 120.52 35327
of the Revised Code. 35328

The court may retain up to one per cent of the moneys it 35329
collects under this division to cover administrative costs, 35330
including the hiring of any additional personnel necessary to 35331
implement this division. If the court fails to transmit to the 35332
treasurer of state the moneys the court collects under this 35333

division in a manner prescribed by the treasurer of state or by 35334
the Ohio legal assistance foundation, the court shall forfeit the 35335
moneys the court retains under this division to cover 35336
administrative costs, including the hiring of any additional 35337
personnel necessary to implement this division, and shall transmit 35338
to the treasurer of state all moneys collected under this 35339
division, including the forfeited amount retained for 35340
administrative costs, for deposit in the legal aid fund. 35341

(D) On and after the thirtieth day after December 9, 1994, 35342
the court of common pleas shall collect the sum of thirty-two 35343
dollars as additional filing fees in each new action or proceeding 35344
for annulment, divorce, or dissolution of marriage for the purpose 35345
of funding shelters for victims of domestic violence pursuant to 35346
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 35347
required to be collected under this division shall be in addition 35348
to any other filing fees imposed in the action or proceeding and 35349
shall be collected at the time of the filing of the action or 35350
proceeding. The court shall not waive the payment of the 35351
additional filing fees in a new action or proceeding for 35352
annulment, divorce, or dissolution of marriage unless the court 35353
waives the advanced payment of all filing fees in the action or 35354
proceeding. On or before the twentieth day of each month, all 35355
moneys collected during the immediately preceding month pursuant 35356
to this division shall be deposited by the clerk of the court into 35357
the county treasury in the special fund used for deposit of 35358
additional marriage license fees as described in section 3113.34 35359
of the Revised Code. Upon their deposit into the fund, the moneys 35360
shall be retained in the fund and expended only as described in 35361
section 3113.34 of the Revised Code. 35362

(E)(1) The court of common pleas may determine that, for the 35363
efficient operation of the court, additional funds are necessary 35364
to acquire and pay for special projects of the court, including, 35365

but not limited to, the acquisition of additional facilities or 35366
the rehabilitation of existing facilities, the acquisition of 35367
equipment, the hiring and training of staff, community service 35368
programs, mediation or dispute resolution services, the employment 35369
of magistrates, the training and education of judges, acting 35370
judges, and magistrates, and other related services. Upon that 35371
determination, the court by rule may charge a fee, in addition to 35372
all other court costs, on the filing of each criminal cause, civil 35373
action or proceeding, or judgment by confession. 35374

If the court of common pleas offers a special program or 35375
service in cases of a specific type, the court by rule may assess 35376
an additional charge in a case of that type, over and above court 35377
costs, to cover the special program or service. The court shall 35378
adjust the special assessment periodically, but not retroactively, 35379
so that the amount assessed in those cases does not exceed the 35380
actual cost of providing the service or program. 35381

All moneys collected under division (E) of this section shall 35382
be paid to the county treasurer for deposit into either a general 35383
special projects fund or a fund established for a specific special 35384
project. Moneys from a fund of that nature shall be disbursed upon 35385
an order of the court in an amount no greater than the actual cost 35386
to the court of a project. If a specific fund is terminated 35387
because of the discontinuance of a program or service established 35388
under division (E) of this section, the court may order that 35389
moneys remaining in the fund be transferred to an account 35390
established under this division for a similar purpose. 35391

(2) As used in division (E) of this section: 35392

(a) "Criminal cause" means a charge alleging the violation of 35393
a statute or ordinance, or subsection of a statute or ordinance, 35394
that requires a separate finding of fact or a separate plea before 35395
disposition and of which the defendant may be found guilty, 35396
whether filed as part of a multiple charge on a single summons, 35397

citation, or complaint or as a separate charge on a single 35398
summons, citation, or complaint. "Criminal cause" does not include 35399
separate violations of the same statute or ordinance, or 35400
subsection of the same statute or ordinance, unless each charge is 35401
filed on a separate summons, citation, or complaint. 35402

(b) "Civil action or proceeding" means any civil litigation 35403
that must be determined by judgment entry. 35404

Sec. 2315.50. (A) This section applies to an action 35405
maintained as a class action in which the settlement agreement or 35406
judgment includes a monetary award, including compensatory or 35407
punitive and exemplary damages, restitution, or any other payment 35408
of money due from each defendant to the members of the class. 35409

(B) It is the policy of this state, insofar as it is not 35410
inconsistent with federal law, that all unpaid moneys remaining 35411
after the distribution to the members of the class of monetary 35412
awards in class actions described in division (A) of this section 35413
shall be used for the charitable public purpose of providing 35414
financial assistance to legal aid societies that operate within 35415
this state. Not later than the twentieth day of the month 35416
immediately following the month during which the amount of unpaid 35417
moneys, if any, remaining after that distribution of the monetary 35418
award in the class action is identified, each defendant from whom 35419
the unpaid moneys are due, in a manner and form prescribed in the 35420
rules established by the Ohio legal assistance foundation under 35421
section 120.52 of the Revised Code, shall do both of the 35422
following: 35423

(1) Remit the sum of the unpaid moneys to the treasurer of 35424
state for deposit in the legal aid fund established under section 35425
120.52 of the Revised Code; 35426

(2) Notify the Ohio legal assistance foundation of all of the 35427
following: 35428

(a) The amount of the sum of unpaid moneys remitted under 35429
division (B)(1) of this section; 35430

(b) The case name and case number of the class action and the 35431
court that approved the settlement agreement or rendered the 35432
judgment in the class action. 35433

Sec. 2317.422. (A) Notwithstanding sections 2317.40 and 35434
2317.41 of the Revised Code but subject to division (B) of this 35435
section, the records, or copies or photographs of the records, of 35436
a hospital, homes required to be licensed pursuant to section 35437
3721.01 of the Revised Code, ~~and of adult care facilities required~~ 35438
to be licensed pursuant to Chapter 3722. of the Revised Code, ~~and~~ 35439
~~community alternative homes licensed pursuant to section 3724.03~~ 35440
~~of the Revised Code,~~ in lieu of the testimony in open court of 35441
their custodian, person who made them, or person under whose 35442
supervision they were made, may be qualified as authentic evidence 35443
if any such person endorses thereon the person's verified 35444
certification identifying such records, giving the mode and time 35445
of their preparation, and stating that they were prepared in the 35446
usual course of the business of the institution. Such records, 35447
copies, or photographs may not be qualified by certification as 35448
provided in this section unless the party intending to offer them 35449
delivers a copy of them, or of their relevant portions, to the 35450
attorney of record for each adverse party not less than five days 35451
before trial. Nothing in this section shall be construed to limit 35452
the right of any party to call the custodian, person who made such 35453
records, or person under whose supervision they were made, as a 35454
witness. 35455

(B) Division (A) of this section does not apply to any 35456
certified copy of the results of any test given to determine the 35457
presence or concentration of alcohol, a drug of abuse, a 35458
combination of them, a controlled substance, or a metabolite of a 35459

controlled substance in a patient's whole blood, blood serum or 35460
plasma, breath, or urine at any time relevant to a criminal 35461
offense that is submitted in a criminal action or proceeding in 35462
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 35463
of the Revised Code. 35464

Sec. 2503.17. ~~(A) Except as provided in division (B) and~~ 35465
~~subject to division (C) of this section, the~~ The clerk of the 35466
supreme court shall charge and collect ~~forty~~ one hundred dollars, 35467
as a filing fee, for each case entered upon the ~~minute book,~~ 35468
~~including, but not limited to, original actions in the court,~~ 35469
~~appeals filed as of right, and cases certified by the courts of~~ 35470
~~appeals for review on the ground of conflict of decisions; and for~~ 35471
~~each motion to certify the record of a court of appeals or for~~ 35472
~~leave to file a notice of appeal in criminal cases~~ docket. The 35473
filing fees so charged and collected shall be in full for 35474
~~docketing the cases or motions, making dockets from term to term,~~ 35475
~~indexing and entering appearances, issuing process, filing papers,~~ 35476
~~entering rules, motions, orders, continuances, decrees, and~~ 35477
~~judgments, making lists of causes on the regular docket for~~ 35478
~~publication each year, making and certifying orders, decrees, and~~ 35479
~~judgments of the court to other tribunals, and the issuing of~~ 35480
~~mandates. Except as provided in division (B) of this section, the~~ 35481
each case filed in the supreme court under the Rules of Practice 35482
of the Supreme Court. The party invoking the action of the court 35483
shall pay the filing fee to the clerk before the case ~~or motion~~ is 35484
docketed, and it shall be taxed as costs and recovered from the 35485
other party if the party invoking the action of the court 35486
succeeds, unless the court otherwise directs. 35487

~~(B)(1) As used in this division, "prosecutor" has the same~~ 35488
~~meaning as in section 2935.01 of the Revised Code.~~ 35489

~~(2) The clerk of the supreme court shall not charge to and~~ 35490

~~collect from a prosecutor the forty dollar filing fee prescribed 35491
by division (A) of this section when all of the following 35492
circumstances apply: 35493~~

~~(a) In accordance with the Rules of Practice of the Supreme 35494
Court of Ohio, an indigent defendant in a criminal action or 35495
proceeding files in the appropriate court of appeals a notice of 35496
appeal within thirty days from the date of the entry of the 35497
judgment or final order that is the subject of the appeal. 35498~~

~~(b) The indigent defendant fails to file or offer for filing 35499
in the supreme court within thirty days from the date of the 35500
filing of the notice of appeal in the court of appeals, a copy of 35501
the notice of appeal supported by a memorandum in support of 35502
jurisdiction and other documentation and information as required 35503
by the Rules of Practice of the Supreme Court of Ohio. 35504~~

~~(c) The prosecutor or a representative of the prosecutor 35505
associated with the criminal action or proceeding files a motion 35506
to docket and dismiss the appeal of the indigent defendant for 35507
lack of prosecution as authorized by the Rules of Practice of the 35508
Supreme Court of Ohio. 35509~~

~~(d) The prosecutor states in the motion that the forty dollar 35510
filing fee does not accompany the motion because of the 35511
applicability of this division, and the clerk of the supreme court 35512
determines that this division applies. No filing fee or security 35513
deposit shall be charged to an indigent party upon determination 35514
of indigency by the supreme court pursuant to the Rules of 35515
Practice of the Supreme Court. 35516~~

Sec. 2903.13. (A) No person shall knowingly cause or attempt 35517
to cause physical harm to another or to another's unborn. 35518

(B) No person shall recklessly cause serious physical harm to 35519
another or to another's unborn. 35520

(C) Whoever violates this section is guilty of assault, and 35521
the court shall sentence the offender as provided in this division 35522
and divisions (C)(1), (2), (3), (4), (5), and (6) of this section. 35523
Except as otherwise provided in division (C)(1), (2), (3), (4), or 35524
(5) of this section, assault is a misdemeanor of the first degree. 35525

(1) Except as otherwise provided in this division, if the 35526
offense is committed by a caretaker against a functionally 35527
impaired person under the caretaker's care, assault is a felony of 35528
the fourth degree. If the offense is committed by a caretaker 35529
against a functionally impaired person under the caretaker's care, 35530
if the offender previously has been convicted of or pleaded guilty 35531
to a violation of this section or section 2903.11 or 2903.16 of 35532
the Revised Code, and if in relation to the previous conviction 35533
the offender was a caretaker and the victim was a functionally 35534
impaired person under the offender's care, assault is a felony of 35535
the third degree. 35536

(2) If the offense is committed in any of the following 35537
circumstances, assault is a felony of the fifth degree: 35538

(a) The offense occurs in or on the grounds of a state 35539
correctional institution or an institution of the department of 35540
youth services, the victim of the offense is an employee of the 35541
department of rehabilitation and correction, the department of 35542
youth services, or a probation department or is on the premises of 35543
the particular institution for business purposes or as a visitor, 35544
and the offense is committed by a person incarcerated in the state 35545
correctional institution, by a person institutionalized in the 35546
department of youth services institution pursuant to a commitment 35547
to the department of youth services, by a parolee, by an offender 35548
under transitional control, under a community control sanction, or 35549
on an escorted visit, by a person under post-release control, or 35550
by an offender under any other type of supervision by a government 35551
agency. 35552

(b) The offense occurs in or on the grounds of a local 35553
correctional facility, the victim of the offense is an employee of 35554
the local correctional facility or a probation department or is on 35555
the premises of the facility for business purposes or as a 35556
visitor, and the offense is committed by a person who is under 35557
custody in the facility subsequent to the person's arrest for any 35558
crime or delinquent act, subsequent to the person's being charged 35559
with or convicted of any crime, or subsequent to the person's 35560
being alleged to be or adjudicated a delinquent child. 35561

(c) The offense occurs off the grounds of a state 35562
correctional institution and off the grounds of an institution of 35563
the department of youth services, the victim of the offense is an 35564
employee of the department of rehabilitation and correction, the 35565
department of youth services, or a probation department, the 35566
offense occurs during the employee's official work hours and while 35567
the employee is engaged in official work responsibilities, and the 35568
offense is committed by a person incarcerated in a state 35569
correctional institution or institutionalized in the department of 35570
youth services who temporarily is outside of the institution for 35571
any purpose, by a parolee, by an offender under transitional 35572
control, under a community control sanction, or on an escorted 35573
visit, by a person under post-release control, or by an offender 35574
under any other type of supervision by a government agency. 35575

(d) The offense occurs off the grounds of a local 35576
correctional facility, the victim of the offense is an employee of 35577
the local correctional facility or a probation department, the 35578
offense occurs during the employee's official work hours and while 35579
the employee is engaged in official work responsibilities, and the 35580
offense is committed by a person who is under custody in the 35581
facility subsequent to the person's arrest for any crime or 35582
delinquent act, subsequent to the person being charged with or 35583
convicted of any crime, or subsequent to the person being alleged 35584

to be or adjudicated a delinquent child and who temporarily is 35585
outside of the facility for any purpose or by a parolee, by an 35586
offender under transitional control, under a community control 35587
sanction, or on an escorted visit, by a person under post-release 35588
control, or by an offender under any other type of supervision by 35589
a government agency. 35590

(e) The victim of the offense is a school teacher or 35591
administrator or a school bus operator, and the offense occurs in 35592
a school, on school premises, in a school building, on a school 35593
bus, or while the victim is outside of school premises or a school 35594
bus and is engaged in duties or official responsibilities 35595
associated with the victim's employment or position as a school 35596
teacher or administrator or a school bus operator, including, but 35597
not limited to, driving, accompanying, or chaperoning students at 35598
or on class or field trips, athletic events, or other school 35599
extracurricular activities or functions outside of school 35600
premises. 35601

(3) If the victim of the offense is a peace officer or an 35602
investigator of the bureau of criminal identification and 35603
investigation, a firefighter, or a person performing emergency 35604
medical service, while in the performance of their official 35605
duties, assault is a felony of the fourth degree. 35606

(4) If the victim of the offense is a peace officer or an 35607
investigator of the bureau of criminal identification and 35608
investigation and if the victim suffered serious physical harm as 35609
a result of the commission of the offense, assault is a felony of 35610
the fourth degree, and the court, pursuant to division (F) of 35611
section 2929.13 of the Revised Code, shall impose as a mandatory 35612
prison term one of the prison terms prescribed for a felony of the 35613
fourth degree that is at least twelve months in duration. 35614

(5) If the victim of the offense is an officer or employee of 35615
a public children services agency ~~or~~ a private child placing 35616

agency, or an adult protective services agency and the offense 35617
relates to the officer's or employee's performance or anticipated 35618
performance of official responsibilities or duties, assault is 35619
either a felony of the fifth degree or, if the offender previously 35620
has been convicted of or pleaded guilty to an offense of violence, 35621
the victim of that prior offense was an officer or employee of a 35622
public children services agency ~~or, a private child placing~~ 35623
agency, or an adult protective services agency, and that prior 35624
offense related to the officer's or employee's performance or 35625
anticipated performance of official responsibilities or duties, a 35626
felony of the fourth degree. 35627

(6) If an offender who is convicted of or pleads guilty to 35628
assault when it is a misdemeanor also is convicted of or pleads 35629
guilty to a specification as described in section 2941.1423 of the 35630
Revised Code that was included in the indictment, count in the 35631
indictment, or information charging the offense, the court shall 35632
sentence the offender to a mandatory jail term as provided in 35633
division (G) of section 2929.24 of the Revised Code. 35634

If an offender who is convicted of or pleads guilty to 35635
assault when it is a felony also is convicted of or pleads guilty 35636
to a specification as described in section 2941.1423 of the 35637
Revised Code that was included in the indictment, count in the 35638
indictment, or information charging the offense, except as 35639
otherwise provided in division (C)(4) of this section, the court 35640
shall sentence the offender to a mandatory prison term as provided 35641
in division (D)(8) of section 2929.14 of the Revised Code. 35642

35643

(D) As used in this section: 35644

(1) "Peace officer" has the same meaning as in section 35645
2935.01 of the Revised Code. 35646

(2) "Firefighter" has the same meaning as in section 3937.41 35647

of the Revised Code. 35648

(3) "Emergency medical service" has the same meaning as in 35649
section 4765.01 of the Revised Code. 35650

(4) "Local correctional facility" means a county, 35651
multicounty, municipal, municipal-county, or multicounty-municipal 35652
jail or workhouse, a minimum security jail established under 35653
section 341.23 or 753.21 of the Revised Code, or another county, 35654
multicounty, municipal, municipal-county, or multicounty-municipal 35655
facility used for the custody of persons arrested for any crime or 35656
delinquent act, persons charged with or convicted of any crime, or 35657
persons alleged to be or adjudicated a delinquent child. 35658

(5) "Employee of a local correctional facility" means a 35659
person who is an employee of the political subdivision or of one 35660
or more of the affiliated political subdivisions that operates the 35661
local correctional facility and who operates or assists in the 35662
operation of the facility. 35663

(6) "School teacher or administrator" means either of the 35664
following: 35665

(a) A person who is employed in the public schools of the 35666
state under a contract described in section 3319.08 of the Revised 35667
Code in a position in which the person is required to have a 35668
certificate issued pursuant to sections 3319.22 to 3319.311 of the 35669
Revised Code. 35670

(b) A person who is employed by a nonpublic school for which 35671
the state board of education prescribes minimum standards under 35672
section 3301.07 of the Revised Code and who is certificated in 35673
accordance with section 3301.071 of the Revised Code. 35674

(7) "Community control sanction" has the same meaning as in 35675
section 2929.01 of the Revised Code. 35676

(8) "Escorted visit" means an escorted visit granted under 35677

section 2967.27 of the Revised Code. 35678

(9) "Post-release control" and "transitional control" have 35679
the same meanings as in section 2967.01 of the Revised Code. 35680

(10) "Investigator of the bureau of criminal identification 35681
and investigation" has the same meaning as in section 2903.11 of 35682
the Revised Code. 35683

Sec. 2903.21. (A) No person shall knowingly cause another to 35684
believe that the offender will cause serious physical harm to the 35685
person or property of the other person, the other person's unborn, 35686
or a member of the other person's immediate family. 35687

(B) Whoever violates this section is guilty of aggravated 35688
menacing. Except as otherwise provided in this division, 35689
aggravated menacing is a misdemeanor of the first degree. If the 35690
victim of the offense is an officer or employee of a public 35691
children services agency ~~or~~, a private child placing agency, or an 35692
adult protective services agency and the offense relates to the 35693
officer's or employee's performance or anticipated performance of 35694
official responsibilities or duties, aggravated menacing is a 35695
felony of the fifth degree or, if the offender previously has been 35696
convicted of or pleaded guilty to an offense of violence, the 35697
victim of that prior offense was an officer or employee of a 35698
public children services agency ~~or~~, a private child placing 35699
agency, or an adult protective services agency, and that prior 35700
offense related to the officer's or employee's performance or 35701
anticipated performance of official responsibilities or duties, a 35702
felony of the fourth degree. 35703

Sec. 2903.211. (A)(1) No person by engaging in a pattern of 35704
conduct shall knowingly cause another person to believe that the 35705
offender will cause physical harm to the other person or cause 35706
mental distress to the other person. 35707

(2) No person, through the use of any electronic method of 35708
remotely transferring information, including, but not limited to, 35709
any computer, computer network, computer program, or computer 35710
system, shall post a message with purpose to urge or incite 35711
another to commit a violation of division (A)(1) of this section. 35712

(3) No person, with a sexual motivation, shall violate 35713
division (A)(1) or (2) of this section. 35714

(B) Whoever violates this section is guilty of menacing by 35715
stalking. 35716

(1) Except as otherwise provided in divisions (B)(2) and (3) 35717
of this section, menacing by stalking is a misdemeanor of the 35718
first degree. 35719

(2) Menacing by stalking is a felony of the fourth degree if 35720
any of the following applies: 35721

(a) The offender previously has been convicted of or pleaded 35722
guilty to a violation of this section or a violation of section 35723
2911.211 of the Revised Code. 35724

(b) In committing the offense under division (A)(1), (2), or 35725
(3) of this section, the offender made a threat of physical harm 35726
to or against the victim, or as a result of an offense committed 35727
under division (A)(2) or (3) of this section, a third person 35728
induced by the offender's posted message made a threat of physical 35729
harm to or against the victim. 35730

(c) In committing the offense under division (A)(1), (2), or 35731
(3) of this section, the offender trespassed on the land or 35732
premises where the victim lives, is employed, or attends school, 35733
or as a result of an offense committed under division (A)(2) or 35734
(3) of this section, a third person induced by the offender's 35735
posted message trespassed on the land or premises where the victim 35736
lives, is employed, or attends school. 35737

(d) The victim of the offense is a minor. 35738

(e) The offender has a history of violence toward the victim 35739
or any other person or a history of other violent acts toward the 35740
victim or any other person. 35741

(f) While committing the offense under division (A)(1) of 35742
this section or a violation of division (A)(3) of this section 35743
based on conduct in violation of division (A)(1) of this section, 35744
the offender had a deadly weapon on or about the offender's person 35745
or under the offender's control. Division (B)(2)(f) of this 35746
section does not apply in determining the penalty for a violation 35747
of division (A)(2) of this section or a violation of division 35748
(A)(3) of this section based on conduct in violation of division 35749
(A)(2) of this section. 35750

(g) At the time of the commission of the offense, the 35751
offender was the subject of a protection order issued under 35752
section 2903.213 or 2903.214 of the Revised Code, regardless of 35753
whether the person to be protected under the order is the victim 35754
of the offense or another person. 35755

(h) In committing the offense under division (A)(1), (2), or 35756
(3) of this section, the offender caused serious physical harm to 35757
the premises at which the victim resides, to the real property on 35758
which that premises is located, or to any personal property 35759
located on that premises, or, as a result of an offense committed 35760
under division (A)(2) of this section or an offense committed 35761
under division (A)(3) of this section based on a violation of 35762
division (A)(2) of this section, a third person induced by the 35763
offender's posted message caused serious physical harm to that 35764
premises, that real property, or any personal property on that 35765
premises. 35766

(i) Prior to committing the offense, the offender had been 35767
determined to represent a substantial risk of physical harm to 35768

others as manifested by evidence of then-recent homicidal or other 35769
violent behavior, evidence of then-recent threats that placed 35770
another in reasonable fear of violent behavior and serious 35771
physical harm, or other evidence of then-present dangerousness. 35772

(3) If the victim of the offense is an officer or employee of 35773
a public children services agency ~~or~~, a private child placing 35774
agency, or an adult protective services agency and the offense 35775
relates to the officer's or employee's performance or anticipated 35776
performance of official responsibilities or duties, menacing by 35777
stalking is either a felony of the fifth degree or, if the 35778
offender previously has been convicted of or pleaded guilty to an 35779
offense of violence, the victim of that prior offense was an 35780
officer or employee of a public children services agency ~~or~~, a 35781
private child placing agency, or an adult protective services 35782
agency, and that prior offense related to the officer's or 35783
employee's performance or anticipated performance of official 35784
responsibilities or duties, a felony of the fourth degree. 35785

(C) Section 2919.271 of the Revised Code applies in relation 35786
to a defendant charged with a violation of this section. 35787

(D) As used in this section: 35788

(1) "Pattern of conduct" means two or more actions or 35789
incidents closely related in time, whether or not there has been a 35790
prior conviction based on any of those actions or incidents. 35791
Actions or incidents that prevent, obstruct, or delay the 35792
performance by a public official, firefighter, rescuer, emergency 35793
medical services person, or emergency facility person of any 35794
authorized act within the public official's, firefighter's, 35795
rescuer's, emergency medical services person's, or emergency 35796
facility person's official capacity, or the posting of messages or 35797
receipt of information or data through the use of an electronic 35798
method of remotely transferring information, including, but not 35799
limited to, a computer, computer network, computer program, 35800

computer system, or telecommunications device, may constitute a 35801
"pattern of conduct." 35802

(2) "Mental distress" means any of the following: 35803

(a) Any mental illness or condition that involves some 35804
temporary substantial incapacity; 35805

(b) Any mental illness or condition that would normally 35806
require psychiatric treatment, psychological treatment, or other 35807
mental health services, whether or not any person requested or 35808
received psychiatric treatment, psychological treatment, or other 35809
mental health services. 35810

(3) "Emergency medical services person" is the singular of 35811
"emergency medical services personnel" as defined in section 35812
2133.21 of the Revised Code. 35813

(4) "Emergency facility person" is the singular of "emergency 35814
facility personnel" as defined in section 2909.04 of the Revised 35815
Code. 35816

(5) "Public official" has the same meaning as in section 35817
2921.01 of the Revised Code. 35818

(6) "Computer," "computer network," "computer program," 35819
"computer system," and "telecommunications device" have the same 35820
meanings as in section 2913.01 of the Revised Code. 35821

(7) "Post a message" means transferring, sending, posting, 35822
publishing, disseminating, or otherwise communicating, or 35823
attempting to transfer, send, post, publish, disseminate, or 35824
otherwise communicate, any message or information, whether 35825
truthful or untruthful, about an individual, and whether done 35826
under one's own name, under the name of another, or while 35827
impersonating another. 35828

(8) "Third person" means, in relation to conduct as described 35829
in division (A)(2) of this section, an individual who is neither 35830

the offender nor the victim of the conduct. 35831

(9) "Sexual motivation" has the same meaning as in section 35832
2971.01 of the Revised Code. 35833

(E) The state does not need to prove in a prosecution under 35834
this section that a person requested or received psychiatric 35835
treatment, psychological treatment, or other mental health 35836
services in order to show that the person was caused mental 35837
distress as described in division (D)(2)(b) of this section. 35838

(F)(1) This section does not apply to a person solely because 35839
the person provided access or connection to or from an electronic 35840
method of remotely transferring information not under that 35841
person's control, including having provided capabilities that are 35842
incidental to providing access or connection to or from the 35843
electronic method of remotely transferring the information, and 35844
that do not include the creation of the content of the material 35845
that is the subject of the access or connection. In addition, any 35846
person providing access or connection to or from an electronic 35847
method of remotely transferring information not under that 35848
person's control shall not be liable for any action voluntarily 35849
taken in good faith to block the receipt or transmission through 35850
its service of any information that it believes is, or will be 35851
sent, in violation of this section. 35852

(2) Division (F)(1) of this section does not create an 35853
affirmative duty for any person providing access or connection to 35854
or from an electronic method of remotely transferring information 35855
not under that person's control to block the receipt or 35856
transmission through its service of any information that it 35857
believes is, or will be sent, in violation of this section except 35858
as otherwise provided by law. 35859

(3) Division (F)(1) of this section does not apply to a 35860
person who conspires with a person actively involved in the 35861

creation or knowing distribution of material in violation of this 35862
section or who knowingly advertises the availability of material 35863
of that nature. 35864

Sec. 2903.22. (A) No person shall knowingly cause another to 35865
believe that the offender will cause physical harm to the person 35866
or property of the other person, the other person's unborn, or a 35867
member of the other person's immediate family. 35868

(B) Whoever violates this section is guilty of menacing. 35869
Except as otherwise provided in this division, menacing is a 35870
misdemeanor of the fourth degree. If the victim of the offense is 35871
an officer or employee of a public children services agency ~~or~~, a 35872
private child placing agency, or an adult protective services 35873
agency and the offense relates to the officer's or employee's 35874
performance or anticipated performance of official 35875
responsibilities or duties, menacing is a misdemeanor of the first 35876
degree or, if the offender previously has been convicted of or 35877
pleaded guilty to an offense of violence, the victim of that prior 35878
offense was an officer or employee of a public children services 35879
agency ~~or~~, a private child placing agency, or an adult protective 35880
services agency, and that prior offense related to the officer's 35881
or employee's performance or anticipated performance of official 35882
responsibilities or duties, a felony of the fourth degree. 35883

Sec. 2903.33. As used in sections 2903.33 to 2903.36 of the 35884
Revised Code: 35885

(A) "Care facility" means any of the following: 35886

(1) Any "home" as defined in section 3721.10 or 5111.20 of 35887
the Revised Code; 35888

(2) Any "residential facility" as defined in section 5123.19 35889
of the Revised Code; 35890

(3) Any institution or facility operated or provided by the 35891

department of mental health or by the department of mental 35892
retardation and developmental disabilities pursuant to sections 35893
5119.02 and 5123.03 of the Revised Code; 35894

(4) Any "residential facility" as defined in section 5119.22 35895
of the Revised Code; 35896

(5) Any unit of any hospital, as defined in section 3701.01 35897
of the Revised Code, that provides the same services as a nursing 35898
home, as defined in section 3721.01 of the Revised Code; 35899

(6) Any institution, residence, or facility that provides, 35900
for a period of more than twenty-four hours, whether for a 35901
consideration or not, accommodations to one individual or two 35902
unrelated individuals who are dependent upon the services of 35903
others; 35904

(7) Any "adult care facility" as defined in section 3722.01 35905
of the Revised Code; 35906

(8) Any adult foster home certified by the department of 35907
aging or its designee under section 173.36 of the Revised Code; 35908

~~(9) Any "community alternative home" as defined in section 35909
3724.01 of the Revised Code. 35910~~

(B) "Abuse" means knowingly causing physical harm or 35911
recklessly causing serious physical harm to a person by physical 35912
contact with the person or by the inappropriate use of a physical 35913
or chemical restraint, medication, or isolation on the person. 35914

(C)(1) "Gross neglect" means knowingly failing to provide a 35915
person with any treatment, care, goods, or service that is 35916
necessary to maintain the health or safety of the person when the 35917
failure results in physical harm or serious physical harm to the 35918
person. 35919

(2) "Neglect" means recklessly failing to provide a person 35920
with any treatment, care, goods, or service that is necessary to 35921

maintain the health or safety of the person when the failure 35922
results in serious physical harm to the person. 35923

(D) "Inappropriate use of a physical or chemical restraint, 35924
medication, or isolation" means the use of physical or chemical 35925
restraint, medication, or isolation as punishment, for staff 35926
convenience, excessively, as a substitute for treatment, or in 35927
quantities that preclude habilitation and treatment. 35928

Sec. 2911.21. (A) No person, without privilege to do so, 35929
shall do any of the following: 35930

(1) Knowingly enter or remain on the land or premises of 35931
another; 35932

(2) Knowingly enter or remain on the land or premises of 35933
another, the use of which is lawfully restricted to certain 35934
persons, purposes, modes, or hours, when the offender knows the 35935
offender is in violation of any such restriction or is reckless in 35936
that regard; 35937

(3) Recklessly enter or remain on the land or premises of 35938
another, as to which notice against unauthorized access or 35939
presence is given by actual communication to the offender, or in a 35940
manner prescribed by law, or by posting in a manner reasonably 35941
calculated to come to the attention of potential intruders, or by 35942
fencing or other enclosure manifestly designed to restrict access; 35943

(4) Being on the land or premises of another, negligently 35944
fail or refuse to leave upon being notified by signage posted in a 35945
conspicuous place or otherwise being notified to do so by the 35946
owner or occupant, or the agent or servant of either. 35947

(B) It is no defense to a charge under this section that the 35948
land or premises involved was owned, controlled, or in custody of 35949
a public agency. 35950

(C) It is no defense to a charge under this section that the 35951

offender was authorized to enter or remain on the land or premises 35952
involved, when such authorization was secured by deception. 35953

(D)(1) Whoever violates this section is guilty of criminal 35954
trespass, a misdemeanor of the fourth degree. 35955

(2) Notwithstanding section 2929.28 of the Revised Code, if 35956
the person, in committing the violation of this section, used ~~an~~ a 35957
snowmobile, off-highway motorcycle, or all-purpose vehicle, the 35958
court shall impose a fine of two times the usual amount imposed 35959
for the violation. 35960

(3) If an offender previously has been convicted of or 35961
pleaded guilty to two or more violations of this section or a 35962
substantially equivalent municipal ordinance, and the offender, in 35963
committing each violation, used ~~an~~ a snowmobile, off-highway 35964
motorcycle, or all-purpose vehicle, the court, in addition to or 35965
independent of all other penalties imposed for the violation, may 35966
impound the certificate of registration of that snowmobile or 35967
off-highway motorcycle or the certificate of registration and 35968
license plate of that all-purpose vehicle for not less than sixty 35969
days. In such a case, section 4519.47 of the Revised Code applies. 35970

(E) Notwithstanding any provision of the Revised Code, if the 35971
offender, in committing the violation of this section, used an 35972
all-purpose vehicle, the clerk of the court shall pay the fine 35973
imposed pursuant to this section to the state recreational vehicle 35974
fund created by section 4519.11 of the Revised Code. 35975

(F) As used in this section: 35976

(1) "All-purpose vehicle," ~~has~~ "off-highway motorcycle," and 35977
"snowmobile" have the same meaning meanings as in section 4519.01 35978
of the Revised Code. 35979

(2) "Land or premises" includes any land, building, 35980
structure, or place belonging to, controlled by, or in custody of 35981
another, and any separate enclosure or room, or portion thereof. 35982

Sec. 2913.46. (A)(1) As used in this section: 35983

(a) "Electronically transferred benefit" means the transfer 35984
of ~~food stamp~~ supplemental nutrition assistance program benefits 35985
or WIC program benefits through the use of an access device. 35986

(b) "WIC program benefits" includes money, coupons, delivery 35987
verification receipts, other documents, food, or other property 35988
received directly or indirectly pursuant to section 17 of the 35989
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 35990
amended. 35991

(c) "Access device" means any card, plate, code, account 35992
number, or other means of access that can be used, alone or in 35993
conjunction with another access device, to obtain payments, 35994
allotments, benefits, money, goods, or other things of value or 35995
that can be used to initiate a transfer of funds pursuant to 35996
section 5101.33 of the Revised Code and the "~~Food Stamp and~~ 35997
Nutrition Act of 1977," ~~91 Stat. 958,~~ 2008 (7 U.S.C.A. 2011 et 35998
seq.), or any supplemental food program administered by any 35999
department of this state or any county or local agency pursuant to 36000
section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 36001
U.S.C.A. 1786, as amended. An "access device" may include any 36002
electronic debit card or other means authorized by section 5101.33 36003
of the Revised Code. 36004

~~(c)~~(d) "Aggregate value of ~~the food stamp coupons~~ 36005
supplemental nutrition assistance program benefits, WIC program 36006
benefits, and electronically transferred benefits involved in the 36007
violation" means the total face value of any ~~food stamps~~ 36008
supplemental nutrition assistance program benefits, plus the total 36009
face value of WIC program coupons or delivery verification 36010
receipts, plus the total value of other WIC program benefits, plus 36011
the total value of any electronically transferred benefit or other 36012
access device, involved in the violation. 36013

~~(d)~~(e) "Total value of any electronically transferred benefit 36014
or other access device" means the total value of the payments, 36015
allotments, benefits, money, goods, or other things of value that 36016
may be obtained, or the total value of funds that may be 36017
transferred, by use of any electronically transferred benefit or 36018
other access device at the time of violation. 36019

(2) If ~~food stamp coupons~~ supplemental nutrition assistance 36020
program benefits, WIC program benefits, or electronically 36021
transferred benefits or other access devices of various values are 36022
used, transferred, bought, acquired, altered, purchased, 36023
possessed, presented for redemption, or transported in violation 36024
of this section over a period of twelve months, the course of 36025
conduct may be charged as one offense and the values of ~~food stamp~~ 36026
~~coupons~~ supplemental nutrition assistance program benefits, WIC 36027
program benefits, or any electronically transferred benefits or 36028
other access devices may be aggregated in determining the degree 36029
of the offense. 36030

(B) No individual shall knowingly possess, buy, sell, use, 36031
alter, accept, or transfer ~~food stamp coupons~~ supplemental 36032
nutrition assistance program benefits, WIC program benefits, or 36033
any electronically transferred benefit in any manner not 36034
authorized by the "Food Stamp and Nutrition Act of 1977," ~~91 Stat.~~ 36035
~~958, 2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or section 17 of 36036
the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, 36037
as amended. 36038

(C) No organization, as defined in division (D) of section 36039
2901.23 of the Revised Code, shall do either of the following: 36040

(1) Knowingly allow an employee or agent to sell, transfer, 36041
or trade items or services, the purchase of which is prohibited by 36042
the "Food Stamp and Nutrition Act of 1977," ~~91 Stat. 958, 2008 (7~~ 36043
~~U.S.C.A. 2011, as amended, et seq.~~ or section 17 of the "Child 36044
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 36045

amended, in exchange for ~~food stamp coupons~~ supplemental nutrition 36046
assistance program benefits, WIC program benefits, or any 36047
electronically transferred benefit; 36048

(2) Negligently allow an employee or agent to sell, transfer, 36049
or exchange ~~food stamp coupons~~ supplemental nutrition assistance 36050
program benefits, WIC program benefits, or any electronically 36051
transferred benefit for anything of value. 36052

(D) Whoever violates this section is guilty of illegal use of 36053
~~food stamps~~ supplemental nutrition assistance program benefits or 36054
WIC program benefits. Except as otherwise provided in this 36055
division, illegal use of ~~food stamps~~ supplemental nutrition 36056
assistance program benefits or WIC program benefits is a felony of 36057
the fifth degree. If the aggregate value of the ~~food stamp coupons~~ 36058
supplemental nutrition assistance program benefits, WIC program 36059
benefits, and electronically transferred benefits involved in the 36060
violation is five hundred dollars or more and is less than five 36061
thousand dollars, illegal use of ~~food stamps~~ supplemental 36062
nutrition assistance program benefits or WIC program benefits is a 36063
felony of the fourth degree. If the aggregate value of the ~~food~~ 36064
~~stamp coupons~~ supplemental nutrition assistance program benefits, 36065
WIC program benefits, and electronically transferred benefits 36066
involved in the violation is five thousand dollars or more and is 36067
less than one hundred thousand dollars, illegal use of ~~food stamps~~ 36068
supplemental nutrition assistance program benefits or WIC program 36069
benefits is a felony of the third degree. If the aggregate value 36070
of the ~~food stamp coupons~~ supplemental nutrition assistance 36071
program benefits, WIC program benefits, and electronically 36072
transferred benefits involved in the violation is one hundred 36073
thousand dollars or more, illegal use of ~~food stamps~~ supplemental 36074
nutrition assistance program benefits or WIC program benefits is a 36075
felony of the second degree. 36076

36077

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:	36078 36079 36080
(1) The statement is made in any official proceeding.	36081
(2) The statement is made with purpose to incriminate another.	36082 36083
(3) The statement is made with purpose to mislead a public official in performing the public official's official function.	36084 36085
(4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.	36086 36087 36088 36089 36090 36091 36092
(5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.	36093 36094 36095
(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.	36096 36097
(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.	36098 36099
(8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.	36100 36101 36102 36103 36104 36105 36106
(9) The statement is made with purpose to commit or	36107

facilitate the commission of a theft offense. 36108

(10) The statement is knowingly made to a probate court in 36109
connection with any action, proceeding, or other matter within its 36110
jurisdiction, either orally or in a written document, including, 36111
but not limited to, an application, petition, complaint, or other 36112
pleading, or an inventory, account, or report. 36113

(11) The statement is made on an account, form, record, 36114
stamp, label, or other writing that is required by law. 36115

(12) The statement is made in connection with the purchase of 36116
a firearm, as defined in section 2923.11 of the Revised Code, and 36117
in conjunction with the furnishing to the seller of the firearm of 36118
a fictitious or altered driver's or commercial driver's license or 36119
permit, a fictitious or altered identification card, or any other 36120
document that contains false information about the purchaser's 36121
identity. 36122

(13) The statement is made in a document or instrument of 36123
writing that purports to be a judgment, lien, or claim of 36124
indebtedness and is filed or recorded with the secretary of state, 36125
a county recorder, or the clerk of a court of record. 36126

~~(14) The statement is made with purpose to obtain an Ohio's 36127
best Rx program enrollment card under section 173.773 of the 36128
Revised Code or a payment under section 173.801 of the Revised 36129
Code. 36130~~

~~(15)~~ The statement is made in an application filed with a 36131
county sheriff pursuant to section 2923.125 of the Revised Code in 36132
order to obtain or renew a license to carry a concealed handgun or 36133
is made in an affidavit submitted to a county sheriff to obtain a 36134
temporary emergency license to carry a concealed handgun under 36135
section 2923.1213 of the Revised Code. 36136

~~(16)~~(15) The statement is required under section 5743.71 of 36137
the Revised Code in connection with the person's purchase of 36138

cigarettes or tobacco products in a delivery sale. 36139

(B) No person, in connection with the purchase of a firearm, 36140
as defined in section 2923.11 of the Revised Code, shall knowingly 36141
furnish to the seller of the firearm a fictitious or altered 36142
driver's or commercial driver's license or permit, a fictitious or 36143
altered identification card, or any other document that contains 36144
false information about the purchaser's identity. 36145

(C) No person, in an attempt to obtain a license to carry a 36146
concealed handgun under section 2923.125 of the Revised Code, 36147
shall knowingly present to a sheriff a fictitious or altered 36148
document that purports to be certification of the person's 36149
competence in handling a handgun as described in division (B)(3) 36150
of section 2923.125 of the Revised Code. 36151

(D) It is no defense to a charge under division (A)(6) of 36152
this section that the oath or affirmation was administered or 36153
taken in an irregular manner. 36154

(E) If contradictory statements relating to the same fact are 36155
made by the offender within the period of the statute of 36156
limitations for falsification, it is not necessary for the 36157
prosecution to prove which statement was false but only that one 36158
or the other was false. 36159

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 36160
(6), (7), (8), (10), (11), (13), ~~(14)~~, or ~~(16)~~(15) of this section 36161
is guilty of falsification, a misdemeanor of the first degree. 36162

(2) Whoever violates division (A)(9) of this section is 36163
guilty of falsification in a theft offense. Except as otherwise 36164
provided in this division, falsification in a theft offense is a 36165
misdemeanor of the first degree. If the value of the property or 36166
services stolen is five hundred dollars or more and is less than 36167
five thousand dollars, falsification in a theft offense is a 36168
felony of the fifth degree. If the value of the property or 36169

services stolen is five thousand dollars or more and is less than 36170
one hundred thousand dollars, falsification in a theft offense is 36171
a felony of the fourth degree. If the value of the property or 36172
services stolen is one hundred thousand dollars or more, 36173
falsification in a theft offense is a felony of the third degree. 36174

(3) Whoever violates division (A)(12) or (B) of this section 36175
is guilty of falsification to purchase a firearm, a felony of the 36176
fifth degree. 36177

(4) Whoever violates division (A)~~(15)~~(14) or (C) of this 36178
section is guilty of falsification to obtain a concealed handgun 36179
license, a felony of the fourth degree. 36180

(G) A person who violates this section is liable in a civil 36181
action to any person harmed by the violation for injury, death, or 36182
loss to person or property incurred as a result of the commission 36183
of the offense and for reasonable attorney's fees, court costs, 36184
and other expenses incurred as a result of prosecuting the civil 36185
action commenced under this division. A civil action under this 36186
division is not the exclusive remedy of a person who incurs 36187
injury, death, or loss to person or property as a result of a 36188
violation of this section. 36189

Sec. 2937.22. (A) Bail is security for the appearance of an 36190
accused to appear and answer to a specific criminal or 36191
quasi-criminal charge in any court or before any magistrate at a 36192
specific time or at any time to which a case may be continued, and 36193
not depart without leave. It may take any of the following forms: 36194

~~(A)~~(1) The deposit of cash by the accused or by some other 36195
person for ~~him~~ the accused; 36196

~~(B)~~(2) The deposit by the accused or by some other person for 36197
~~him~~ the accused in form of bonds of the United States, this state, 36198
or any political subdivision thereof in a face amount equal to the 36199

sum set by the court or magistrate. In case of bonds not 36200
negotiable by delivery such bonds shall be properly endorsed for 36201
transfer. 36202

~~(C)~~(3) The written undertaking by one or more persons to 36203
forfeit the sum of money set by the court or magistrate, if the 36204
accused is in default for appearance, which shall be known as a 36205
recognizance. 36206

(B) Whenever a person is charged with any offense other than 36207
a traffic offense that is not a moving violation and posts bail, 36208
the person shall pay a surcharge of twenty-five dollars. The clerk 36209
of the court shall retain the twenty-five dollars until the person 36210
is convicted, pleads guilty, forfeits bail, is found not guilty, 36211
or has the charges dismissed. If the person is convicted, pleads 36212
guilty, or forfeits bail, the clerk shall transmit the twenty-five 36213
dollars on or before the twentieth day of the month following the 36214
month in which the person was convicted, pleaded guilty, or 36215
forfeited bail to the treasurer of state, and the treasurer of 36216
state shall deposit it into the indigent defense support fund 36217
created under section 120.08 of the Revised Code. If the person is 36218
found not guilty or the charges are dismissed, the clerk shall 36219
return the twenty-five dollars to the person. 36220

(C) All bail shall be received by the clerk of the court, 36221
deputy clerk of court, or by the magistrate, or by a special 36222
referee appointed by the supreme court pursuant to section 2937.46 36223
of the Revised Code, and, except in cases of recognizances, 36224
receipt shall be given therefor ~~by him~~. 36225

(D) As used in this section, "moving violation" has the same 36226
meaning as in section 2743.70 of the Revised Code. 36227

Sec. 2949.091. (A)(1)(a) The court~~7~~ in which any person is 36228
convicted of or pleads guilty to any offense ~~other than a traffic~~ 36229
~~offense that is not a moving violation,~~ shall impose one of the 36230

~~sum of fifteen dollars~~ following sums as costs in the case in 36231
addition to any other court costs that the court is required by 36232
law to impose upon the offender: 36233

(i) Thirty dollars if the offense is a felony; 36234

(ii) Twenty dollars if the offense is a misdemeanor other 36235
than a traffic offense that is not a moving violation; 36236

(iii) Ten dollars if the offense is a traffic offense that is 36237
not a moving violation, excluding parking violations. All such 36238

(b) All moneys collected pursuant to division (A)(1)(a) of 36239
this section during a month shall be transmitted on or before the 36240
twentieth day of the following month by the clerk of the court to 36241
the treasurer of state and deposited by the treasurer of state 36242
~~into~~ to the credit of the general revenue indigent defense support 36243
fund established under section 120.08 of the Revised Code. The 36244
court shall not waive the payment of the additional ~~fifteen 36245~~
~~dollars~~ thirty-, twenty-, or ten-dollar court costs, unless the 36246
court determines that the offender is indigent and waives the 36247
payment of all court costs imposed upon the indigent offender. 36248

(2)(a) The juvenile court~~r~~, in which a child is found to be a 36249
delinquent child or a juvenile traffic offender for an act ~~which 36250~~
~~that~~, if committed by an adult, would be an offense ~~other than a 36251~~
~~traffic offense that is not a moving violation~~, shall impose one 36252
of the ~~sum of fifteen dollars~~ following sums as costs in the case 36253
in addition to any other court costs that the court is required or 36254
permitted by law to impose upon the delinquent child or juvenile 36255
traffic offender: 36256

(i) Thirty dollars if the offense is a felony; 36257

(ii) Twenty dollars if the offense is a misdemeanor other 36258
than a traffic offense that is not a moving violation; 36259

(iii) Ten dollars if the offense is a traffic offense that is 36260

not a moving violation, excluding parking violations. All such 36261

(b) All moneys collected pursuant to division (A)(2)(a) of 36262
this section during a month shall be transmitted on or before the 36263
twentieth day of the following month by the clerk of the court to 36264
the treasurer of state and deposited by the treasurer of state 36265
~~into~~ to the credit of the general revenue indigent defense support 36266
fund established under section 120.08 of the Revised Code. The 36267
~~fifteen dollars~~ thirty-, twenty-, or ten-dollar court costs shall 36268
be collected in all cases unless the court determines the juvenile 36269
is indigent and waives the payment of all court costs, or enters 36270
an order on its journal stating that it has determined that the 36271
juvenile is indigent, that no other court costs are to be taxed in 36272
the case, and that the payment of the ~~fifteen dollars~~ thirty-, 36273
twenty-, or ten-dollar court costs is waived. 36274

(B) Whenever a person is charged with any offense ~~other than~~ 36275
~~a traffic offense that is not a moving violation and posts bail~~ 36276
described in division (A)(1) of this section, the court shall add 36277
to the amount of the bail the ~~fifteen~~ thirty, twenty, or ten 36278
dollars required to be paid by division (A)(1) of this section. 36279
The ~~fifteen~~ thirty, twenty, or ten dollars shall be retained by 36280
the clerk of the court until the person is convicted, pleads 36281
guilty, forfeits bail, is found not guilty, or has the charges 36282
dismissed. If the person is convicted, pleads guilty, or forfeits 36283
bail, the clerk shall transmit the ~~fifteen~~ thirty, twenty, or ten 36284
dollars on or before the twentieth day of the month following the 36285
month in which the person was convicted, pleaded guilty, or 36286
forfeited bail to the treasurer of state, who shall deposit it 36287
~~into~~ to the credit of the general revenue indigent defense support 36288
fund established under section 120.08 of the Revised Code. If the 36289
person is found not guilty or the charges are dismissed, the clerk 36290
shall return the ~~fifteen~~ thirty, twenty, or ten dollars to the 36291
person. 36292

(C) No person shall be placed or held in a detention facility 36293
for failing to pay the additional ~~fifteen dollars~~ thirty-, 36294
twenty-, or ten-dollar court costs or bail that are required to be 36295
paid by this section. 36296

(D) As used in this section: 36297

(1) "Moving violation" and "bail" have the same meanings as 36298
in section 2743.70 of the Revised Code. 36299

(2) "Detention facility" has the same meaning as in section 36300
2921.01 of the Revised Code. 36301

Sec. 2949.111. (A) As used in this section: 36302

(1) "Court costs" means any assessment that the court 36303
requires an offender to pay to defray the costs of operating the 36304
court. 36305

(2) "State fines or costs" means any costs imposed or 36306
forfeited bail collected by the court under section 2743.70 of the 36307
Revised Code for deposit into the reparations fund or under 36308
section 2949.091 of the Revised Code for deposit into the ~~general~~ 36309
~~revenue~~ indigent defense support fund established under section 36310
120.08 of the Revised Code and all fines, penalties, and forfeited 36311
bail collected by the court and paid to a law library association 36312
under sections 3375.50 to 3375.53 of the Revised Code. 36313

(3) "Reimbursement" means any reimbursement for the costs of 36314
confinement that the court orders an offender to pay pursuant to 36315
section 2929.28 of the Revised Code, any supervision fee, any fee 36316
for the costs of house arrest with electronic monitoring that an 36317
offender agrees to pay, any reimbursement for the costs of an 36318
investigation or prosecution that the court orders an offender to 36319
pay pursuant to section 2929.71 of the Revised Code, or any other 36320
costs that the court orders an offender to pay. 36321

(4) "Supervision fees" means any fees that a court, pursuant 36322

to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 36323
requires an offender who is under a community control sanction to 36324
pay for supervision services. 36325

(5) "Community control sanction" has the same meaning as in 36326
section 2929.01 of the Revised Code. 36327

(B) Unless the court, in accordance with division (C) of this 36328
section, enters in the record of the case a different method of 36329
assigning payments, if a person who is charged with a misdemeanor 36330
is convicted of or pleads guilty to the offense, if the court 36331
orders the offender to pay any combination of court costs, state 36332
fines or costs, restitution, a conventional fine, or any 36333
reimbursement, and if the offender makes any payment of any of 36334
them to a clerk of court, the clerk shall assign the offender's 36335
payment in the following manner: 36336

(1) If the court ordered the offender to pay any court costs, 36337
the offender's payment shall be assigned toward the satisfaction 36338
of those court costs until they have been entirely paid. 36339

(2) If the court ordered the offender to pay any state fines 36340
or costs and if all of the court costs that the court ordered the 36341
offender to pay have been paid, the remainder of the offender's 36342
payment shall be assigned on a pro rata basis toward the 36343
satisfaction of the state fines or costs until they have been 36344
entirely paid. 36345

(3) If the court ordered the offender to pay any restitution 36346
and if all of the court costs and state fines or costs that the 36347
court ordered the offender to pay have been paid, the remainder of 36348
the offender's payment shall be assigned toward the satisfaction 36349
of the restitution until it has been entirely paid. 36350

(4) If the court ordered the offender to pay any fine and if 36351
all of the court costs, state fines or costs, and restitution that 36352
the court ordered the offender to pay have been paid, the 36353

remainder of the offender's payment shall be assigned toward the 36354
satisfaction of the fine until it has been entirely paid. 36355

(5) If the court ordered the offender to pay any 36356
reimbursement and if all of the court costs, state fines or costs, 36357
restitution, and fines that the court ordered the offender to pay 36358
have been paid, the remainder of the offender's payment shall be 36359
assigned toward the satisfaction of the reimbursements until they 36360
have been entirely paid. 36361

(C) If a person who is charged with a misdemeanor is 36362
convicted of or pleads guilty to the offense and if the court 36363
orders the offender to pay any combination of court costs, state 36364
fines or costs, restitution, fines, or reimbursements, the court, 36365
at the time it orders the offender to make those payments, may 36366
prescribe an order of payments that differs from the order set 36367
forth in division (B) of this section by entering in the record of 36368
the case the order so prescribed. If a different order is entered 36369
in the record, on receipt of any payment, the clerk of the court 36370
shall assign the payment in the manner prescribed by the court. 36371

Sec. 2949.17. (A) The sheriff may take one guard for every 36372
two convicted felons to be transported to a correctional 36373
institution. The trial judge may authorize a larger number of 36374
guards upon written application of the sheriff, in which case a 36375
transcript of the order of the judge shall be certified by the 36376
clerk of the court of common pleas under the seal of the court, 36377
and the sheriff shall deliver the order with the convict to the 36378
person in charge of the correctional institution. 36379

(B) In order to obtain reimbursement for the county for the 36380
expenses of transportation for indigent convicted felons, the 36381
clerk of the court of common pleas shall prepare a transportation 36382
cost bill for each indigent convicted felon transported pursuant 36383
to this section for an amount equal to ~~ten cents~~ not less than one 36384

~~dollar~~ a mile from the county seat to the state correctional 36385
institution and return for ~~the sheriff and each of the guards and~~ 36386
~~five cents a mile from the county seat to the state correctional~~ 36387
~~institution~~ for each prisoner. The number of miles shall be 36388
computed by the usual route of travel. The clerk's duties under 36389
this division are subject to division (B) of section 2949.19 of 36390
the Revised Code. 36391

Sec. 2981.13. (A) Except as otherwise provided in this 36392
section, property ordered forfeited as contraband, proceeds, or an 36393
instrumentality pursuant to this chapter shall be disposed of, 36394
used, or sold pursuant to section 2981.12 of the Revised Code. If 36395
the property is to be sold under that section, the prosecutor 36396
shall cause notice of the proposed sale to be given in accordance 36397
with law. 36398

(B) If the contraband or instrumentality forfeited under this 36399
chapter is sold, any moneys acquired from a sale and any proceeds 36400
forfeited under this chapter shall be applied in the following 36401
order: 36402

(1) First, to pay costs incurred in the seizure, storage, 36403
maintenance, security, and sale of the property and in the 36404
forfeiture proceeding; 36405

(2) Second, in a criminal forfeiture case, to satisfy any 36406
restitution ordered to the victim of the offense or, in a civil 36407
forfeiture case, to satisfy any recovery ordered for the person 36408
harmed, unless paid from other assets; 36409

(3) Third, to pay the balance due on any security interest 36410
preserved under this chapter; 36411

(4) Fourth, apply the remaining amounts as follows: 36412

(a) If the forfeiture was ordered by a juvenile court, ten 36413
per cent to one or more certified alcohol and drug addiction 36414

treatment programs as provided in division (D) of section 2981.12 36415
of the Revised Code; 36416

(b) If the forfeiture was ordered in a juvenile court, ninety 36417
per cent, and if the forfeiture was ordered in a court other than 36418
a juvenile court, one hundred per cent to the law enforcement 36419
trust fund of the prosecutor and to the following fund supporting 36420
the law enforcement agency that substantially conducted the 36421
investigation: the law enforcement trust fund of the county 36422
sheriff, municipal corporation, township, or park district created 36423
under section 511.18 or 1545.01 of the Revised Code; the state 36424
highway patrol contraband, forfeiture, and other fund; the 36425
department of public safety investigative unit contraband, 36426
forfeiture, and other fund; the department of taxation enforcement 36427
fund; the board of pharmacy drug law enforcement fund created by 36428
division (B)(1) of section 4729.65 of the Revised Code; the 36429
medicaid fraud investigation and prosecution fund; or the 36430
treasurer of state for deposit into the peace officer training 36431
commission fund if any other state law enforcement agency 36432
substantially conducted the investigation. In the case of property 36433
forfeited for medicaid fraud, any remaining amount shall be used 36434
by the attorney general to investigate and prosecute medicaid 36435
fraud offenses. 36436

If the prosecutor declines to accept any of the remaining 36437
amounts, the amounts shall be applied to the fund of the agency 36438
that substantially conducted the investigation. 36439

(c) If more than one law enforcement agency is substantially 36440
involved in the seizure of property forfeited under this chapter, 36441
the court ordering the forfeiture shall equitably divide the 36442
amounts, after calculating any distribution to the law enforcement 36443
trust fund of the prosecutor pursuant to division (B)(4) of this 36444
section, among the entities that the court determines were 36445
substantially involved in the seizure. 36446

(C)(1) A law enforcement trust fund shall be established by 36447
the prosecutor of each county who intends to receive any remaining 36448
amounts pursuant to this section, by the sheriff of each county, 36449
by the legislative authority of each municipal corporation, by the 36450
board of township trustees of each township that has a township 36451
police department, township police district police force, or 36452
office of the constable, and by the board of park commissioners of 36453
each park district created pursuant to section 511.18 or 1545.01 36454
of the Revised Code that has a park district police force or law 36455
enforcement department, for the purposes of this section. 36456

There is hereby created in the state treasury the state 36457
highway patrol contraband, forfeiture, and other fund, the 36458
department of public safety investigative unit contraband, 36459
forfeiture, and other fund, the medicaid fraud investigation and 36460
prosecution fund, the department of taxation enforcement fund, and 36461
the peace officer training commission fund, for the purposes of 36462
this section. 36463

Amounts distributed to any municipal corporation, township, 36464
or park district law enforcement trust fund shall be allocated 36465
from the fund by the legislative authority only to the police 36466
department of the municipal corporation, by the board of township 36467
trustees only to the township police department, township police 36468
district police force, or office of the constable, and by the 36469
board of park commissioners only to the park district police force 36470
or law enforcement department. 36471

(2)(a) No amounts shall be allocated to a fund created under 36472
this section or used by an agency unless the agency has adopted a 36473
written internal control policy that addresses the use of moneys 36474
received from the appropriate fund. The appropriate fund shall be 36475
expended only in accordance with that policy and, subject to the 36476
requirements specified in this section, only for the following 36477
purposes: 36478

(i) To pay the costs of protracted or complex investigations	36479
or prosecutions;	36480
(ii) To provide reasonable technical training or expertise;	36481
(iii) To provide matching funds to obtain federal grants to	36482
aid law enforcement, in the support of DARE programs or other	36483
programs designed to educate adults or children with respect to	36484
the dangers associated with the use of drugs of abuse;	36485
(iv) To pay the costs of emergency action taken under section	36486
3745.13 of the Revised Code relative to the operation of an	36487
illegal methamphetamine laboratory if the forfeited property or	36488
money involved was that of a person responsible for the operation	36489
of the laboratory;	36490
(v) For other law enforcement purposes that the	36491
superintendent of the state highway patrol, department of public	36492
safety, prosecutor, county sheriff, legislative authority,	36493
<u>department of taxation</u> , board of township trustees, or board of	36494
park commissioners determines to be appropriate.	36495
(b) The board of pharmacy drug law enforcement fund shall be	36496
expended only in accordance with the written internal control	36497
policy so adopted by the board and only in accordance with section	36498
4729.65 of the Revised Code, except that it also may be expended	36499
to pay the costs of emergency action taken under section 3745.13	36500
of the Revised Code relative to the operation of an illegal	36501
methamphetamine laboratory if the forfeited property or money	36502
involved was that of a person responsible for the operation of the	36503
laboratory.	36504
(c) The state highway patrol contraband, forfeiture, and	36505
other fund, the department of public safety investigative unit	36506
contraband, forfeiture, and other fund, the department of taxation	36507
enforcement fund, the board of pharmacy drug law enforcement fund,	36508
and a law enforcement trust fund shall not be used to meet the	36509

operating costs of the state highway patrol, of the investigative 36510
unit of the department of public safety, of the state board of 36511
pharmacy, of any political subdivision, or of any office of a 36512
prosecutor or county sheriff that are unrelated to law 36513
enforcement. 36514

(d) Forfeited moneys that are paid into the state treasury to 36515
be deposited into the peace officer training commission fund shall 36516
be used by the commission only to pay the costs of peace officer 36517
training. 36518

(3) Any of the following offices or agencies that receive 36519
amounts under this section during any calendar year shall file a 36520
report with the specified entity, not later than the thirty-first 36521
day of January of the next calendar year, verifying that the 36522
moneys were expended only for the purposes authorized by this 36523
section or other relevant statute and specifying the amounts 36524
expended for each authorized purpose: 36525

(a) Any sheriff or prosecutor shall file the report with the 36526
county auditor. 36527

(b) Any municipal corporation police department shall file 36528
the report with the legislative authority of the municipal 36529
corporation. 36530

(c) Any township police department, township police district 36531
police force, or office of the constable shall file the report 36532
with the board of township trustees of the township. 36533

(d) Any park district police force or law enforcement 36534
department shall file the report with the board of park 36535
commissioners of the park district. 36536

(e) The superintendent of the state highway patrol and the 36537
tax commissioner shall file the report with the attorney general. 36538

(f) The executive director of the state board of pharmacy 36539

shall file the report with the attorney general, verifying that 36540
cash and forfeited proceeds paid into the board of pharmacy drug 36541
law enforcement fund were used only in accordance with section 36542
4729.65 of the Revised Code. 36543

(g) The peace officer training commission shall file a report 36544
with the attorney general, verifying that cash and forfeited 36545
proceeds paid into the peace officer training commission fund 36546
pursuant to this section during the prior calendar year were used 36547
by the commission during the prior calendar year only to pay the 36548
costs of peace officer training. 36549

(D) The written internal control policy of a county sheriff, 36550
prosecutor, municipal corporation police department, township 36551
police department, township police district police force, office 36552
of the constable, or park district police force or law enforcement 36553
department shall provide that at least ten per cent of the first 36554
one hundred thousand dollars of amounts deposited during each 36555
calendar year in the agency's law enforcement trust fund under 36556
this section, and at least twenty per cent of the amounts 36557
exceeding one hundred thousand dollars that are so deposited, 36558
shall be used in connection with community preventive education 36559
programs. The manner of use shall be determined by the sheriff, 36560
prosecutor, department, police force, or office of the constable 36561
after receiving and considering advice on appropriate community 36562
preventive education programs from the county's board of alcohol, 36563
drug addiction, and mental health services, from the county's 36564
alcohol and drug addiction services board, or through appropriate 36565
community dialogue. 36566

The financial records kept under the internal control policy 36567
shall specify the amount deposited during each calendar year in 36568
the portion of that amount that was used pursuant to this 36569
division, and the programs in connection with which the portion of 36570
that amount was so used. 36571

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of the Revised Code, of any property that is required by law to be titled or registered, the state shall issue an appropriate certificate of title or registration to the purchaser. If the state is vested with title and elects to retain property that is required to be titled or registered under law, the state shall issue an appropriate certificate of title or registration.

(F) Any failure of a law enforcement officer or agency, prosecutor, court, or the attorney general to comply with this section in relation to any property seized does not affect the validity of the seizure and shall not be considered to be the basis for suppressing any evidence resulting from the seizure, provided the seizure itself was lawful.

Sec. 3105.87. The court may order a public retirement program or the Ohio public employees deferred compensation program to provide information from a participant's personal history record necessary to determine the amounts described in division (D) of section 3105.82 of the Revised Code.

Sec. 3119.01. (A) As used in the Revised Code, "child support enforcement agency" means a child support enforcement agency designated under former section 2301.35 of the Revised Code prior to October 1, 1997, or a private or government entity designated as a child support enforcement agency under section 307.981 of the Revised Code.

(B) As used in this chapter and Chapters 3121., 3123., and 3125. of the Revised Code:

- (1) "Administrative child support order" means any order issued by a child support enforcement agency for the support of a child pursuant to section 3109.19 or 3111.81 of the Revised Code or former section 3111.211 of the Revised Code, section 3111.21 of the Revised Code as that section existed prior to January 1, 1998, or section 3111.20 or 3111.22 of the Revised Code as those sections existed prior to March 22, 2001.
- (2) "Child support order" means either a court child support order or an administrative child support order.
- (3) "Obligee" means the person who is entitled to receive the support payments under a support order.
- (4) "Obligor" means the person who is required to pay support under a support order.
- (5) "Support order" means either an administrative child support order or a court support order.
- (C) As used in this chapter:
- (1) "Combined gross income" means the combined gross income of both parents.
- (2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.
- (3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured 36632
medical expenses incurred for a child during a calendar year that 36633
exceed one hundred dollars. 36634

(5) "Income" means either of the following: 36635

(a) For a parent who is employed to full capacity, the gross 36636
income of the parent; 36637

(b) For a parent who is unemployed or underemployed, the sum 36638
of the gross income of the parent and any potential income of the 36639
parent. 36640

(6) "Insurer" means any person authorized under Title XXXIX 36641
of the Revised Code to engage in the business of insurance in this 36642
state, any health insuring corporation, and any legal entity that 36643
is self-insured and provides benefits to its employees or members. 36644

(7) "Gross income" means, except as excluded in division 36645
(C)(7) of this section, the total of all earned and unearned 36646
income from all sources during a calendar year, whether or not the 36647
income is taxable, and includes income from salaries, wages, 36648
overtime pay, and bonuses to the extent described in division (D) 36649
of section 3119.05 of the Revised Code; commissions; royalties; 36650
tips; rents; dividends; severance pay; pensions; interest; trust 36651
income; annuities; social security benefits, including retirement, 36652
disability, and survivor benefits that are not means-tested; 36653
workers' compensation benefits; unemployment insurance benefits; 36654
disability insurance benefits; benefits that are not means-tested 36655
and that are received by and in the possession of the veteran who 36656
is the beneficiary for any service-connected disability under a 36657
program or law administered by the United States department of 36658
veterans' affairs or veterans' administration; spousal support 36659
actually received; and all other sources of income. "Gross income" 36660
includes income of members of any branch of the United States 36661
armed services or national guard, including, amounts representing 36662

base pay, basic allowance for quarters, basic allowance for 36663
subsistence, supplemental subsistence allowance, cost of living 36664
adjustment, specialty pay, variable housing allowance, and pay for 36665
training or other types of required drills; self-generated income; 36666
and potential cash flow from any source. 36667

"Gross income" does not include any of the following: 36668

(a) Benefits received from means-tested government 36669
administered programs, including Ohio works first; prevention, 36670
retention, and contingency; means-tested veterans' benefits; 36671
supplemental security income; ~~food stamps~~ supplemental nutrition 36672
assistance program; disability financial assistance; or other 36673
assistance for which eligibility is determined on the basis of 36674
income or assets; 36675

(b) Benefits for any service-connected disability under a 36676
program or law administered by the United States department of 36677
veterans' affairs or veterans' administration that are not 36678
means-tested, that have not been distributed to the veteran who is 36679
the beneficiary of the benefits, and that are in the possession of 36680
the United States department of veterans' affairs or veterans' 36681
administration; 36682

(c) Child support received for children who were not born or 36683
adopted during the marriage at issue; 36684

(d) Amounts paid for mandatory deductions from wages such as 36685
union dues but not taxes, social security, or retirement in lieu 36686
of social security; 36687

(e) Nonrecurring or unsustainable income or cash flow items; 36688

(f) Adoption assistance and foster care maintenance payments 36689
made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 36690
501, 42 U.S.C.A. 670 (1980), as amended. 36691

(8) "Nonrecurring or unsustainable income or cash flow item" 36692

means an income or cash flow item the parent receives in any year 36693
or for any number of years not to exceed three years that the 36694
parent does not expect to continue to receive on a regular basis. 36695
"Nonrecurring or unsustainable income or cash flow item" does not 36696
include a lottery prize award that is not paid in a lump sum or 36697
any other item of income or cash flow that the parent receives or 36698
expects to receive for each year for a period of more than three 36699
years or that the parent receives and invests or otherwise uses to 36700
produce income or cash flow for a period of more than three years. 36701

(9)(a) "Ordinary and necessary expenses incurred in 36702
generating gross receipts" means actual cash items expended by the 36703
parent or the parent's business and includes depreciation expenses 36704
of business equipment as shown on the books of a business entity. 36705

(b) Except as specifically included in "ordinary and 36706
necessary expenses incurred in generating gross receipts" by 36707
division (C)(9)(a) of this section, "ordinary and necessary 36708
expenses incurred in generating gross receipts" does not include 36709
depreciation expenses and other noncash items that are allowed as 36710
deductions on any federal tax return of the parent or the parent's 36711
business. 36712

(10) "Personal earnings" means compensation paid or payable 36713
for personal services, however denominated, and includes wages, 36714
salary, commissions, bonuses, draws against commissions, profit 36715
sharing, vacation pay, or any other compensation. 36716

(11) "Potential income" means both of the following for a 36717
parent who the court pursuant to a court support order, or a child 36718
support enforcement agency pursuant to an administrative child 36719
support order, determines is voluntarily unemployed or voluntarily 36720
underemployed: 36721

(a) Imputed income that the court or agency determines the 36722
parent would have earned if fully employed as determined from the 36723

following criteria:	36724
(i) The parent's prior employment experience;	36725
(ii) The parent's education;	36726
(iii) The parent's physical and mental disabilities, if any;	36727
(iv) The availability of employment in the geographic area in which the parent resides;	36728 36729
(v) The prevailing wage and salary levels in the geographic area in which the parent resides;	36730 36731
(vi) The parent's special skills and training;	36732
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	36733 36734
(viii) The age and special needs of the child for whom child support is being calculated under this section;	36735 36736
(ix) The parent's increased earning capacity because of experience;	36737 36738
(x) Any other relevant factor.	36739
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	36740 36741 36742 36743 36744
(12) "Schedule" means the basic child support schedule set forth in section 3119.021 of the Revised Code.	36745 36746
(13) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent	36747 36748 36749 36750 36751 36752

from self-employment, the operation of a business, or rents, 36753
including company cars, free housing, reimbursed meals, and other 36754
benefits, if the reimbursements are significant and reduce 36755
personal living expenses. 36756

(14) "Split parental rights and responsibilities" means a 36757
situation in which there is more than one child who is the subject 36758
of an allocation of parental rights and responsibilities and each 36759
parent is the residential parent and legal custodian of at least 36760
one of those children. 36761

(15) "Worksheet" means the applicable worksheet that is used 36762
to calculate a parent's child support obligation as set forth in 36763
sections 3119.022 and 3119.023 of the Revised Code. 36764

Sec. 3119.371. (A) As used in this section: 36765

(1) "Health insurance provider" means: 36766

(a) A person authorized to engage in the business of sickness 36767
and accident insurance under Title XXXIX of the Revised Code; 36768

(b) A person or government entity providing coverage for 36769
medical services or items to individuals on a self-insurance 36770
basis; 36771

(c) A health insuring corporation as defined in section 36772
1751.01 of the Revised Code; 36773

(d) A group health plan as defined in 29 U.S.C. 1167; 36774

(e) Any organization, business, or association described in 36775
42 U.S.C. 1396a(a)(25); or 36776

(f) A managed care organization. 36777

(2) "Information" means all of the following: 36778

(a) An individual's name, address, date of birth, and social 36779
security number; 36780

(b) The group or plan number or other identifier assigned by a health insurance provider to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; and 36781
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(c) Any other data specified by the director of job and family services in rules adopted under section 3119.51 of the Revised Code. 36785
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(B) Upon request of the office of child support in the department of job and family services and for the purpose of establishing and enforcing orders to provide health insurance coverage, a health insurance provider shall provide the information described in division (A)(2) of this section to the office of child support. 36788
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Sec. 3121.037. (A) A withholding notice sent under section 3121.03 of the Revised Code shall contain all of the following: 36794
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(1) Notice of the amount to be withheld from the obligor's income and a statement that, notwithstanding that amount, the payor may not withhold an amount for support and other purposes, including the fee described in division (A)~~(11)~~(12) of this section, that exceeds the maximum amounts permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b); 36796
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(2) A statement that the payor is required to send the amount withheld to the office of child support immediately, but not later than seven business days, after the obligor is paid and is required to report to the agency the date the amount was withheld; 36802
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(3) A statement that the withholding shall be submitted to the state via electronic means if the employer employs more than fifty employees; 36806
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(4) A statement that the withholding is binding on the payor until further notice from the court or agency; 36809
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~~(4)~~(5) A statement that if the payor is an employer, the payor is subject to a fine to be determined under the law of this state for discharging the obligor from employment, refusing to employ the obligor, or taking any disciplinary action against the obligor because of the withholding requirement;

~~(5)~~(6) A statement that, if the payor fails to withhold in accordance with the notice, the payor is liable for the accumulated amount the payor should have withheld from the obligor's income;

~~(6)~~(7) A statement that, except for deductions from lump sum payments made in accordance with section 3121.0311 of the Revised Code, the withholding in accordance with the notice has priority over any other legal process under the law of this state against the same income;

~~(7)~~(8) The date on which the notice was mailed and a statement that the payor is required to implement the withholding no later than fourteen business days following the date the notice was mailed or, if the payor is an employer, no later than the first pay period that occurs after fourteen business days following the date the notice was mailed, and is required to continue the withholding at the intervals specified in the notice.

~~(8)~~(9) A requirement that the payor do the following:

(a) Promptly notify the child support enforcement agency administering the support order, in writing, within ten business days after the date of any situation that occurs in which the payor ceases to pay income to the obligor in an amount sufficient to comply with the order, including termination of employment, layoff of the obligor from employment, any leave of absence of the obligor from employment without pay, termination of workers' compensation benefits, or termination of any pension, annuity, allowance, or retirement benefit;

(b) Provide the agency with the obligor's last known address 36842
and, with respect to a court support order and if known, notify 36843
the agency of any new employer or income source and the name, 36844
address, and telephone number of the new employer or income 36845
source. 36846

~~(9)~~(10) A requirement that, if the payor is an employer, the 36847
payor do both of the following: 36848

(a) Identify in the notice given under division (A)~~(8)~~(9) of 36849
this section any types of benefits other than personal earnings 36850
the obligor is receiving or is eligible to receive as a benefit of 36851
employment or as a result of the obligor's termination of 36852
employment, including, but not limited to, unemployment 36853
compensation, workers' compensation benefits, severance pay, sick 36854
leave, lump sum payments of retirement benefits or contributions, 36855
and bonuses or profit-sharing payments or distributions, and the 36856
amount of the benefits; 36857

(b) Include in the notice the obligor's last known address 36858
and telephone number, date of birth, social security number, and 36859
case number and, if known, the name and business address of any 36860
new employer of the obligor. 36861

~~(10)~~(11) Subject to section 3121.0311 of the Revised Code, a 36862
requirement that, no later than the earlier of forty-five days 36863
before a lump sum payment is to be made or, if the obligor's right 36864
to the lump sum payment is determined less than forty-five days 36865
before it is to be made, the date on which that determination is 36866
made, the payor notify the child support enforcement agency 36867
administering the support order of any lump sum payment of any 36868
kind of one hundred fifty dollars or more that is to be paid to 36869
the obligor, hold each lump sum payment of one hundred fifty 36870
dollars or more for thirty days after the date on which it would 36871
otherwise be paid to the obligor and, on order of the court or 36872
agency that issued the support order, pay all or a specified 36873

amount of the lump sum payment to the office of child support; 36874

~~(11)~~(12) A statement that, in addition to the amount withheld 36875
for support, the payor may withhold a fee from the obligor's 36876
income as a charge for its services in complying with the notice 36877
and a specification of the amount that may be withheld. 36878

(B) A deduction notice sent under section 3121.03 of the 36879
Revised Code shall contain all of the following: 36880

(1) Notice of the amount to be deducted from the obligor's 36881
account; 36882

(2) A statement that the financial institution is required to 36883
send the amount deducted to the office of child support 36884
immediately, but not later than seven business days, after the 36885
date the last deduction was made and to report to the child 36886
support enforcement agency the date on which the amount was 36887
deducted; 36888

(3) A statement that the deduction is binding on the 36889
financial institution until further notice from the court or 36890
agency; 36891

(4) A statement that the deduction in accordance with the 36892
notice has priority over any other legal process under the law of 36893
this state against the same account; 36894

(5) The date on which the notice was mailed and a statement 36895
that the financial institution is required to implement the 36896
deduction no later than fourteen business days following that date 36897
and to continue the deduction at the intervals specified in the 36898
notice; 36899

(6) A requirement that the financial institution promptly 36900
notify the child support enforcement agency administering the 36901
support order, in writing, within ten days after the date of any 36902
termination of the account from which the deduction is being made 36903

and notify the agency, in writing, of the opening of a new account 36904
at that financial institution, the account number of the new 36905
account, the name of any other known financial institutions in 36906
which the obligor has any accounts, and the numbers of those 36907
accounts; 36908

(7) A requirement that the financial institution include in 36909
all notices the obligor's last known mailing address, last known 36910
residence address, and social security number; 36911

(8) A statement that, in addition to the amount deducted for 36912
support, the financial institution may deduct a fee from the 36913
obligor's account as a charge for its services in complying with 36914
the notice and a specification of the amount that may be deducted. 36915

Sec. 3121.0311. (A) If a lump sum payment referred to in 36916
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code 36917
consists of workers' compensation benefits and the obligor is 36918
represented by an attorney with respect to the obligor's workers' 36919
compensation claim, prior to issuing the notice to the child 36920
support enforcement agency required by that division, the 36921
administrator of workers' compensation, for claims involving state 36922
fund employers, or a self-insuring employer, for that employer's 36923
claims, shall notify the obligor and the obligor's attorney in 36924
writing that the obligor is subject to a support order and that 36925
the administrator or self-insuring employer, as appropriate, shall 36926
hold the lump sum payment for a period of thirty days after the 36927
administrator or self-insuring employer sends this written notice, 36928
pending receipt of the information referred to in division (B) of 36929
this section. 36930

(B) The administrator or self-insuring employer, as 36931
appropriate, shall instruct the obligor's attorney in writing to 36932
file a copy of the fee agreement signed by the obligor, along with 36933
an affidavit signed by the attorney setting forth the amount of 36934

the attorney's fee with respect to the lump sum payment award to 36935
the obligor and the amount of all necessary expenses, along with 36936
documentation of those expenses, incurred by the attorney with 36937
respect to obtaining the lump sum award. The obligor's attorney 36938
shall file the fee agreement and attorney affidavit with the 36939
administrator or self-insuring employer, as appropriate, within 36940
thirty days after the date the administrator or self-insuring 36941
employer sends the notice required by division (A) of this 36942
section. 36943

(C) Upon receipt of the fee agreement and attorney affidavit, 36944
the administrator or self-insuring employer, as appropriate, shall 36945
deduct from the lump sum payment the amount of the attorney's fee 36946
and necessary expenses and pay that amount directly to and solely 36947
in the name of the attorney within fourteen days after the fee 36948
agreement and attorney affidavit have been filed with the 36949
administrator or self-insuring employer. 36950

(D) After deducting any attorney's fee and necessary 36951
expenses, if the lump sum payment is one hundred fifty dollars or 36952
more, the administrator or self-insuring employer, as appropriate, 36953
shall hold the balance of the lump sum award in accordance with 36954
division (A)~~(10)~~(11) of section 3121.037 of the Revised Code. 36955

Sec. 3121.19. (A) The entire amount withheld or deducted 36956
pursuant to a withholding or deduction notice described in section 36957
3121.03 of the Revised Code shall be forwarded to the office of 36958
child support in the department of job and family services 36959
immediately, but not later than seven business days, after the 36960
withholding or deduction, as directed in the withholding or 36961
deduction notice. 36962

(B) An employer who employs more than fifty employees shall 36963
submit the entire amount withheld pursuant to a withholding notice 36964
described in section 3121.03 of the Revised Code by electronic 36965

transfer to the office of child support in the department of job 36966
and family services immediately, but not later than seven business 36967
days, after the withholding, as directed in the withholding 36968
notice. 36969

Sec. 3121.20. (A) A payor or financial institution required 36970
to withhold or deduct a specified amount from the income or 36971
savings of more than one obligor under a withholding or deduction 36972
notice described in section 3121.03 of the Revised Code and to 36973
forward the amounts withheld or deducted to the office of child 36974
support may combine all of the amounts to be forwarded in one 36975
payment if the payment is accompanied by a list that clearly 36976
identifies ~~each~~ all of the following: 36977

(1) Each obligor covered by the payment and the; 36978

(2) Each child support case, numbered as provided on the 36979
withholding or deduction notice, that is covered by the payment; 36980

(3) The portion of the payment attributable to each obligor 36981
and each case number. 36982

(B) A payor who employs more than fifty employees and who is 36983
required to submit the withholding by electronic transfer pursuant 36984
to sections 3121.037 and 3121.19 of the Revised Code shall combine 36985
all of the amounts to be forwarded in one payment. The payment 36986
shall be accompanied by information that clearly identifies all of 36987
the following: 36988

(1) Each obligor that is covered by the payment; 36989

(2) Each child support case, numbered as provided on the 36990
withholding notice issued pursuant to section 3121.03 of the 36991
Revised Code, that is covered by the payment; 36992

(3) The portion of the payment attributable to each obligor 36993
and each case number. 36994

Sec. 3121.898. The department of job and family services 36995
shall use the new hire reports it receives for any of the 36996
following purposes set forth in 42 U.S.C. 653a, as amended, 36997
including: 36998

(A) To locate individuals for the purposes of establishing 36999
paternity and for establishing, modifying, and enforcing child 37000
support orders. 37001

(B) As used in this division, "state agency" means every 37002
department, bureau, board, commission, office, or other organized 37003
body established by the constitution or laws of this state for the 37004
exercise of state government; every entity of county government 37005
that is subject to the rules of a state agency; and every 37006
contractual agent of a state agency. 37007

To make available to any state agency responsible for 37008
administering any of the following programs for purposes of 37009
verifying program eligibility: 37010

(1) Any Title IV-A program as defined in section 5101.80 of 37011
the Revised Code; 37012

(2) The medicaid program authorized by Chapter 5111. of the 37013
Revised Code; 37014

(3) The unemployment compensation program authorized by 37015
Chapter 4141. of the Revised Code; 37016

(4) The ~~food stamp~~ supplemental nutrition assistance program 37017
authorized by section 5101.54 of the Revised Code; 37018

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 37019
amended. 37020

(C) The administration of the employment security program 37021
under the director of job and family services. 37022

Sec. 3123.952. A child support enforcement agency may submit 37023

the name of a delinquent obligor to the office of child support 37024
for inclusion on a poster only if all of the following apply: 37025

(A) The obligor is subject to a support order and there has 37026
been an attempt to enforce the order through a public notice, a 37027
wage withholding order, a lien on property, a financial 37028
institution deduction order, or other court-ordered procedures. 37029

(B) The department of job and family services reviewed the 37030
obligor's records and confirms the child support enforcement 37031
agency's finding that the obligor's name and photograph may be 37032
submitted to be displayed on a poster. 37033

(C) The agency does not know or is unable to verify the 37034
obligor's whereabouts. 37035

(D) The obligor is not a participant in Ohio works first or 37036
the prevention, retention, and contingency program or a recipient 37037
of disability financial assistance, supplemental security income, 37038
or ~~food stamps~~ supplemental nutrition assistance program benefits. 37039

(E) The child support enforcement agency does not have 37040
evidence that the obligor has filed for protection under the 37041
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 37042

(F) The obligee gave written authorization to the agency to 37043
display the obligor on a poster. 37044

(G) A legal representative of the agency and a child support 37045
enforcement administrator reviewed the case. 37046

(H) The agency is able to submit to the department a 37047
description and photograph of the obligor, a statement of the 37048
possible locations of the obligor, and any other information 37049
required by the department. 37050

Sec. 3125.25. The director of job and family services shall 37051
adopt rules under Chapter 119. of the Revised Code governing the 37052

operation of support enforcement by child support enforcement 37053
agencies. The rules shall include, but shall not be limited to, 37054
~~provisions~~ the following: 37055

(A) Provisions relating to plans of cooperation between the 37056
agencies and boards of county commissioners entered into under 37057
section 3125.12 of the Revised Code, ~~requirements;~~ 37058

(B) Provisions for the compromise and waiver of child support 37059
arrears owed to the state and federal government, consistent 37060
with Title IV-D of the "Social Security Act," 88 Stat. 2351 37061
(1975), 42 U.S.C. 651 et seq., as amended; 37062

(C) Requirements for public hearings by the agencies, ~~and~~ 37063
~~provisions;~~ 37064

(D) Provisions for appeals of agency decisions under 37065
procedures established by the director. 37066

Sec. 3301.07. The state board of education shall exercise 37067
under the acts of the general assembly general supervision of the 37068
system of public education in the state. In addition to the powers 37069
otherwise imposed on the state board under the provisions of law, 37070
the board shall have the ~~following~~ powers described in this 37071
section. 37072

(A) ~~Exercise~~ The state board shall exercise policy forming, 37073
planning, and evaluative functions for the public schools of the 37074
state, ~~and for adult education,~~ except as otherwise provided by 37075
law. 37076

(B) ~~Exercise~~ (1) The state board shall exercise leadership in 37077
the improvement of public education in this state, and administer 37078
the educational policies of this state relating to public schools, 37079
and relating to instruction and instructional material, building 37080
and equipment, transportation of pupils, administrative 37081
responsibilities of school officials and personnel, and finance 37082

and organization of school districts, educational service centers, 37083
and territory. Consultative and advisory services in such matters 37084
shall be provided by the board to school districts and educational 37085
service centers of this state. ~~The~~ 37086

(2) ~~The state~~ board also shall develop a standard of 37087
financial reporting which shall be used by ~~all~~ each school 37088
~~districts and district board of education,~~ educational service 37089
~~centers~~ center governing board, community school governing 37090
authority, and STEM school governing body to make ~~their~~ its 37091
financial information and annual budgets for each school building 37092
under its control available to the public in a format 37093
understandable by the average citizen ~~and provide year to year~~ 37094
~~comparisons for at least five years.~~ The format shall show, among 37095
other things, at the district and educational service center level 37096
or at the school building level, as determined appropriate by the 37097
department of education, revenue by source; expenditures for 37098
salaries, wages, and benefits of employees, showing such amounts 37099
separately for classroom teachers, other employees required to 37100
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 37101
the Revised Code, and all other employees; expenditures other than 37102
for personnel, by category, including utilities, textbooks and 37103
other educational materials, equipment, permanent improvements, 37104
pupil transportation, extracurricular athletics, and other 37105
extracurricular activities; and per pupil expenditures. 37106

(C) ~~Administer~~ The state board shall administer and supervise 37107
the allocation and distribution of all state and federal funds for 37108
public school education under the provisions of law, and may 37109
prescribe such systems of accounting as are necessary and proper 37110
to this function. It may require county auditors and treasurers, 37111
boards of education, educational service center governing boards, 37112
treasurers of such boards, teachers, and other school officers and 37113
employees, or other public officers or employees, to file with it 37114

such reports as it may prescribe relating to such funds, or to the management and condition of such funds.

(D) ~~Formulate (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, XLVII, and LI of the Revised Code a reference is made to standards prescribed under this section or division (D) of this section, that reference shall be construed to refer to the standards prescribed under division (D)(2) of this section, unless the context specifically indicates a different meaning or intent.~~

(2) The state board shall formulate and prescribe minimum standards to be applied to all elementary and secondary schools in this state for the purpose of requiring a general education of high quality. Such standards shall provide adequately for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will assure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

In the formulation and administration of such standards for nonpublic schools the board shall also consider the particular needs, methods and objectives of those schools, provided they do not conflict with the provision of a general education of a high quality and provided that regular procedures shall be followed for promotion from grade to grade of pupils who have met the educational requirements prescribed.

~~(E) May~~ In the formulation and administration of such standards as they relate to instructional materials and equipment in public schools, including library materials, the board shall require that the material and equipment be aligned with and promote skills expected under the statewide academic standards adopted under section 3301.079 of the Revised Code. 37147
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(3) In addition to the minimum standards required by division (D)(2) of this section, the state board shall formulate and prescribe the following additional minimum operating standards for school districts: 37153
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(a) Standards for the effective and efficient organization, administration, and supervision of each school district so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the superintendent of public instruction, including a focus on the personalized and individualized needs of each student; a shared responsibility among school boards, administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among school boards, administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to teaching and learning strategies that utilize technological tools and emphasize inter-disciplinary, real world, project-based, technology-oriented, and service learning experiences to meet the individual needs of every student; commitment to high expectations for every student and commitment to closing the achievement gap so that all students achieve core knowledge and twenty-first century skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code; commitment to the use of assessments to diagnose the needs of each student; effective connections and relationships 37157
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with families and community organizations that support student success; and commitment to the use of positive behavior intervention supports throughout a district to ensure a safe and secure learning environment for all students.

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(b) Standards for the establishment of a business advisory committee and a family and community engagement team in each school district, under sections 3313.82, 3313.821, and 3313.822 of the Revised Code.

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(c) Standards incorporating the classifications for the components of the adequacy amount under Chapter 3306. of the Revised Code into core academic strategy components and academic improvement components, as specified in rules adopted under section 3306.25 of the Revised Code;

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(d) Standards for school district organizational units, as defined in sections 3306.02 and 3306.04 of the Revised Code, that require:

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(i) The effective and efficient organization, administration, and supervision of each school district organizational unit so that it becomes a thinking and learning organization according to principles of systems design and collaborative professional learning communities research as defined by the state superintendent, including a focus on the personalized and individualized needs of each student; a shared responsibility among organizational unit administrators, faculty, and staff to develop a common vision, mission, and set of guiding principles; a shared responsibility among organizational unit administrators, faculty, and staff to engage in a process of collective inquiry, action orientation, and experimentation to ensure the academic success of all students; commitment to job embedded professional development and professional mentoring and coaching; established periods of time for teachers to pursue planning time for the

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development of lesson plans, professional development, and shared 37211
learning; commitment to effective management strategies that allow 37212
administrators reasonable access to classrooms for observation and 37213
professional development experiences; commitment to teaching and 37214
learning strategies that utilize technological tools and emphasize 37215
inter-disciplinary, real world, project-based, 37216
technology-oriented, and service learning experiences to meet the 37217
individual needs of every student; commitment to high expectations 37218
for every student and commitment to closing the achievement gap so 37219
that all students achieve core knowledge and twenty-first century 37220
skills in accordance with the statewide academic standards adopted 37221
under section 3301.079 of the Revised Code; commitment to the use 37222
of assessments to diagnose the needs of each student; effective 37223
connections and relationships with families and community 37224
organizations that support student success; commitment to the use 37225
of positive behavior intervention supports throughout the 37226
organizational unit to ensure a safe and secure learning 37227
environment for all students; 37228

(ii) A school organizational unit leadership team to 37229
coordinate positive behavior intervention supports, family and 37230
community engagement services, learning environments, thinking and 37231
learning systems, collaborative planning, planning time, student 37232
academic interventions, student extended learning opportunities, 37233
and other activities identified by the team and approved by the 37234
district board of education. The team shall include the building 37235
principal, representatives from each collective bargaining unit, 37236
the building lead teacher, parents, business representatives, and 37237
community representatives. 37238

(E) The state board may require as part of the health 37239
curriculum information developed under section 2108.34 of the 37240
Revised Code promoting the donation of anatomical gifts pursuant 37241
to Chapter 2108. of the Revised Code and may provide the 37242

information to high schools, educational service centers, and 37243
joint vocational school district boards of education; 37244

(F) ~~Prepare~~ The state board shall prepare and submit annually 37245
to the governor and the general assembly a report on the status, 37246
needs, and major problems of the public schools of the state, with 37247
recommendations for necessary legislative action and a ten-year 37248
projection of the state's public and nonpublic school enrollment, 37249
by year and by grade level. 37250

(G) ~~Prepare~~ The state board shall prepare and submit to the 37251
director of budget and management the biennial budgetary requests 37252
of the state board of education, for its agencies and for the 37253
public schools of the state. 37254

(H) ~~Cooperate~~ The state board shall cooperate with federal, 37255
state, and local agencies concerned with the health and welfare of 37256
children and youth of the state. 37257

(I) ~~Require~~ The state board shall require such reports from 37258
school districts and educational service centers, school officers, 37259
and employees as are necessary and desirable. The superintendents 37260
and treasurers of school districts and educational service centers 37261
shall certify as to the accuracy of all reports required by law or 37262
state board or state department of education rules to be submitted 37263
by the district or educational service center and which contain 37264
information necessary for calculation of state funding. Any 37265
superintendent who knowingly falsifies such report shall be 37266
subject to license revocation pursuant to section 3319.31 of the 37267
Revised Code. 37268

(J) In accordance with Chapter 119. of the Revised Code, the 37269
state board shall adopt procedures, standards, and guidelines for 37270
the education of children with disabilities pursuant to Chapter 37271
3323. of the Revised Code, including procedures, standards, and 37272
guidelines governing programs and services operated by county 37273

boards of mental retardation and developmental disabilities 37274
pursuant to section 3323.09 of the Revised Code~~+~~. 37275

(K) For the purpose of encouraging the development of special 37276
programs of education for academically gifted children, the state 37277
board shall employ competent persons to analyze and publish data, 37278
promote research, advise and counsel with boards of education, and 37279
encourage the training of teachers in the special instruction of 37280
gifted children. The board may provide financial assistance out of 37281
any funds appropriated for this purpose to boards of education and 37282
educational service center governing boards for developing and 37283
conducting programs of education for academically gifted children. 37284
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(L) ~~Require~~ The state board shall require that all public 37286
schools emphasize and encourage, within existing units of study, 37287
the teaching of energy and resource conservation as recommended to 37288
each district board of education by leading business persons 37289
involved in energy production and conservation, beginning in the 37290
primary grades~~+~~. 37291

(M) ~~Formulate~~ The state board shall formulate and prescribe 37292
minimum standards requiring the use of phonics as a technique in 37293
the teaching of reading in grades kindergarten through three. In 37294
addition, the state board shall provide in-service training 37295
programs for teachers on the use of phonics as a technique in the 37296
teaching of reading in grades kindergarten through three. 37297

~~(N) Develop and modify as necessary a state plan for~~ 37298
~~technology to encourage and promote the use of technological~~ 37299
~~advancements in educational settings.~~ 37300

The board may adopt rules necessary for carrying out any 37301
function imposed on it by law, and may provide rules as are 37302
necessary for its government and the government of its employees, 37303
and may delegate to the superintendent of public instruction the 37304

management and administration of any function imposed on it by 37305
law. It may provide for the appointment of board members to serve 37306
on temporary committees established by the board for such purposes 37307
as are necessary. Permanent or standing committees shall not be 37308
created. 37309

Compliance with the standards adopted under divisions (B)(2) 37310
and (D) of this section, as they relate to the operation of a 37311
school operated by a school district, may be waived by the state 37312
superintendent pursuant to section 3306.40 of the Revised Code. 37313

As used in this section, "community school" means a community 37314
school established under Chapter 3314. of the Revised Code, and 37315
"STEM school" means a STEM school established under Chapter 3326. 37316
of the Revised Code. 37317

Sec. 3301.073. ~~Upon~~ As required by section 3306.33 of the 37318
Revised Code, and otherwise upon the request of the board of 37319
education of any school district, the state board of education 37320
shall furnish technical assistance to the school district in the 37321
preparation of budgets, development of fiscal controls, 37322
preparation of financial statements and reports, revenue 37323
estimating, or in assisting the district in complying with any 37324
certification requirements relating to the district's revenue or 37325
expenditures. The assistance may be in the form of grants, 37326
consultants, or the temporary assignment of employees after 37327
determining in consultation with the district, its needs and the 37328
nature of assistance needed and what assistance the state board of 37329
education can provide within the amounts appropriated for this 37330
purpose. The state board may enter into contracts with the 37331
department of taxation ~~and~~, the auditor of state, and any other 37332
governmental or private entity to perform its duties under this 37333
section. 37334

Sec. 3301.079. (A)(1) ~~Not later than December 31, 2001~~ June 30, 2010, and at least once every five years thereafter, the state board of education shall adopt statewide academic standards with emphasis on coherence, focus, and rigor for each of grades kindergarten through twelve in ~~reading, writing, and mathematics.~~ Not later than December 31, 2002, the state board shall adopt statewide academic standards for each of grades kindergarten through twelve in science and social studies. The English language arts, mathematics, science, and social studies.

The standards shall specify the following:

(a) The core academic content and skills that students are expected to know and be able to do at each grade level-

~~(2)~~ that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(b) The development of skill sets as they relate to creativity and innovation, critical thinking and problem solving, and communication and collaboration;

(c) The development of skill sets that promote information, media, and technological literacy;

(d) The development of skill sets that promote flexibility and adaptability, initiative and self-direction, social and cross-cultural skills, productivity and accountability, and leadership and responsibility;

(e) Interdisciplinary, project-based real world learning opportunities;

(f) Opportunities for the inclusion of community service learning.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and

model curricula for instruction in computer literacy, wellness literacy, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in divisions (A)(1)(a) to (f) of this section. 37365
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 37370
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The department shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 37375
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(4) When academic standards have been completed for any subject area required by this division section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. 37383
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(B) Not later than eighteen months after the completion of academic standards for any subject area required by division (A) of this section March 31, 2011, the state board shall adopt a model curriculum for instruction in that each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve 37391
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that is sufficient to meet the needs of students in every 37397
community. The model curriculum shall be aligned with the 37398
standards, to ensure that the academic content and skills 37399
specified for each grade level are taught to students, and shall 37400
demonstrate vertical articulation and emphasize coherence, focus, 37401
and rigor. When any model curriculum has been completed, the state 37402
board shall inform all school districts, community schools, and 37403
STEM schools of the content of that model curriculum. 37404

All school districts, community schools, and STEM schools may 37405
utilize the state standards and the model curriculum established 37406
by the state board, together with other relevant resources, 37407
examples, or models to ensure that students have the opportunity 37408
to attain the academic standards. Upon request, the department of 37409
education shall provide technical assistance to any district, 37410
community school, or STEM school in implementing the model 37411
curriculum. 37412

Nothing in this section requires any school district to 37413
utilize all or any part of a model curriculum developed under this 37414
division. 37415

(C) The state board shall develop achievement ~~tests~~ 37416
assessments aligned with the academic standards and model 37417
curriculum for each of the subject areas and grade levels required 37418
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 37419
Code. 37420

When any achievement ~~test~~ assessment has been completed, the 37421
state board shall inform all school districts, community schools, 37422
STEM schools, and nonpublic schools required to administer the 37423
assessment of its completion, and the department of education 37424
shall make the achievement ~~test~~ assessment available to the 37425
districts and schools. ~~School districts shall administer the~~ 37426
~~achievement test beginning in the school year indicated in section~~ 37427
~~3301.0712 of the Revised Code.~~ 37428

(D)(1) The state board shall adopt a diagnostic assessment 37429
aligned with the academic standards and model curriculum for each 37430
of grades kindergarten through two in ~~reading, writing, English~~ 37431
language arts and mathematics and for grade three in ~~writing~~ 37432
English language arts. The diagnostic assessment shall be designed 37433
to measure student comprehension of academic content and mastery 37434
of related skills for the relevant subject area and grade level. 37435
Any diagnostic assessment shall not include components to identify 37436
gifted students. Blank copies of diagnostic tests shall be public 37437
records. 37438

(2) When each diagnostic assessment has been completed, the 37439
state board shall inform all school districts of its completion 37440
and the department of education shall make the diagnostic 37441
assessment available to the districts at no cost to the district. 37442
School districts shall administer the diagnostic assessment 37443
pursuant to section 3301.0715 of the Revised Code beginning the 37444
first school year following the development of the assessment. 37445

(E) The state board shall not adopt a diagnostic or 37446
achievement assessment for any grade level or subject area other 37447
than those specified in this section. 37448

(F) Whenever the state board or the department of education 37449
consults with persons for the purpose of drafting or reviewing any 37450
standards, diagnostic assessments, achievement ~~tests~~ assessments, 37451
or model curriculum required under this section, the state board 37452
or the department shall first consult with parents of students in 37453
kindergarten through twelfth grade and with active Ohio classroom 37454
teachers, other school personnel, and administrators with 37455
expertise in the appropriate subject area. Whenever practicable, 37456
the state board and department shall consult with teachers 37457
recognized as outstanding in their fields. 37458

If the department contracts with more than one outside entity 37459
for the development of the achievement ~~tests~~ assessments required 37460

by this section, the department shall ensure the 37461
interchangeability of those ~~tests~~ assessments. 37462

~~(F)~~(G) The fairness sensitivity review committee, established 37463
by rule of the state board of education, shall not allow any 37464
question on any achievement ~~test~~ or diagnostic assessment 37465
developed under this section or any proficiency test prescribed by 37466
former section 3301.0710 of the Revised Code, as it existed prior 37467
to September 11, 2001, to include, be written to promote, or 37468
inquire as to individual moral or social values or beliefs. The 37469
decision of the committee shall be final. This section does not 37470
create a private cause of action. 37471

(H) As used in this section: 37472

(1) "Coherence" means a reflection of the structure of the 37473
discipline being taught. 37474

(2) "Focus" means limiting the number of items included in a 37475
curriculum to allow for deeper exploration of the subject matter. 37476

(3) "Rigor" means more challenging and demanding when 37477
compared to international standards. 37478

(4) "Vertical articulation" means key academic concepts and 37479
skills associated with mastery in particular content areas should 37480
be articulated and reinforced in a developmentally appropriate 37481
manner at each grade level so that over time students acquire a 37482
depth of knowledge and understanding in the core academic 37483
disciplines. 37484

Sec. 3301.0710. The state board of education shall adopt 37485
rules establishing a statewide program to ~~test~~ assess student 37486
achievement. The state board shall ensure that all ~~tests~~ 37487
assessments administered under the ~~testing~~ program are aligned 37488
with the academic standards and model curricula adopted by the 37489
state board and are created with input from Ohio parents, Ohio 37490

classroom teachers, Ohio school administrators, and other Ohio 37491
school personnel pursuant to section 3301.079 of the Revised Code. 37492

The ~~testing~~ assessment program shall be designed to ensure 37493
that students who receive a high school diploma demonstrate at 37494
least high school levels of achievement in ~~reading, writing~~ 37495
English language arts, mathematics, science, and social studies, 37496
and other skills necessary in the twenty-first century. 37497

(A)(1) The state board shall prescribe all of the following: 37498

(a) Two statewide achievement ~~tests~~ assessments, one each 37499
designed to measure the level of ~~reading~~ English language arts and 37500
mathematics skill expected at the end of third grade; 37501

(b) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 37502
each designed to measure the level of ~~reading, writing,~~ English 37503
language arts and mathematics skill expected at the end of fourth 37504
grade; 37505

(c) Four statewide achievement ~~tests~~ assessments, one each 37506
designed to measure the level of ~~reading~~ English language arts, 37507
mathematics, science, and social studies skill expected at the end 37508
of fifth grade; 37509

(d) Two statewide achievement ~~tests~~ assessments, one each 37510
designed to measure the level of ~~reading~~ English language arts and 37511
mathematics skill expected at the end of sixth grade; 37512

(e) ~~Three~~ Two statewide achievement ~~tests~~ assessments, one 37513
each designed to measure the level of ~~reading, writing,~~ English 37514
language arts and mathematics skill expected at the end of seventh 37515
grade; 37516

(f) Four statewide achievement ~~tests~~ assessments, one each 37517
designed to measure the level of ~~reading~~ English language arts, 37518
mathematics, science, and social studies skill expected at the end 37519
of eighth grade. 37520

(2) The state board shall determine and designate at least 37521
~~five~~ three ranges of scores on each of the achievement ~~tests~~ 37522
assessments described in divisions (A)(1) and (B)(~~1~~) of this 37523
section. Each range of scores shall be deemed to demonstrate a 37524
level of achievement so that any student attaining a score within 37525
such range has achieved one of the following: 37526

(a) An advanced level of skill; 37527

(b) ~~An accelerated level of skill;~~ 37528

~~(c)~~ A proficient level of skill; 37529

~~(d)~~ ~~A basic level of skill;~~ 37530

~~(e)~~(c) A limited level of skill. 37531

(B)(~~1~~) The ~~tests~~ assessments prescribed under ~~this~~ division 37532
(B)(~~1~~) of this section shall collectively be known as the Ohio 37533
graduation tests. The state board shall prescribe five statewide 37534
high school achievement ~~tests~~ assessments, one each designed to 37535
measure the level of reading, writing, mathematics, science, and 37536
social studies skill expected at the end of tenth grade. The state 37537
board shall designate a score in at least the range designated 37538
under division (A)(2)~~(e)~~(b) of this section on each such ~~test~~ 37539
assessment that shall be deemed to be a passing score on the ~~test~~ 37540
assessment as a condition toward granting high school diplomas 37541
under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the 37542
Revised Code until the assessment system prescribed by section 37543
3301.0712 of the Revised Code is implemented in accordance with 37544
rules adopted by the state board under division (E) of that 37545
section. 37546

(2) The state board shall prescribe an assessment system in 37547
accordance with section 3301.0712 of the Revised Code that shall 37548
replace the Ohio graduation tests in the manner prescribed by 37549
rules adopted by the state board under division (E) of that 37550
section. 37551

(3) The state board may enter into a reciprocal agreement 37552
with the appropriate body or agency of any other state that has 37553
similar statewide achievement ~~testing~~ assessment requirements for 37554
receiving high school diplomas, under which any student who has 37555
met an achievement ~~testing~~ assessment requirement of one state is 37556
recognized as having met the similar ~~achievement-testing~~ 37557
requirement of the other state for purposes of receiving a high 37558
school diploma. For purposes of this section and sections 37559
3301.0711 and 3313.61 of the Revised Code, any student enrolled in 37560
any public high school in this state who has met an achievement 37561
~~testing~~ assessment requirement specified in a reciprocal agreement 37562
entered into under this division shall be deemed to have attained 37563
at least the applicable score designated under this division on 37564
each ~~test~~ assessment required by ~~this~~ division (B)(1) or (2) of 37565
this section that is specified in the agreement. 37566

~~(C) Except as provided in division (H) of this section, the~~ 37567
~~state board shall annually designate as follows the dates on which~~ 37568
~~the tests prescribed under this section shall be administered:~~ 37569

~~(1) For the reading test prescribed under division (A)(1)(a)~~ 37570
~~of this section, as follows:~~ 37571

~~(a) One date prior to the thirty first day of December each~~ 37572
~~school year;~~ 37573

~~(b) At least one date of each school year that is not earlier~~ 37574
~~than Monday of the week containing the twenty fourth day of April.~~ 37575
37576

~~(2) For the mathematics test prescribed under division~~ 37577
~~(A)(1)(a) of this section and the tests prescribed under divisions~~ 37578
~~(A)(1)(b), (c), (d), (e), and (f) of this section, at least one~~ 37579
~~date of each school year that is not earlier than Monday of the~~ 37580
~~week containing the twenty fourth day of April;~~ 37581

~~(3) For the tests prescribed under division (B) of this~~ 37582

~~section, at least one date in each school year that is not earlier than Monday of the week containing the fifteenth day of March for all tenth grade students and at least one date prior to the thirty first day of December and at least one date subsequent to that date but prior to the thirty first day of March of each school year for eleventh and twelfth grade students.~~

~~(D) In prescribing test dates pursuant to division (C)(3) of this section, the state board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to eleventh and twelfth grade students and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code. Such options shall include at least an opportunity for school districts to give such tests outside of regular school hours.~~

~~(E) In The superintendent of public instruction shall designate dates and times for the administration of the assessments prescribed by divisions (A) and (B) of this section.~~

~~In prescribing ~~test~~ administration dates pursuant to this section division, the ~~state board of education~~ superintendent shall designate the dates in such a way as to allow a reasonable length of time between the administration of ~~tests~~ assessments prescribed under this section and any administration of the ~~National Assessment~~ national assessment of ~~Education Progress Test~~ educational progress given to students in the same grade level pursuant to section 3301.27 of the Revised Code or federal law.~~

~~(F)(D) The state board shall prescribe a practice version of each Ohio graduation test described in division (B)(1) of this section that is of comparable length to the actual test.~~

~~(G)(E) Any committee established by the department of~~

education for the purpose of making recommendations to the state 37614
board regarding the state board's designation of scores on the 37615
tests described by this section shall inform the state board of 37616
the probable percentage of students who would score in each of the 37617
ranges established under division (A)(2) of this section on the 37618
tests if the committee's recommendations are adopted by the state 37619
board. To the extent possible, these percentages shall be 37620
disaggregated by gender, major racial and ethnic groups, limited 37621
English proficient students, economically disadvantaged students, 37622
students with disabilities, and migrant students. 37623

If the state board intends to make any change to the 37624
committee's recommendations, the state board shall explain the 37625
intended change to the Ohio accountability task force established 37626
by section 3302.021 of the Revised Code. The task force shall 37627
recommend whether the state board should proceed to adopt the 37628
intended change. Nothing in this division shall require the state 37629
board to designate test scores based upon the recommendations of 37630
the task force. 37631

~~(H)(1) The state board shall require any alternate assessment 37632
administered to a student under division (C)(1) of section 37633
3301.0711 of the Revised Code to be completed and submitted to the 37634
entity with which the department contracts for the scoring of the 37635
test not later than the first day of April of the school year in 37636
which the test is administered. 37637~~

~~(2) For any test prescribed by this section, the state board 37638
may designate a date one week earlier than the applicable date 37639
designated under division (C) of this section for the 37640
administration of the test to limited English proficient students. 37641~~

~~(3) In designating days for the administration of the tests 37642
prescribed by division (A) of this section, the state board shall 37643
require the tests for each grade level to be administered over a 37644
period of two weeks. 37645~~

Sec. 3301.0711. (A) The department of education shall: 37646

(1) Annually furnish to, grade, and score all ~~tests~~ 37647
assessments required by divisions (A)(1) and (B)(1) of section 37648
3301.0710 of the Revised Code to be administered by city, local, 37649
exempted village, and joint vocational school districts, except 37650
that each district shall score any test administered pursuant to 37651
division (B)(10) of this section. Each ~~test~~ assessment so 37652
furnished shall include the data verification code of the student 37653
to whom the test will be administered, as assigned pursuant to 37654
division (D)(2) of section 3301.0714 of the Revised Code. In 37655
furnishing the practice versions of Ohio graduation tests 37656
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 37657
Code, the department shall make the tests available on its web 37658
site for reproduction by districts. In awarding contracts for 37659
grading ~~tests~~ assessments, the department shall give preference to 37660
Ohio-based entities employing Ohio residents. 37661

(2) Adopt rules for the ethical use of ~~tests~~ assessments and 37662
prescribing the manner in which the ~~tests~~ assessments prescribed 37663
by section 3301.0710 of the Revised Code shall be administered to 37664
students. 37665

(B) Except as provided in divisions (C) and (J) of this 37666
section, the board of education of each city, local, and exempted 37667
village school district shall, in accordance with rules adopted 37668
under division (A) of this section: 37669

(1) Administer the ~~reading test~~ English language arts 37670
prescribed under division (A)(1)(a) of section 3301.0710 of the 37671
Revised Code twice annually to all students in the third grade who 37672
have not attained the score designated for that ~~test~~ assessment 37673
under division (A)(2)~~(e)~~(b) of section 3301.0710 of the Revised 37674
Code. 37675

(2) Administer the mathematics ~~test~~ assessment prescribed 37676

under division (A)(1)(a) of section 3301.0710 of the Revised Code 37677
at least once annually to all students in the third grade. 37678

(3) Administer the ~~tests~~ assessments prescribed under 37679
division (A)(1)(b) of section 3301.0710 of the Revised Code at 37680
least once annually to all students in the fourth grade. 37681

(4) Administer the ~~tests~~ assessments prescribed under 37682
division (A)(1)(c) of section 3301.0710 of the Revised Code at 37683
least once annually to all students in the fifth grade. 37684

(5) Administer the ~~tests~~ assessments prescribed under 37685
division (A)(1)(d) of section 3301.0710 of the Revised Code at 37686
least once annually to all students in the sixth grade. 37687

(6) Administer the ~~tests~~ assessments prescribed under 37688
division (A)(1)(e) of section 3301.0710 of the Revised Code at 37689
least once annually to all students in the seventh grade. 37690

(7) Administer the ~~tests~~ assessments prescribed under 37691
division (A)(1)(f) of section 3301.0710 of the Revised Code at 37692
least once annually to all students in the eighth grade. 37693

(8) Except as provided in division (B)(9) of this section, 37694
administer any ~~test~~ assessment prescribed under division (B)(1) of 37695
section 3301.0710 of the Revised Code as follows: 37696

(a) At least once annually to all tenth grade students and at 37697
least twice annually to all students in eleventh or twelfth grade 37698
who have not yet attained the score on that ~~test~~ assessment 37699
designated under that division; 37700

(b) To any person who has successfully completed the 37701
curriculum in any high school or the individualized education 37702
program developed for the person by any high school pursuant to 37703
section 3323.08 of the Revised Code but has not received a high 37704
school diploma and who requests to take such ~~test~~ assessment, at 37705
any time such test is administered in the district. 37706

(9) In lieu of the board of education of any city, local, or 37707
exempted village school district in which the student is also 37708
enrolled, the board of a joint vocational school district shall 37709
administer any ~~test~~ assessment prescribed under division (B)(1) of 37710
section 3301.0710 of the Revised Code at least twice annually to 37711
any student enrolled in the joint vocational school district who 37712
has not yet attained the score on that ~~test~~ assessment designated 37713
under that division. A board of a joint vocational school district 37714
may also administer such a ~~test~~ an assessment to any student 37715
described in division (B)(8)(b) of this section. 37716

(10) If the district has been declared to be under an 37717
academic watch or in a state of academic emergency pursuant to 37718
section 3302.03 of the Revised Code or has a three-year average 37719
graduation rate of not more than seventy-five per cent, administer 37720
each ~~test~~ assessment prescribed by division ~~(F)~~(D) of section 37721
3301.0710 of the Revised Code in September to all ninth grade 37722
students, beginning in the school year that starts July 1, 2005. 37723

Except as provided in section 3313.614 of the Revised Code 37724
for administration of an assessment to a person who has fulfilled 37725
the curriculum requirement for a high school diploma but has not 37726
passed one or more of the required assessments, the assessments 37727
prescribed under division (B)(1) of section 3301.0710 of the 37728
Revised Code and the practice assessments prescribed under 37729
division (D) of that section and required to be administered under 37730
divisions (B)(8), (9), and (10) of this section shall not be 37731
administered after the assessment system prescribed by division 37732
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 37733
Code is implemented under rule of the state board adopted under 37734
division (E)(1) of section 3301.0712 of the Revised Code. 37735

(11) Administer the assessments prescribed by division (B)(2) 37736
of section 3301.0710 and section 3301.0712 of the Revised Code in 37737
accordance with the timeline and plan for implementation of those 37738

assessments prescribed by rule of the state board adopted under 37739
division (E)(1) of section 3301.0712 of the Revised Code. 37740

(C)(1)(a) Any student receiving special education services 37741
under Chapter 3323. of the Revised Code may be excused from taking 37742
any particular ~~test~~ assessment required to be administered under 37743
this section if the individualized education program developed for 37744
the student pursuant to section 3323.08 of the Revised Code 37745
excuses the student from taking that ~~test~~ assessment and instead 37746
specifies an alternate assessment method approved by the 37747
department of education as conforming to requirements of federal 37748
law for receipt of federal funds for disadvantaged pupils. To the 37749
extent possible, the individualized education program shall not 37750
excuse the student from taking a ~~test~~ an assessment unless no 37751
reasonable accommodation can be made to enable the student to take 37752
the ~~test~~ assessment. 37753

(b) Any alternate assessment approved by the department for a 37754
student under this division shall produce measurable results 37755
comparable to those produced by the ~~tests which the alternate~~ 37756
~~assessments are replacing~~ assessment it replaces in order to allow 37757
for the student's ~~assessment~~ results to be included in the data 37758
compiled for a school district or building under section 3302.03 37759
of the Revised Code. 37760

(c) Any student enrolled in a chartered nonpublic school who 37761
has been identified, based on an evaluation conducted in 37762
accordance with section 3323.03 of the Revised Code or section 504 37763
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 37764
794, as amended, as a child with a disability shall be excused 37765
from taking any particular ~~test~~ assessment required to be 37766
administered under this section if a plan developed for the 37767
student pursuant to rules adopted by the state board excuses the 37768
student from taking that ~~test~~ assessment. In the case of any 37769
student so excused from taking a ~~test~~ an assessment, the chartered 37770

nonpublic school shall not prohibit the student from taking the ~~test~~ assessment. 37771
37772

(2) A district board may, for medical reasons or other good 37773
cause, excuse a student from taking ~~a test~~ an assessment 37774
administered under this section on the date scheduled, but ~~any~~ 37775
~~such test~~ that assessment shall be administered to ~~such the~~ 37776
excused student not later than nine days following the scheduled 37777
date. The district board shall annually report the number of 37778
students who have not taken one or more of the ~~tests~~ assessments 37779
required by this section to the state board of education not later 37780
than the thirtieth day of June. 37781

(3) As used in this division, "limited English proficient 37782
student" has the same meaning as in 20 U.S.C. 7801. 37783

No school district board shall excuse any limited English 37784
proficient student from taking any particular ~~test~~ assessment 37785
required to be administered under this section, except that any 37786
limited English proficient student who has been enrolled in United 37787
States schools for less than one full school year shall not be 37788
required to take any ~~such~~ reading ~~or~~, writing ~~test~~, or English 37789
language arts assessment. However, no board shall prohibit a 37790
limited English proficient student who is not required to take a 37791
~~test~~ an assessment under this division from taking the ~~test~~ 37792
assessment. A board may permit any limited English proficient 37793
student to take ~~any test~~ an assessment required to be administered 37794
under this section with appropriate accommodations, as determined 37795
by the department. For each limited English proficient student, 37796
each school district shall annually assess that student's progress 37797
in learning English, in accordance with procedures approved by the 37798
department. 37799

The governing authority of a chartered nonpublic school may 37800
excuse a limited English proficient student from taking any ~~test~~ 37801
assessment administered under this section. However, no governing 37802

authority shall prohibit a limited English proficient student from 37803
taking the ~~test~~ assessment. 37804

(D)(1) In the school year next succeeding the school year in 37805
which the ~~tests~~ assessments prescribed by division (A)(1) or 37806
(B)(1) of section 3301.0710 of the Revised Code or former division 37807
(A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as 37808
it existed prior to September 11, 2001, are administered to any 37809
student, the board of education of any school district in which 37810
the student is enrolled in that year shall provide to the student 37811
intervention services commensurate with the student's ~~test~~ 37812
performance, including any intensive intervention required under 37813
section 3313.608 of the Revised Code, in any skill in which the 37814
student failed to demonstrate at least a score at the proficient 37815
level on the ~~test~~ assessment. 37816

(2) Following any administration of the ~~tests~~ assessments 37817
prescribed by division ~~(F)~~(D) of section 3301.0710 of the Revised 37818
Code to ninth grade students, each school district that has a 37819
three-year average graduation rate of not more than seventy-five 37820
per cent shall determine for each high school in the district 37821
whether the school shall be required to provide intervention 37822
services to any students who took the ~~tests~~ assessments. In 37823
determining which high schools shall provide intervention services 37824
based on the resources available, the district shall consider each 37825
school's graduation rate and scores on the practice ~~tests~~ 37826
assessments. The district also shall consider the scores received 37827
by ninth grade students on the ~~reading~~ English language arts and 37828
mathematics ~~tests~~ assessments prescribed under division (A)(1)(f) 37829
of section 3301.0710 of the Revised Code in the eighth grade in 37830
determining which high schools shall provide intervention 37831
services. 37832

Each high school selected to provide intervention services 37833
under this division shall provide intervention services to any 37834

student whose ~~test~~ results indicate that the student is failing to 37835
make satisfactory progress toward being able to attain scores at 37836
the proficient level on the Ohio graduation tests. Intervention 37837
services shall be provided in any skill in which a student 37838
demonstrates unsatisfactory progress and shall be commensurate 37839
with the student's ~~test~~ performance. Schools shall provide the 37840
intervention services prior to the end of the school year, during 37841
the summer following the ninth grade, in the next succeeding 37842
school year, or at any combination of those times. 37843

(E) Except as provided in section 3313.608 of the Revised 37844
Code and division (M) of this section, no school district board of 37845
education shall utilize any student's failure to attain a 37846
specified score on ~~any test~~ an assessment administered under this 37847
section as a factor in any decision to deny the student promotion 37848
to a higher grade level. However, a district board may choose not 37849
to promote to the next grade level any student who does not take 37850
~~any test~~ an assessment administered under this section or make up 37851
~~such test~~ an assessment as provided by division (C)(2) of this 37852
section and who is not exempt from the requirement to take the 37853
~~test~~ assessment under division (C)(3) of this section. 37854

(F) No person shall be charged a fee for taking any ~~test~~ 37855
assessment administered under this section. 37856

(G)(1) Each school district board shall designate one 37857
location for the collection of ~~tests~~ assessments administered in 37858
the spring under division (B)(1) of this section and ~~the tests~~ 37859
those administered under divisions (B)(2) to (7) of this section. 37860
Each district board shall submit the ~~tests~~ assessments to the 37861
entity with which the department contracts for the scoring of the 37862
~~tests~~ assessments as follows: 37863

(a) If the district's total enrollment in grades kindergarten 37864
through twelve during the first full school week of October was 37865
less than two thousand five hundred, not later than the Friday 37866

after all of the ~~tests~~ assessments have been administered; 37867

(b) If the district's total enrollment in grades kindergarten 37868
through twelve during the first full school week of October was 37869
two thousand five hundred or more, but less than seven thousand, 37870
not later than the Monday after all of the ~~tests~~ assessments have 37871
been administered; 37872

(c) If the district's total enrollment in grades kindergarten 37873
through twelve during the first full school week of October was 37874
seven thousand or more, not later than the Tuesday after all of 37875
the ~~tests~~ assessments have been administered. 37876

However, any ~~such test~~ assessment that a student takes during 37877
the make-up period described in division (C)(2) of this section 37878
shall be submitted not later than the Friday following the day the 37879
student takes the ~~test~~ assessment. 37880

(2) The department or an entity with which the department 37881
contracts for the scoring of the ~~test~~ assessment shall send to 37882
each school district board a list of the individual ~~test~~ scores of 37883
all persons taking ~~any test~~ an assessment prescribed by division 37884
(A)(1) or (B)(1) of section 3301.0710 of the Revised Code within 37885
sixty days after its administration, but in no case shall the 37886
scores be returned later than the fifteenth day of June following 37887
the administration. For ~~any tests~~ assessments administered under 37888
this section by a joint vocational school district, the department 37889
or entity shall also send to each city, local, or exempted village 37890
school district a list of the individual ~~test~~ scores of any 37891
students of such city, local, or exempted village school district 37892
who are attending school in the joint vocational school district. 37893
37894

(H) Individual ~~test~~ scores on any ~~tests~~ assessments 37895
administered under this section shall be released by a district 37896
board only in accordance with section 3319.321 of the Revised Code 37897

and the rules adopted under division (A) of this section. No 37898
district board or its employees shall utilize individual or 37899
aggregate ~~test~~ results in any manner that conflicts with rules for 37900
the ethical use of ~~tests~~ assessments adopted pursuant to division 37901
(A) of this section. 37902

(I) Except as provided in division (G) of this section, the 37903
department or an entity with which the department contracts for 37904
the scoring of the ~~test~~ assessment shall not release any 37905
individual ~~test~~ scores on any ~~test~~ assessment administered under 37906
this section. The state board of education shall adopt rules to 37907
ensure the protection of student confidentiality at all times. The 37908
rules may require the use of the data verification codes assigned 37909
to students pursuant to division (D)(2) of section 3301.0714 of 37910
the Revised Code to protect the confidentiality of student ~~test~~ 37911
scores. 37912

(J) Notwithstanding division (D) of section 3311.52 of the 37913
Revised Code, this section does not apply to the board of 37914
education of any cooperative education school district except as 37915
provided under rules adopted pursuant to this division. 37916

(1) In accordance with rules that the state board of 37917
education shall adopt, the board of education of any city, 37918
exempted village, or local school district with territory in a 37919
cooperative education school district established pursuant to 37920
divisions (A) to (C) of section 3311.52 of the Revised Code may 37921
enter into an agreement with the board of education of the 37922
cooperative education school district for administering any ~~test~~ 37923
assessment prescribed under this section to students of the city, 37924
exempted village, or local school district who are attending 37925
school in the cooperative education school district. 37926

(2) In accordance with rules that the state board of 37927
education shall adopt, the board of education of any city, 37928
exempted village, or local school district with territory in a 37929

cooperative education school district established pursuant to 37930
section 3311.521 of the Revised Code shall enter into an agreement 37931
with the cooperative district that provides for the administration 37932
of any ~~test~~ assessment prescribed under this section to both of 37933
the following: 37934

(a) Students who are attending school in the cooperative 37935
district and who, if the cooperative district were not 37936
established, would be entitled to attend school in the city, 37937
local, or exempted village school district pursuant to section 37938
3313.64 or 3313.65 of the Revised Code; 37939

(b) Persons described in division (B)(8)(b) of this section. 37940

Any ~~testing~~ assessment of students pursuant to such an 37941
agreement shall be in lieu of any ~~testing~~ assessment of such 37942
students or persons pursuant to this section. 37943

(K)(1) As a condition of compliance with section 3313.612 of 37944
the Revised Code, each chartered nonpublic school that educates 37945
students in grades nine through twelve shall administer the 37946
assessments prescribed by divisions (B)(1) and (2) of section 37947
3301.0710 of the Revised Code. Any chartered nonpublic school may 37948
participate in the ~~testing~~ assessment program by administering any 37949
of the ~~tests~~ assessments prescribed by division (A) of section 37950
3301.0710 ~~or 3301.0712~~ of the Revised Code ~~if the~~. The chief 37951
administrator of the school ~~specifies~~ shall specify which ~~tests~~ 37952
assessments the school ~~wishes to~~ will administer. Such 37953
specification shall be made in writing to the superintendent of 37954
public instruction prior to the first day of August of any school 37955
year in which ~~tests~~ assessments are administered and shall include 37956
a pledge that the nonpublic school will administer the specified 37957
~~tests~~ assessments in the same manner as public schools are 37958
required to do under this section and rules adopted by the 37959
department. 37960

(2) The department of education shall furnish the ~~tests~~ 37961
assessments prescribed by section 3301.0710 or 3301.0712 of the 37962
Revised Code to ~~any~~ each chartered nonpublic school ~~electing to~~ 37963
~~participate~~ that participates under this division. 37964

(L)(1) The superintendent of the state school for the blind 37965
and the superintendent of the state school for the deaf shall 37966
administer the ~~tests~~ assessments described by ~~section~~ sections 37967
3301.0710 and 3301.0712 of the Revised Code. Each superintendent 37968
shall administer the ~~tests~~ assessments in the same manner as 37969
district boards are required to do under this section and rules 37970
adopted by the department of education and in conformity with 37971
division (C)(1)(a) of this section. 37972

(2) The department of education shall furnish the ~~tests~~ 37973
assessments described by ~~section~~ sections 3301.0710 and 3301.0712 37974
of the Revised Code to each superintendent. 37975

(M) Notwithstanding division (E) of this section, a school 37976
district may use a student's failure to attain a score in at least 37977
the ~~basic~~ proficient range on the mathematics ~~test~~ assessment 37978
described by division (A)(1)(a) of section 3301.0710 of the 37979
Revised Code or on ~~any of the tests~~ an assessment described by 37980
division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of 37981
the Revised Code as a factor in retaining that student in the 37982
current grade level. 37983

(N)(1) In the manner specified in divisions (N)(3) ~~to (5)~~ and 37984
(4) of this section, the ~~tests~~ assessments required by division 37985
(A)(1) of section 3301.0710 of the Revised Code shall become 37986
public records pursuant to section 149.43 of the Revised Code on 37987
the first day of July following the school year that the ~~test was~~ 37988
assessments were administered. 37989

(2) The department may field test proposed ~~test~~ questions 37990
with samples of students to determine the validity, reliability, 37991

or appropriateness of ~~test~~ questions for possible inclusion in a 37992
future year's ~~test~~ assessment. The department also may use anchor 37993
questions on ~~tests~~ assessments to ensure that different versions 37994
of the same test are of comparable difficulty. 37995

Field test questions and anchor questions shall not be 37996
considered in computing ~~test~~ scores for individual students. Field 37997
test questions and anchor questions may be included as part of the 37998
administration of any ~~test~~ assessment required by division (A)(1) 37999
or (B)(1) of section 3301.0710 of the Revised Code. 38000

(3) Any field test question or anchor question administered 38001
under division (N)(2) of this section shall not be a public 38002
record. Such field test questions and anchor questions shall be 38003
redacted from any ~~tests~~ assessments which are released as a public 38004
record pursuant to division (N)(1) of this section. 38005

(4) This division applies to the ~~tests~~ assessments prescribed 38006
by division (A) of section 3301.0710 of the Revised Code. 38007

(a) The first administration of each ~~test~~ assessment, as 38008
specified in former section 3301.0712 of the Revised Code, shall 38009
be a public record. 38010

(b) For subsequent administrations of each ~~test~~ assessment, 38011
not less than forty per cent of the questions on the ~~test~~ 38012
assessment that are used to compute a student's score shall be a 38013
public record. The department shall determine which questions will 38014
be needed for reuse on a future ~~test~~ assessment and those 38015
questions shall not be public records and shall be redacted from 38016
the ~~test~~ assessment prior to its release as a public record. 38017
However, for each redacted question, the department shall inform 38018
each city, local, and exempted village school district of the 38019
statewide academic standard adopted by the state board of 38020
education under section 3301.079 of the Revised Code and the 38021
corresponding benchmark to which the question relates. The 38022

preceding sentence does not apply to field test questions that are 38023
redacted under division (N)(3) of this section. 38024

(5) Each ~~test~~ assessment prescribed by division (B)(~~1~~) of 38025
section 3301.0710 of the Revised Code ~~that is administered in the~~ 38026
~~spring shall be a public record. Each test prescribed by that~~ 38027
~~division that is administered in the fall or summer~~ shall not be a 38028
public record. 38029

(0) As used in this section: 38030

(1) "Three-year average" means the average of the most recent 38031
consecutive three school years of data. 38032

(2) "Dropout" means a student who withdraws from school 38033
before completing course requirements for graduation and who is 38034
not enrolled in an education program approved by the state board 38035
of education or an education program outside the state. "Dropout" 38036
does not include a student who has departed the country. 38037

(3) "Graduation rate" means the ratio of students receiving a 38038
diploma to the number of students who entered ninth grade four 38039
years earlier. Students who transfer into the district are added 38040
to the calculation. Students who transfer out of the district for 38041
reasons other than dropout are subtracted from the calculation. If 38042
a student who was a dropout in any previous year returns to the 38043
same school district, that student shall be entered into the 38044
calculation as if the student had entered ninth grade four years 38045
before the graduation year of the graduating class that the 38046
student joins. 38047

Sec. 3301.0712. (A) The state board of education, the 38048
superintendent of public instruction, and the chancellor of the 38049
Ohio board of regents shall develop a system of assessments as 38050
described in divisions (B)(1) to (4) of this section to assess 38051
whether each student upon graduating from high school is college 38052

or career ready. The system shall replace the Ohio graduation tests prescribed in division (B)(1) of section 3301.0710 of the Revised Code as a measure of student academic performance and a prerequisite for eligibility for a high school diploma in the manner prescribed by rule of the state board adopted under division (E) of this section. 38053
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(B) The assessment system shall consist of the following: 38059

(1) A nationally standardized assessment that measures competencies in science, mathematics, and English language arts selected jointly by the state superintendent and the chancellor. 38060
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(2) A series of end-of-course examinations in the areas of science, mathematics, English language arts, and social studies selected jointly by the state superintendent and the chancellor in consultation with faculty in the appropriate subject areas at institutions of higher education of the university system of Ohio. 38063
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(3) A community service learning project developed and completed by each student in accordance with section 3313.605 of the Revised Code. The purpose of the community service learning project is to assess the student's: 38068
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(a) Awareness of the importance of civic responsibility and community service; 38072
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(b) Leadership skills; 38074

(c) Collaboration skills; 38075

(d) Cultural awareness and global competence; and 38076

(e) Flexibility, adaptability, and self-direction. 38077

The community service learning project shall promote learning through active participation, provide structured time for the student to reflect, provide opportunities to use skills and knowledge in real-life situations, extend learning beyond the 38078
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<u>classroom, and foster a sense of caring for others.</u>	38082
<u>(4) A senior project completed by a student or a group of</u>	38083
<u>students. The purpose of the senior project is to assess the</u>	38084
<u>student's:</u>	38085
<u>(a) Mastery of core knowledge in a subject area chosen by the</u>	38086
<u>student;</u>	38087
<u>(b) Written and verbal communication skills;</u>	38088
<u>(c) Critical thinking and problem-solving skills;</u>	38089
<u>(d) Real world and interdisciplinary learning;</u>	38090
<u>(e) Creative and innovative thinking;</u>	38091
<u>(f) Acquired technology, information, and media skills; and</u>	38092
<u>(g) Personal management skills such as self-direction, time</u>	38093
<u>management, work ethic, enthusiasm, and the desire to produce a</u>	38094
<u>high quality product.</u>	38095
<u>The state superintendent and the chancellor jointly shall</u>	38096
<u>develop standards for the senior project for students</u>	38097
<u>participating in dual enrollment programs.</u>	38098
<u>(C)(1) The state superintendent and the chancellor jointly</u>	38099
<u>shall designate the scoring rubrics and the required overall</u>	38100
<u>composite score for the assessment system to assess whether each</u>	38101
<u>student is college or career ready.</u>	38102
<u>(2) Each community service learning project and senior</u>	38103
<u>project shall be judged by the student's high school in accordance</u>	38104
<u>with rubrics designated by the state superintendent and the</u>	38105
<u>chancellor.</u>	38106
<u>(D) Not later than thirty days after the state board adopts</u>	38107
<u>the model curricula required by division (B) of section 3301.079</u>	38108
<u>of the Revised Code, the state board shall convene a group of</u>	38109
<u>national experts, state experts, and local practitioners to</u>	38110

provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations and scoring rubrics prescribed by this section. 38111
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(E) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following: 38115
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(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted; 38118
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(2) The date after which a person entering ninth grade shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code; 38121
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(3) The date after which a person shall attain at least the composite score for the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 38125
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(4) Whether and the extent to which a person may be excused from a social studies end-of-course examination under division (H) of section 3313.61 and division (B)(2) of section 3313.612 of the Revised Code; 38129
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(5) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall attain at least the composite score for the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code; 38133
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(6) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for 38140
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purposes of division (F) of section 3313.603 and section 3314.36 38142
of the Revised Code. 38143

No rule adopted under this division shall be effective 38144
earlier than one year after the date the rule is filed in final 38145
form pursuant to Chapter 119. of the Revised Code. 38146

Sec. 3301.0714. (A) The state board of education shall adopt 38147
rules for a statewide education management information system. The 38148
rules shall require the state board to establish guidelines for 38149
the establishment and maintenance of the system in accordance with 38150
this section and the rules adopted under this section. The 38151
guidelines shall include: 38152

(1) Standards identifying and defining the types of data in 38153
the system in accordance with divisions (B) and (C) of this 38154
section; 38155

(2) Procedures for annually collecting and reporting the data 38156
to the state board in accordance with division (D) of this 38157
section; 38158

(3) Procedures for annually compiling the data in accordance 38159
with division (G) of this section; 38160

(4) Procedures for annually reporting the data to the public 38161
in accordance with division (H) of this section. 38162

(B) The guidelines adopted under this section shall require 38163
the data maintained in the education management information system 38164
to include at least the following: 38165

(1) Student participation and performance data, for each 38166
grade in each school district as a whole and for each grade in 38167
each school building in each school district, that includes: 38168

(a) The numbers of students receiving each category of 38169
instructional service offered by the school district, such as 38170
regular education instruction, vocational education instruction, 38171

specialized instruction programs or enrichment instruction that is 38172
part of the educational curriculum, instruction for gifted 38173
students, instruction for students with disabilities, and remedial 38174
instruction. The guidelines shall require instructional services 38175
under this division to be divided into discrete categories if an 38176
instructional service is limited to a specific subject, a specific 38177
type of student, or both, such as regular instructional services 38178
in mathematics, remedial reading instructional services, 38179
instructional services specifically for students gifted in 38180
mathematics or some other subject area, or instructional services 38181
for students with a specific type of disability. The categories of 38182
instructional services required by the guidelines under this 38183
division shall be the same as the categories of instructional 38184
services used in determining cost units pursuant to division 38185
(C)(3) of this section. 38186

(b) The numbers of students receiving support or 38187
extracurricular services for each of the support services or 38188
extracurricular programs offered by the school district, such as 38189
counseling services, health services, and extracurricular sports 38190
and fine arts programs. The categories of services required by the 38191
guidelines under this division shall be the same as the categories 38192
of services used in determining cost units pursuant to division 38193
(C)(4)(a) of this section. 38194

(c) Average student grades in each subject in grades nine 38195
through twelve; 38196

(d) Academic achievement levels as assessed ~~by the testing of~~ 38197
~~student achievement~~ under sections 3301.0710 ~~and~~, 3301.0711, ~~and~~ 38198
3301.0712 of the Revised Code; 38199

(e) The number of students designated as having a disabling 38200
condition pursuant to division (C)(1) of section 3301.0711 of the 38201
Revised Code; 38202

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	38203 38204 38205
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	38206 38207 38208 38209
(h) Expulsion rates;	38210
(i) Suspension rates;	38211
(j) The percentage of students receiving corporal punishment;	38212
(k) Dropout rates;	38213
(l) <u>(k)</u> Rates of retention in grade;	38214
(m) <u>(l)</u> For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	38215 38216 38217
(n) <u>(m)</u> Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	38218 38219 38220 38221 38222
(o) <u>(n)</u> Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	38223 38224 38225 38226 38227 38228 38229
<u>(o) Aggregate results of kindergarten and first grade hearing, vision, speech and communications, health and medical, and developmental screenings required under section 3313.673 of</u>	38230 38231 38232

<u>the Revised Code.</u>	38233
(2) Personnel and classroom enrollment data for each school district, including:	38234 38235
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	38236 38237 38238 38239 38240 38241 38242 38243 38244 38245
(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	38246 38247 38248 38249 38250 38251 38252 38253 38254 38255 38256 38257
(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district.	38258 38259 38260 38261 38262
(d) The number of master <u>lead</u> teachers employed by each	38263

school district and each school building, ~~once a definition of~~ 38264
~~master teacher has been developed by the educator standards board~~ 38265
~~pursuant to section 3319.61 of the Revised Code.~~ 38266

(3)(a) Student demographic data for each school district, 38267
including information regarding the gender ratio of the school 38268
district's pupils, the racial make-up of the school district's 38269
pupils, the number of limited English proficient students in the 38270
district, and an appropriate measure of the number of the school 38271
district's pupils who reside in economically disadvantaged 38272
households. The demographic data shall be collected in a manner to 38273
allow correlation with data collected under division (B)(1) of 38274
this section. Categories for data collected pursuant to division 38275
(B)(3) of this section shall conform, where appropriate, to 38276
standard practices of agencies of the federal government. 38277

(b) With respect to each student entering kindergarten, 38278
whether the student previously participated in a public preschool 38279
program, a private preschool program, or a head start program, and 38280
the number of years the student participated in each of these 38281
programs. 38282

(4) Any data required to be collected pursuant to federal 38283
law. 38284

(C) The education management information system shall include 38285
cost accounting data for each district as a whole and for each 38286
school building in each school district. The guidelines adopted 38287
under this section shall require the cost data for each school 38288
district to be maintained in a system of mutually exclusive cost 38289
units and shall require all of the costs of each school district 38290
to be divided among the cost units. The guidelines shall require 38291
the system of mutually exclusive cost units to include at least 38292
the following: 38293

(1) Administrative costs for the school district as a whole. 38294

The guidelines shall require the cost units under this division 38295
(C)(1) to be designed so that each of them may be compiled and 38296
reported in terms of average expenditure per pupil in formula ADM 38297
in the school district, as determined pursuant to section 3317.03 38298
of the Revised Code. 38299

(2) Administrative costs for each school building in the 38300
school district. The guidelines shall require the cost units under 38301
this division (C)(2) to be designed so that each of them may be 38302
compiled and reported in terms of average expenditure per 38303
full-time equivalent pupil receiving instructional or support 38304
services in each building. 38305

(3) Instructional services costs for each category of 38306
instructional service provided directly to students and required 38307
by guidelines adopted pursuant to division (B)(1)(a) of this 38308
section. The guidelines shall require the cost units under 38309
division (C)(3) of this section to be designed so that each of 38310
them may be compiled and reported in terms of average expenditure 38311
per pupil receiving the service in the school district as a whole 38312
and average expenditure per pupil receiving the service in each 38313
building in the school district and in terms of a total cost for 38314
each category of service and, as a breakdown of the total cost, a 38315
cost for each of the following components: 38316

(a) The cost of each instructional services category required 38317
by guidelines adopted under division (B)(1)(a) of this section 38318
that is provided directly to students by a classroom teacher; 38319

(b) The cost of the instructional support services, such as 38320
services provided by a speech-language pathologist, classroom 38321
aide, multimedia aide, or librarian, provided directly to students 38322
in conjunction with each instructional services category; 38323

(c) The cost of the administrative support services related 38324
to each instructional services category, such as the cost of 38325

personnel that develop the curriculum for the instructional 38326
services category and the cost of personnel supervising or 38327
coordinating the delivery of the instructional services category. 38328

(4) Support or extracurricular services costs for each 38329
category of service directly provided to students and required by 38330
guidelines adopted pursuant to division (B)(1)(b) of this section. 38331
The guidelines shall require the cost units under division (C)(4) 38332
of this section to be designed so that each of them may be 38333
compiled and reported in terms of average expenditure per pupil 38334
receiving the service in the school district as a whole and 38335
average expenditure per pupil receiving the service in each 38336
building in the school district and in terms of a total cost for 38337
each category of service and, as a breakdown of the total cost, a 38338
cost for each of the following components: 38339

(a) The cost of each support or extracurricular services 38340
category required by guidelines adopted under division (B)(1)(b) 38341
of this section that is provided directly to students by a 38342
licensed employee, such as services provided by a guidance 38343
counselor or any services provided by a licensed employee under a 38344
supplemental contract; 38345

(b) The cost of each such services category provided directly 38346
to students by a nonlicensed employee, such as janitorial 38347
services, cafeteria services, or services of a sports trainer; 38348

(c) The cost of the administrative services related to each 38349
services category in division (C)(4)(a) or (b) of this section, 38350
such as the cost of any licensed or nonlicensed employees that 38351
develop, supervise, coordinate, or otherwise are involved in 38352
administering or aiding the delivery of each services category. 38353

(D)(1) The guidelines adopted under this section shall 38354
require school districts to collect information about individual 38355
students, staff members, or both in connection with any data 38356

required by division (B) or (C) of this section or other reporting 38357
requirements established in the Revised Code. The guidelines may 38358
also require school districts to report information about 38359
individual staff members in connection with any data required by 38360
division (B) or (C) of this section or other reporting 38361
requirements established in the Revised Code. The guidelines shall 38362
not authorize school districts to request social security numbers 38363
of individual students. The guidelines shall prohibit the 38364
reporting under this section of a student's name, address, and 38365
social security number to the state board of education or the 38366
department of education. The guidelines shall also prohibit the 38367
reporting under this section of any personally identifiable 38368
information about any student, except for the purpose of assigning 38369
the data verification code required by division (D)(2) of this 38370
section, to any other person unless such person is employed by the 38371
school district or the information technology center operated 38372
under section 3301.075 of the Revised Code and is authorized by 38373
the district or technology center to have access to such 38374
information or is employed by an entity with which the department 38375
contracts for the scoring of ~~tests~~ assessments administered under 38376
section 3301.0711 ~~or 3301.0712~~ of the Revised Code. The guidelines 38377
may require school districts to provide the social security 38378
numbers of individual staff members. 38379

(2) The guidelines shall provide for each school district or 38380
community school to assign a data verification code that is unique 38381
on a statewide basis over time to each student whose initial Ohio 38382
enrollment is in that district or school and to report all 38383
required individual student data for that student utilizing such 38384
code. The guidelines shall also provide for assigning data 38385
verification codes to all students enrolled in districts or 38386
community schools on the effective date of the guidelines 38387
established under this section. 38388

Individual student data shall be reported to the department 38389
through the information technology centers utilizing the code but, 38390
except as provided in sections 3310.11, 3310.42, 3313.978, and 38391
3317.20 of the Revised Code, at no time shall the state board or 38392
the department have access to information that would enable any 38393
data verification code to be matched to personally identifiable 38394
student data. 38395

Each school district shall ensure that the data verification 38396
code is included in the student's records reported to any 38397
subsequent school district or community school in which the 38398
student enrolls. Any such subsequent district or school shall 38399
utilize the same identifier in its reporting of data under this 38400
section. 38401

The director of health shall request and receive, pursuant to 38402
sections 3301.0723 and 3701.62 of the Revised Code, a data 38403
verification code for a child who is receiving services under 38404
division (A)(2) of section 3701.61 of the Revised Code. 38405

(E) The guidelines adopted under this section may require 38406
school districts to collect and report data, information, or 38407
reports other than that described in divisions (A), (B), and (C) 38408
of this section for the purpose of complying with other reporting 38409
requirements established in the Revised Code. The other data, 38410
information, or reports may be maintained in the education 38411
management information system but are not required to be compiled 38412
as part of the profile formats required under division (G) of this 38413
section or the annual statewide report required under division (H) 38414
of this section. 38415

(F) Beginning with the school year that begins July 1, 1991, 38416
the board of education of each school district shall annually 38417
collect and report to the state board, in accordance with the 38418
guidelines established by the board, the data required pursuant to 38419
this section. A school district may collect and report these data 38420

notwithstanding section 2151.357 or 3319.321 of the Revised Code. 38421

(G) The state board shall, in accordance with the procedures 38422
it adopts, annually compile the data reported by each school 38423
district pursuant to division (D) of this section. The state board 38424
shall design formats for profiling each school district as a whole 38425
and each school building within each district and shall compile 38426
the data in accordance with these formats. These profile formats 38427
shall: 38428

(1) Include all of the data gathered under this section in a 38429
manner that facilitates comparison among school districts and 38430
among school buildings within each school district; 38431

(2) Present the data on academic achievement levels as 38432
assessed by the testing of student achievement maintained pursuant 38433
to division (B)(1)(d) of this section. 38434

(H)(1) The state board shall, in accordance with the 38435
procedures it adopts, annually prepare a statewide report for all 38436
school districts and the general public that includes the profile 38437
of each of the school districts developed pursuant to division (G) 38438
of this section. Copies of the report shall be sent to each school 38439
district. 38440

(2) The state board shall, in accordance with the procedures 38441
it adopts, annually prepare an individual report for each school 38442
district and the general public that includes the profiles of each 38443
of the school buildings in that school district developed pursuant 38444
to division (G) of this section. Copies of the report shall be 38445
sent to the superintendent of the district and to each member of 38446
the district board of education. 38447

(3) Copies of the reports received from the state board under 38448
divisions (H)(1) and (2) of this section shall be made available 38449
to the general public at each school district's offices. Each 38450
district board of education shall make copies of each report 38451

available to any person upon request and payment of a reasonable 38452
fee for the cost of reproducing the report. The board shall 38453
annually publish in a newspaper of general circulation in the 38454
school district, at least twice during the two weeks prior to the 38455
week in which the reports will first be available, a notice 38456
containing the address where the reports are available and the 38457
date on which the reports will be available. 38458

(I) Any data that is collected or maintained pursuant to this 38459
section and that identifies an individual pupil is not a public 38460
record for the purposes of section 149.43 of the Revised Code. 38461

(J) As used in this section: 38462

(1) "School district" means any city, local, exempted 38463
village, or joint vocational school district and, in accordance 38464
with section 3314.17 of the Revised Code, any community school. As 38465
used in division (L) of this section, "school district" also 38466
includes any educational service center or other educational 38467
entity required to submit data using the system established under 38468
this section. 38469

(2) "Cost" means any expenditure for operating expenses made 38470
by a school district excluding any expenditures for debt 38471
retirement except for payments made to any commercial lending 38472
institution for any loan approved pursuant to section 3313.483 of 38473
the Revised Code. 38474

(K) Any person who removes data from the information system 38475
established under this section for the purpose of releasing it to 38476
any person not entitled under law to have access to such 38477
information is subject to section 2913.42 of the Revised Code 38478
prohibiting tampering with data. 38479

(L)(1) In accordance with division (L)(2) of this section and 38480
the rules adopted under division (L)(10) of this section, the 38481
department of education may sanction any school district that 38482

reports incomplete or inaccurate data, reports data that does not 38483
conform to data requirements and descriptions published by the 38484
department, fails to report data in a timely manner, or otherwise 38485
does not make a good faith effort to report data as required by 38486
this section. 38487

(2) If the department decides to sanction a school district 38488
under this division, the department shall take the following 38489
sequential actions: 38490

(a) Notify the district in writing that the department has 38491
determined that data has not been reported as required under this 38492
section and require the district to review its data submission and 38493
submit corrected data by a deadline established by the department. 38494
The department also may require the district to develop a 38495
corrective action plan, which shall include provisions for the 38496
district to provide mandatory staff training on data reporting 38497
procedures. 38498

(b) Withhold up to ten per cent of the total amount of state 38499
funds due to the district for the current fiscal year and, if not 38500
previously required under division (L)(2)(a) of this section, 38501
require the district to develop a corrective action plan in 38502
accordance with that division; 38503

(c) Withhold an additional amount of up to twenty per cent of 38504
the total amount of state funds due to the district for the 38505
current fiscal year; 38506

(d) Direct department staff or an outside entity to 38507
investigate the district's data reporting practices and make 38508
recommendations for subsequent actions. The recommendations may 38509
include one or more of the following actions: 38510

(i) Arrange for an audit of the district's data reporting 38511
practices by department staff or an outside entity; 38512

(ii) Conduct a site visit and evaluation of the district; 38513

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	38514 38515 38516
(iv) Continue monitoring the district's data reporting;	38517
(v) Assign department staff to supervise the district's data management system;	38518 38519
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	38520 38521 38522
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	38523 38524 38525 38526
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	38527 38528 38529 38530 38531
(ix) Any other action designed to correct the district's data reporting problems.	38532 38533
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	38534 38535 38536 38537 38538 38539
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department	38540 38541 38542 38543

withheld funds from the district under that division, the 38544
department may release those funds to the district, except that if 38545
the department withheld funding under division (L)(2)(c) of this 38546
section, the department shall not release the funds withheld under 38547
division (L)(2)(b) of this section and, if the department withheld 38548
funding under division (L)(2)(d) of this section, the department 38549
shall not release the funds withheld under division (L)(2)(b) or 38550
(c) of this section. 38551

(5) Notwithstanding anything in this section to the contrary, 38552
the department may use its own staff or an outside entity to 38553
conduct an audit of a school district's data reporting practices 38554
any time the department has reason to believe the district has not 38555
made a good faith effort to report data as required by this 38556
section. If any audit conducted by an outside entity under 38557
division (L)(2)(d)(i) or (5) of this section confirms that a 38558
district has not made a good faith effort to report data as 38559
required by this section, the district shall reimburse the 38560
department for the full cost of the audit. The department may 38561
withhold state funds due to the district for this purpose. 38562

(6) Prior to issuing a revised report card for a school 38563
district under division (L)(2)(d)(viii) of this section, the 38564
department may hold a hearing to provide the district with an 38565
opportunity to demonstrate that it made a good faith effort to 38566
report data as required by this section. The hearing shall be 38567
conducted by a referee appointed by the department. Based on the 38568
information provided in the hearing, the referee shall recommend 38569
whether the department should issue a revised report card for the 38570
district. If the referee affirms the department's contention that 38571
the district did not make a good faith effort to report data as 38572
required by this section, the district shall bear the full cost of 38573
conducting the hearing and of issuing any revised report card. 38574

(7) If the department determines that any inaccurate data 38575

reported under this section caused a school district to receive 38576
excess state funds in any fiscal year, the district shall 38577
reimburse the department an amount equal to the excess funds, in 38578
accordance with a payment schedule determined by the department. 38579
The department may withhold state funds due to the district for 38580
this purpose. 38581

(8) Any school district that has funds withheld under 38582
division (L)(2) of this section may appeal the withholding in 38583
accordance with Chapter 119. of the Revised Code. 38584

(9) In all cases of a disagreement between the department and 38585
a school district regarding the appropriateness of an action taken 38586
under division (L)(2) of this section, the burden of proof shall 38587
be on the district to demonstrate that it made a good faith effort 38588
to report data as required by this section. 38589

(10) The state board of education shall adopt rules under 38590
Chapter 119. of the Revised Code to implement division (L) of this 38591
section. 38592

(M) No information technology center or school district shall 38593
acquire, change, or update its student administration software 38594
package to manage and report data required to be reported to the 38595
department unless it converts to a student software package that 38596
is certified by the department. 38597

(N) The state board of education, in accordance with sections 38598
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 38599
license as defined under division (A) of section 3319.31 of the 38600
Revised Code that has been issued to any school district employee 38601
found to have willfully reported erroneous, inaccurate, or 38602
incomplete data to the education management information system. 38603

(O) No person shall release or maintain any information about 38604
any student in violation of this section. Whoever violates this 38605
division is guilty of a misdemeanor of the fourth degree. 38606

(P) The department shall disaggregate the data collected 38607
under division (B)(1)~~(e)~~(n) of this section according to the race 38608
and socioeconomic status of the students assessed. No data 38609
collected under that division shall be included on the report 38610
cards required by section 3302.03 of the Revised Code. 38611

(Q) If the department cannot compile any of the information 38612
required by division (C)(5) of section 3302.03 of the Revised Code 38613
based upon the data collected under this section, the department 38614
shall develop a plan and a reasonable timeline for the collection 38615
of any data necessary to comply with that division. 38616

Sec. 3301.0715. (A) Except as provided in division (E) of 38617
this section, the board of education of each city, local, and 38618
exempted village school district shall administer each applicable 38619
diagnostic assessment developed and provided to the district in 38620
accordance with section 3301.079 of the Revised Code to the 38621
following: 38622

(1) Each student enrolled in a building that has failed to 38623
make adequate yearly progress for two or more consecutive school 38624
years; 38625

(2) Any student who transfers into the district or to a 38626
different school within the district if each applicable diagnostic 38627
assessment was not administered by the district or school the 38628
student previously attended in the current school year, within 38629
thirty days after the date of transfer. If the district or school 38630
into which the student transfers cannot determine whether the 38631
student has taken any applicable diagnostic assessment in the 38632
current school year, the district or school may administer the 38633
diagnostic assessment to the student. 38634

(3) Each kindergarten student, not earlier than four weeks 38635
prior to the first day of school and not later than the first day 38636
of October. For the purpose of division (A)(3) of this section, 38637

the district shall administer the kindergarten readiness 38638
assessment provided by the department of education. In no case 38639
shall the results of the readiness assessment be used to prohibit 38640
a student from enrolling in kindergarten. 38641

(4) Each student enrolled in first or second grade. 38642

(B) Each district board shall administer each diagnostic 38643
assessment as the board deems appropriate. However, the board 38644
shall administer any diagnostic assessment at least once annually 38645
to all students in the appropriate grade level. A district board 38646
may administer any diagnostic assessment in the fall and spring of 38647
a school year to measure the amount of academic growth 38648
attributable to the instruction received by students during that 38649
school year. 38650

(C) Each district board shall utilize and score any 38651
diagnostic assessment administered under division (A) of this 38652
section in accordance with rules established by the department. 38653
Except as required by division (B)(1)~~(e)~~(n) of section 3301.0714 38654
of the Revised Code, neither the state board of education nor the 38655
department shall require school districts to report the results of 38656
diagnostic assessments for any students to the department or to 38657
make any such results available in any form to the public. After 38658
the administration of any diagnostic assessment, each district 38659
shall provide a student's completed diagnostic assessment, the 38660
results of such assessment, and any other accompanying documents 38661
used during the administration of the assessment to the parent of 38662
that student upon the parent's request. 38663

(D) Each district board shall provide intervention services 38664
to students whose diagnostic assessments show that they are 38665
failing to make satisfactory progress toward attaining the 38666
academic standards for their grade level. 38667

(E) Any district that made adequate yearly progress in the 38668

immediately preceding school year may assess student progress in 38669
grades one through three using a diagnostic assessment other than 38670
the diagnostic assessment required by division (A) of this 38671
section. 38672

(F) A district board may administer the third grade ~~writing~~ 38673
English language arts diagnostic assessment provided to the 38674
district in accordance with section 3301.079 of the Revised Code 38675
to any student enrolled in a building that is not subject to 38676
division (A)(1) of this section. Any district electing to 38677
administer the diagnostic assessment to students under this 38678
division shall provide intervention services to any such student 38679
whose diagnostic assessment shows unsatisfactory progress toward 38680
attaining the academic standards for the student's grade level. 38681

(G) As used in this section, "adequate yearly progress" has 38682
the same meaning as in section 3302.01 of the Revised Code. 38683

Sec. 3301.0716. Notwithstanding division (D) of section 38684
3301.0714 of the Revised Code, the department of education may 38685
have access to personally identifiable information about any 38686
student under the following circumstances: 38687

(A) An entity with which the department contracts for the 38688
scoring of ~~tests~~ assessments administered under section 3301.0711 38689
or 3301.0712 of the Revised Code has notified the department that 38690
the student's written response to a question on ~~such a test~~ an 38691
assessment included threats or descriptions of harm to another 38692
person or the student's self and the information is necessary to 38693
enable the department to identify the student for purposes of 38694
notifying the school district or school in which the student is 38695
enrolled of the potential for harm. 38696

(B) The department requests the information to respond to an 38697
appeal from a school district or school for verification of the 38698
accuracy of the student's score on ~~a test~~ an assessment 38699

administered under section 3301.0711 or 3301.0712 of the Revised Code. 38700
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(C) The department requests the information to determine whether the student satisfies the alternative conditions for a high school diploma prescribed in section 3313.615 of the Revised Code. 38702
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Sec. 3301.12. (A) The superintendent of public instruction in addition to the authority otherwise imposed on the superintendent, shall perform the following duties: 38706
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(1) The superintendent shall provide technical and professional assistance and advice to all school districts in reference to all aspects of education, including finance, buildings and equipment, administration, organization of school districts, curriculum and instruction, transportation of pupils, personnel problems, and the interpretation of school laws and state regulations. 38709
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(2) The superintendent shall prescribe and require the preparation and filing of such financial and other reports from school districts, officers, and employees as are necessary or proper. The superintendent shall prescribe and require the installation by school districts of such standardized reporting forms and accounting procedures as are essential to the businesslike operations of the public schools of the state. 38716
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(3) The superintendent shall conduct such studies and research projects as are necessary or desirable for the improvement of public school education in Ohio, and such as may be assigned to the superintendent by the state board of education. Such studies and projects may include analysis of data contained in the education management information system established under section 3301.0714 of the Revised Code. For any study or project that requires the analysis of individual student data, the 38723
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department of education or any entity with which the 38731
superintendent or department contracts to conduct the study or 38732
project shall maintain the confidentiality of student data at all 38733
times. For this purpose, the department or contracting entity 38734
shall use the data verification code assigned pursuant to division 38735
(D)(2) of section 3301.0714 of the Revised Code for each student 38736
whose data is analyzed. Except as otherwise provided in division 38737
(D)(1) of section 3301.0714 of the Revised Code, at no time shall 38738
the superintendent, the department, the state board of education, 38739
or any entity conducting a study or research project on the 38740
superintendent's behalf have access to a student's name, address, 38741
or social security number while analyzing individual student data. 38742

(4) The superintendent shall prepare and submit annually to 38743
the state board of education a report of the activities of the 38744
department of education and the status, problems, and needs of 38745
education in the state of Ohio. 38746

(5) The superintendent shall supervise all agencies over 38747
which the board exercises administrative control, including 38748
schools for education of persons with disabilities. 38749

(6) In accordance with section 3333.048 of the Revised Code, 38750
the superintendent, jointly with the chancellor of the Ohio board 38751
of regents, shall establish metrics and courses of study for 38752
institutions of higher education that prepare educators and other 38753
school personnel and shall provide for inspection of those 38754
institutions. 38755

(B) The superintendent of public instruction may annually 38756
inspect and analyze the expenditures of each school district and 38757
make a determination as to the efficiency of each district's 38758
costs, relative to other school districts in the state, for 38759
instructional, administrative, and student support services. The 38760
superintendent shall notify each school district as to the nature 38761
of, and reasons for, the determination. The state board of 38762

education shall adopt rules in accordance with Chapter 119. of the 38763
Revised Code setting forth the procedures and standards for the 38764
performance of the inspection and analysis. 38765

Sec. 3301.122. Not later than December 1, 2009, the 38766
superintendent of public instruction, in consultation with the 38767
chancellor of the Ohio board of regents, shall develop a ten-year 38768
strategic plan aligned with the strategic plan for higher 38769
education developed by the chancellor under division (D) of 38770
Section 375.30.25 of Am. Sub. H.B. 119 of the 127th general 38771
assembly. The superintendent shall submit the plan to the general 38772
assembly, in accordance with section 101.68 of the Revised Code, 38773
and to the governor. The plan shall include recommendations for: 38774

(A) A framework for collaborative, professional, innovative, 38775
and thinking twenty-first century learning environments; 38776

(B) Ways to prepare and support Ohio's educators for 38777
successful instructional careers; 38778

(C) Enhancement of the current financial and resource 38779
management accountability systems; 38780

(D) Implementation of an effective school funding system 38781
according to the principles, mandates, and guidance established in 38782
Chapter 3306. of the Revised Code. 38783

Sec. 3301.16. Pursuant to standards prescribed by the state 38784
board of education as provided in division (D) of section 3301.07 38785
of the Revised Code, the state board shall classify and charter 38786
school districts and individual schools within each district 38787
except that no charter shall be granted to a nonpublic school 38788
unless pursuant to division (K) of section 3301.0711 of the 38789
Revised Code the school elects to administer the tests prescribed 38790
by division (B) of complies with section 3301.0710 3313.612 of the 38791
Revised Code beginning July 1, 1995. 38792

In the course of considering the charter of a new school district created under section 3311.26 or 3311.38 of the Revised Code, the state board shall require the party proposing creation of the district to submit to the board a map, certified by the county auditor of the county in which the proposed new district is located, showing the boundaries of the proposed new district. In the case of a proposed new district located in more than one county, the map shall be certified by the county auditor of each county in which the proposed district is located.

The state board shall revoke the charter of any school district or school which fails to meet the standards for elementary and high schools as prescribed by the board. The state board shall also revoke the charter of any nonpublic school that does not comply with section 3313.612 of the Revised Code ~~or, on or after July 1, 1995, does not participate in the testing program prescribed by division (B) of section 3301.0710 of the Revised Code.~~

In the issuance and revocation of school district or school charters, the state board shall be governed by the provisions of Chapter 119. of the Revised Code.

No school district, or individual school operated by a school district, shall operate without a charter issued by the state board under this section.

In case a school district charter is revoked pursuant to this section, the state board may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center

governing board and all adjacent school district boards of 38825
education of its intention to do so. Boards so notified may make 38826
recommendations to the state board regarding the proposed 38827
dissolution and subsequent transfer of territory. Except as 38828
provided in section 3301.161 of the Revised Code, the transfer 38829
ordered by the state board shall become effective on the date 38830
specified by the state board, but the date shall be at least 38831
thirty days following the date of issuance of the order. 38832

A high school is one of higher grade than an elementary 38833
school, in which instruction and training are given in accordance 38834
with sections 3301.07 and 3313.60 of the Revised Code and which 38835
also offers other subjects of study more advanced than those 38836
taught in the elementary schools and such other subjects as may be 38837
approved by the state board of education. 38838

An elementary school is one in which instruction and training 38839
are given in accordance with sections 3301.07 and 3313.60 of the 38840
Revised Code and which offers such other subjects as may be 38841
approved by the state board of education. In districts wherein a 38842
junior high school is maintained, the elementary schools in that 38843
district may be considered to include only the work of the first 38844
six school years inclusive, plus the kindergarten year. 38845

A high school or an elementary school may consist of less 38846
than one or more than one organizational unit, as defined in 38847
sections 3306.02 and 3306.04 of the Revised Code. 38848

Sec. 3301.42. The partnership for continued learning shall 38849
promote systemic approaches to education by supporting regional 38850
efforts to foster collaboration among providers of preschool 38851
through postsecondary education, identifying the workforce needs 38852
of private sector employers in the state, and making 38853
recommendations for facilitating collaboration among providers of 38854
preschool through postsecondary education and for maintaining a 38855

high-quality workforce in the state. Copies of the recommendations 38856
shall be provided to the governor, the president and minority 38857
leader of the senate, the speaker and minority leader of the house 38858
of representatives, the chairpersons and ranking minority members 38859
of the standing committees of the senate and the house of 38860
representatives that consider education legislation, the 38861
~~chairperson~~ chancellor of the Ohio board of regents, and the 38862
president of the state board of education. The recommendations 38863
shall address at least the following issues: 38864

(A) Expansion of access to preschool and other learning 38865
opportunities for children under five years old; 38866

(B) Increasing opportunities for students to earn credit 38867
toward a degree from an institution of higher education while 38868
enrolled in high school, including expanded opportunities for 38869
students to earn that credit on their high school campuses; a 38870
definition of "in good standing" for purposes of section 3313.6013 38871
of the Revised Code; and legislative changes that the partnership, 38872
in consultation with the Ohio board of regents and the state board 38873
of education, determines would improve the operation of the 38874
post-secondary enrollment options program established under 38875
Chapter 3365. of the Revised Code and other dual enrollment 38876
programs. The recommendations for legislative changes required by 38877
this division shall be issued not later than May 31, 2007. 38878

(C) Expansion of access to workforce development programs 38879
administered by school districts, institutions of higher 38880
education, and other providers of career-technical education; 38881

(D) Alignment of the statewide academic standards for grades 38882
nine through twelve adopted under section 3301.079 of the Revised 38883
Code, the Ohio graduation tests prescribed by division (B)(1) of 38884
section 3301.0710 of the Revised Code and the assessment system 38885
prescribed by division (B)(2) of that section, and the curriculum 38886

requirements for a high school diploma prescribed by section	38887
3313.603 of the Revised Code with the expectations of employers	38888
and institutions of higher education regarding the knowledge and	38889
skills that high school graduates should attain prior to entering	38890
the workforce or enrolling in an institution of higher education;	38891
(E) Improving the science and mathematics skills of students	38892
and employees to meet the needs of a knowledge-intensive economy;	38893
(F) Reducing the number of students who need academic	38894
remediation after enrollment in an institution of higher	38895
education;	38896
(G) Expansion of school counseling career and educational	38897
programs, access programs, and other strategies to overcome	38898
financial, cultural, and organizational barriers that interfere	38899
with students' planning for postsecondary education and that	38900
prevent students from obtaining a postsecondary education;	38901
(H) Alignment of teacher preparation programs approved by the	38902
state board of education <u>chancellor of the Ohio board of regents</u>	38903
pursuant to section 3319.23 <u>3333.048</u> of the Revised Code with the	38904
instructional needs and expectations of school districts;	38905
(I) Strategies for retaining more graduates of Ohio	38906
institutions of higher education in the state and for attracting	38907
talented individuals from outside Ohio to work in the state;	38908
(J) Strategies for promoting lifelong continuing education as	38909
a component of maintaining a strong workforce and economy;	38910
(K) Appropriate measures of the impact of statewide efforts	38911
to promote collaboration among providers of preschool through	38912
postsecondary education and to develop a high-quality workforce	38913
and strategies for collecting and sharing data relevant to such	38914
measures;	38915
(L) Strategies for developing and improving opportunities and	38916

for removing barriers to achievement for children identified as 38917
gifted under Chapter 3324. of the Revised Code; 38918

(M) Legislative changes to establish criteria by which state 38919
universities may waive the general requirement, under division (B) 38920
of section 3345.06 of the Revised Code, that a student complete 38921
the Ohio core curriculum to be admitted as an undergraduate. The 38922
partnership at least shall consider criteria for waiving the 38923
requirement for students who have served in the military and 38924
students who entered ninth grade on or after July 1, 2010, in 38925
another state and moved to Ohio prior to high school graduation. 38926
The recommendations for legislative changes under this division 38927
shall be developed in consultation with the Ohio board of regents 38928
and shall be issued not later than July 1, 2007. 38929

Sec. 3301.55. (A) A school district, county MR/DD board, or 38930
eligible nonpublic school operating a preschool program shall 38931
house the program in buildings that meet the following 38932
requirements: 38933

(1) The building is operated by the district, county MR/DD 38934
board, or eligible nonpublic school and has been approved by the 38935
division of ~~industrial compliance~~ labor in the department of 38936
commerce or a certified municipal, township, or county building 38937
department for the purpose of operating a program for preschool 38938
children. Any such structure shall be constructed, equipped, 38939
repaired, altered, and maintained in accordance with applicable 38940
provisions of Chapters 3781. and 3791. and with rules adopted by 38941
the board of building standards under Chapter 3781. of the Revised 38942
Code for the safety and sanitation of structures erected for this 38943
purpose. 38944

(2) The building is in compliance with fire and safety laws 38945
and regulations as evidenced by reports of annual school fire and 38946
safety inspections as conducted by appropriate local authorities. 38947

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county MR/DD board, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of education. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county MR/DD board, or school to meet the requirements.

Sec. 3301.68. There is hereby ~~created~~ re-established the legislative committee on education oversight as a subcommittee of the legislative service commission. The committee shall consist of five members of the house of representatives appointed by the speaker of the house of representatives and five members of the

senate appointed by the president of the senate. Not more than 38979
three of the members appointed from each house shall be members of 38980
the same political party. Members shall serve during the term of 38981
office to which they were elected. 38982

The committee, subject to the oversight and direction of the 38983
legislative service commission, shall direct the work of the 38984
legislative office of education oversight, which is hereby 38985
~~established~~ re-established. The committee may employ a staff 38986
director and such other staff as are necessary for the operation 38987
of the office, who shall be in the unclassified service of the 38988
state, and may contract for the services of whatever technical 38989
advisors are necessary for the committee and the office to carry 38990
out their duties. 38991

The chairperson and vice-chairperson of the legislative 38992
service commission shall fix the compensation of the director. The 38993
director, with the approval of the director of the legislative 38994
service commission, shall fix the compensation of other staff of 38995
the office in accordance with a salary schedule established by the 38996
director of the legislative service commission. Contracts for the 38997
services of necessary technical advisors shall be approved by the 38998
director of the legislative service commission. 38999

All expenses incurred by the committee or office shall be 39000
paid upon vouchers approved by the chairperson of the committee. 39001
The committee shall adopt rules for the conduct of its business 39002
and the election of officers, except that the office of 39003
chairperson of the committee shall alternate each general assembly 39004
between a member of the house of representatives selected by the 39005
speaker and a member of the senate selected by the president. 39006

The committee shall select, for the office to review and 39007
evaluate, education and school-related programs that receive state 39008
financial assistance in any form. The reviews and evaluations may 39009
include any of the following: 39010

(A) Assessment of the uses school districts and institutions 39011
of higher education make of state money they receive and 39012
determination of the extent to which such money improves school 39013
district or institutional performance in the areas for which the 39014
money was intended to be used; 39015

(B) Determination of whether an education program meets its 39016
intended goals, has adequate operating or administrative 39017
procedures and fiscal controls, encompasses only authorized 39018
activities, has any undesirable or unintended effects, and is 39019
efficiently managed; 39020

(C) Examination of various pilot programs developed and 39021
initiated in school districts and at state-assisted colleges and 39022
universities to determine whether such programs suggest 39023
innovative, effective ways to deal with problems that may exist in 39024
other school districts or state-assisted colleges or universities, 39025
and to assess the fiscal costs and likely impact of adopting such 39026
programs throughout the state or in other state-assisted colleges 39027
and universities. 39028

The committee shall report the results of each program review 39029
the office conducts to the general assembly. 39030

If the general assembly directs the legislative office of 39031
education oversight to submit a study to the general assembly by a 39032
particular date, the committee, upon a majority vote of its 39033
members, may modify the scope and due date of the study to 39034
accommodate the availability of data and resources. 39035

Sec. 3301.80. The office of school resource management is 39036
hereby established within the department of education. The office 39037
shall assist school districts, community schools established under 39038
Chapter 3314. of the Revised Code, and STEM schools established 39039
under Chapter 3326. of the Revised Code in improving the 39040
efficiency of their educational and operational systems by using 39041

data and best practices to redirect resources to classroom 39042
practices that research has shown to contribute to student 39043
academic success. 39044

The office shall do all of the following: 39045

(A) In consultation with the auditor of state and the 39046
director of budget and management, determine the fiscal data to be 39047
included on the funding and expenditure accountability reports 39048
required under division (C) of section 3302.031 of the Revised 39049
Code. The office may consult with fiscal officers of school 39050
districts and public schools and may use data collected from the 39051
department's work with school districts on resource allocation, 39052
conducted pursuant to Section 269.10.60 of Am. Sub. H.B. 119 of 39053
the 127th general assembly, in making its determination. 39054

(B) Collaborate with the auditor of state to establish the 39055
metrics for the performance reviews conducted under section 39056
3306.32 of the Revised Code and to periodically publish best 39057
practices for improved operational efficiency, as identified in 39058
the performance reviews; 39059

(C) Ensure that school districts, community schools, and STEM 39060
schools act in a timely manner to develop plans for implementation 39061
of the recommendations made in the performance reviews conducted 39062
under section 3306.32 of the Revised Code; 39063

(D) Provide staff assistance to the Ohio school funding 39064
research advisory council; 39065

(E) Conduct assessments and evaluations as directed by the 39066
superintendent of public instruction. 39067

Sec. 3301.81. The office of urban and rural student success 39068
is hereby created within the department of education. The office 39069
shall do all of the following: 39070

<u>(A) Develop system redesign and improvement strategies for urban and rural school districts;</u>	39071
	39072
<u>(B) Provide school districts with recommendations and strategies to improve the academic success of students from economically disadvantaged areas;</u>	39073
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<u>(C) Provide school districts with recommendations and strategies to address nonacademic barriers, including social, emotional, physical, and psychological barriers, facing students from economically disadvantaged areas;</u>	39076
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<u>(D) Work with the university system of Ohio institutions, private institutions of higher education, and national and international experts when implementing its duties under divisions (A) to (C) of this section;</u>	39080
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<u>(E) Provide other assistance and support to meet the unique needs of urban and rural school districts, as directed by the superintendent of public instruction.</u>	39084
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	39086
<u>Sec. 3301.82. (A) The center for creativity and innovation is hereby created in the department of education. The center shall assist schools in city, exempted village, local, and joint vocational school districts, educational service centers, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code in any of the following:</u>	39087
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<u>(1) The design and implementation of strategies and systems that enable schools to become professional learning communities, including the following:</u>	39094
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	39096
<u>(a) Mentoring and coaching teachers and support staff;</u>	39097
<u>(b) Enabling school principals to focus on supporting instruction and engaging teachers and support staff as part of the instructional leadership team so that teachers and staff may share</u>	39098
	39099
	39100

<u>the responsibility for making and implementing school decisions;</u>	39101
<u>(c) Adopting new models for restructuring the learning day or</u>	39102
<u>year, such as including teacher planning and collaboration time as</u>	39103
<u>part of the school day;</u>	39104
<u>(d) Creating smaller schools or smaller units within larger</u>	39105
<u>schools to facilitate teacher collaboration to improve and advance</u>	39106
<u>the professional practice of teaching and to enhance instruction</u>	39107
<u>that yields enhanced student achievement.</u>	39108
<u>(2) The use of strategies in collaboration with the teach</u>	39109
<u>Ohio program to promote, recruit, and enhance the teaching</u>	39110
<u>profession, including:</u>	39111
<u>(a) The design and implementation of "grow your own"</u>	39112
<u>recruitment and retention strategies that are designed to support</u>	39113
<u>individuals in becoming licensed teachers, to retain highly</u>	39114
<u>qualified teachers, to assist experienced teachers in obtaining</u>	39115
<u>licensure in subject areas for which there is need, to assist</u>	39116
<u>teachers in obtaining senior professional educator and lead</u>	39117
<u>professional educator licenses, and to assist teachers to grow and</u>	39118
<u>develop in the profession;</u>	39119
<u>(b) Enhanced conditions for new teachers;</u>	39120
<u>(c) Incentives to attract qualified mathematics, science, or</u>	39121
<u>special education teachers;</u>	39122
<u>(d) The development and implementation of a partnership with</u>	39123
<u>teacher preparation programs at colleges and universities to help</u>	39124
<u>attract teachers qualified to teach in shortage areas;</u>	39125
<u>(e) The implementation of a program to increase the cultural</u>	39126
<u>competency of both new and veteran teachers.</u>	39127
<u>(3) Identifying statutes, rules, and regulations that impede</u>	39128
<u>the adoption of innovative practices and make recommendations to</u>	39129
<u>the superintendent of public instruction for the repeal,</u>	39130

<u>rescission, revision, or waiver of those provisions;</u>	39131
<u>(4) Identifying promising programs and practices based on</u>	39132
<u>high quality education research and developing models for their</u>	39133
<u>early adoption, including research and practices in arts education</u>	39134
<u>and creativity;</u>	39135
<u>(5) Other duties as assigned by the superintendent of public</u>	39136
<u>instruction.</u>	39137
<u>(B) The center shall provide staff assistance to the Ohio</u>	39138
<u>school funding research advisory council.</u>	39139
<u>(C) The center shall promote collaboration between school</u>	39140
<u>districts and community schools established under Chapter 3314. of</u>	39141
<u>the Revised Code to enhance the academic programs of both and to</u>	39142
<u>broaden the application of successful and innovative academic</u>	39143
<u>practices developed by community schools. In doing so, the center</u>	39144
<u>shall work with the office of community schools to do the</u>	39145
<u>following:</u>	39146
<u>(1) Study, gather information concerning, and serve as a</u>	39147
<u>clearinghouse of best practices and innovative programming</u>	39148
<u>developed and utilized by community schools that could be adopted</u>	39149
<u>by school districts;</u>	39150
<u>(2) Identify circumstances in which students could benefit</u>	39151
<u>from collaboration between the complementary programs of school</u>	39152
<u>districts and community schools.</u>	39153
<u>(D) The department may accept, receive, and expend gifts,</u>	39154
<u>devises, or bequests of money, lands, or other properties for the</u>	39155
<u>center for creativity and innovation. The state board of education</u>	39156
<u>may adopt rules for the purpose of enabling the center to carry</u>	39157
<u>out the conditions and limitations upon which a bequest, gift, or</u>	39158
<u>endowment is made.</u>	39159
<u>Sec. 3301.83. (A) The department of education shall conduct</u>	39160

an on-site visit of each school operated by a school district at 39161
least every five years to evaluate the school's operations. During 39162
each visit, the department shall do all of the following: 39163

(1) Determine if the school has complied with the operating 39164
standards prescribed by the state board of education under 39165
division (D)(3) of section 3301.07 of the Revised Code; 39166

(2) Determine if the school has complied with all laws 39167
regarding academic and fiscal accountability and with all other 39168
applicable laws and administrative rules; 39169

(3) Review the school's progress in implementing a continuous 39170
improvement plan developed under division (B) of section 3302.04 39171
of the Revised Code, if applicable. 39172

(B) Each on-site visit conducted under this section shall 39173
include school tours, classroom observations, and interviews with 39174
administrators, teachers, other school staff, parents, community 39175
members, or students. 39176

(C) Each school shall provide any data, documents, or other 39177
materials the department considers necessary to enable it to 39178
conduct a thorough on-site visit. 39179

(D) Upon completion of each on-site visit, the department 39180
shall issue a written report summarizing its findings. The 39181
department shall provide a copy of the report to the district 39182
board of education. The district board may submit factual 39183
corrections to the department by a deadline established by the 39184
department. Upon receipt of any factual corrections, the 39185
department shall revise the report and issue a final version. The 39186
department shall post the final version of the report on its web 39187
site. The district board also shall post the final version on the 39188
district's web site, if the district maintains a web site. 39189

(E) Any on-site visit required by this section may be 39190

conducted in conjunction with a site evaluation required under 39191
division (D) of section 3302.04 of the Revised Code. 39192

(F) The state board of education shall adopt rules to 39193
implement this section. 39194

Sec. 3301.90. The governor shall create the early childhood 39195
advisory council in accordance with 42 U.S.C. 9837b(b)(1) and 39196
shall appoint one of its members to serve as chairperson of the 39197
council. The council shall serve as the state advisory council on 39198
early childhood education and care, as described in 42 U.S.C. 39199
9837b(b)(1). In addition to the duties specified in 42 U.S.C. 39200
9837b(b)(1), the council shall advise the state regarding the 39201
creation and duties of the center for early childhood development. 39202
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Sec. 3302.01. As used in this chapter: 39204

(A) "Performance index score" means the average of the totals 39205
derived from calculations for each subject area of ~~reading,~~ 39206
~~writing~~ English language arts, mathematics, science, and social 39207
studies of the weighted proportion of untested students and 39208
students scoring at each level of skill described in division 39209
(A)(2) of section 3301.0710 of the Revised Code on the ~~tests~~ 39210
assessments prescribed by divisions (A) and (B)(1) of that 39211
section. The department of education shall assign weights such 39212
that students who do not take ~~a test~~ an assessment receive a 39213
weight of zero and students who take ~~a test~~ an assessment receive 39214
progressively larger weights dependent upon the level of skill 39215
attained on the ~~test~~ assessment. The department shall also 39216
determine the performance index score a school district or 39217
building needs to achieve for the purpose of the performance 39218
ratings assigned pursuant to section 3302.03 of the Revised Code. 39219

Students shall be included in the "performance index score" 39220

in accordance with division (D)(2) of section 3302.03 of the Revised Code. 39221
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(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following: 39223
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(1) Major racial and ethnic groups; 39226

(2) Students with disabilities; 39227

(3) Economically disadvantaged students; 39228

(4) Limited English proficient students. 39229

(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education. 39230
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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001." 39236
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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001." 39239
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(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement ~~tests~~ assessments prescribed by section 3301.0710 of the Revised Code. 39244
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Sec. 3302.02. The Not later than one year after the adoption 39250
of rules under division (E) of section 3301.0712 of the Revised 39251
Code and at least every sixth year thereafter, upon 39252
recommendations of the superintendent of public instruction, the 39253
state board of education ~~annually through 2007, and every six~~ 39254
~~years thereafter,~~ shall establish ~~at least seventeen~~ performance 39255
indicators for the report cards required by division (C) of 39256
section 3302.03 of the Revised Code. In establishing these 39257
indicators, the ~~state board~~ superintendent shall consider 39258
inclusion of student performance on ~~any tests given~~ assessments 39259
prescribed under section 3301.0710 or 3301.0712 of the Revised 39260
Code, rates of student improvement on such tests, student 39261
attendance, the breadth of coursework available within the 39262
district, and other indicators of student success. ~~The state board~~ 39263
Not later than December 31, 2011, the state board, upon 39264
recommendation of the superintendent, shall establish a 39265
performance indicator reflecting the level of services provided 39266
to, and the performance of, students identified as gifted under 39267
Chapter 3324. of the Revised Code. 39268

The superintendent shall inform the Ohio accountability task 39269
force established under section 3302.021 of the Revised Code of 39270
the performance indicators ~~it~~ the superintendent establishes under 39271
this section and the rationale for choosing each indicator and for 39272
determining how a school district or building meets that 39273
indicator. 39274

The ~~state board~~ superintendent shall not establish any 39275
performance indicator for passage of the third or fourth grade 39276
~~reading test~~ English language arts assessment that is solely based 39277
on the ~~test~~ assessment given in the fall for the purpose of 39278
determining whether students have met the reading guarantee 39279
provisions of section 3313.608 of the Revised Code. 39280

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 39281
later than July 1, 2007, the department of education shall 39282
implement a value-added progress dimension for school districts 39283
and buildings and shall incorporate the value-added progress 39284
dimension into the report cards and performance ratings issued for 39285
districts and buildings under section 3302.03 of the Revised Code. 39286

The state board of education shall adopt rules, pursuant to 39287
Chapter 119. of the Revised Code, for the implementation of the 39288
value-added progress dimension. In adopting rules, the state board 39289
shall consult with the Ohio accountability task force established 39290
under division ~~(D)~~(E) of this section. The rules adopted under 39291
this division shall specify both of the following: 39292

(1) A scale for describing the levels of academic progress in 39293
reading and mathematics relative to a standard year of academic 39294
growth in those subjects for each of grades three through eight; 39295

(2) That the department shall maintain the confidentiality of 39296
individual student test scores and individual student reports in 39297
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 39298
Revised Code and federal law. The department may require school 39299
districts to use a unique identifier for each student for this 39300
purpose. Individual student test scores and individual student 39301
reports shall be made available only to a student's classroom 39302
teacher and other appropriate educational personnel and to the 39303
student's parent or guardian. 39304

(B) The department shall use a system designed for collecting 39305
necessary data, calculating the value-added progress dimension, 39306
analyzing data, and generating reports, which system has been used 39307
previously by a non-profit organization led by the Ohio business 39308
community for at least one year in the operation of a pilot 39309
program in cooperation with school districts to collect and report 39310
student achievement data via electronic means and to provide 39311

information to the districts regarding the academic performance of 39312
individual students, grade levels, school buildings, and the 39313
districts as a whole. 39314

(C) The department shall not pay more than two dollars per 39315
student for data analysis and reporting to implement the 39316
value-added progress dimension in the same manner and with the 39317
same services as under the pilot program described by division (B) 39318
of this section. However, nothing in this section shall preclude 39319
the department or any school district from entering into a 39320
contract for the provision of more services at a higher fee per 39321
student. Any data analysis conducted under this section by an 39322
entity under contract with the department shall be completed in 39323
accordance with timelines established by the superintendent of 39324
public instruction. 39325

(D) The department shall share any aggregate student data and 39326
any calculation, analysis, or report utilizing aggregate student 39327
data that is generated under this section with the chancellor of 39328
the Ohio board of regents. The department shall not share 39329
individual student test scores and individual student reports with 39330
the chancellor. 39331

(E)(1) There is hereby established the Ohio accountability 39332
task force. The task force shall consist of the following thirteen 39333
members: 39334

(a) The chairpersons and ranking minority members of the 39335
house of representatives and senate standing committees primarily 39336
responsible for education legislation, who shall be nonvoting 39337
members; 39338

(b) One representative of the governor's office, appointed by 39339
the governor; 39340

(c) The superintendent of public instruction, or the 39341
superintendent's designee; 39342

(d) One representative of teacher employee organizations	39343
formed pursuant to Chapter 4117. of the Revised Code, appointed by	39344
the speaker of the house of representatives;	39345
(e) One representative of school district boards of	39346
education, appointed by the president of the senate;	39347
(f) One school district superintendent, appointed by the	39348
speaker of the house of representatives;	39349
(g) One representative of business, appointed by the	39350
president of the senate;	39351
(h) One representative of a non-profit organization led by	39352
the Ohio business community, appointed by the governor;	39353
(i) One school building principal, appointed by the president	39354
of the senate;	39355
(j) A member of the state board of education, appointed by	39356
the speaker of the house of representatives.	39357
Initial appointed members of the task force shall serve until	39358
January 1, 2005. Thereafter, terms of office for appointed members	39359
shall be for two years, each term ending on the same day of the	39360
same month as did the term that it succeeds. Each appointed member	39361
shall hold office from the date of appointment until the end of	39362
the term for which the member was appointed. Members may be	39363
reappointed. Vacancies shall be filled in the same manner as the	39364
original appointment. Any member appointed to fill a vacancy	39365
occurring prior to the expiration of the term for which the	39366
member's predecessor was appointed shall hold office for the	39367
remainder of that term.	39368
The task force shall select from among its members a	39369
chairperson. The task force shall meet at least six times each	39370
calendar year and at other times upon the call of the chairperson	39371
to conduct its business. Members of the task force shall serve	39372

without compensation.	39373
(2) The task force shall do all of the following:	39374
(a) Examine the implementation of the value-added progress dimension by the department, including the system described in division (B) of this section, the reporting of performance data to school districts and buildings, and the provision of professional development on the interpretation of the data to classroom teachers and administrators;	39375 39376 39377 39378 39379 39380
(b) Periodically review any fees for data analysis and reporting paid by the department pursuant to division (C) of this section and determine if the fees are appropriate based upon the level of services provided;	39381 39382 39383 39384
(c) Periodically report to the department and the state board on all issues related to the school district and building accountability system established under this chapter;	39385 39386 39387
(d) Not later than seven years after its initial meeting, make recommendations to improve the school district and building accountability system established under this chapter. The task force shall adopt recommendations by a majority vote of its members. Copies of the recommendations shall be provided to the state board, the governor, the speaker of the house of representatives, and the president of the senate.	39388 39389 39390 39391 39392 39393 39394
(e) Determine starting dates for the implementation of the value-added progress dimension and its incorporation into school district and building report cards and performance ratings.	39395 39396 39397
Sec. 3302.03. (A) Annually the department of education shall report for each school district and each school building in a district all of the following:	39398 39399 39400
(1) The extent to which the school district or building meets each of the applicable performance indicators created by the state	39401 39402

board of education under section 3302.02 of the Revised Code and 39403
the number of applicable performance indicators that have been 39404
achieved; 39405

(2) The performance index score of the school district or 39406
building; 39407

(3) Whether the school district or building has made adequate 39408
yearly progress; 39409

(4) Whether the school district or building is excellent, 39410
effective, needs continuous improvement, is under an academic 39411
watch, or is in a state of academic emergency. 39412

(B) Except as otherwise provided in divisions (B)(6) and (7) 39413
of this section: 39414

(1) A school district or building shall be declared excellent 39415
if it fulfills one of the following requirements: 39416

(a) It makes adequate yearly progress and either meets at 39417
least ninety-four per cent of the applicable state performance 39418
indicators or has a performance index score established by the 39419
department. 39420

(b) It has failed to make adequate yearly progress for not 39421
more than two consecutive years and either meets at least 39422
ninety-four per cent of the applicable state performance 39423
indicators or has a performance index score established by the 39424
department. 39425

(2) A school district or building shall be declared effective 39426
if it fulfills one of the following requirements: 39427

(a) It makes adequate yearly progress and either meets at 39428
least seventy-five per cent but less than ninety-four per cent of 39429
the applicable state performance indicators or has a performance 39430
index score established by the department. 39431

(b) It does not make adequate yearly progress and either 39432

meets at least seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department, except that if it does not make adequate yearly progress for three consecutive years, it shall be declared in need of continuous improvement.

(3) A school district or building shall be declared to be in need of continuous improvement if it fulfills one of the following requirements:

(a) It makes adequate yearly progress, meets less than seventy-five per cent of the applicable state performance indicators, and has a performance index score established by the department.

(b) It does not make adequate yearly progress and either meets at least fifty per cent but less than seventy-five per cent of the applicable state performance indicators or has a performance index score established by the department.

(4) A school district or building shall be declared to be under an academic watch if it does not make adequate yearly progress and either meets at least thirty-one per cent but less than fifty per cent of the applicable state performance indicators or has a performance index score established by the department.

(5) A school district or building shall be declared to be in a state of academic emergency if it does not make adequate yearly progress, does not meet at least thirty-one per cent of the applicable state performance indicators, and has a performance index score established by the department.

(6) When designating performance ratings for school districts and buildings under divisions (B)(1) to (5) of this section, the department shall not assign a school district or building a lower designation from its previous year's designation based solely on one subgroup not making adequate yearly progress.

(7) Division (B)(7) of this section does not apply to any 39464
community school established under Chapter 3314. of the Revised 39465
Code in which a majority of the students are enrolled in a dropout 39466
prevention and recovery program. 39467

A school district or building shall not be assigned a higher 39468
performance rating than in need of continuous improvement if at 39469
least ten per cent but not more than fifteen per cent of the 39470
enrolled students do not take all achievement ~~tests~~ assessments 39471
prescribed for their grade level under division (A)(1) or (B)(1) 39472
of section 3301.0710 of the Revised Code from which they are not 39473
excused pursuant to division (C)(1) or (3) of section 3301.0711 of 39474
the Revised Code. A school district or building shall not be 39475
assigned a higher performance rating than under an academic watch 39476
if more than fifteen per cent but not more than twenty per cent of 39477
the enrolled students do not take all achievement ~~tests~~ 39478
assessments prescribed for their grade level under division (A)(1) 39479
or (B)(1) of section 3301.0710 of the Revised Code from which they 39480
are not excused pursuant to division (C)(1) or (3) of section 39481
3301.0711 of the Revised Code. A school district or building shall 39482
not be assigned a higher performance rating than in a state of 39483
academic emergency if more than twenty per cent of the enrolled 39484
students do not take all achievement ~~tests~~ assessments prescribed 39485
for their grade level under division (A)(1) or (B)(1) of section 39486
3301.0710 of the Revised Code from which they are not excused 39487
pursuant to division (C)(1) or (3) of section 3301.0711 of the 39488
Revised Code. 39489

(C)(1) The department shall issue annual report cards for 39490
each school district, each building within each district, and for 39491
the state as a whole reflecting performance on the indicators 39492
created by the state board under section 3302.02 of the Revised 39493
Code, the performance index score, and adequate yearly progress. 39494

(2) The department shall include on the report card for each 39495

district information pertaining to any change from the previous	39496
year made by the school district or school buildings within the	39497
district on any performance indicator.	39498
(3) When reporting data on student performance, the	39499
department shall disaggregate that data according to the following	39500
categories:	39501
(a) Performance of students by age group;	39502
(b) Performance of students by race and ethnic group;	39503
(c) Performance of students by gender;	39504
(d) Performance of students grouped by those who have been	39505
enrolled in a district or school for three or more years;	39506
(e) Performance of students grouped by those who have been	39507
enrolled in a district or school for more than one year and less	39508
than three years;	39509
(f) Performance of students grouped by those who have been	39510
enrolled in a district or school for one year or less;	39511
(g) Performance of students grouped by those who are	39512
economically disadvantaged;	39513
(h) Performance of students grouped by those who are enrolled	39514
in a conversion community school established under Chapter 3314.	39515
of the Revised Code;	39516
(i) Performance of students grouped by those who are	39517
classified as limited English proficient;	39518
(j) Performance of students grouped by those who have	39519
disabilities;	39520
(k) Performance of students grouped by those who are	39521
classified as migrants;	39522
(l) Performance of students grouped by those who are	39523
identified as gifted pursuant to Chapter 3324. of the Revised	39524

Code. 39525

The department may disaggregate data on student performance 39526
according to other categories that the department determines are 39527
appropriate. To the extent possible, the department shall 39528
disaggregate data on student performance according to any 39529
combinations of two or more of the categories listed in divisions 39530
(C)(3)(a) to (1) of this section that it deems relevant. 39531

In reporting data pursuant to division (C)(3) of this 39532
section, the department shall not include in the report cards any 39533
data statistical in nature that is statistically unreliable or 39534
that could result in the identification of individual students. 39535
For this purpose, the department shall not report student 39536
performance data for any group identified in division (C)(3) of 39537
this section that contains less than ten students. 39538

(4) The department may include with the report cards any 39539
additional education and fiscal performance data it deems 39540
valuable. 39541

(5) The department shall include on each report card a list 39542
of additional information collected by the department that is 39543
available regarding the district or building for which the report 39544
card is issued. When available, such additional information shall 39545
include student mobility data disaggregated by race and 39546
socioeconomic status, college enrollment data, and the reports 39547
prepared under section 3302.031 of the Revised Code. 39548

The department shall maintain a site on the world wide web. 39549
The report card shall include the address of the site and shall 39550
specify that such additional information is available to the 39551
public at that site. The department shall also provide a copy of 39552
each item on the list to the superintendent of each school 39553
district. The district superintendent shall provide a copy of any 39554
item on the list to anyone who requests it. 39555

(6)(a) This division does not apply to conversion community schools that primarily enroll students between sixteen and twenty-two years of age who dropped out of high school or are at risk of dropping out of high school due to poor attendance, disciplinary problems, or suspensions.

For any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the report card issued for the district.

(b) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of calculating the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department.

(7) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the "No Child Left Behind Act of 2001," and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(8) The department shall include on the report card the number of ~~master~~ lead teachers employed by each district and each building once the data is available from the education management information system established under section 3301.0714 of the Revised Code.

(D)(1) In calculating ~~reading, writing~~ English language arts, 39588
mathematics, social studies, or science ~~proficiency or achievement~~ 39589
~~test~~ assessment passage rates used to determine school district or 39590
building performance under this section, the department shall 39591
include all students taking ~~a test~~ an assessment with 39592
accommodation or to whom an alternate assessment is administered 39593
pursuant to division (C)(1) or (3) of section 3301.0711 of the 39594
Revised Code. 39595

(2) In calculating performance index scores, rates of 39596
achievement on the performance indicators established by the state 39597
board under section 3302.02 of the Revised Code, and adequate 39598
yearly progress for school districts and buildings under this 39599
section, the department shall do all of the following: 39600

(a) Include for each district or building only those students 39601
who are included in the ADM certified for the first full school 39602
week of October and are continuously enrolled in the district or 39603
building through the time of the spring administration of any ~~test~~ 39604
assessment prescribed by division (A)(1) or (B)(1) of section 39605
3301.0710 of the Revised Code that is administered to the 39606
student's grade level; 39607

(b) Include cumulative totals from both the fall and spring 39608
administrations of the third grade reading achievement test; 39609

(c) Except as required by the "No Child Left Behind Act of 39610
2001" for the calculation of adequate yearly progress, exclude for 39611
each district or building any limited English proficient student 39612
who has been enrolled in United States schools for less than one 39613
full school year. 39614

Sec. 3302.031. (A) As used in this section: 39615

(1) "Community school" means a community school established 39616
under Chapter 3314. of the Revised Code. 39617

(2) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 39618
39619
39620

(B) In addition to the report cards required under section 3302.03 of the Revised Code, the department of education shall annually prepare the following reports for each school district and described in this section. The department shall make a copy of each report available to the superintendent of each district: 39621
39622
39623
39624
39625

(A) A public, school districts, community schools, and STEM schools on the department's web site. 39626
39627

(C) The department shall prepare a funding and expenditure accountability report which shall consist of for each school district, community school, and STEM school. The report shall specify the amount of state aid payments for the fiscal year the school district, community school, or STEM school will receive during the fiscal year under Chapter Chapters 3306. and 3317. of the Revised Code and. The report shall include any other fiscal data the department office of school resource management established under section 3301.80 of the Revised Code determines is necessary to inform the public about the financial status of the district: 39628
39629
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(B) or school. 39639

(D) The department shall prepare the following reports for each school district: 39640
39641

(1) A school safety and discipline report which shall consist of statistical information regarding student safety and discipline in each school building, including the number of suspensions and expulsions disaggregated according to race and gender; 39642
39643
39644
39645

(C)(2) A student equity report which shall consist of at least a description of the status of teacher qualifications, library and media resources, textbooks, classroom materials and 39646
39647
39648

supplies, and technology resources for each district. To the 39649
extent possible, the information included in the report required 39650
under this division shall be disaggregated according to grade 39651
level, race, gender, disability, and scores attained on ~~tests~~ 39652
assessments required under section 3301.0710 of the Revised Code. 39653

~~(D)~~(3) A school enrollment report which shall consist of 39654
information about the composition of classes within each district 39655
by grade and subject disaggregated according to race, gender, and 39656
scores attained on ~~tests~~ assessments required under section 39657
3301.0710 of the Revised Code; 39658

~~(E)~~(4) A student retention report which shall consist of the 39659
number of students retained in their respective grade levels in 39660
the district disaggregated by grade level, subject area, race, 39661
gender, and disability; 39662

~~(F)~~(5) A school district performance report which shall 39663
describe for the district and each building within the district 39664
the extent to which the district or building meets each of the 39665
applicable performance indicators established under section 39666
3302.02 of the Revised Code, the number of performance indicators 39667
that have been achieved, and the performance index score. In 39668
calculating the rates of achievement on the performance indicators 39669
and the performance index scores for each report, the department 39670
shall exclude all students with disabilities. 39671

Sec. 3302.05. The state board of education shall adopt rules 39672
freeing school districts declared to be excellent under division 39673
(B)(1) or effective under division (B)(2) of section 3302.03 of 39674
the Revised Code from specified state mandates. Any mandates 39675
included in the rules shall be only those statutes or rules 39676
pertaining to state education requirements. The rules shall not 39677
exempt districts from any standard or requirement of Chapter 3306. 39678
or from any operating standard adopted under division (D)(3) of 39679

section 3301.07 of the Revised Code. 39680

Sec. 3302.07. (A) The board of education of any school 39681
district, the governing board of any educational service center, 39682
or the administrative authority of any chartered nonpublic school 39683
may submit to the state board of education an application 39684
proposing an innovative education pilot program the implementation 39685
of which requires exemptions from specific statutory provisions or 39686
rules. If a district or service center board employs teachers 39687
under a collective bargaining agreement adopted pursuant to 39688
Chapter 4117. of the Revised Code, any application submitted under 39689
this division shall include the written consent of the teachers' 39690
employee representative designated under division (B) of section 39691
4117.04 of the Revised Code. The exemptions requested in the 39692
application shall be limited to any requirement of Title XXXIII of 39693
the Revised Code or of any rule of the state board adopted 39694
pursuant to that title except that the application may not propose 39695
an exemption from any requirement of or rule adopted pursuant to 39696
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 39697
3323. of the Revised Code. Furthermore, an exemption from any 39698
standard or requirement of Chapter 3306. or from any operating 39699
standard adopted under division (D)(3) of section 3301.07 of the 39700
Revised Code shall be granted only pursuant to a waiver granted by 39701
the superintendent of public instruction under section 3306.40 of 39702
the Revised Code. 39703

(B) The state board of education shall accept any application 39704
submitted in accordance with division (A) of this section. The 39705
superintendent of public instruction shall approve or disapprove 39706
the application in accordance with standards for approval, which 39707
shall be adopted by the state board. 39708

(C) The superintendent of public instruction shall exempt 39709
each district or service center board or chartered nonpublic 39710

school administrative authority with an application approved under 39711
division (B) of this section for a specified period from the 39712
statutory provisions or rules specified in the approved 39713
application. The period of exemption shall not exceed the period 39714
during which the pilot program proposed in the application is 39715
being implemented and a reasonable period to allow for evaluation 39716
of the effectiveness of the program. 39717

Sec. 3304.231. There is hereby created a brain injury 39718
advisory committee, which shall advise the administrator of the 39719
rehabilitation services commission and the brain injury program 39720
with regard to unmet needs of survivors of brain injury, 39721
development of programs for survivors and their families, 39722
establishment of training programs for health care professionals, 39723
and any other matter within the province of the brain injury 39724
program. The committee shall consist of not ~~less~~ fewer than 39725
~~eighteen~~ twenty and not more than ~~twenty-one~~ twenty-two members as 39726
follows: 39727

(A) Not ~~less~~ fewer than ten and not more than twelve members 39728
appointed by the administrator of the rehabilitation services 39729
commission, including all of the following: a survivor of brain 39730
injury, a relative of a survivor of brain injury, a licensed 39731
physician recommended by the Ohio chapter of the American college 39732
of emergency physicians, a licensed physician recommended by the 39733
Ohio state medical association, one other health care 39734
professional, a rehabilitation professional, an individual who 39735
represents the brain injury association of Ohio, and not ~~less~~ 39736
fewer than three nor more than five individuals who shall 39737
represent the public; 39738

(B) The directors of the departments of health, alcohol and 39739
drug addiction services, mental retardation and developmental 39740
disabilities, mental health, job and family services, aging, and 39741

highway public safety; the administrator of workers' compensation; 39742
the superintendent of public instruction; and the administrator of 39743
the rehabilitation services commission. Any of the officials 39744
specified in this division may designate an individual to serve in 39745
the official's place as a member of the committee. 39746

~~The director of health shall make initial appointments to the 39747
committee by November 1, 1990. Appointments made after July 26, 39748
1991, shall be made by the administrator of the rehabilitation 39749
services commission. Terms of office of the appointed members 39750
shall be two years. Members may be reappointed. Vacancies shall be 39751
filled in the manner provided for original appointments. Any 39752
member appointed to fill a vacancy occurring prior to the 39753
expiration date of the term for which the member's predecessor was 39754
appointed shall hold office as a member for the remainder of that 39755
term. 39756~~

Members of the committee shall serve without compensation, 39757
but shall be reimbursed for actual and necessary expenses incurred 39758
in the performance of their duties. 39759

Sec. 3306.01. This chapter shall be administered by the state 39760
board of education. The superintendent of public instruction shall 39761
calculate the amounts payable to each school district and shall 39762
certify the amounts payable to each eligible district to the 39763
treasurer of the district as determined under this chapter. As 39764
soon as possible after such amounts are calculated, the 39765
superintendent shall certify to the treasurer of each school 39766
district the district's adjusted charge-off increase, as defined 39767
in section 5705.211 of the Revised Code. No moneys shall be 39768
distributed pursuant to this chapter without the approval of the 39769
controlling board. 39770

The state board of education shall, in accordance with 39771
appropriations made by the general assembly, meet the financial 39772

obligations of this chapter. 39773

Annually, the department of education shall calculate and 39774
report to each school district the district's adequacy amount 39775
utilizing the calculations in sections 3306.03 and 3306.13 of the 39776
Revised Code. The department shall calculate and report separately 39777
for each school district the district's total state and local 39778
funds for its students with disabilities, utilizing the 39779
calculations in sections 3306.05, 3306.11, and 3306.13 of the 39780
Revised Code. The department shall calculate and report separately 39781
for each school district the amount of funding calculated for each 39782
factor of the district's adequacy amount. 39783

Not later than the thirty-first day of August of each fiscal 39784
year, the department of education shall provide to each school 39785
district a preliminary estimate of the amount of funding that the 39786
department calculates the district will receive under section 39787
3306.13 of the Revised Code. Not later than the first day of 39788
December of each fiscal year, the department shall update that 39789
preliminary estimate. 39790

Moneys distributed pursuant to this chapter shall be 39791
calculated and paid on a fiscal year basis, beginning with the 39792
first day of July and extending through the thirtieth day of June. 39793
Unless otherwise provided, the moneys appropriated for each fiscal 39794
year shall be distributed at least monthly to each school 39795
district. The state board shall submit a yearly distribution plan 39796
to the controlling board at its first meeting in July. The state 39797
board shall submit any proposed midyear revision of the plan to 39798
the controlling board in January. Any year-end revision of the 39799
plan shall be submitted to the controlling board in June. If 39800
moneys appropriated for each fiscal year are distributed other 39801
than monthly, such distribution shall be on the same basis for 39802
each school district. 39803

The total amounts paid each month shall constitute, as nearly 39804

as possible, one-twelfth of the total amount payable for the 39805
entire year. 39806

Payments shall be calculated to reflect the reporting of 39807
formula ADM. Annualized periodic payments for each school district 39808
shall be based on the district's final student counts verified by 39809
the superintendent of public instruction based on reports under 39810
section 3317.03 of the Revised Code, as adjusted, if so ordered, 39811
under division (K) of that section. 39812

(A) Except as otherwise provided, payments under this chapter 39813
shall be made only to those school districts that comply with 39814
divisions (A)(1) to (3) of this section. 39815

(1) Each city, exempted village, and local school district 39816
shall levy for current operating expenses at least twenty mills. 39817
Levies for joint vocational or cooperative education school 39818
districts or county school financing districts, limited to or to 39819
the extent apportioned to current expenses, shall be included in 39820
this qualification requirement. School district income tax levies 39821
under Chapter 5748. of the Revised Code, limited to or to the 39822
extent apportioned to current operating expenses, shall be 39823
included in this qualification requirement to the extent 39824
determined by the tax commissioner under division (D) of section 39825
3317.021 of the Revised Code. 39826

(2) Each city, exempted village, local, and joint vocational 39827
school district, during the school learning year next preceding 39828
the fiscal year for which payments are calculated under this 39829
chapter, shall meet the requirement of section 3313.48 or 3313.481 39830
of the Revised Code, with regard to the minimum number of days or 39831
hours school must be open for instruction with pupils in 39832
attendance, for individualized parent-teacher conference and 39833
reporting periods, and for professional meetings of teachers. The 39834
superintendent of public instruction shall waive a number of days 39835
on which it had been necessary for a school to be closed because 39836

of disease epidemic, hazardous weather conditions, inoperability 39837
of school buses or other equipment necessary to the school's 39838
operation, damage to a school building, or other temporary 39839
circumstances due to utility failure rendering the school building 39840
unfit for school use, as follows: 39841

(a) In determining eligibility for payments under this 39842
chapter for fiscal year 2010, up to five days for the 2008-2009 39843
learning year; 39844

(b) In determining eligibility for payments under this 39845
chapter for fiscal year 2011, up to three days for the 2009-2010 39846
learning year; 39847

(c) In determining eligibility for payments under this 39848
chapter for fiscal year 2012 and thereafter, up to one day for the 39849
preceding learning year. 39850

The state board shall adopt standards for the superintendent 39851
to apply in determining the waiver of days or hours for schools 39852
operating under section 3313.481 of the Revised Code. 39853

A school district shall not be considered to have failed to 39854
comply with this division or section 3313.481 of the Revised Code 39855
because schools were open for instruction but either twelfth grade 39856
students were excused from attendance for up to three days or only 39857
a portion of the kindergarten students were in attendance for up 39858
to three days in order to allow for the gradual orientation to 39859
school of such students. 39860

The superintendent of public instruction shall waive the 39861
requirements of this section with reference to the minimum number 39862
of days or hours a school must be open for instruction with pupils 39863
in attendance for the learning year succeeding the learning year 39864
in which a board of education initiates a plan of operation 39865
pursuant to section 3313.481 of the Revised Code. The minimum 39866
requirements of this section shall again be applicable to the 39867

district beginning with the learning year commencing the second 39868
July succeeding the initiation of the plan, and for each learning 39869
year thereafter. 39870

A school district shall not be considered to have failed to 39871
comply with this division or section 3313.48 or 3313.481 of the 39872
Revised Code because schools were open for instruction but the 39873
length of the regularly scheduled learning day, for any number of 39874
days during the learning year, was reduced by not more than two 39875
hours due to hazardous weather conditions. 39876

(3) Each city, exempted village, local, and joint vocational 39877
school district shall have on file, and shall pay in accordance 39878
with, a teachers' salary schedule which complies with section 39879
3317.13 of the Revised Code. 39880

(B) A school district board of education or educational 39881
service center governing board that has not conformed with other 39882
law, and the rules pursuant thereto, shall not participate in the 39883
distribution of funds authorized by this chapter, except for good 39884
and sufficient reason established to the satisfaction of the state 39885
board of education and the state controlling board. 39886

(C) All funds allocated to school districts under this 39887
chapter, except those specifically allocated for other purposes, 39888
shall be used only to pay current operating expenses or for either 39889
of the following purposes: 39890

(1) The modification or purchase of classroom space to 39891
provide all-day kindergarten as required by section 3321.05 of the 39892
Revised Code, provided the district certifies its shortage of 39893
space for providing all-day kindergarten to the department of 39894
education, in a manner specified by the department; 39895

(2) The modification or purchase of classroom space to reduce 39896
class sizes in grades kindergarten through three to attain the 39897
goal of fifteen students per core teacher, provided the district 39898

certifies its need for additional classroom space to the 39899
department, in a manner specified by the department. 39900

(D) On or before the last day of each month, the department 39901
of education shall certify to the director of budget and 39902
management for payment, for each county: 39903

(1)(a) That portion of the allocation of money under section 39904
3306.13 of the Revised Code that is required to be paid in that 39905
month to each school district located wholly within the county 39906
subsequent to the deductions described in division (D)(1)(b) of 39907
this section; 39908

(b) The amounts deducted from such allocation under sections 39909
3307.31 and 3309.51 of the Revised Code for payment directly to 39910
the school employees and state teachers retirement systems under 39911
such sections. 39912

(2) If the district is located in more than one county, an 39913
apportionment of the amounts that would otherwise be certified 39914
under division (D)(1) of this section. The amounts apportioned to 39915
the county shall equal the amounts certified under division (D)(1) 39916
of this section times the percentage of the district's resident 39917
pupils who reside both in the district and in the county, based on 39918
the average daily membership reported under division (A) of 39919
section 3317.03 of the Revised Code in October of the prior fiscal 39920
year. 39921

Sec. 3306.011. Beginning with fiscal year 2010, the payments 39922
prescribed by this chapter supersede and replace the payments 39923
described under sections 3317.012, 3317.013, 3317.014, 3317.022, 39924
3317.029, 3317.0216, 3317.0217, and 3317.16 of the Revised Code, 39925
except as otherwise provided in section 3317.018 of the Revised 39926
Code. 39927

Sec. 3306.012. The form developed by the department of 39928

education to calculate funding to a school district formerly known 39929
as the form "SF-3," on and after the effective date of this 39930
section shall be known as the "PASS form." As used in this section 39931
and any section referring to the PASS form, "PASS" is an acronym 39932
for "Pathway to Student Success." The form shall be revised as 39933
necessary to reflect payments made under this chapter and Chapter 39934
3317. of the Revised Code and shall be available to the public in 39935
a format understandable to the average citizen. 39936

Sec. 3306.02. As used in this chapter: 39937

(A) "Adequacy amount" means the amount described in section 39938
3306.03 of the Revised Code. 39939

(B) "Building manager" means a person who supervises the 39940
administrative (non-curricular, non-instructional) functions of 39941
school operation so that a school principal can focus on 39942
supporting instruction, providing instructional leadership, and 39943
engaging teachers as part of the instructional leadership team. A 39944
building manager may be, but is not required to be, a licensed 39945
educator under section 3319.22 of the Revised Code. 39946

(C) "Career-technical education teacher" means an education 39947
professional who provides specialized instruction in career and 39948
technical courses. 39949

(D)(1) "Category one special education ADM" means a school 39950
district's formula ADM of children whose primary or only 39951
identified disability is a speech and language disability, as this 39952
term is defined pursuant to Chapter 3323. of the Revised Code. 39953
Beginning in fiscal year 2010, for any school district for which 39954
formula ADM means the number verified in the previous fiscal year, 39955
the category one special education ADM also shall be as verified 39956
from the previous year. 39957

(2) "Category two special education ADM" means a school 39958

district's formula ADM of children identified as specific learning disabled or developmentally disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-minor, as defined in this section. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category two special education ADM also shall be as verified from the previous year. 39959
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(3) "Category three special education ADM" means a school district's formula ADM of children identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category three special education ADM also shall be as verified from the previous year. 39967
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(4) "Category four special education ADM" means a school district's formula ADM of children identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major, as defined in this section. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category four special education ADM also shall be as verified from the previous year. 39975
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(5) "Category five special education ADM" means a school district's formula ADM of children identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category five special education ADM also shall be as verified from the previous year. 39983
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(6) "Category six special education ADM" means a school district's formula ADM of children identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code. Beginning in fiscal year 2010, for any school district for which formula ADM means the number verified in the previous fiscal year, the category six special education ADM also shall be as verified from the previous year.

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(E) "Class one effective operating tax rate" of a school district means the quotient obtained by dividing the district's class one taxes charged and payable for current expenses, excluding taxes levied under sections 5705.194 to 5705.197, 5705.199, 5705.213, and 5705.219 of the Revised Code, by the district's class one taxable value.

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(F) "Core teacher" means an education professional who provides instruction in English-language arts, mathematics, science, social studies, or foreign languages.

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(G) "Counselor" means a person with a valid educator license issued pursuant to section 3319.22 of the Revised Code who provides pre-college and career counseling, general academic counseling, course planning, and other counseling services that are not related to a student's individualized education plan, as defined in section 3323.01 of the Revised Code.

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(H)(1) "Formula ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, further adjusted by the department of education, as follows:

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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3)

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of section 3317.03 of the Revised Code; 40022

(b) Add twenty per cent of the number of students who are 40023
entitled to attend school in the district under section 3313.64 or 40024
3313.65 of the Revised Code and are enrolled in another school 40025
district under a career-technical educational compact. 40026

(2) In making calculations under this chapter that utilize 40027
formula ADM, the department shall use the formula ADM derived from 40028
the final, verified, and adjusted average daily membership 40029
described under division (A) of section 3317.03 of the Revised 40030
Code for the prior fiscal year, unless such average daily 40031
membership for the current fiscal year exceeds that number by two 40032
per cent or more. In that case, the department shall derive the 40033
formula ADM from such average daily membership for the current 40034
fiscal year. 40035

(3) For fiscal year 2010, the department shall calculate 40036
formula ADM on the basis of the final, verified, and adjusted 40037
average daily membership, described in division (A) of the version 40038
of section 3317.03 of the Revised Code in effect on and after the 40039
effective date of this amendment, for October 2008 unless such 40040
average daily membership for October 2009 exceeds that number by 40041
two per cent or more. In that case, the department shall derive 40042
the formula ADM from such average daily membership for October 40043
2009. 40044

(I) "Gifted coordinator" means a person who holds a valid 40045
educator license issued under section 3319.22 of the Revised Code, 40046
meets the qualifications for a gifted coordinator specified in the 40047
operating standards for identifying and serving gifted students 40048
prescribed in rules adopted by the state board of education, and 40049
provides coordination services for gifted students in accordance 40050
with those standards. 40051

(J) "Gifted intervention specialist" means a person who holds 40052

a valid gifted intervention specialist license or endorsement 40053
issued under section 3319.22 of the Revised Code and serves gifted 40054
students in accordance with the operating standards for 40055
identifying and serving gifted students prescribed in rules 40056
adopted by the state board of education. 40057

(K) "Internet- or computer-based community school" has the 40058
same meaning as in section 3314.02 of the Revised Code. 40059

(L) "Lead teacher" means a teacher who provides mentoring and 40060
coaching for new teachers. A lead teacher also assists in 40061
coordinating professional development activities, in the 40062
development of professional learning communities, and in common 40063
planning time, and assists teachers in developing project-based, 40064
real-world learning activities for their students. The lead 40065
teacher position shall be a rotating position in which an 40066
individual shall serve no more than three years. After lead 40067
teacher licenses become available under section 3319.22 of the 40068
Revised Code, only teachers who hold that license shall be 40069
appointed as lead teachers. Until that time, each school district 40070
shall designate qualifications for the lead teacher position that 40071
are comparable to the licensing requirements, and shall give 40072
preference for appointment to the position to teachers who are 40073
certified by the national board for professional teaching 40074
standards or who meet the qualifications for a "master teacher" 40075
established by the educator standards board. 40076

(M) "Limited English proficiency teacher" means a person who 40077
provides instruction in English as a second language. 40078

(N) "Medically fragile child" means a child to whom all of 40079
the following apply: 40080

(1) The child requires the services of a doctor of medicine 40081
or osteopathic medicine at least once a week due to the 40082
instability of the child's medical condition. 40083

(2) The child requires the services of a registered nurse on a daily basis. 40084
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded. 40086
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(O) "Ohio educational challenge factor" means an index to adjust the funding amount for each school district to account for student and community socioeconomic factors affecting teacher recruitment and retention, professional development, and other factors related to quality instruction. The Ohio educational challenge factor for each school district includes the district's college attainment rate of population, wealth per pupil, and concentration of poverty, and is listed in section 3306.051 of the Revised Code. 40089
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(P) "Organizational unit" means, for the purpose of calculating a school district's adequacy amount under this chapter, a unit used to index a school district's formula ADM in certain grade levels. Calculating the number of organizational units in a school district functions to allocate the state's resources in a manner that achieves a thorough, efficient, and adequate educational system that provides the appropriate services to students enrolled in that district. In recognition of the fact that students have different educational needs at each developmental stage, organizational units group the grade levels into elementary school units, middle school units, and high school units. Except as provided in division (C) of section 3306.04 of the Revised Code, a school district's "organizational units" is the sum of its elementary school units, middle school units, and high school units. 40098
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(Q) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state 40113
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board of education prior to July 1, 2001, and if either of the 40116
following apply: 40117

(1) The child is identified as having a medical condition 40118
that is among those listed by the superintendent of public 40119
instruction as conditions where a substantial majority of cases 40120
fall within the definition of "medically fragile child." 40121

(2) The child is determined by the superintendent of public 40122
instruction to be a medically fragile child. A school district may 40123
petition the superintendent of public instruction for a 40124
determination that a child is a medically fragile child. 40125

(R) A child may be identified as having an "other health 40126
impairment-minor" if the child's condition meets the definition of 40127
"other health impaired" established in rules adopted by the state 40128
board of education prior to July 1, 2001, but the child's 40129
condition does not meet either of the conditions specified in 40130
division (O)(1) or (2) of this section. 40131

(S) "Principal" means a person who provides management 40132
oversight of building operations, academic leadership for the 40133
teaching professionals, and other administrative duties. 40134

(T) "Property exemption value" means the amount certified for 40135
a school district under divisions (A)(6) and (7) of section 40136
3317.021 of the Revised Code. 40137

(U) "Recognized valuation" means the amount calculated for a 40138
school district pursuant to section 3317.015 of the Revised Code. 40139

(V) "School nurse wellness coordinator" means a person who 40140
has fulfilled the requirements for the issuance of a school nurse 40141
wellness coordinator license under section 3319.221 of the Revised 40142
Code. 40143

(W) "Small school district" means a city, local, or exempted 40144
village school district that has a formula ADM of less than four 40145

<u>hundred eighteen students in grades kindergarten through twelve.</u>	40146
<u>(X) "Special education" has the same meaning as in section</u>	40147
<u>3323.01 of the Revised Code.</u>	40148
<u>(Y) "Special education teacher" means a teacher who holds the</u>	40149
<u>necessary license issued pursuant to section 3319.22 of the</u>	40150
<u>Revised Code to meet the unique needs of children with</u>	40151
<u>disabilities.</u>	40152
<u>(Z) "Special education teacher's aide" means a person</u>	40153
<u>providing support for special education teachers and other</u>	40154
<u>associated duties.</u>	40155
<u>(AA) "Specialist teacher" means a person holding a valid</u>	40156
<u>educator's license, issued pursuant to section 3319.22 of the</u>	40157
<u>Revised Code, who provides instruction in dance, drama and</u>	40158
<u>theater, music, visual art, or physical education.</u>	40159
<u>(BB) "State share percentage" means the quotient of a school</u>	40160
<u>district's state share of the adequacy amount determined under</u>	40161
<u>section 3306.13 of the Revised Code divided by the total adequacy</u>	40162
<u>amount for the district as described in section 3306.03 of the</u>	40163
<u>Revised Code. If the quotient is a negative number, the district's</u>	40164
<u>state share percentage is zero.</u>	40165
<u>(CC) "Family and community liaisons" means individuals who</u>	40166
<u>provide assistance to students and their families, individuals who</u>	40167
<u>are linkage coordinators as described in section 3306.31 of the</u>	40168
<u>Revised Code, and may include individuals who hold valid licenses</u>	40169
<u>as family liaisons, social workers, and student advocates.</u>	40170
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<u>(DD) "Supplemental teacher" means a person holding a valid</u>	40172
<u>educator license issued pursuant to section 3319.22 of the Revised</u>	40173
<u>Code, or qualified to secure such a license and approved by the</u>	40174
<u>school district to provide remedial services, intensive</u>	40175
<u>subject-based instruction, homework help, or other forms of</u>	40176

supplemental instruction. 40177

(EE) "Targeted poverty indicator" means the percentage of a school district's students who are economically disadvantaged, as determined for purposes of the report card issued under section 3302.03 of the Revised Code. 40178
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(FF) "Total taxable value" means the sum of the amounts certified for a school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 40182
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Sec. 3306.03. (A) The adequacy amount for each city, local, and exempted village school district is the sum of the following: 40185
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(1) Instructional services support calculated under section 3306.05 of the Revised Code; 40187
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(2) Additional services support calculated under section 3306.06 of the Revised Code; 40189
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(3) Administrative services support calculated under section 3306.07 of the Revised Code; 40191
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(4) Operations and maintenance support calculated under section 3306.08 of the Revised Code; 40193
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(5) Gifted education and enrichment support calculated under sections 3306.09 and 3306.091, respectively, of the Revised Code; 40195
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(6) Technology resources support calculated under section 3306.10 of the Revised Code; 40197
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(7) The professional development factor, calculated by multiplying the sum of the school district's core teacher, specialist teacher, lead teacher, and special education teacher positions, all as calculated under sections 3306.05 and 3306.11 of the Revised Code, by \$1,833 in fiscal years 2010 and 2011; 40199
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(8) The instructional materials factor, calculated by multiplying the school district's formula ADM by \$165. The 40204
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instructional materials factor for each city, local, and exempted 40206
village school district shall be adjusted by multiplying this 40207
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 40208
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 40209
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 40210
2017. 40211

(B) The state share of the adequacy amount paid to each 40212
school district shall be determined under section 3306.13 of the 40213
Revised Code. 40214

(C) Funding for career-technical education teachers and 40215
career-technical education program operations shall be calculated 40216
under section 3306.052 of the Revised Code. Transportation support 40217
shall be calculated under section 3306.12 of the Revised Code. 40218
Both are in addition to the state share of the adequacy amount. 40219
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Sec. 3306.031. Beginning in fiscal year 2012, each city, 40221
local, and exempted village school district, community school 40222
established under Chapter 3314. of the Revised Code, and STEM 40223
school established under Chapter 3326. of the Revised Code for 40224
which funds are calculated for the professional development factor 40225
of the adequacy amount under section 3306.03, 3306.16, or 3306.17 40226
of the Revised Code shall use those funds to provide teacher 40227
professional development that is aligned with the standards for 40228
professional development adopted by the state board of education 40229
under section 3319.61 of the Revised Code. The department of 40230
education shall provide guidance to districts and schools in 40231
aligning professional development opportunities with the 40232
standards. 40233

Sec. 3306.04. (A) For purposes of calculating the adequacy 40234
amount for each city, local, and exempted village school district, 40235

the department of education shall calculate the number of the 40236
district's organizational units. 40237

(B) Except for a small school district, each school 40238
district's "organizational units" is the sum of its elementary 40239
school units, middle school units, and high school units, as 40240
follows: 40241

(1) The number of the district's elementary school 40242
organizational units is calculated by dividing its formula ADM for 40243
grades kindergarten to five by four hundred eighteen. 40244

(2) The number of the district's middle school organizational 40245
units is calculated by dividing its formula ADM for grades six to 40246
eight by five hundred fifty-seven. 40247

(3) The number of the district's high school organizational 40248
units is calculated by dividing its formula ADM for grades nine to 40249
twelve by seven hundred thirty-three. 40250

(C) For each small school district, the number of 40251
organizational units is one organizational unit. 40252

(D) Each school district, regardless of its formula ADM, 40253
shall have at least one organizational unit. 40254

Sec. 3306.05. (A) The instructional services support 40255
component of the adequacy amount for each city, local, and 40256
exempted village school district is the sum of the following: 40257

(1) The core teacher factor; 40258

(2) The specialist teacher factor; 40259

(3) The lead teacher factor; 40260

(4) The special education teacher factor; 40261

(5) The special education teacher's aide factor; 40262

(6) The limited English proficiency teacher factor; 40263

<u>(7) The supplemental teacher factor.</u>	40264
<u>(B) Each factor listed in division (A) of this section shall</u>	40265
<u>be calculated by multiplying the Ohio educational challenge</u>	40266
<u>factor, specified for the district in section 3306.051 of the</u>	40267
<u>Revised Code, times the statewide base teacher salary of \$56,902</u>	40268
<u>in fiscal year 2010 and \$57,812 in fiscal year 2011, times the</u>	40269
<u>number of positions funded, as follows:</u>	40270
<u>(1) The number of core teacher positions funded shall be</u>	40271
<u>calculated by dividing the district's formula ADM in grades four</u>	40272
<u>to twelve by twenty-five, and then adding that number to the</u>	40273
<u>quotient of the district's formula ADM in grades kindergarten to</u>	40274
<u>three divided by the following:</u>	40275
<u>(a) In fiscal years 2010 and 2011, nineteen;</u>	40276
<u>(b) In fiscal years 2012 and 2013, seventeen;</u>	40277
<u>(c) In fiscal year 2014 and in each fiscal year thereafter,</u>	40278
<u>fifteen.</u>	40279
<u>(2) The number of specialist teacher positions funded shall</u>	40280
<u>be calculated by multiplying the number of core teacher positions</u>	40281
<u>determined under division (B)(1) of this section for grades</u>	40282
<u>kindergarten to eight by one-fifth, and by multiplying the number</u>	40283
<u>of core teacher positions determined for grades nine to twelve by</u>	40284
<u>one-fourth.</u>	40285
<u>(3) The number of lead teacher positions funded shall equal</u>	40286
<u>the number of the district's organizational units.</u>	40287
<u>(4) The number of special education teacher positions and</u>	40288
<u>special education teacher's aide positions funded shall be</u>	40289
<u>calculated as provided in section 3306.11 of the Revised Code.</u>	40290
<u>(5) The number of limited English proficiency teacher</u>	40291
<u>positions funded shall be calculated by multiplying the district's</u>	40292
<u>formula ADM times the district's percentage of limited English</u>	40293

proficient students, as defined in 20 U.S.C. 7801, and then 40294
dividing that product by one hundred; 40295

(6) The number of supplemental teacher positions funded shall 40296
be calculated by multiplying the district's formula ADM times its 40297
targeted poverty indicator, and then dividing that product by one 40298
hundred. 40299

(C) Each school district shall account separately for 40300
expenditures of the amounts received for instructional services 40301
support under this section and report that information to the 40302
department of education. 40303

Sec. 3306.051. (A) The Ohio educational challenge factor is 40304
based on the following characteristics: 40305

(1) The college attainment rate of the school district's 40306
population; 40307

(2) The district's wealth per pupil, based on property 40308
valuation and federal adjusted gross income; 40309

(3) The district's concentration of poverty, based on its 40310
targeted poverty indicator. 40311

(B) The Ohio educational challenge factor for each city, 40312
local, and exempted village school district for fiscal years 2010 40313
and 2011 shall equal the following: 40314

<u>School</u>		<u>Educational</u>	40315
<u>District</u>	<u>County</u>	<u>Challenge</u>	40316
	<u>Factor</u>		40317
<u>Ada Ex Vill SD</u>	<u>Hardin</u>	<u>1.276507</u>	40318
<u>Adena Local SD</u>	<u>Ross</u>	<u>1.464992</u>	40319
<u>Akron City SD</u>	<u>Summit</u>	<u>1.406389</u>	40320
<u>Alexander Local SD</u>	<u>Athens</u>	<u>1.313935</u>	40321
<u>Allen East Local SD</u>	<u>Allen</u>	<u>1.424432</u>	40322
<u>Alliance City SD</u>	<u>Stark</u>	<u>1.412775</u>	40323

<u>Amanda-Clearcreek Local SD</u>	<u>Fairfield</u>	<u>1.475639</u>	40324
<u>Amherst Ex Vill SD</u>	<u>Lorain</u>	<u>1.075260</u>	40325
<u>Anna Local SD</u>	<u>Shelby</u>	<u>1.145758</u>	40326
<u>Ansonia Local SD</u>	<u>Darke</u>	<u>1.491442</u>	40327
<u>Anthony Wayne Local SD</u>	<u>Lucas</u>	<u>0.967172</u>	40328
<u>Antwerp Local SD</u>	<u>Paulding</u>	<u>1.388847</u>	40329
<u>Arcadia Local SD</u>	<u>Hancock</u>	<u>1.099092</u>	40330
<u>Arcanum Butler Local SD</u>	<u>Darke</u>	<u>1.232531</u>	40331
<u>Archbold-Area Local SD</u>	<u>Fulton</u>	<u>1.061622</u>	40332
<u>Arlington Local SD</u>	<u>Hancock</u>	<u>1.209353</u>	40333
<u>Ashland City SD</u>	<u>Ashland</u>	<u>1.165340</u>	40334
<u>Ashtabula Area City SD</u>	<u>Ashtabula</u>	<u>1.382239</u>	40335
<u>Athens City SD</u>	<u>Athens</u>	<u>1.111632</u>	40336
<u>Aurora City SD</u>	<u>Portage</u>	<u>0.926606</u>	40337
<u>Austintown Local SD</u>	<u>Mahoning</u>	<u>1.199890</u>	40338
<u>Avon Lake City SD</u>	<u>Lorain</u>	<u>0.907126</u>	40339
<u>Avon Local SD</u>	<u>Lorain</u>	<u>0.956278</u>	40340
<u>Ayersville Local SD</u>	<u>Defiance</u>	<u>1.083115</u>	40341
<u>Barberton City SD</u>	<u>Summit</u>	<u>1.378977</u>	40342
<u>Barnesville Ex Vill SD</u>	<u>Belmont</u>	<u>1.336210</u>	40343
<u>Batavia Local SD</u>	<u>Clermont</u>	<u>1.237613</u>	40344
<u>Bath Local SD</u>	<u>Allen</u>	<u>1.162598</u>	40345
<u>Bay Village City SD</u>	<u>Cuyahoga</u>	<u>0.872927</u>	40346
<u>Beachwood City SD</u>	<u>Cuyahoga</u>	<u>0.788347</u>	40347
<u>Beaver Local SD</u>	<u>Columbiana</u>	<u>1.326577</u>	40348
<u>Beavercreek City SD</u>	<u>Greene</u>	<u>0.922944</u>	40349
<u>Bedford City SD</u>	<u>Cuyahoga</u>	<u>1.146404</u>	40350
<u>Bellaire Local SD</u>	<u>Belmont</u>	<u>1.553266</u>	40351
<u>Bellefontaine City SD</u>	<u>Logan</u>	<u>1.316875</u>	40352
<u>Bellevue City SD</u>	<u>Huron</u>	<u>1.224385</u>	40353
<u>Belpre City SD</u>	<u>Washington</u>	<u>1.189101</u>	40354
<u>Benjamin Logan Local SD</u>	<u>Logan</u>	<u>1.092906</u>	40355
<u>Benton Carroll Salem Local SD</u>	<u>Ottawa</u>	<u>1.064360</u>	40356

<u>Berea City SD</u>	<u>Cuyahoga</u>	<u>1.076406</u>	40357
<u>Berkshire Local SD</u>	<u>Geauga</u>	<u>1.031217</u>	40358
<u>Berlin-Milan Local SD</u>	<u>Erie</u>	<u>1.080029</u>	40359
<u>Berne Union Local SD</u>	<u>Fairfield</u>	<u>1.212285</u>	40360
<u>Bethel Local SD</u>	<u>Miami</u>	<u>1.042841</u>	40361
<u>Bethel-Tate Local SD</u>	<u>Clermont</u>	<u>1.467173</u>	40362
<u>Bettsville Local SD</u>	<u>Seneca</u>	<u>1.266982</u>	40363
<u>Bexley City SD</u>	<u>Franklin</u>	<u>0.811340</u>	40364
<u>Big Walnut Local SD</u>	<u>Delaware</u>	<u>0.967045</u>	40365
<u>Black River Local SD</u>	<u>Medina</u>	<u>1.235165</u>	40366
<u>Blanchester Local SD</u>	<u>Clinton</u>	<u>1.464462</u>	40367
<u>Bloom Carroll Local SD</u>	<u>Fairfield</u>	<u>1.019268</u>	40368
<u>Bloomfield-Mespo Local SD</u>	<u>Trumbull</u>	<u>1.242742</u>	40369
<u>Bloom-Vernon Local SD</u>	<u>Scioto</u>	<u>1.550611</u>	40370
<u>Bluffton Ex Vill SD</u>	<u>Allen</u>	<u>1.110535</u>	40371
<u>Boardman Local SD</u>	<u>Mahoning</u>	<u>1.059697</u>	40372
<u>Botkins Local SD</u>	<u>Shelby</u>	<u>1.160687</u>	40373
<u>Bowling Green City SD</u>	<u>Wood</u>	<u>0.994699</u>	40374
<u>Bradford Ex Vill SD</u>	<u>Miami</u>	<u>1.501180</u>	40375
<u>Brecksville-Broadview Hts City SD</u>	<u>Cuyahoga</u>	<u>0.907332</u>	40376
<u>Bridgeport Ex Vill SD</u>	<u>Belmont</u>	<u>1.400416</u>	40377
<u>Bright Local SD</u>	<u>Highland</u>	<u>1.514786</u>	40378
<u>Bristol Local SD</u>	<u>Trumbull</u>	<u>1.311147</u>	40379
<u>Brookfield Local SD</u>	<u>Trumbull</u>	<u>1.254722</u>	40380
<u>Brooklyn City SD</u>	<u>Cuyahoga</u>	<u>1.095906</u>	40381
<u>Brookville Local SD</u>	<u>Montgomery</u>	<u>1.117308</u>	40382
<u>Brown Local SD</u>	<u>Carroll</u>	<u>1.200260</u>	40383
<u>Brunswick City SD</u>	<u>Medina</u>	<u>1.070900</u>	40384
<u>Bryan City SD</u>	<u>Williams</u>	<u>1.147033</u>	40385
<u>Buckeye Central Local SD</u>	<u>Crawford</u>	<u>1.318612</u>	40386
<u>Buckeye Local SD</u>	<u>Ashtabula</u>	<u>1.205162</u>	40387
<u>Buckeye Local SD</u>	<u>Jefferson</u>	<u>1.289405</u>	40388
<u>Buckeye Local SD</u>	<u>Medina</u>	<u>1.045651</u>	40389

<u>Buckeye Valley Local SD</u>	<u>Delaware</u>	<u>1.000444</u>	40390
<u>Bucyrus City SD</u>	<u>Crawford</u>	<u>1.523808</u>	40391
<u>Caldwell Ex Vill SD</u>	<u>Noble</u>	<u>1.326424</u>	40392
<u>Cambridge City SD</u>	<u>Guernsey</u>	<u>1.499755</u>	40393
<u>Campbell City SD</u>	<u>Mahoning</u>	<u>1.595858</u>	40394
<u>Canal Winchester Local SD</u>	<u>Franklin</u>	<u>1.106260</u>	40395
<u>Canfield Local SD</u>	<u>Mahoning</u>	<u>0.947954</u>	40396
<u>Canton City SD</u>	<u>Stark</u>	<u>1.585014</u>	40397
<u>Canton Local SD</u>	<u>Stark</u>	<u>1.232137</u>	40398
<u>Cardinal Local SD</u>	<u>Geauga</u>	<u>1.108513</u>	40399
<u>Cardington-Lincoln Local SD</u>	<u>Morrow</u>	<u>1.470847</u>	40400
<u>Carey Ex Vill SD</u>	<u>Wyandot</u>	<u>1.236865</u>	40401
<u>Carlisle Local SD</u>	<u>Warren</u>	<u>1.238244</u>	40402
<u>Carrollton Ex Vill SD</u>	<u>Carroll</u>	<u>1.267127</u>	40403
<u>Cedar Cliff Local SD</u>	<u>Greene</u>	<u>1.196668</u>	40404
<u>Celina City SD</u>	<u>Mercer</u>	<u>1.175680</u>	40405
<u>Centerburg Local SD</u>	<u>Knox</u>	<u>1.226160</u>	40406
<u>Centerville City SD</u>	<u>Montgomery</u>	<u>0.874900</u>	40407
<u>Central Local SD</u>	<u>Defiance</u>	<u>1.471967</u>	40408
<u>Chagrin Falls Ex Vill SD</u>	<u>Cuyahoga</u>	<u>0.773955</u>	40409
<u>Champion Local SD</u>	<u>Trumbull</u>	<u>1.138977</u>	40410
<u>Chardon Local SD</u>	<u>Geauga</u>	<u>0.970334</u>	40411
<u>Chesapeake Union Ex Vill SD</u>	<u>Lawrence</u>	<u>1.588621</u>	40412
<u>Chillicothe City SD</u>	<u>Ross</u>	<u>1.213102</u>	40413
<u>Chippewa Local SD</u>	<u>Wayne</u>	<u>1.085963</u>	40414
<u>Cincinnati City SD</u>	<u>Hamilton</u>	<u>1.160152</u>	40415
<u>Circleville City SD</u>	<u>Pickaway</u>	<u>1.242114</u>	40416
<u>Clark-Shawnee Local SD</u>	<u>Clark</u>	<u>1.060460</u>	40417
<u>Clay Local SD</u>	<u>Scioto</u>	<u>1.438160</u>	40418
<u>Claymont City SD</u>	<u>Tuscarawas</u>	<u>1.549650</u>	40419
<u>Clear Fork Valley Local SD</u>	<u>Richland</u>	<u>1.313111</u>	40420
<u>Clearview Local SD</u>	<u>Lorain</u>	<u>1.541988</u>	40421
<u>Clermont-Northeastern Local SD</u>	<u>Clermont</u>	<u>1.156191</u>	40422

<u>Cleveland Hts-Univ Hts City SD</u>	<u>Cuyahoga</u>	<u>1.034050</u>	40423
<u>Cleveland Municipal SD</u>	<u>Cuyahoga</u>	<u>1.591903</u>	40424
<u>Clinton-Massie Local SD</u>	<u>Clinton</u>	<u>1.133361</u>	40425
<u>Cloverleaf Local SD</u>	<u>Medina</u>	<u>1.075321</u>	40426
<u>Clyde-Green Springs Ex Vill SD</u>	<u>Sandusky</u>	<u>1.316544</u>	40427
<u>Coldwater Ex Vill SD</u>	<u>Mercer</u>	<u>1.379071</u>	40428
<u>College Corner Local SD</u>	<u>Preble</u>	<u>1.316130</u>	40429
<u>Colonel Crawford Local SD</u>	<u>Crawford</u>	<u>1.091023</u>	40430
<u>Columbia Local SD</u>	<u>Lorain</u>	<u>1.030821</u>	40431
<u>Columbiana Ex Vill SD</u>	<u>Columbiana</u>	<u>1.137881</u>	40432
<u>Columbus City SD</u>	<u>Franklin</u>	<u>1.266133</u>	40433
<u>Columbus Grove Local SD</u>	<u>Putnam</u>	<u>1.244911</u>	40434
<u>Conneaut Area City SD</u>	<u>Ashtabula</u>	<u>1.525711</u>	40435
<u>Conotton Valley Union Local SD</u>	<u>Harrison</u>	<u>1.345678</u>	40436
<u>Continental Local SD</u>	<u>Putnam</u>	<u>1.396089</u>	40437
<u>Copley-Fairlawn City SD</u>	<u>Summit</u>	<u>0.909191</u>	40438
<u>Cory-Rawson Local SD</u>	<u>Hancock</u>	<u>1.146248</u>	40439
<u>Coshocton City SD</u>	<u>Coshocton</u>	<u>1.385980</u>	40440
<u>Coventry Local SD</u>	<u>Summit</u>	<u>1.095527</u>	40441
<u>Covington Ex Vill SD</u>	<u>Miami</u>	<u>1.157932</u>	40442
<u>Crestline Ex Vill SD</u>	<u>Crawford</u>	<u>1.374339</u>	40443
<u>Crestview Local SD</u>	<u>Columbiana</u>	<u>1.310088</u>	40444
<u>Crestview Local SD</u>	<u>Richland</u>	<u>1.481045</u>	40445
<u>Crestview Local SD</u>	<u>Van Wert</u>	<u>1.373754</u>	40446
<u>Crestwood Local SD</u>	<u>Portage</u>	<u>1.129538</u>	40447
<u>Crooksville Ex Vill SD</u>	<u>Perry</u>	<u>1.573427</u>	40448
<u>Cuyahoga Falls City SD</u>	<u>Summit</u>	<u>1.094856</u>	40449
<u>Cuyahoga Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.898436</u>	40450
<u>Dalton Local SD</u>	<u>Wayne</u>	<u>1.092859</u>	40451
<u>Danbury Local SD</u>	<u>Ottawa</u>	<u>0.971857</u>	40452
<u>Danville Local SD</u>	<u>Knox</u>	<u>1.494103</u>	40453
<u>Dawson-Bryant Local SD</u>	<u>Lawrence</u>	<u>1.648169</u>	40454
<u>Dayton City SD</u>	<u>Montgomery</u>	<u>1.448163</u>	40455

<u>Deer Park Community City SD</u>	<u>Hamilton</u>	<u>1.020600</u>	40456
<u>Defiance City SD</u>	<u>Defiance</u>	<u>1.325040</u>	40457
<u>Delaware City SD</u>	<u>Delaware</u>	<u>1.113757</u>	40458
<u>Delphos City SD</u>	<u>Allen</u>	<u>1.157538</u>	40459
<u>Dover City SD</u>	<u>Tuscarawas</u>	<u>1.140054</u>	40460
<u>Dublin City SD</u>	<u>Franklin</u>	<u>0.867517</u>	40461
<u>East Cleveland City SD</u>	<u>Cuyahoga</u>	<u>1.581708</u>	40462
<u>East Clinton Local SD</u>	<u>Clinton</u>	<u>1.462780</u>	40463
<u>East Guernsey Local SD</u>	<u>Guernsey</u>	<u>1.515285</u>	40464
<u>East Holmes Local SD</u>	<u>Holmes</u>	<u>1.139627</u>	40465
<u>East Knox Local SD</u>	<u>Knox</u>	<u>1.155805</u>	40466
<u>East Liverpool City SD</u>	<u>Columbiana</u>	<u>1.590185</u>	40467
<u>East Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.207660</u>	40468
<u>East Palestine City SD</u>	<u>Columbiana</u>	<u>1.344973</u>	40469
<u>Eastern Local SD</u>	<u>Brown</u>	<u>1.331577</u>	40470
<u>Eastern Local SD</u>	<u>Meigs</u>	<u>1.512415</u>	40471
<u>Eastern Local SD</u>	<u>Pike</u>	<u>1.581268</u>	40472
<u>Eastwood Local SD</u>	<u>Wood</u>	<u>1.126743</u>	40473
<u>Eaton Community Schools City SD</u>	<u>Preble</u>	<u>1.136722</u>	40474
<u>Edgerton Local SD</u>	<u>Williams</u>	<u>1.306016</u>	40475
<u>Edgewood City SD</u>	<u>Butler</u>	<u>1.233147</u>	40476
<u>Edison Local SD</u>	<u>Jefferson</u>	<u>1.199355</u>	40477
<u>Edon-Northwest Local SD</u>	<u>Williams</u>	<u>1.318268</u>	40478
<u>Elgin Local SD</u>	<u>Marion</u>	<u>1.333351</u>	40479
<u>Elida Local SD</u>	<u>Allen</u>	<u>1.174016</u>	40480
<u>Elmwood Local SD</u>	<u>Wood</u>	<u>1.457047</u>	40481
<u>Elyria City SD</u>	<u>Lorain</u>	<u>1.284154</u>	40482
<u>Euclid City SD</u>	<u>Cuyahoga</u>	<u>1.257378</u>	40483
<u>Evergreen Local SD</u>	<u>Fulton</u>	<u>1.132215</u>	40484
<u>Fairbanks Local SD</u>	<u>Union</u>	<u>1.029919</u>	40485
<u>Fairborn City SD</u>	<u>Greene</u>	<u>1.169324</u>	40486
<u>Fairfield City SD</u>	<u>Butler</u>	<u>1.120999</u>	40487
<u>Fairfield Local SD</u>	<u>Highland</u>	<u>1.476728</u>	40488

<u>Fairfield Union Local SD</u>	<u>Fairfield</u>	<u>1.305113</u>	40489
<u>Fairland Local SD</u>	<u>Lawrence</u>	<u>1.298842</u>	40490
<u>Fairlawn Local SD</u>	<u>Shelby</u>	<u>1.450135</u>	40491
<u>Fairless Local SD</u>	<u>Stark</u>	<u>1.342312</u>	40492
<u>Fairport Harbor Ex Vill SD</u>	<u>Lake</u>	<u>1.074627</u>	40493
<u>Fairview Park City SD</u>	<u>Cuyahoga</u>	<u>0.917044</u>	40494
<u>Fayetteville-Perry Local SD</u>	<u>Brown</u>	<u>1.232747</u>	40495
<u>Federal Hocking Local SD</u>	<u>Athens</u>	<u>1.504926</u>	40496
<u>Felicity-Franklin Local SD</u>	<u>Clermont</u>	<u>1.545885</u>	40497
<u>Field Local SD</u>	<u>Portage</u>	<u>1.063508</u>	40498
<u>Findlay City SD</u>	<u>Hancock</u>	<u>1.134799</u>	40499
<u>Finneytown Local SD</u>	<u>Hamilton</u>	<u>1.067569</u>	40500
<u>Firelands Local SD</u>	<u>Lorain</u>	<u>1.084064</u>	40501
<u>Forest Hills Local SD</u>	<u>Hamilton</u>	<u>0.918825</u>	40502
<u>Fort Frye Local SD</u>	<u>Washington</u>	<u>1.247229</u>	40503
<u>Fort Loramie Local SD</u>	<u>Shelby</u>	<u>1.228727</u>	40504
<u>Fort Recovery Local SD</u>	<u>Mercer</u>	<u>1.390459</u>	40505
<u>Fostoria City SD</u>	<u>Seneca</u>	<u>1.398532</u>	40506
<u>Franklin City SD</u>	<u>Warren</u>	<u>1.181691</u>	40507
<u>Franklin Local SD</u>	<u>Muskingum</u>	<u>1.516304</u>	40508
<u>Franklin-Monroe Local SD</u>	<u>Darke</u>	<u>1.155467</u>	40509
<u>Fredericktown Local SD</u>	<u>Knox</u>	<u>1.206674</u>	40510
<u>Fremont City SD</u>	<u>Sandusky</u>	<u>1.222520</u>	40511
<u>Frontier Local SD</u>	<u>Washington</u>	<u>1.548391</u>	40512
<u>Gahanna-Jefferson City SD</u>	<u>Franklin</u>	<u>0.937449</u>	40513
<u>Galion City SD</u>	<u>Crawford</u>	<u>1.340599</u>	40514
<u>Gallia County Local SD</u>	<u>Gallia</u>	<u>1.180183</u>	40515
<u>Gallipolis City SD</u>	<u>Gallia</u>	<u>1.309992</u>	40516
<u>Garaway Local SD</u>	<u>Tuscarawas</u>	<u>1.168729</u>	40517
<u>Garfield Heights City SD</u>	<u>Cuyahoga</u>	<u>1.275039</u>	40518
<u>Geneva Area City SD</u>	<u>Ashtabula</u>	<u>1.241353</u>	40519
<u>Genoa Area Local SD</u>	<u>Ottawa</u>	<u>1.144052</u>	40520
<u>Georgetown Ex Vill SD</u>	<u>Brown</u>	<u>1.330521</u>	40521

<u>Gibsonburg Ex Vill SD</u>	<u>Sandusky</u>	<u>1.447493</u>	40522
<u>Girard City SD</u>	<u>Trumbull</u>	<u>1.331051</u>	40523
<u>Gorham Fayette Local SD</u>	<u>Fulton</u>	<u>1.474052</u>	40524
<u>Goshen Local SD</u>	<u>Clermont</u>	<u>1.330935</u>	40525
<u>Graham Local SD</u>	<u>Champaign</u>	<u>1.232041</u>	40526
<u>Grand Valley Local SD</u>	<u>Ashtabula</u>	<u>1.254268</u>	40527
<u>Grandview Heights City SD</u>	<u>Franklin</u>	<u>0.884845</u>	40528
<u>Granville Ex Vill SD</u>	<u>Licking</u>	<u>0.945199</u>	40529
<u>Green Local SD</u>	<u>Scioto</u>	<u>1.368399</u>	40530
<u>Green Local SD</u>	<u>Summit</u>	<u>1.028315</u>	40531
<u>Green Local SD</u>	<u>Wayne</u>	<u>1.206381</u>	40532
<u>Greeneview Local SD</u>	<u>Greene</u>	<u>1.148655</u>	40533
<u>Greenfield Ex Vill SD</u>	<u>Highland</u>	<u>1.511212</u>	40534
<u>Greenon Local SD</u>	<u>Clark</u>	<u>1.063320</u>	40535
<u>Greenville City SD</u>	<u>Darke</u>	<u>1.182750</u>	40536
<u>Groveport Madison Local SD</u>	<u>Franklin</u>	<u>1.237531</u>	40537
<u>Hamilton City SD</u>	<u>Butler</u>	<u>1.370018</u>	40538
<u>Hamilton Local SD</u>	<u>Franklin</u>	<u>1.517435</u>	40539
<u>Hardin Northern Local SD</u>	<u>Hardin</u>	<u>1.241016</u>	40540
<u>Hardin-Houston Local SD</u>	<u>Shelby</u>	<u>1.235363</u>	40541
<u>Harrison Hills City SD</u>	<u>Harrison</u>	<u>1.285541</u>	40542
<u>Heath City SD</u>	<u>Licking</u>	<u>1.159649</u>	40543
<u>Hicksville Ex Vill SD</u>	<u>Defiance</u>	<u>1.451150</u>	40544
<u>Highland Local SD</u>	<u>Medina</u>	<u>0.966108</u>	40545
<u>Highland Local SD</u>	<u>Morrow</u>	<u>1.319540</u>	40546
<u>Hilliard City SD</u>	<u>Franklin</u>	<u>0.985085</u>	40547
<u>Hillsboro City SD</u>	<u>Highland</u>	<u>1.326287</u>	40548
<u>Hillsdale Local SD</u>	<u>Ashland</u>	<u>1.192263</u>	40549
<u>Holgate Local SD</u>	<u>Henry</u>	<u>1.480580</u>	40550
<u>Hopewell-Loudon Local SD</u>	<u>Seneca</u>	<u>1.094095</u>	40551
<u>Howland Local SD</u>	<u>Trumbull</u>	<u>0.997232</u>	40552
<u>Hubbard Ex Vill SD</u>	<u>Trumbull</u>	<u>1.217366</u>	40553
<u>Huber Heights City SD</u>	<u>Montgomery</u>	<u>1.189895</u>	40554

<u>Hudson Local SD</u>	<u>Summit</u>	<u>0.867982</u>	40555
<u>Huntington Local SD</u>	<u>Ross</u>	<u>1.563988</u>	40556
<u>Huron City SD</u>	<u>Erie</u>	<u>0.953062</u>	40557
<u>Independence Local SD</u>	<u>Cuyahoga</u>	<u>0.877361</u>	40558
<u>Indian Creek Local SD</u>	<u>Jefferson</u>	<u>1.194894</u>	40559
<u>Indian Hill Ex Vill SD</u>	<u>Hamilton</u>	<u>0.769421</u>	40560
<u>Indian Lake Local SD</u>	<u>Logan</u>	<u>1.177268</u>	40561
<u>Indian Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.490431</u>	40562
<u>Ironton City SD</u>	<u>Lawrence</u>	<u>1.372550</u>	40563
<u>Jackson Center Local SD</u>	<u>Shelby</u>	<u>1.222754</u>	40564
<u>Jackson City SD</u>	<u>Jackson</u>	<u>1.339235</u>	40565
<u>Jackson Local SD</u>	<u>Stark</u>	<u>0.936952</u>	40566
<u>Jackson-Milton Local SD</u>	<u>Mahoning</u>	<u>1.120098</u>	40567
<u>James A Garfield Local SD</u>	<u>Portage</u>	<u>1.221108</u>	40568
<u>Jefferson Area Local SD</u>	<u>Ashtabula</u>	<u>1.231486</u>	40569
<u>Jefferson Local SD</u>	<u>Madison</u>	<u>1.217465</u>	40570
<u>Jefferson Township Local SD</u>	<u>Montgomery</u>	<u>1.349631</u>	40571
<u>Jennings Local SD</u>	<u>Putnam</u>	<u>1.233214</u>	40572
<u>Johnstown-Monroe Local SD</u>	<u>Licking</u>	<u>1.068628</u>	40573
<u>Jonathan Alder Local SD</u>	<u>Madison</u>	<u>1.087918</u>	40574
<u>Joseph Badger Local SD</u>	<u>Trumbull</u>	<u>1.217508</u>	40575
<u>Kalida Local SD</u>	<u>Putnam</u>	<u>1.134357</u>	40576
<u>Kelleys Island Local SD</u>	<u>Erie</u>	<u>0.897093</u>	40577
<u>Kenston Local SD</u>	<u>Geauga</u>	<u>0.888370</u>	40578
<u>Kent City SD</u>	<u>Portage</u>	<u>1.292091</u>	40579
<u>Kenton City SD</u>	<u>Hardin</u>	<u>1.341240</u>	40580
<u>Kettering City SD</u>	<u>Montgomery</u>	<u>1.039020</u>	40581
<u>Keystone Local SD</u>	<u>Lorain</u>	<u>1.095731</u>	40582
<u>Kings Local SD</u>	<u>Warren</u>	<u>0.944617</u>	40583
<u>Kirtland Local SD</u>	<u>Lake</u>	<u>0.869122</u>	40584
<u>La Brae Local SD</u>	<u>Trumbull</u>	<u>1.509648</u>	40585
<u>Lake Local SD</u>	<u>Stark</u>	<u>1.105350</u>	40586
<u>Lake Local SD</u>	<u>Wood</u>	<u>1.092732</u>	40587

<u>Lakeview Local SD</u>	<u>Trumbull</u>	<u>1.050113</u>	40588
<u>Lakewood City SD</u>	<u>Cuyahoga</u>	<u>1.082658</u>	40589
<u>Lakewood Local SD</u>	<u>Licking</u>	<u>1.161169</u>	40590
<u>Lakota Local SD</u>	<u>Butler</u>	<u>0.991612</u>	40591
<u>Lakota Local SD</u>	<u>Sandusky</u>	<u>1.334058</u>	40592
<u>Lancaster City SD</u>	<u>Fairfield</u>	<u>1.181921</u>	40593
<u>Lebanon City SD</u>	<u>Warren</u>	<u>1.057278</u>	40594
<u>Ledgemont Local SD</u>	<u>Geauga</u>	<u>1.089874</u>	40595
<u>Leetonia Ex Vill SD</u>	<u>Columbiana</u>	<u>1.492636</u>	40596
<u>Leipsic Local SD</u>	<u>Putnam</u>	<u>1.358612</u>	40597
<u>Lexington Local SD</u>	<u>Richland</u>	<u>1.055083</u>	40598
<u>Liberty Benton Local SD</u>	<u>Hancock</u>	<u>1.100796</u>	40599
<u>Liberty Center Local SD</u>	<u>Henry</u>	<u>1.243394</u>	40600
<u>Liberty Local SD</u>	<u>Trumbull</u>	<u>1.143199</u>	40601
<u>Liberty Union-Thurston Local SD</u>	<u>Fairfield</u>	<u>1.153214</u>	40602
<u>Licking Heights Local SD</u>	<u>Licking</u>	<u>1.099699</u>	40603
<u>Licking Valley Local SD</u>	<u>Licking</u>	<u>1.315180</u>	40604
<u>Lima City SD</u>	<u>Allen</u>	<u>1.609824</u>	40605
<u>Lincolnview Local SD</u>	<u>Van Wert</u>	<u>1.304841</u>	40606
<u>Lisbon Ex Vill SD</u>	<u>Columbiana</u>	<u>1.485931</u>	40607
<u>Little Miami Local SD</u>	<u>Warren</u>	<u>1.000131</u>	40608
<u>Lockland City SD</u>	<u>Hamilton</u>	<u>1.263116</u>	40609
<u>Logan Elm Local SD</u>	<u>Pickaway</u>	<u>1.144691</u>	40610
<u>Logan-Hocking Local SD</u>	<u>Hocking</u>	<u>1.351308</u>	40611
<u>London City SD</u>	<u>Madison</u>	<u>1.168705</u>	40612
<u>Lorain City SD</u>	<u>Lorain</u>	<u>1.606260</u>	40613
<u>Lordstown Local SD</u>	<u>Trumbull</u>	<u>1.028907</u>	40614
<u>Loudonville-Perrysville Ex Vill</u> <u>SD</u>	<u>Ashland</u>	<u>1.239646</u>	40615
<u>Louisville City SD</u>	<u>Stark</u>	<u>1.145913</u>	40616
<u>Loveland City SD</u>	<u>Hamilton</u>	<u>0.952906</u>	40617
<u>Lowellville Local SD</u>	<u>Mahoning</u>	<u>1.444465</u>	40618
<u>Lucas Local SD</u>	<u>Richland</u>	<u>1.148773</u>	40619

<u>Lynchburg-Clay Local SD</u>	<u>Highland</u>	<u>1.487133</u>	40620
<u>Mad River Local SD</u>	<u>Montgomery</u>	<u>1.516797</u>	40621
<u>Madeira City SD</u>	<u>Hamilton</u>	<u>0.902798</u>	40622
<u>Madison Local SD</u>	<u>Butler</u>	<u>1.149365</u>	40623
<u>Madison Local SD</u>	<u>Lake</u>	<u>1.210499</u>	40624
<u>Madison Local SD</u>	<u>Richland</u>	<u>1.260875</u>	40625
<u>Madison-Plains Local SD</u>	<u>Madison</u>	<u>1.111244</u>	40626
<u>Manchester Local SD</u>	<u>Summit</u>	<u>1.072196</u>	40627
<u>Manchester Local SD</u>	<u>Adams</u>	<u>1.093117</u>	40628
<u>Mansfield City SD</u>	<u>Richland</u>	<u>1.413073</u>	40629
<u>Maple Heights City SD</u>	<u>Cuyahoga</u>	<u>1.369670</u>	40630
<u>Mapleton Local SD</u>	<u>Ashland</u>	<u>1.244822</u>	40631
<u>Maplewood Local SD</u>	<u>Trumbull</u>	<u>1.306471</u>	40632
<u>Margaretta Local SD</u>	<u>Erie</u>	<u>1.101795</u>	40633
<u>Mariemont City SD</u>	<u>Hamilton</u>	<u>0.888848</u>	40634
<u>Marietta City SD</u>	<u>Washington</u>	<u>1.142004</u>	40635
<u>Marion City SD</u>	<u>Marion</u>	<u>1.561608</u>	40636
<u>Marion Local SD</u>	<u>Mercer</u>	<u>1.395959</u>	40637
<u>Marlington Local SD</u>	<u>Stark</u>	<u>1.198789</u>	40638
<u>Martins Ferry City SD</u>	<u>Belmont</u>	<u>1.598533</u>	40639
<u>Marysville Ex Vill SD</u>	<u>Union</u>	<u>1.084320</u>	40640
<u>Mason City SD</u>	<u>Warren</u>	<u>0.992155</u>	40641
<u>Massillon City SD</u>	<u>Stark</u>	<u>1.355745</u>	40642
<u>Mathews Local SD</u>	<u>Trumbull</u>	<u>1.030473</u>	40643
<u>Maumee City SD</u>	<u>Lucas</u>	<u>0.996440</u>	40644
<u>Mayfield City SD</u>	<u>Cuyahoga</u>	<u>0.851001</u>	40645
<u>Maysville Local SD</u>	<u>Muskingum</u>	<u>1.517598</u>	40646
<u>McComb Local SD</u>	<u>Hancock</u>	<u>1.301153</u>	40647
<u>McDonald Local SD</u>	<u>Trumbull</u>	<u>1.429212</u>	40648
<u>Mechanicsburg Ex Vill SD</u>	<u>Champaign</u>	<u>1.243229</u>	40649
<u>Medina City SD</u>	<u>Medina</u>	<u>1.005089</u>	40650
<u>Meigs Local SD</u>	<u>Meigs</u>	<u>1.584300</u>	40651
<u>Mentor Ex Vill SD</u>	<u>Lake</u>	<u>0.964461</u>	40652

<u>Miami East Local SD</u>	<u>Miami</u>	<u>1.121995</u>	40653
<u>Miami Trace Local SD</u>	<u>Fayette</u>	<u>1.228492</u>	40654
<u>Miamisburg City SD</u>	<u>Montgomery</u>	<u>1.114930</u>	40655
<u>Middletown City SD</u>	<u>Butler</u>	<u>1.257163</u>	40656
<u>Midview Local SD</u>	<u>Lorain</u>	<u>1.092786</u>	40657
<u>Milford Ex Vill SD</u>	<u>Clermont</u>	<u>1.018109</u>	40658
<u>Millcreek-West Unity Local SD</u>	<u>Williams</u>	<u>1.351879</u>	40659
<u>Miller City-New Cleveland Local SD</u>	<u>Putnam</u>	<u>1.379562</u>	40660
<u>Milton-Union Ex Vill SD</u>	<u>Miami</u>	<u>1.221554</u>	40661
<u>Minerva Local SD</u>	<u>Stark</u>	<u>1.326538</u>	40662
<u>Minford Local SD</u>	<u>Scioto</u>	<u>1.509434</u>	40663
<u>Minster Local SD</u>	<u>Auglaize</u>	<u>1.068103</u>	40664
<u>Mississinawa Valley Local SD</u>	<u>Darke</u>	<u>1.517760</u>	40665
<u>Mogadore Local SD</u>	<u>Summit</u>	<u>1.115527</u>	40666
<u>Mohawk Local SD</u>	<u>Wyandot</u>	<u>1.149449</u>	40667
<u>Monroe Local SD</u>	<u>Butler</u>	<u>0.988156</u>	40668
<u>Monroeville Local SD</u>	<u>Huron</u>	<u>1.105963</u>	40669
<u>Montpelier Ex Vill SD</u>	<u>Williams</u>	<u>1.484169</u>	40670
<u>Morgan Local SD</u>	<u>Morgan</u>	<u>1.515632</u>	40671
<u>Mount Gilead Ex Vill SD</u>	<u>Morrow</u>	<u>1.303456</u>	40672
<u>Mount Healthy City SD</u>	<u>Hamilton</u>	<u>1.385527</u>	40673
<u>Mount Vernon City SD</u>	<u>Knox</u>	<u>1.222667</u>	40674
<u>Napoleon City SD</u>	<u>Henry</u>	<u>1.219862</u>	40675
<u>National Trail Local SD</u>	<u>Preble</u>	<u>1.337309</u>	40676
<u>Nelsonville-York City SD</u>	<u>Athens</u>	<u>1.554619</u>	40677
<u>New Albany-Plain Local SD</u>	<u>Franklin</u>	<u>0.863212</u>	40678
<u>New Boston Local SD</u>	<u>Scioto</u>	<u>1.589690</u>	40679
<u>New Bremen Local SD</u>	<u>Auglaize</u>	<u>1.127253</u>	40680
<u>New Knoxville Local SD</u>	<u>Auglaize</u>	<u>1.217764</u>	40681
<u>New Lebanon Local SD</u>	<u>Montgomery</u>	<u>1.462491</u>	40682
<u>New Lexington City SD</u>	<u>Perry</u>	<u>1.545076</u>	40683
<u>New London Local SD</u>	<u>Huron</u>	<u>1.474130</u>	40684

<u>New Miami Local SD</u>	<u>Butler</u>	<u>1.573547</u>	40685
<u>New Philadelphia City SD</u>	<u>Tuscarawas</u>	<u>1.184127</u>	40686
<u>New Richmond Ex Vill SD</u>	<u>Clermont</u>	<u>1.121137</u>	40687
<u>New Riegel Local SD</u>	<u>Seneca</u>	<u>1.393211</u>	40688
<u>Newark City SD</u>	<u>Licking</u>	<u>1.252280</u>	40689
<u>Newbury Local SD</u>	<u>Geauga</u>	<u>0.944732</u>	40690
<u>Newcomerstown Ex Vill SD</u>	<u>Tuscarawas</u>	<u>1.529126</u>	40691
<u>Newton Falls Ex Vill SD</u>	<u>Trumbull</u>	<u>1.313730</u>	40692
<u>Newton Local SD</u>	<u>Miami</u>	<u>1.224466</u>	40693
<u>Niles City SD</u>	<u>Trumbull</u>	<u>1.334003</u>	40694
<u>Noble Local SD</u>	<u>Noble</u>	<u>1.480889</u>	40695
<u>Nordonia Hills City SD</u>	<u>Summit</u>	<u>0.934080</u>	40696
<u>North Baltimore Local SD</u>	<u>Wood</u>	<u>1.308125</u>	40697
<u>North Canton City SD</u>	<u>Stark</u>	<u>1.003775</u>	40698
<u>North Central Local SD</u>	<u>Wayne</u>	<u>1.223714</u>	40699
<u>North Central Local SD</u>	<u>Williams</u>	<u>1.324444</u>	40700
<u>North College Hill City SD</u>	<u>Hamilton</u>	<u>1.379521</u>	40701
<u>North Fork Local SD</u>	<u>Licking</u>	<u>1.226601</u>	40702
<u>North Olmsted City SD</u>	<u>Cuyahoga</u>	<u>1.055678</u>	40703
<u>North Ridgeville City SD</u>	<u>Lorain</u>	<u>1.035395</u>	40704
<u>North Royalton City SD</u>	<u>Cuyahoga</u>	<u>0.943948</u>	40705
<u>North Union Local SD</u>	<u>Union</u>	<u>1.325953</u>	40706
<u>Northeastern Local SD</u>	<u>Clark</u>	<u>1.119356</u>	40707
<u>Northeastern Local SD</u>	<u>Defiance</u>	<u>1.078723</u>	40708
<u>Northern Local SD</u>	<u>Perry</u>	<u>1.254464</u>	40709
<u>Northmont City SD</u>	<u>Montgomery</u>	<u>1.099334</u>	40710
<u>Northmor Local SD</u>	<u>Morrow</u>	<u>1.234469</u>	40711
<u>Northridge Local SD</u>	<u>Licking</u>	<u>1.112137</u>	40712
<u>Northridge Local SD</u>	<u>Montgomery</u>	<u>1.313654</u>	40713
<u>Northwest Local SD</u>	<u>Hamilton</u>	<u>1.097477</u>	40714
<u>Northwest Local SD</u>	<u>Scioto</u>	<u>1.585245</u>	40715
<u>Northwest Local SD</u>	<u>Stark</u>	<u>1.188706</u>	40716
<u>Northwestern Local SD</u>	<u>Clark</u>	<u>1.124065</u>	40717

<u>Northwestern Local SD</u>	<u>Wayne</u>	<u>1.480021</u>	40718
<u>Northwood Local SD</u>	<u>Wood</u>	<u>1.172657</u>	40719
<u>Norton City SD</u>	<u>Summit</u>	<u>1.077363</u>	40720
<u>Norwalk City SD</u>	<u>Huron</u>	<u>1.238518</u>	40721
<u>Norwood City SD</u>	<u>Hamilton</u>	<u>1.203977</u>	40722
<u>Oak Hill Union Local SD</u>	<u>Jackson</u>	<u>1.517445</u>	40723
<u>Oak Hills Local SD</u>	<u>Hamilton</u>	<u>1.009889</u>	40724
<u>Oakwood City SD</u>	<u>Montgomery</u>	<u>0.888026</u>	40725
<u>Oberlin City SD</u>	<u>Lorain</u>	<u>1.151305</u>	40726
<u>Ohio Valley Local SD</u>	<u>Adams</u>	<u>1.546394</u>	40727
<u>Old Fort Local SD</u>	<u>Seneca</u>	<u>1.154292</u>	40728
<u>Olentangy Local SD</u>	<u>Delaware</u>	<u>0.873909</u>	40729
<u>Olmsted Falls City SD</u>	<u>Cuyahoga</u>	<u>1.034716</u>	40730
<u>Ontario Local SD</u>	<u>Richland</u>	<u>1.017660</u>	40731
<u>Orange City SD</u>	<u>Cuyahoga</u>	<u>0.767949</u>	40732
<u>Oregon City SD</u>	<u>Lucas</u>	<u>1.149614</u>	40733
<u>Orrville City SD</u>	<u>Wayne</u>	<u>1.220908</u>	40734
<u>Osnaburg Local SD</u>	<u>Stark</u>	<u>1.161056</u>	40735
<u>Otsego Local SD</u>	<u>Wood</u>	<u>1.085754</u>	40736
<u>Ottawa Hills Local SD</u>	<u>Lucas</u>	<u>0.807704</u>	40737
<u>Ottawa-Glandorf Local SD</u>	<u>Putnam</u>	<u>1.129901</u>	40738
<u>Ottoville Local SD</u>	<u>Putnam</u>	<u>1.155937</u>	40739
<u>Painsville City Local SD</u>	<u>Lake</u>	<u>1.576006</u>	40740
<u>Painsville Township Local SD</u>	<u>Lake</u>	<u>0.979713</u>	40741
<u>Paint Valley Local SD</u>	<u>Ross</u>	<u>1.511112</u>	40742
<u>Pandora-Gilboa Local SD</u>	<u>Putnam</u>	<u>1.207508</u>	40743
<u>Parkway Local SD</u>	<u>Mercer</u>	<u>1.451914</u>	40744
<u>Parma City SD</u>	<u>Cuyahoga</u>	<u>1.096590</u>	40745
<u>Patrick Henry Local SD</u>	<u>Henry</u>	<u>1.314110</u>	40746
<u>Paulding Ex Vill SD</u>	<u>Paulding</u>	<u>1.316904</u>	40747
<u>Perkins Local SD</u>	<u>Erie</u>	<u>1.006525</u>	40748
<u>Perry Local SD</u>	<u>Allen</u>	<u>1.252464</u>	40749
<u>Perry Local SD</u>	<u>Lake</u>	<u>1.014880</u>	40750

<u>Perry Local SD</u>	<u>Stark</u>	<u>1.155570</u>	40751
<u>Perrysburg Ex Vill SD</u>	<u>Wood</u>	<u>0.941179</u>	40752
<u>Pettisville Local SD</u>	<u>Fulton</u>	<u>1.215972</u>	40753
<u>Pickerington Local SD</u>	<u>Fairfield</u>	<u>1.078034</u>	40754
<u>Pike-Delta-York Local SD</u>	<u>Fulton</u>	<u>1.225338</u>	40755
<u>Piqua City SD</u>	<u>Miami</u>	<u>1.252751</u>	40756
<u>Plain Local SD</u>	<u>Stark</u>	<u>1.101022</u>	40757
<u>Pleasant Local SD</u>	<u>Marion</u>	<u>1.066006</u>	40758
<u>Plymouth-Shiloh Local SD</u>	<u>Richland</u>	<u>1.539933</u>	40759
<u>Poland Local SD</u>	<u>Mahoning</u>	<u>0.976878</u>	40760
<u>Port Clinton City SD</u>	<u>Ottawa</u>	<u>1.045171</u>	40761
<u>Portsmouth City SD</u>	<u>Scioto</u>	<u>1.560445</u>	40762
<u>Preble-Shawnee Local SD</u>	<u>Preble</u>	<u>1.253492</u>	40763
<u>Princeton City SD</u>	<u>Hamilton</u>	<u>0.989700</u>	40764
<u>Put-In-Bay Local SD</u>	<u>Ottawa</u>	<u>0.870887</u>	40765
<u>Pymatuning Valley Local SD</u>	<u>Ashtabula</u>	<u>1.357539</u>	40766
<u>Ravenna City SD</u>	<u>Portage</u>	<u>1.258270</u>	40767
<u>Reading Community City SD</u>	<u>Hamilton</u>	<u>1.138957</u>	40768
<u>Revere Local SD</u>	<u>Summit</u>	<u>0.811916</u>	40769
<u>Reynoldsburg City SD</u>	<u>Franklin</u>	<u>1.185729</u>	40770
<u>Richmond Heights Local SD</u>	<u>Cuyahoga</u>	<u>0.988219</u>	40771
<u>Ridgedale Local SD</u>	<u>Marion</u>	<u>1.232091</u>	40772
<u>Ridgemont Local SD</u>	<u>Hardin</u>	<u>1.315320</u>	40773
<u>Ridgewood Local SD</u>	<u>Coshocton</u>	<u>1.499377</u>	40774
<u>Ripley-Union-Lewis Local SD</u>	<u>Brown</u>	<u>1.518737</u>	40775
<u>Rittman Ex Vill SD</u>	<u>Wayne</u>	<u>1.341158</u>	40776
<u>River Valley Local SD</u>	<u>Marion</u>	<u>1.144948</u>	40777
<u>River View Local SD</u>	<u>Coshocton</u>	<u>1.255718</u>	40778
<u>Riverdale Local SD</u>	<u>Hardin</u>	<u>1.463411</u>	40779
<u>Riverside Local SD</u>	<u>Logan</u>	<u>1.477936</u>	40780
<u>Rock Hill Local SD</u>	<u>Lawrence</u>	<u>1.590768</u>	40781
<u>Rocky River City SD</u>	<u>Cuyahoga</u>	<u>0.840017</u>	40782
<u>Rolling Hills Local SD</u>	<u>Guernsey</u>	<u>1.513489</u>	40783

<u>Rootstown Local SD</u>	<u>Portage</u>	<u>1.084884</u>	40784
<u>Ross Local SD</u>	<u>Butler</u>	<u>1.128779</u>	40785
<u>Rossford Ex Vill SD</u>	<u>Wood</u>	<u>1.080899</u>	40786
<u>Russia Local SD</u>	<u>Shelby</u>	<u>1.374251</u>	40787
<u>Salem City SD</u>	<u>Columbiana</u>	<u>1.180687</u>	40788
<u>Sandusky City SD</u>	<u>Erie</u>	<u>1.300930</u>	40789
<u>Sandy Valley Local SD</u>	<u>Stark</u>	<u>1.331965</u>	40790
<u>Scioto Valley Local SD</u>	<u>Pike</u>	<u>1.526714</u>	40791
<u>Sebring Local SD</u>	<u>Mahoning</u>	<u>1.501056</u>	40792
<u>Seneca East Local SD</u>	<u>Seneca</u>	<u>1.233540</u>	40793
<u>Shadyside Local SD</u>	<u>Belmont</u>	<u>1.206383</u>	40794
<u>Shaker Heights City SD</u>	<u>Cuyahoga</u>	<u>0.930871</u>	40795
<u>Shawnee Local SD</u>	<u>Allen</u>	<u>1.008274</u>	40796
<u>Sheffield-Sheffield Lake City SD</u>	<u>Lorain</u>	<u>1.122898</u>	40797
<u>Shelby City SD</u>	<u>Richland</u>	<u>1.248437</u>	40798
<u>Sidney City SD</u>	<u>Shelby</u>	<u>1.240389</u>	40799
<u>Solon City SD</u>	<u>Cuyahoga</u>	<u>0.895529</u>	40800
<u>South Central Local SD</u>	<u>Huron</u>	<u>1.497606</u>	40801
<u>South Euclid-Lyndhurst City SD</u>	<u>Cuyahoga</u>	<u>1.002369</u>	40802
<u>South Point Local SD</u>	<u>Lawrence</u>	<u>1.517360</u>	40803
<u>South Range Local SD</u>	<u>Mahoning</u>	<u>1.076772</u>	40804
<u>Southeast Local SD</u>	<u>Portage</u>	<u>1.237090</u>	40805
<u>Southeast Local SD</u>	<u>Wayne</u>	<u>1.180842</u>	40806
<u>Southeastern Local SD</u>	<u>Clark</u>	<u>1.160870</u>	40807
<u>Southeastern Local SD</u>	<u>Ross</u>	<u>1.513790</u>	40808
<u>Southern Local SD</u>	<u>Columbiana</u>	<u>1.537098</u>	40809
<u>Southern Local SD</u>	<u>Meigs</u>	<u>1.547346</u>	40810
<u>Southern Local SD</u>	<u>Perry</u>	<u>1.600707</u>	40811
<u>Southington Local SD</u>	<u>Trumbull</u>	<u>1.160291</u>	40812
<u>Southwest Licking Local SD</u>	<u>Licking</u>	<u>1.065949</u>	40813
<u>Southwest Local SD</u>	<u>Hamilton</u>	<u>1.093489</u>	40814
<u>South-Western City SD</u>	<u>Franklin</u>	<u>1.265187</u>	40815
<u>Spencerville Local SD</u>	<u>Allen</u>	<u>1.301749</u>	40816

<u>Springboro Community City SD</u>	<u>Warren</u>	<u>0.960788</u>	40817
<u>Springfield City SD</u>	<u>Clark</u>	<u>1.552526</u>	40818
<u>Springfield Local SD</u>	<u>Lucas</u>	<u>1.056764</u>	40819
<u>Springfield Local SD</u>	<u>Mahoning</u>	<u>1.192990</u>	40820
<u>Springfield Local SD</u>	<u>Summit</u>	<u>1.196328</u>	40821
<u>St Bernard-Elmwood Place City SD</u>	<u>Hamilton</u>	<u>1.248092</u>	40822
<u>St Clairsville-Richland City SD</u>	<u>Belmont</u>	<u>1.150841</u>	40823
<u>St Henry Consolidated Local SD</u>	<u>Mercer</u>	<u>1.382949</u>	40824
<u>St Marys City SD</u>	<u>Auglaize</u>	<u>1.150444</u>	40825
<u>Steubenville City SD</u>	<u>Jefferson</u>	<u>1.365647</u>	40826
<u>Stow-Munroe Falls City SD</u>	<u>Summit</u>	<u>0.974464</u>	40827
<u>Strasburg-Franklin Local SD</u>	<u>Tuscarawas</u>	<u>1.147256</u>	40828
<u>Streetsboro City SD</u>	<u>Portage</u>	<u>1.023340</u>	40829
<u>Strongsville City SD</u>	<u>Cuyahoga</u>	<u>0.942379</u>	40830
<u>Struthers City SD</u>	<u>Mahoning</u>	<u>1.530919</u>	40831
<u>Stryker Local SD</u>	<u>Williams</u>	<u>1.237584</u>	40832
<u>Sugarcreek Local SD</u>	<u>Greene</u>	<u>0.946787</u>	40833
<u>Swanton Local SD</u>	<u>Fulton</u>	<u>1.077057</u>	40834
<u>Switzerland Of Ohio Local SD</u>	<u>Monroe</u>	<u>1.363501</u>	40835
<u>Sycamore Community City SD</u>	<u>Hamilton</u>	<u>0.805157</u>	40836
<u>Sylvania City SD</u>	<u>Lucas</u>	<u>0.919772</u>	40837
<u>Symmes Valley Local SD</u>	<u>Lawrence</u>	<u>1.554601</u>	40838
<u>Talawanda City SD</u>	<u>Butler</u>	<u>1.090290</u>	40839
<u>Tallmadge City SD</u>	<u>Summit</u>	<u>1.039240</u>	40840
<u>Teays Valley Local SD</u>	<u>Pickaway</u>	<u>1.231537</u>	40841
<u>Tecumseh Local SD</u>	<u>Clark</u>	<u>1.318724</u>	40842
<u>Three Rivers Local SD</u>	<u>Hamilton</u>	<u>0.992195</u>	40843
<u>Tiffin City SD</u>	<u>Seneca</u>	<u>1.200469</u>	40844
<u>Tipp City Ex Vill SD</u>	<u>Miami</u>	<u>1.056646</u>	40845
<u>Toledo City SD</u>	<u>Lucas</u>	<u>1.362225</u>	40846
<u>Toronto City SD</u>	<u>Jefferson</u>	<u>1.279649</u>	40847
<u>Triad Local SD</u>	<u>Champaign</u>	<u>1.247663</u>	40848
<u>Tri-County North Local SD</u>	<u>Preble</u>	<u>1.220510</u>	40849

<u>Trimble Local SD</u>	<u>Athens</u>	<u>1.608740</u>	40850
<u>Tri-Valley Local SD</u>	<u>Muskingum</u>	<u>1.302648</u>	40851
<u>Tri-Village Local SD</u>	<u>Darke</u>	<u>1.253812</u>	40852
<u>Triway Local SD</u>	<u>Wayne</u>	<u>1.201400</u>	40853
<u>Trotwood-Madison City SD</u>	<u>Montgomery</u>	<u>1.536714</u>	40854
<u>Troy City SD</u>	<u>Miami</u>	<u>1.128451</u>	40855
<u>Tuscarawas Valley Local SD</u>	<u>Tuscarawas</u>	<u>1.133251</u>	40856
<u>Tuslaw Local SD</u>	<u>Stark</u>	<u>1.149109</u>	40857
<u>Twin Valley Community Local SD</u>	<u>Preble</u>	<u>1.226702</u>	40858
<u>Twinsburg City SD</u>	<u>Summit</u>	<u>0.954737</u>	40859
<u>Union Local SD</u>	<u>Belmont</u>	<u>1.472803</u>	40860
<u>Union Scioto Local SD</u>	<u>Ross</u>	<u>1.459022</u>	40861
<u>United Local SD</u>	<u>Columbiana</u>	<u>1.456646</u>	40862
<u>Upper Arlington City SD</u>	<u>Franklin</u>	<u>0.763445</u>	40863
<u>Upper Sandusky Ex Vill SD</u>	<u>Wyandot</u>	<u>1.211886</u>	40864
<u>Upper Scioto Valley Local SD</u>	<u>Hardin</u>	<u>1.481493</u>	40865
<u>Urbana City SD</u>	<u>Champaign</u>	<u>1.245402</u>	40866
<u>Valley Local SD</u>	<u>Scioto</u>	<u>1.556395</u>	40867
<u>Valley View Local SD</u>	<u>Montgomery</u>	<u>1.134885</u>	40868
<u>Van Buren Local SD</u>	<u>Hancock</u>	<u>0.986475</u>	40869
<u>Van Wert City SD</u>	<u>Van Wert</u>	<u>1.302853</u>	40870
<u>Vandalia-Butler City SD</u>	<u>Montgomery</u>	<u>0.982917</u>	40871
<u>Vanlue Local SD</u>	<u>Hancock</u>	<u>1.225490</u>	40872
<u>Vermilion Local SD</u>	<u>Erie</u>	<u>1.101326</u>	40873
<u>Versailles Ex Vill SD</u>	<u>Darke</u>	<u>1.234253</u>	40874
<u>Vinton County Local SD</u>	<u>Vinton</u>	<u>1.581898</u>	40875
<u>Wadsworth City SD</u>	<u>Medina</u>	<u>1.221864</u>	40876
<u>Walnut Township Local SD</u>	<u>Fairfield</u>	<u>1.169550</u>	40877
<u>Wapakoneta City SD</u>	<u>Auglaize</u>	<u>1.218209</u>	40878
<u>Warren City SD</u>	<u>Trumbull</u>	<u>1.557959</u>	40879
<u>Warren Local SD</u>	<u>Washington</u>	<u>1.298018</u>	40880
<u>Warrensville Heights City SD</u>	<u>Cuyahoga</u>	<u>1.261012</u>	40881
<u>Washington Court House City SD</u>	<u>Fayette</u>	<u>1.333465</u>	40882

<u>Washington Local SD</u>	<u>Lucas</u>	<u>1.172637</u>	40883
<u>Washington-Nile Local SD</u>	<u>Scioto</u>	<u>1.547444</u>	40884
<u>Waterloo Local SD</u>	<u>Portage</u>	<u>1.150614</u>	40885
<u>Wauseon Ex Vill SD</u>	<u>Fulton</u>	<u>1.299620</u>	40886
<u>Waverly City SD</u>	<u>Pike</u>	<u>1.469624</u>	40887
<u>Wayne Local SD</u>	<u>Warren</u>	<u>1.056943</u>	40888
<u>Wayne Trace Local SD</u>	<u>Paulding</u>	<u>1.323577</u>	40889
<u>Waynesfield-Goshen Local SD</u>	<u>Auglaize</u>	<u>1.402136</u>	40890
<u>Weathersfield Local SD</u>	<u>Trumbull</u>	<u>1.207306</u>	40891
<u>Wellington Ex Vill SD</u>	<u>Lorain</u>	<u>1.219534</u>	40892
<u>Wellston City SD</u>	<u>Jackson</u>	<u>1.550848</u>	40893
<u>Wellsville Local SD</u>	<u>Columbiana</u>	<u>1.568998</u>	40894
<u>West Branch Local SD</u>	<u>Mahoning</u>	<u>1.297805</u>	40895
<u>West Carrollton City SD</u>	<u>Montgomery</u>	<u>1.220862</u>	40896
<u>West Clermont Local SD</u>	<u>Clermont</u>	<u>1.059095</u>	40897
<u>West Geauga Local SD</u>	<u>Gauga</u>	<u>0.858500</u>	40898
<u>West Holmes Local SD</u>	<u>Holmes</u>	<u>1.243758</u>	40899
<u>West Liberty-Salem Local SD</u>	<u>Champaign</u>	<u>1.221358</u>	40900
<u>West Muskingum Local SD</u>	<u>Muskingum</u>	<u>1.138872</u>	40901
<u>Western Brown Local SD</u>	<u>Brown</u>	<u>1.508565</u>	40902
<u>Western Local SD</u>	<u>Pike</u>	<u>1.616394</u>	40903
<u>Western Reserve Local SD</u>	<u>Huron</u>	<u>1.309909</u>	40904
<u>Western Reserve Local SD</u>	<u>Mahoning</u>	<u>1.091041</u>	40905
<u>Westerville City SD</u>	<u>Franklin</u>	<u>0.963748</u>	40906
<u>Westfall Local SD</u>	<u>Pickaway</u>	<u>1.311966</u>	40907
<u>Westlake City SD</u>	<u>Cuyahoga</u>	<u>0.820277</u>	40908
<u>Wheelersburg Local SD</u>	<u>Scioto</u>	<u>1.305562</u>	40909
<u>Whitehall City SD</u>	<u>Franklin</u>	<u>1.402068</u>	40910
<u>Wickliffe City SD</u>	<u>Lake</u>	<u>0.994269</u>	40911
<u>Willard City SD</u>	<u>Huron</u>	<u>1.358778</u>	40912
<u>Williamsburg Local SD</u>	<u>Clermont</u>	<u>1.225041</u>	40913
<u>Willoughby-Eastlake City SD</u>	<u>Lake</u>	<u>1.069333</u>	40914
<u>Wilmington City SD</u>	<u>Clinton</u>	<u>1.169459</u>	40915

<u>Windham Ex Vill SD</u>	<u>Portage</u>	<u>1.584385</u>	40916
<u>Winton Woods City SD</u>	<u>Hamilton</u>	<u>1.120204</u>	40917
<u>Wolf Creek Local SD</u>	<u>Washington</u>	<u>1.158506</u>	40918
<u>Woodmore Local SD</u>	<u>Sandusky</u>	<u>1.082991</u>	40919
<u>Woodridge Local SD</u>	<u>Summit</u>	<u>0.956249</u>	40920
<u>Wooster City SD</u>	<u>Wayne</u>	<u>1.128544</u>	40921
<u>Worthington City SD</u>	<u>Franklin</u>	<u>0.896897</u>	40922
<u>Wynford Local SD</u>	<u>Crawford</u>	<u>1.300946</u>	40923
<u>Wyoming City SD</u>	<u>Hamilton</u>	<u>0.871194</u>	40924
<u>Xenia Community City SD</u>	<u>Greene</u>	<u>1.223093</u>	40925
<u>Yellow Springs Ex Vill SD</u>	<u>Greene</u>	<u>0.955678</u>	40926
<u>Youngstown City SD</u>	<u>Mahoning</u>	<u>1.634946</u>	40927
<u>Zane Trace Local SD</u>	<u>Ross</u>	<u>1.222296</u>	40928
<u>Zanesville City SD</u>	<u>Muskingum</u>	<u>1.389095</u>	40929

Sec. 3306.052. Each city, local, and exempted village school district shall receive funding for career-technical education teachers and career-technical education program operations for fiscal years 2010 and 2011 as follows:

(A) For fiscal year 2010, each district shall receive an amount equal to the amount the district received for fiscal year 2009 under division (E) of section 3317.022 of the Revised Code, as that section existed for that fiscal year, less any amounts attributable to community school students and net of any additions or deductions attributable to open enrollment students, times 1.019.

(B) For fiscal year 2011, each district shall receive an amount equal to the amount the district received for fiscal year 2010 under division (A) of this section times 1.019.

Sec. 3306.06. (A) The additional services support component of the adequacy amount for each city, local, and exempted village school district is the sum of the following:

<u>(1) The family and community liaison factor;</u>	40948
<u>(2) The counselor factor;</u>	40949
<u>(3) The summer remediation factor;</u>	40950
<u>(4) The school nurse wellness coordinator factor;</u>	40951
<u>(5) The district health professional factor.</u>	40952
<u>(B)(1) The family and community liaison factor shall be</u>	40953
<u>calculated by multiplying the school district's formula ADM times</u>	40954
<u>its targeted poverty indicator and dividing the product by</u>	40955
<u>seventy-five, and then multiplying the quotient by the product of</u>	40956
<u>the applicable Ohio educational challenge factor times \$38,633, in</u>	40957
<u>fiscal year 2010, and times \$39,381, in fiscal year 2011.</u>	40958
<u>(2) The counselor factor shall be calculated by dividing the</u>	40959
<u>district's formula ADM for grades six to twelve by two hundred</u>	40960
<u>fifty, and then multiplying the quotient by a dollar amount for</u>	40961
<u>each fiscal year established by law. No counselor factor shall be</u>	40962
<u>calculated and paid for fiscal years 2010 and 2011.</u>	40963
<u>(3) The summer remediation program factor shall be calculated</u>	40964
<u>by multiplying the district's formula ADM times its targeted</u>	40965
<u>poverty indicator times fifty per cent, which represents the</u>	40966
<u>anticipated participation rate, dividing that product by thirty,</u>	40967
<u>which is the assumed student-to-teacher ratio for summer</u>	40968
<u>remediation, and multiplying that quotient by the product of</u>	40969
<u>\$3,000 times the applicable Ohio educational challenge factor.</u>	40970
<u>(4) The school nurse wellness coordinator factor shall be</u>	40971
<u>calculated by multiplying the number of the district's</u>	40972
<u>organizational units times a dollar amount for each fiscal year</u>	40973
<u>established by law, except that in a small school district, the</u>	40974
<u>school nurse wellness coordinator factor shall be zero. No school</u>	40975
<u>nurse wellness coordinator factor shall be calculated and paid for</u>	40976
<u>fiscal years 2010 and 2011.</u>	40977

(5) The district health professional factor for each district equals a dollar amount specified by law for each fiscal year. No district health professional factor shall be calculated and paid for fiscal years 2010 and 2011. 40978
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(C) In adopting expenditure and reporting standards under section 3306.25 of the Revised Code, the superintendent of public instruction shall include standards that encourage school districts to give preference to employing or obtaining the services of licensed school nurses with funds received for the school nurse wellness coordinator factor and the district health professional factor. 40982
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(D) Each school district shall account separately for expenditures of the amounts received for additional services support under this section and report that information to the department of education. 40989
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Sec. 3306.07. (A) The administrative services support component of the adequacy amount for each city, local, and exempted village school district is the sum of the following: 40993
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(1) The district administration factor; 40996

(2) The principal factor; 40997

(3) The administrative support personnel factor; 40998

(B)(1) The district administration factor equals \$187,176 in fiscal year 2010 and \$190,801 in fiscal year 2011. 40999
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(2) The principal factor shall be calculated by multiplying the number of the district's organizational units times \$89,563 in fiscal year 2010 and \$91,297 in fiscal year 2011. However, each type 1 or type 2 school district shall receive for a principal factor an amount not less than the applicable dollar amount specified in this paragraph times the number of school buildings in the district for which the department of education issued a 41001
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report card under section 3302.03 of the Revised Code for the 41008
prior school year. As used in this division, "type 1 school 41009
district" means a school district characterized as a type 1 41010
(rural/agricultural, high poverty, low median income) district, 41011
and "type 2 school district" means a school district characterized 41012
as a type 2 (rural/agricultural, small student population, low 41013
poverty, low to moderate median income), in the typology of 41014
districts published by the department in July 2007. 41015

(3) The administrative support personnel factor is funding 41016
determined for building managers, secretaries, and 41017
noninstructional aides. 41018

(a) The funding for building managers shall be calculated by 41019
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 41020
2011 times the number of the district's organizational units. 41021

(b) The funding for secretaries shall be calculated by 41022
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 41023
2011 times the number of the district's organizational units, 41024
where two additional secretaries shall be funded for each high 41025
school organizational unit. 41026

(c) The funding for noninstructional aides shall be a dollar 41027
amount set by law for each fiscal year times the number of the 41028
district's organizational units, where the organizational units 41029
are multiplied by two in the case of elementary school and middle 41030
school organizational units and by three in case of high school 41031
organizational units. 41032

However, each small school district shall receive funding for 41033
one building manager, one secretary, and one noninstructional 41034
aide. Every other city, local, and exempted village school 41035
district shall receive funding for at least one building manager, 41036
one secretary, and one noninstructional aide. 41037

No funding shall be calculated and paid for noninstructional 41038

aides for fiscal years 2010 and 2011. 41039

(C) Each school district shall account separately for the 41040
amounts received for administrative services support under this 41041
section and report that information to the department of 41042
education. 41043

Sec. 3306.08. (A) The operations and maintenance support 41044
component of the adequacy amount for each city, local, and 41045
exempted village school district shall be calculated by 41046
multiplying the district's formula ADM times \$884. 41047

(B) The operations and maintenance support for each city, 41048
local, and exempted village school district shall be adjusted by 41049
multiplying the calculated amount by 0.45 in fiscal years 2010 and 41050
2011, and by 0.75 in fiscal years 2012 and 2013. 41051

(C) Each school district shall account separately for 41052
expenditures of the amounts received for operations and 41053
maintenance support under this section and report that information 41054
to the department of education. 41055

Sec. 3306.09. (A) The gifted education support component of 41056
the adequacy amount for each city, local, and exempted village 41057
school district is the sum of the following: 41058

(1) The gifted identification factor; 41059

(2) The gifted coordinator factor; 41060

(3) The gifted intervention specialist factor; 41061

(4) The gifted intervention specialist professional 41062
development factor. 41063

(B)(1) The gifted identification factor shall be calculated 41064
by multiplying the district's formula ADM times \$5. 41065

(2) The gifted coordinator factor shall be calculated by 41066

multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 41067
2011 times the quotient of the district's formula ADM divided by 41068
two thousand five hundred. 41069

(3) The gifted intervention specialist factor shall be 41070
calculated by multiplying the number of the district's 41071
organizational units times the Ohio educational challenge factor 41072
specified for the district in section 3306.051 of the Revised Code 41073
times the statewide base teacher salary specified in section 41074
3306.05 of the Revised Code. 41075

(4) The gifted intervention specialist professional 41076
development factor shall be calculated by multiplying the number 41077
of the district's organizational units times the 41078
per-teaching-position dollar amount specified for the professional 41079
development factor in division (A)(7) of section 3306.03 of the 41080
Revised Code. 41081

(C) The gifted intervention specialist factor and the gifted 41082
intervention specialist professional development factor for each 41083
city, local, and exempted village school district, shall be 41084
adjusted by multiplying the calculated amount by 0.20 in fiscal 41085
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 41086
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 41087
in fiscal years 2016 and 2017. 41088

(D) A school district that does not submit an annual report 41089
under section 3324.05 of the Revised Code, or that reports zero 41090
students identified as gifted, shall receive zero funding for the 41091
gifted coordinator factor, the gifted intervention specialist 41092
factor, and the gifted intervention specialist professional 41093
development factor. 41094

(E) Each school district shall expend the funds calculated 41095
under the gifted education support component in accordance with 41096
rules adopted under section 3306.25 of the Revised Code. Those 41097

rules shall require that such funds be spent only for the 41098
employment of staff to serve students identified as gifted, in 41099
accordance with Chapter 3324. of the Revised Code, or for other 41100
services to such students. The rules shall be aligned with the 41101
operating standards for identifying and serving gifted students 41102
prescribed in rules adopted by the state board of education. 41103
Notwithstanding anything to the contrary in section 3306.25 of the 41104
Revised Code, the rules regarding the expenditure and reporting of 41105
funds for the gifted education support component adopted under 41106
that section shall take effect July 1, 2011. 41107

Subject to approval by the department of education, a school 41108
district may use up to fifteen per cent of the portion of the 41109
gifted intervention specialist factor attributable to the grade 41110
six through twelve formula ADM to support access to services 41111
provided by the district that are not services described in 41112
Chapter 3324. of the Revised Code but are specified in gifted 41113
students' written education plans prepared in accordance with the 41114
state board's operating standards for identifying and serving 41115
gifted students. 41116

(F) Each school district shall account separately for 41117
expenditures of the amounts received for gifted identification, 41118
gifted coordinators, gifted intervention specialists, and gifted 41119
intervention specialist professional development under this 41120
section and report that information to the department of 41121
education. 41122

(G)(1) Each city, local, and exempted village school district 41123
that received for fiscal year 2009 unit funding for gifted student 41124
services under division (L) of section 3317.024 and division (E) 41125
of section 3317.05 of the Revised Code, as those sections existed 41126
for that fiscal year, shall spend in each fiscal year thereafter 41127
for services to identified gifted students from the funds received 41128
under this chapter an amount not less than the aggregate amount 41129

received for such gifted unit funding for fiscal year 2009. 41130

(2) Each city, local, and exempted village school district 41131
that, in fiscal year 2009, received gifted student services from 41132
an educational service center, which service center received for 41133
fiscal year 2009 unit funding for gifted student services, shall 41134
in each fiscal year thereafter do either of the following: 41135

(a) Obtain gifted student services from an educational 41136
service center that are comparable to the gifted student services 41137
provided to the district with gifted unit funding in fiscal year 41138
2009 by an educational service center; 41139

(b) Spend for services to identified gifted students from the 41140
funds received under this chapter an amount not less than the 41141
amount of gifted unit funding expended by an educational service 41142
center in fiscal year 2009 for the district's students. 41143

(3) No district to which division (G)(1) or (2) of this 41144
section applies shall apply for or receive a waiver under section 41145
3306.40 of the Revised Code from the spending requirements 41146
prescribed in those divisions or under division (E) of this 41147
section. 41148

(4) Each educational service center that received for fiscal 41149
year 2009 unit funding for gifted student services shall spend 41150
from its state funds in each fiscal year thereafter for services 41151
to identified gifted students an amount not less than the 41152
aggregate amount received for gifted unit funding for fiscal year 41153
2009. No educational service center to which division (G)(4) of 41154
this section shall receive any waiver of this requirement. 41155

(H) A city, local, or exempted village school district that 41156
did not receive for fiscal year 2009 unit funding for gifted 41157
student services under division (L) of section 3317.024 and 41158
division (E) of section 3317.05 of the Revised Code, as those 41159
sections existed for that fiscal year, may apply for a waiver 41160

under section 3306.40 of the Revised Code from any expenditure 41161
requirements prescribed under division (E) of this section. 41162
Notwithstanding anything to the contrary in section 3306.40 of the 41163
Revised Code, the first waiver granted to a district pursuant to 41164
this division shall not be effective for longer than two years, 41165
and any subsequent renewal of that waiver shall not be effective 41166
for longer than one year. 41167

Sec. 3306.091. (A) The enrichment support component of the 41168
adequacy amount for each city, local, and exempted village school 41169
district shall be calculated by multiplying the district's formula 41170
ADM times \$100 times the Ohio educational challenge factor. 41171

(B) The enrichment support for each city, local, and exempted 41172
village school district shall be adjusted by multiplying the 41173
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 41174
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 41175
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 41176
2017. 41177

(C) The enrichment support component shall be used for 41178
purposes other than services for students identified as gifted 41179
delivered in accordance with Chapter 3324. of the Revised Code. A 41180
district may spend the enrichment support component to pay for 41181
enrichment activities that may encourage the intellectual and 41182
creative pursuits of all students, including the fine arts. 41183

(D) Each school district shall account separately for 41184
expenditures of the amounts received for enrichment support under 41185
this section and report that information to the department of 41186
education. 41187

Sec. 3306.10. (A) The technology resources support component 41188
of the adequacy amount for each city, local, and exempted village 41189
school district is the sum of the following: 41190

<u>(1) The licensed librarian and media specialist factor;</u>	41191
<u>(2) The technical equipment factor.</u>	41192
<u>(B)(1) The licensed librarian and media specialist factor</u>	41193
<u>shall be calculated by multiplying the number of the district's</u>	41194
<u>organizational units times \$60,000.</u>	41195
<u>(2) The technical equipment factor shall be calculated by</u>	41196
<u>multiplying the district's formula ADM times \$250.</u>	41197
<u>(C) The licensed librarian and media specialist factor and</u>	41198
<u>the technical equipment factor for each city, local, and exempted</u>	41199
<u>village school district shall be adjusted by multiplying the</u>	41200
<u>calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal</u>	41201
<u>year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in</u>	41202
<u>fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and</u>	41203
<u>2017.</u>	41204
<u>(D) Each school district shall account separately for the</u>	41205
<u>amounts received for technology resources support under this</u>	41206
<u>section and report that information to the department of</u>	41207
<u>education.</u>	41208
<u>Sec. 3306.11. (A) For the purpose of calculating a school</u>	41209
<u>district's instructional services support under section 3306.05 of</u>	41210
<u>the Revised Code, the number of special education teacher</u>	41211
<u>positions used in calculating the special education teacher</u>	41212
<u>factor, and the number of special education teacher's aide</u>	41213
<u>positions used in calculating the special education teacher's aide</u>	41214
<u>factor shall be calculated as set forth in this section.</u>	41215
<u>(B)(1) The number of special education teacher positions</u>	41216
<u>shall be calculated by multiplying the sum of the weighted number</u>	41217
<u>of children with disabilities calculated under division (C) of</u>	41218
<u>this section times nine-tenths, and then dividing that product by</u>	41219
<u>twenty.</u>	41220

(2) The number of special education teacher's aide positions shall be calculated by dividing the number of special education teacher positions calculated under division (B)(1) of this section by two, and multiplying that quotient by 0.50 in fiscal years 2010 and 2011.

(C) The weighted number of children with disabilities for a school district is the sum of:

(1) 0.2906 times the district's category one special education ADM;

(2) 0.7374 times the district's category two special education ADM;

(3) 1.7716 times the district's category three special education ADM;

(4) 2.3643 times the district's category four special education ADM;

(5) 3.2022 times the district's category five special education ADM;

(6) 4.7205 times the district's category six special education ADM.

(D) Each school district shall account separately for expenditures of the amounts received for resources for children with disabilities under this section and section 3306.05 of the Revised Code and report that information to the department of education. Those amounts may be used to pay for providers of related services, as defined in section 3323.01 of the Revised Code, for children with disabilities.

Sec. 3306.12. (A) As used in this section:

(1) "Assigned bus" means a school bus used to transport qualifying riders.

(2) "Nontraditional ridership" means the average number of 41250
qualifying riders who are enrolled in a community school 41251
established under Chapter 3314. of the Revised Code, in a STEM 41252
school established under Chapter 3326. of the Revised Code, or in 41253
a nonpublic school and are provided school bus service by a school 41254
district during the first full week of October. 41255

(3) "Qualifying riders" means resident students enrolled in 41256
regular education in grades kindergarten to twelve who are 41257
provided school bus service by a school district and who live more 41258
than one mile from the school they attend, including students with 41259
dual enrollment in a joint vocational school district or a 41260
cooperative education school district, and students enrolled in a 41261
community school, STEM school, or nonpublic school. 41262

(4) "Qualifying ridership" means the average number of 41263
qualifying riders who are provided school bus service by a school 41264
district during the first full week of October. 41265

(5) "Rider density" means the number of qualifying riders per 41266
square mile of a school district. 41267

(6) "School bus service" means a school district's 41268
transportation of qualifying riders in any of the following types 41269
of vehicles: 41270

(a) School buses owned or leased by the district; 41271

(b) School buses operated by a private contractor hired by 41272
the district; 41273

(c) School buses operated by another school district or 41274
entity with which the district has contracted, either as part of a 41275
consortium for the provision of transportation or otherwise. 41276

(B) Not later than the fifteenth day of October each year, 41277
each city, local, and exempted village school district shall 41278
report to the department of education its qualifying ridership, 41279

nontraditional ridership, number of qualifying riders per assigned bus, and any other information requested by the department. 41280
41281
Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department. 41282
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(C) The department shall calculate the statewide transportation cost per student as follows: 41284
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(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year. 41286
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year. 41291
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(D) The department shall calculate the statewide transportation cost per mile as follows: 41298
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(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year. 41300
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service 41305
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in those districts in the previous fiscal year. 41311

(E) The department shall calculate each city, local, and 41312
exempted village school district's transportation base payment as 41313
follows: 41314

(1) Multiply the statewide transportation cost per student by 41315
the district's qualifying ridership for the current fiscal year. 41316

(2) Multiply the statewide transportation cost per mile by 41317
the district's total number of miles driven for school bus service 41318
in the current fiscal year. 41319

(3) Multiply the greater of the amounts calculated under 41320
divisions (E)(1) and (2) of this section by the greater of sixty 41321
per cent or the district's state share percentage. 41322

(F) The department shall calculate each city, local, and 41323
exempted village school district's nontraditional ridership 41324
adjustment according to the following formula: 41325

(nontraditional ridership for the current fiscal year / 41326
qualifying ridership for the current fiscal year) X 0.1 X 41327
transportation base payment 41328

(G) If a city, local, and exempted village school district 41329
offers school bus service to all resident students who are 41330
enrolled in regular education in district schools in grades nine 41331
to twelve and who live more than one mile from the school they 41332
attend, the department shall calculate the district's high school 41333
ridership adjustment according to the following formula: 41334

0.025 X transportation base payment 41335

(H) If a city, local, and exempted village school district 41336
offers school bus service to students enrolled in grades 41337
kindergarten to eight who live more than one mile, but two miles 41338
or less, from the school they attend, the department shall 41339
calculate an additional adjustment according to the following 41340
formula: 41341

0.025 X transportation base payment 41342

(I)(1) The department annually shall establish a target 41343
number of qualifying riders per assigned bus for each city, local, 41344
and exempted village school district. The department shall use the 41345
most recently available data in establishing the target number. 41346
The target number shall be based on the statewide median number of 41347
qualifying riders per assigned bus as adjusted to reflect the 41348
district's rider density in comparison to the rider density of all 41349
other districts. The department shall post on the department's web 41350
site each district's target number of qualifying riders per 41351
assigned bus and a description of how the target number was 41352
determined. 41353

(2) The department shall determine each school district's 41354
efficiency index by dividing the district's median number of 41355
qualifying riders per assigned bus by its target number of 41356
qualifying riders per assigned bus. 41357

(3) The department shall determine each city, local, and 41358
exempted village school district's efficiency adjustment as 41359
follows: 41360

(a) If the district's efficiency index is equal to or greater 41361
than 1.5, the efficiency adjustment shall be calculated according 41362
to the following formula: 41363

0.1 X transportation base payment 41364

(b) If the district's efficiency index is less than 1.5 but 41365
equal to or greater than 1.0, the efficiency adjustment shall be 41366
calculated according to the following formula: 41367

[(efficiency index - 1) / 5] X transportation base payment 41368

(c) If the district's efficiency index is less than 1.0, the 41369
efficiency adjustment shall be zero. 41370

(J) The department shall pay each city, local, and exempted 41371
village school district the lesser of the following: 41372

<u>(1) The sum of the amounts calculated under divisions (E) to (H) and (I)(3) of this section;</u>	41373
	41374
<u>(2) The district's total costs for school bus service for the prior fiscal year.</u>	41375
	41376
<u>(K) In addition to funds paid under division (J) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.</u>	41377
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<u>(L)(1) In fiscal years 2010 and 2011, the department shall pay each district a pro rata portion of the amounts calculated under division (J) of this section and described in division (K) of this section, based on state appropriations.</u>	41385
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<u>(2) In addition to the prorated payment under division (L)(1) of this section, in fiscal years 2010 and 2011, the department shall pay each school district that meets the conditions prescribed in division (L)(3) of this section an additional amount equal to the following product:</u>	41389
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<u>(a) The difference of (i) the amounts calculated under division (J) of this section and prescribed in division (K) of this section minus (ii) that prorated payment; times</u>	41394
	41395
	41396
<u>(b) 0.30 in fiscal year 2010 and 0.70 in fiscal year 2011.</u>	41397
<u>(3) Division (L)(2) of this section applies to each school district that meets all of the following conditions:</u>	41398
	41399
<u>(a) The district qualifies for the calculation of a payment under division (J) of this section because it transports students on board-owned or contractor-owned school buses.</u>	41400
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(b) The district's local wealth per pupil, calculated as prescribed in section 3317.0217 of the Revised Code, is at or below the median local wealth per pupil of all districts that qualify for calculation of a payment under division (J) of this section. 41403
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(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (J) of this section. 41408
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Sec. 3306.13. (A) The department of education shall compute and distribute to each city, local, and exempted village school district the state share of the adequacy amount for the fiscal year by subtracting the district's charge-off amount calculated under division (B) of this section from its adequacy amount calculated under section 3306.03 of the Revised Code. 41411
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(B)(1) For districts with a class one effective operating tax rate that is less than twenty and one-tenth effective mills as of the first day of July of the current fiscal year, the charge-off amount equals the applicable charge-off rate, prescribed in division (C) of this section, times the sum of the district's total taxable value plus its property exemption value. 41417
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(2) For districts with a class one effective operating tax rate that is greater than or equal to twenty and one-tenth class one effective mills as of the first day of July of the current fiscal year, the charge-off amount equals the applicable charge-off rate, prescribed in division (C) of this section, times the sum of the district's recognized valuation plus its property exemption value. 41423
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If the difference obtained from the calculation is a negative number, the state share shall be zero. 41430
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(C) The charge-off rate shall be as follows: 41432

<u>(1) In fiscal years 2010 and 2011, 0.022;</u>	41433
<u>(2) In fiscal years 2012 and 2013, 0.021;</u>	41434
<u>(3) In fiscal year 2014 and in each fiscal year thereafter,</u> <u>0.020.</u>	41435 41436
<u>(D) The department shall use the information obtained under</u> <u>section 3317.021 of the Revised Code during the calendar year in</u> <u>which the fiscal year begins to calculate the district state</u> <u>shares under this section.</u>	41437 41438 41439 41440
<u>Sec. 3306.14.</u> <u>(A) The partnership for continued learning</u> <u>shall establish a career-technical education funding committee.</u> <u>The committee shall study the extent to which current funding for</u> <u>joint vocational school districts and compact and comprehensive</u> <u>career-technical schools is responsive to state, regional, and</u> <u>local business and industry needs. The committee shall consist of</u> <u>the following:</u>	41441 41442 41443 41444 41445 41446 41447
<u>(1) One or more representatives of the partnership, selected</u> <u>by the members of the partnership;</u>	41448 41449
<u>(2) One or more business leaders, selected by the</u> <u>superintendent of public instruction;</u>	41450 41451
<u>(3) At least three representatives of joint vocational school</u> <u>districts, selected by the superintendent of public instruction;</u>	41452 41453
<u>(4) At least three representatives of compact</u> <u>career-technical schools selected by the superintendent of public</u> <u>instruction;</u>	41454 41455 41456
<u>(5) At least three representatives of comprehensive</u> <u>career-technical schools selected by the superintendent of public</u> <u>instruction;</u>	41457 41458 41459
<u>(6) One member of a school district board of education</u> <u>selected by the governor.</u>	41460 41461

Any of the members selected under divisions (A)(3) to (5) of this section may be members of the partnership. 41462
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The committee shall operate under the direction of the superintendent and the chancellor. 41464
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(B) Not later than September 1, 2010, the committee shall issue a report to the partnership for continued learning and the general assembly containing its findings and recommendations for revisions to career-technical education programming and funding. After the committee issues the report, the committee shall cease to exist. 41466
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(C) The general assembly shall consider the enactment of laws implementing the recommendations of the committee not later than July 1, 2011. 41472
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(D) The department of education shall continue to evaluate the efficacy of the career-technical education system and its programmatic offerings. 41475
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Sec. 3306.15. (A) In fiscal years 2010 and 2011, each educational service center shall undergo a performance review under sections 3306.32 and 3306.321 of the Revised Code. 41478
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(B) The educational service center study committee is hereby established. The committee shall study the extent to which the current educational service center system supports school districts in academic achievement, teacher quality, shared educational services, and the purchasing of services and commodities. The committee shall consist of the following members: 41481
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(1) The superintendent of public instruction, the chancellor of the Ohio board of regents, the auditor of state or a designee of the auditor of state, and the director of budget and management or a designee of the director; 41487
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(2) The following members appointed by the governor: 41491

<u>(a) A representative of educational service centers;</u>	41492
<u>(b) A superintendent of a city school district;</u>	41493
<u>(c) A representative of parents or community representatives;</u>	41494
<u>(d) A representative of the business community;</u>	41495
<u>(e) A representative of county boards of mental retardation and developmental disabilities;</u>	41496 41497
<u>(f) A member of a school district board of education.</u>	41498
<u>(3) The following members appointed by the speaker of the house of representatives:</u>	41499 41500
<u>(a) A representative of educational service centers;</u>	41501
<u>(b) A superintendent of an exempted village school district;</u>	41502
<u>(c) A representative of school district treasurers or business managers;</u>	41503 41504
<u>(d) A representative of higher education institutions.</u>	41505
<u>(4) The following members appointed by the president of the senate:</u>	41506 41507
<u>(a) A representative of educational service centers;</u>	41508
<u>(b) A superintendent of a local school district;</u>	41509
<u>(c) A representative of higher education institutions;</u>	41510
<u>(d) A representative of the special education community.</u>	41511
<u>The committee shall be co-chaired by the superintendent of public instruction and the chancellor of the Ohio board of regents. The governor, speaker of the house of representatives, and president of the senate shall appoint members no later than September 1, 2009, and the committee shall hold its first meeting no later than October 15, 2009.</u>	41512 41513 41514 41515 41516 41517
<u>(C) Based on the performance reviews conducted under this section, the committee shall make recommendations regarding the</u>	41518 41519

following: 41520

(1) A new regional service delivery system; 41521

(2) Educational service system governance structure; 41522

(3) Accountability metrics for educational service centers. 41523

Not later than July 1, 2010, the committee shall issue to the 41524
governor a status report of its progress. The committee shall 41525
issue a final report containing its findings and recommendations 41526
to the governor not later than October 1, 2010, at which time the 41527
committee shall cease to exist. 41528

(D) The department of education and the office of budget and 41529
management shall provide the committee with any information and 41530
assistance required by the committee to carry out its duties. 41531

Sec. 3306.16. (A)(1) Except as provided in division (C) of 41532
this section, the department of education shall calculate and pay 41533
the adequacy amount for each community school established under 41534
Chapter 3314. of the Revised Code, other than internet- or 41535
computer-based community schools, in the manner set forth in 41536
sections 3306.02 to 3306.11 of the Revised Code, with the 41537
following exceptions: 41538

(a) The base teacher salary shall be \$51,407 in fiscal year 41539
2010 and \$52,230 in fiscal year 2011. 41540

(b) The number of organizational units attributed to each 41541
community school shall be calculated by dividing the community 41542
school's ADM by two hundred ninety-one, but no school shall be 41543
attributed less than one-half of one organizational unit. 41544

(c) The calculation of instructional services support, the 41545
family and community liaison factor, the summer remediation 41546
factor, and enrichment support shall not utilize the Ohio 41547
educational challenge factor, unless division (C) of this section 41548
applies. 41549

(d) The counselor factor shall equal a dollar amount for each 41550
fiscal year established by law. No counselor factor shall be 41551
calculated and paid for fiscal years 2010 and 2011. 41552

(e) The school nurse wellness coordinator factor and the 41553
district health professional factor shall be calculated as 41554
follows: 41555

(i) Each community school with ADM of less than four hundred 41556
eighteen shall receive only the school nurse wellness coordinator 41557
factor; 41558

(ii) Each community school with ADM of four hundred eighteen 41559
or more shall receive only the district health professional 41560
factor. 41561

No school nurse wellness coordinator factor or district 41562
health professional factor shall be calculated and paid for fiscal 41563
years 2010 and 2011. 41564

(f) Administrative services support shall include only the 41565
following: 41566

(i) The principal factor; 41567

(ii) The administrative services support personnel factor, 41568
except that a community school shall receive funding for at least 41569
one-half of one building manager, one-half of one secretary, and 41570
one-half of one noninstructional aide. No funding shall be 41571
calculated and paid for noninstructional aides for fiscal years 41572
2010 and 2011. 41573

(g) The district administration factor shall equal zero. 41574

(2) In addition to the adequacy amount, the department shall 41575
calculate and pay to each community school that is not an 41576
internet- or computer-based community school an amount for 41577
career-technical education, as follows: 41578

(a) For fiscal year 2010, 1.019 times the amount paid to the 41579

<u>school for fiscal year 2009 under former division (D)(4) of</u>	41580
<u>section 3314.08 of the Revised Code;</u>	41581
<u>(b) For fiscal year 2011, 1.019 times the amount paid to the</u>	41582
<u>school for fiscal year 2010 under division (A)(2)(a) of this</u>	41583
<u>section.</u>	41584
<u>(B) The department of education shall calculate and pay the</u>	41585
<u>adequacy amount for each internet- or computer-based community</u>	41586
<u>school in the manner set forth in sections 3306.02 to 3306.11 of</u>	41587
<u>the Revised Code, with the following exceptions:</u>	41588
<u>(1) The base teacher salary shall be \$51,407 in fiscal year</u>	41589
<u>2010 and \$52,230 in fiscal year 2011.</u>	41590
<u>(2) The number of organizational units attributed to each</u>	41591
<u>internet- or computer-based community school shall be calculated</u>	41592
<u>by dividing the community school's ADM by two hundred ninety-one.</u>	41593
<u>There shall be no minimum number of organizational units that must</u>	41594
<u>be attributed to an internet- or computer-based community school,</u>	41595
<u>and no internet- or computer-based community school shall be</u>	41596
<u>attributed more than one organizational unit, regardless of the</u>	41597
<u>number of students enrolled in the school.</u>	41598
<u>(3) The calculation of instructional services support shall</u>	41599
<u>not utilize the Ohio educational challenge factor unless division</u>	41600
<u>(C) of this section applies.</u>	41601
<u>(4) The number of core teacher positions shall equal the</u>	41602
<u>school's ADM divided by one hundred twenty-five.</u>	41603
<u>(5) The number of specialist teacher positions shall equal</u>	41604
<u>zero.</u>	41605
<u>(6) The number of lead teacher positions shall equal zero.</u>	41606
<u>(7) The number of supplemental teacher positions shall equal</u>	41607
<u>zero.</u>	41608
<u>(8) The family and community liaison factor shall equal zero.</u>	41609

(9) The counselor factor shall equal a dollar amount for each 41610
fiscal year established by law. No counselor factor shall be 41611
calculated and paid for fiscal years 2010 and 2011. 41612

(10) The summer remediation factor shall equal zero. 41613

(11) The school nurse wellness coordinator factor and 41614
district health professional factor each shall equal zero. 41615

(12) Administrative services support shall equal zero. 41616

(13) Operations and maintenance support shall equal zero. 41617

(14) Gifted education support and enrichment support each 41618
shall equal zero. 41619

(15) Technology resources support shall equal the school's 41620
ADM multiplied by \$1,037. 41621

(16) The professional development factor shall equal zero. 41622

(C) In calculating the adequacy amount under divisions (A) 41623
and (B) of this section, the department shall not apply the 41624
exception specified in division (A)(1)(c) or (B)(3) of this 41625
section, and shall utilize the educational challenge factor in 41626
calculating the school's instructional services support, family 41627
and community liaison factor, summer remediation factor, and 41628
enrichment support, as provided in division (D) of this section, 41629
if both of the following apply: 41630

(1) The community school is either: 41631

(a) A new start-up community school, as defined in section 41632
3314.02 of the Revised Code; 41633

(b) A conversion community school that was open for 41634
instruction as a community school prior to July 1, 2009. 41635

(2) The community school satisfies the conditions of division 41636
(C)(2)(a) or (b) of this section: 41637

(a) The community school is sponsored by a city, local, or 41638

exempted village school district and at least fifty per cent of 41639
the community school ADM for the previous school year or, if the 41640
current fiscal year is the community school's first year of 41641
operation, at least fifty per cent of the students attending 41642
during the first full school week of October, consist of students 41643
entitled to attend school under section 3313.64 or 3313.65 of the 41644
Revised Code in the school district that is the community school's 41645
sponsor. 41646

(b) The community school was rated for the previous school 41647
year under section 3302.03 of the Revised Code as continuous 41648
improvement or higher. 41649

(D) The educational challenge factor utilized for a community 41650
school under division (C) of this section shall be: 41651

(1) If the community school qualifies under division 41652
(C)(2)(a) of this section, the educational challenge factor 41653
prescribed in section 3306.051 of the Revised Code for the school 41654
district that sponsors the school; 41655

(2) If the community school qualifies under division 41656
(C)(2)(b) of this section, the unweighted mean of all of the 41657
educational challenge factors prescribed in section 3306.051 of 41658
the Revised Code; 41659

(3) If the community school qualifies under both divisions 41660
(C)(2)(a) and (b) of this section, the greater of the educational 41661
challenge factors described in divisions (D)(1) and (2) of this 41662
section. 41663

(E) If two or more community schools, which are not internet- 41664
or computer-based community schools, are located in the same 41665
building, have at least one common member on their respective 41666
governing authorities, and have the same chief administrative 41667
officer, the department shall compute aggregate funding for all of 41668
those schools according to the provisions of division (A) of this 41669

section as if they were one school, and then shall pay each school 41670
a share of that aggregate amount on a per pupil basis. 41671

(F)(1) The aggregate amount calculated and paid pursuant to 41672
divisions (A)(1) and (C) of this section for fiscal year 2010 to 41673
each community school that is not an internet- or computer-based 41674
community school shall not exceed 1.019 times the product of: 41675

(a) The quotient of the aggregate amount paid to the 41676
community school under former divisions (D)(1), (2), and (5) to 41677
(10) of section 3314.08 of the Revised Code and former section 41678
3314.13 of the Revised Code, plus any gifted education units paid 41679
to the school, for fiscal year 2009, divided by the community 41680
school ADM for fiscal year 2009, as adjusted and verified by the 41681
department; times 41682

(b) The community school ADM for fiscal year 2010, as 41683
adjusted and verified by the department. 41684

(2) The aggregate amount calculated and paid pursuant to 41685
divisions (A)(1) and (C) of this section for fiscal year 2011 to 41686
each community school that is not an internet- or computer-based 41687
community school shall not exceed 1.019 times the product of: 41688

(a) The quotient of the aggregate amount paid to the 41689
community school under divisions (A)(1) and (C) of this section 41690
for fiscal year 2010, divided by the community school ADM for 41691
fiscal year 2010, as adjusted and verified by the department; 41692
times 41693

(b) The community school ADM for fiscal year 2011, as 41694
adjusted and verified by the department. 41695

(3) The aggregate amount calculated and paid pursuant to 41696
divisions (B) and (C) of this section for fiscal year 2010 to each 41697
internet- or computer-based community school shall not exceed 41698
1.019 times the product of: 41699

(a) The quotient of the aggregate amount paid to the school under former divisions (D)(1) and (2) of section 3314.08 of the Revised Code, plus any gifted education units paid to the school, for fiscal year 2009, divided by the community school ADM for fiscal year 2009, as adjusted and verified by the department; times

(b) The community school ADM for fiscal year 2010, as adjusted and verified by the department.

(4) The aggregate amount calculated and paid pursuant to divisions (B) and (C) of this section for fiscal year 2011 to each internet- or computer-based community school shall not exceed 1.019 times the product of:

(a) The quotient of the aggregate amount paid to the school under divisions (B) and (C) of this section for fiscal year 2010, divided by the community school ADM for fiscal year 2010, as adjusted and verified by the department; times

(b) The community school ADM for fiscal year 2011, as adjusted and verified by the department.

(G) Each community school shall track its expenditure of the amount received under this section and report that information to the department of education.

Sec. 3306.17. For each STEM school established under Chapter 3326. of the Revised Code, the governing body of which is not a city, local, or exempted village school district board of education pursuant to section 3326.51 of the Revised Code, the department of education shall calculate and pay the adequacy amount in the manner set forth in sections 3306.02 to 3306.11 of the Revised Code, with the following exceptions:

(A) The adequacy amount shall be calculated as if the STEM school were a small school district, regardless of the number of

students enrolled in the school. 41730

(B) The calculation of instructional services support, the 41731
family and community liaison factor, the summer remediation 41732
factor, and enrichment support shall not utilize the Ohio 41733
educational challenge factor. 41734

Sec. 3306.18. On or before the fifteenth day of July of each 41735
year, the superintendent of public instruction shall certify to 41736
the state board of education the amount each city, local, and 41737
exempted village school district expended in the previous fiscal 41738
year on each factor of the district's adequacy amount. 41739

Sec. 3306.19. (A) The department of education shall calculate 41740
and pay transitional aid in fiscal years 2010 and 2011 to each 41741
city, local, and exempted village school district that receives 41742
less from the combination of its state share of the adequacy 41743
amount calculated under section 3306.13 of the Revised Code plus 41744
the amount calculated for career-technical education under section 41745
3306.052 of the Revised Code plus the prorated transportation 41746
funding calculated under division (L)(1) of section 3306.12 of the 41747
Revised Code than its transitional aid guarantee base for the 41748
fiscal year. The amount of the transitional aid payment shall 41749
equal the difference of the district's transitional aid guarantee 41750
base for the current fiscal year minus the sum of its calculated 41751
state share of the adequacy amount plus its career-technical 41752
education funding plus its prorated transportation funding for the 41753
current fiscal year. 41754

(1) The transitional aid guarantee base for each city, local, 41755
and exempted village school district for fiscal year 2010 equals 41756
the sum of the following computed for fiscal year 2009, as 41757
reconciled by the department, less any amounts attributable to 41758
community school students included in the calculations and, 41759

<u>subject to division (A)(3) of this section, net of any additions</u>	41760
<u>or deductions attributable to open enrollment students and less</u>	41761
<u>any general revenue fund spending reductions ordered by the</u>	41762
<u>governor under section 126.05 of the Revised Code:</u>	41763
<u>(a) Base-cost funding under division (A) of section 3317.022</u>	41764
<u>of the Revised Code;</u>	41765
<u>(b) Special education and related services additional</u>	41766
<u>weighted funding under division (C)(1) of section 3317.022 of the</u>	41767
<u>Revised Code;</u>	41768
<u>(c) Speech services funding under division (C)(4) of section</u>	41769
<u>3317.022 of the Revised Code;</u>	41770
<u>(d) Vocational education additional weighted funding under</u>	41771
<u>division (E) of section 3317.022 of the Revised Code;</u>	41772
<u>(e) GRADS funding under division (N) of section 3317.024 of</u>	41773
<u>the Revised Code;</u>	41774
<u>(f) Adjustments for classroom teachers and educational</u>	41775
<u>service personnel under divisions (B), (C), and (D) of section</u>	41776
<u>3317.023 of the Revised Code;</u>	41777
<u>(g) Gifted education units under division (L) of section</u>	41778
<u>3317.024 and section 3317.05 of the Revised Code;</u>	41779
<u>(h) Transportation under Section 269.20.80 of Am. Sub. H.B.</u>	41780
<u>119 of the 127th general assembly;</u>	41781
<u>(i) The excess cost supplement under division (F) of section</u>	41782
<u>3317.022 of the Revised Code;</u>	41783
<u>(j) The charge-off supplement under section 3317.0216 of the</u>	41784
<u>Revised Code;</u>	41785
<u>(k) Transitional aid under Section 269.30.80 of Am. Sub. H.B.</u>	41786
<u>119 of the 127th general assembly.</u>	41787
<u>(2) Subject to division (A)(3) of this section, the</u>	41788

transitional aid guarantee base for each city, local, and exempted 41789
village school district for fiscal year 2011 equals ninety-eight 41790
per cent of the following difference: 41791

(a) The sum of the district's state share of the adequacy 41792
amount calculated under section 3306.13 of the Revised Code plus 41793
the district's career-technical education funding calculated under 41794
division (L)(1) of section 3306.052 of the Revised Code plus the 41795
district's prorated transportation funding calculated under 41796
division (L)(1) of section 3306.12 of the Revised Code plus any 41797
transitional aid payment under this section for fiscal year 2010, 41798
as the sum is adjusted under division (B)(1) of this section, if 41799
applicable; minus 41800

(b) Any general revenue fund spending reductions ordered by 41801
the governor for fiscal year 2010 under section 126.05 of the 41802
Revised Code. 41803

(3) If a school district had a policy under section 3313.98 41804
of the Revised Code permitting open enrollment for the prior 41805
fiscal year, but for the current fiscal year has altered its 41806
policy so that students who enrolled in the district in the prior 41807
year under the district's policy no longer are eligible to enroll 41808
in the district in the current year under its new policy, the 41809
amount attributable to such students affected by the change in the 41810
district's policy paid to the district for the prior fiscal year 41811
shall not be included in the district's transitional aid base for 41812
the current fiscal year. 41813

(B) Notwithstanding any provision of this chapter to the 41814
contrary: 41815

(1) The combination of the state share of the adequacy amount 41816
plus the prorated transportation funding under division (L)(1) of 41817
section 3306.12 of the Revised Code for any city, local, or 41818
exempted village school district for fiscal year 2010 shall not 41819

exceed 1.019 times the difference of its transitional aid 41820
guarantee base for fiscal year 2010 minus the amount described in 41821
division (A)(1)(d) of this section. 41822

(2) The combination of the state share of the adequacy amount 41823
plus the prorated transportation funding under division (L)(1) of 41824
section 3306.12 of the Revised Code for any city, local, or 41825
exempted village school district for fiscal year 2011 shall not 41826
exceed 1.019 times the difference of its transitional aid 41827
guarantee base for fiscal year 2011 minus the amount paid to the 41828
district under division (A) of section 3306.052 of the Revised 41829
Code. 41830

Sec. 3306.191. The department of education shall calculate 41831
and pay additional transitional aid in fiscal year 2011 to a city, 41832
local, and exempted village school district equal to the 41833
following: 41834

(0.98 X the district's state education aid for fiscal year 2010) - 41835
the district's state education aid for fiscal year 2011 41836

If the result is a negative number, no payment shall be paid 41837
under this section. 41838

As used in this section, "state education aid" has the same 41839
meaning as in section 5751.20 of the Revised Code. 41840

Sec. 3306.192. In fiscal year 2012 and in each fiscal year 41841
thereafter, the department of education shall pay a city, local, 41842
or exempted village school district additional funds computed as 41843
follows: 41844

(A) The statewide per pupil amount paid for chartered 41845
nonpublic school students - (the sum of the district's payments 41846
under sections 3306.052, 3306.12, 3306.13, and 3306.19 of the 41847
Revised Code/its formula ADM); times 41848

(B) The district's formula ADM. 41849

If the result is a negative number, no payment shall be made 41850
under this section. 41851

As used in this section, the "statewide per pupil amount paid 41852
for chartered nonpublic school for students" means the statewide 41853
per pupil amount paid under sections 3317.06 and 3317.063 of the 41854
Revised Code, combined, for the current fiscal year, as calculated 41855
by the department. 41856

Sec. 3306.21. Nothing in this chapter shall be construed to 41857
affect or limit the authority of a school district, community 41858
school, or STEM school to contract with an educational service 41859
center, under sections 3313.843, 3313.844, 3313.845, 3314.022, and 41860
3326.45 of the Revised Code, for the provision of any services for 41861
which funds are calculated and paid under this chapter. 41862

Sec. 3306.22. Nothing in this chapter shall be construed to 41863
prohibit a school district from using funds calculated and paid 41864
under this chapter to establish, operate, or participate in a 41865
joint or cooperative program under section 3313.842 of the Revised 41866
Code. 41867

Sec. 3306.25. (A) The superintendent of public instruction 41868
shall adopt rules, in accordance with Chapter 119. of the Revised 41869
Code, prescribing standards for the expenditure of funds 41870
calculated under this chapter and for the reporting of 41871
expenditures of those funds for particular funded components, as 41872
determined by the superintendent, so that those funds are directed 41873
toward the purposes for which they were calculated. 41874

The superintendent shall classify the components into the 41875
following categories: 41876

(1) Core academic strategy components, which shall be 41877
considered those components that are fundamental to successful 41878

education practices in the twenty-first century for all students; 41879

(2) Academic improvement components, which shall be 41880
considered those components that have been demonstrated to make 41881
the greatest improvement in the academic achievement of 41882
underperforming students; 41883

(3) Other components. 41884

The superintendent shall determine the funded components 41885
included in each category. 41886

(B) The rules adopted for core academic strategy components 41887
under division (A)(1) of this section shall prescribe standards 41888
for expenditure and reporting and shall apply to all school 41889
districts, community schools established under Chapter 3314. of 41890
the Revised Code, and STEM schools established under Chapter 3326. 41891
of the Revised Code. However, the rules shall afford districts, 41892
community schools, and STEM schools rated as effective or 41893
excellent, under section 3302.03 of the Revised Code, flexibility 41894
in determining how to spend funds calculated for the components 41895
included in that category. 41896

(C) The rules adopted for academic improvement components 41897
under division (A)(2) of this section shall prescribe standards 41898
for expenditure and reporting and shall apply only to school 41899
districts, community schools, and STEM schools that have been 41900
declared to be in academic emergency or academic watch, under 41901
section 3302.03 of the Revised Code, for two or more consecutive 41902
years, beginning with the ratings of districts and schools issued 41903
under that section in the fiscal year that begins two years prior 41904
to the effective date of rules adopted under division (A)(2) of 41905
this section. 41906

(D) The rules adopted under division (A)(3) of this section 41907
shall prescribe only reporting standards and shall not prescribe 41908
spending requirements or standards. The rules shall apply to all 41909

school districts, community schools, and STEM schools. 41910

(E) The rules shall take effect pursuant to a schedule 41911
determined by the superintendent. However, no rule adopted under 41912
division (A)(1) or (3) of this section shall take effect earlier 41913
than July 1, 2010, and no rule adopted under division (A)(2) of 41914
this section shall take effect earlier than July 1, 2011. 41915

(F) Each school district, community school, and STEM school 41916
shall comply with each applicable rule adopted under this section 41917
beginning on the effective date of that rule. 41918

Sec. 3306.29. (A) The Ohio school funding research advisory 41919
council is hereby established. The council shall consist of the 41920
following members: 41921

(1) The superintendent of public instruction, or the 41922
superintendent's designee; 41923

(2) The chancellor of the Ohio board of regents, or the 41924
chancellor's designee; 41925

(3) Two school district teachers, appointed by the governor; 41926

(4) Two nonteaching, nonadministrative school district 41927
employees, appointed by the governor; 41928

(5) One school district principal, appointed by the governor; 41929

(6) One school district superintendent, appointed by the 41930
governor; 41931

(7) One school district treasurer, appointed by the governor; 41932

(8) One member of the board of education of a city, local, or 41933
exempted village school district, appointed by the governor; 41934

(9) One representative of a college of education operated by 41935
a member institution of the university system of Ohio, appointed 41936
by the governor; 41937

<u>(10) One member representing the business community,</u>	41938
<u>appointed by the governor;</u>	41939
<u>(11) One member representing philanthropic organizations,</u>	41940
<u>appointed by the governor;</u>	41941
<u>(12) A representative of the Ohio academy of science,</u>	41942
<u>appointed by the governor;</u>	41943
<u>(13) One member representing the general public, appointed by</u>	41944
<u>the governor;</u>	41945
<u>(14) One member representing educational service centers,</u>	41946
<u>appointed by the governor;</u>	41947
<u>(15) One parent of a student attending a school operated by a</u>	41948
<u>school district, appointed by the governor;</u>	41949
<u>(16) One member representing sponsors of community schools</u>	41950
<u>established under Chapter 3314. of the Revised Code, appointed by</u>	41951
<u>the governor;</u>	41952
<u>(17) One member representing nonprofit operators of community</u>	41953
<u>schools, appointed by the governor;</u>	41954
<u>(18) One community school fiscal officer, appointed by the</u>	41955
<u>governor;</u>	41956
<u>(19) One parent of a student attending a community school,</u>	41957
<u>appointed by the governor;</u>	41958
<u>(20) One member representing early childhood education</u>	41959
<u>providers, appointed by the governor;</u>	41960
<u>(21) Two members of the house of representatives appointed by</u>	41961
<u>the speaker of the house of representatives, one of whom shall be</u>	41962
<u>from the minority party and recommended by the minority leader of</u>	41963
<u>the house of representatives;</u>	41964
<u>(22) Two members of the senate appointed by the president of</u>	41965
<u>the senate, one of whom shall be from the minority party and</u>	41966

recommended by the minority leader of the senate. 41967

The council shall reflect the diversity of this state in 41968
terms of gender, race, ethnic background, and geographic 41969
distribution. In making appointments to the council, the governor 41970
shall consider recommendations of stakeholder associations or 41971
groups representing the professions or individuals to be 41972
represented on the council. 41973

The members shall serve without compensation. 41974

(B) The superintendent of public instruction, or the 41975
superintendent's designee to the council, shall be the chairperson 41976
of the council. 41977

The office of school resource management and the center for 41978
creativity and innovation in the department of education shall 41979
provide staffing assistance to the council. 41980

The council shall meet at least quarterly, beginning in 41981
August 2009. 41982

(C) Not later than the first day of December of each 41983
even-numbered year, the council shall present to the governor, the 41984
state board of education, the general assembly, in accordance with 41985
section 101.68 of the Revised Code, and the public recommendations 41986
for revisions to the educational adequacy components of the 41987
research-based school funding model established under this 41988
chapter. 41989

(1) The recommendations shall be based on current, high 41990
quality research, information provided by school districts, and 41991
best practices in operational efficiencies identified in the 41992
performance reviews required by section 3306.32 of the Revised 41993
Code. 41994

(2) In preparing its recommendations due December 1, 2010, 41995
the council's analyses shall include, but shall not be limited to, 41996

the adequacy of the model's financing for gifted education 41997
services, career-technical education, arts education, services for 41998
limited English proficient students, and early college high 41999
schools. This analysis shall consider, for each area, current 42000
educational need, current educational practices, and best 42001
practices. 42002

(3) In preparing its recommendations due December 1, 2010, 42003
and in subsequent biennia, the council's analyses may address, but 42004
need not be limited to, any of the following: 42005

(a) Strategies and incentives to promote school cost-saving 42006
measures and efficiencies; 42007

(b) Options for adding learning time to the learning year, 42008
such as moving professional development for educators to summer, 42009
adding learning time for children with greater educational needs, 42010
accounting for learning time by hours instead of days, and 42011
appropriate compensation to school districts and staff for 42012
providing additional learning time; 42013

(c) The adequacy of the model's accounting for and financing 42014
of operational costs, including district-level administration and 42015
administrative and transportation challenges experienced by 42016
low-density and low-wealth school districts, and the effect of 42017
those costs on student academic achievement; 42018

(d) The accuracy of the calculation of each component of the 42019
funding model, and of the model as a whole, in light of current 42020
educational needs, current educational practices, and best 42021
practices. 42022

Sec. 3306.291. (A) A subcommittee of the Ohio school funding 42023
research advisory council is hereby established to study and make 42024
recommendations to foster collaboration between school districts 42025
and community schools established under Chapter 3314. of the 42026

Revised Code. The subcommittee shall recommend fiscal strategies, 42027
including changes to the funding model established under this 42028
chapter, that will provide incentives and compensation for Ohio 42029
school districts and community schools to enter into collaborative 42030
agreements that result in creative and innovative academic 42031
programming for students and academic and fiscal efficiency. The 42032
subcommittee shall report its findings and recommendations to the 42033
council, the governor, and, in accordance with section 101.68 of 42034
the Revised Code, the general assembly not later than September 1, 42035
2010, and periodically thereafter at the direction of the 42036
superintendent of public instruction. 42037

(B) The subcommittee shall consist of the following members 42038
of the council: 42039

(1) The school district superintendent; 42040

(2) The school district treasurer; 42041

(3) One of the school district teachers, selected by the 42042
superintendent of public instruction; 42043

(4) The member representing a college of education operated 42044
by a member institution of the university system of Ohio; 42045

(5) The member representing sponsors of community schools; 42046

(6) The member representing nonprofit operators of community 42047
schools; 42048

(7) The community school fiscal officer; 42049

(8) The parent of a student attending a community school; 42050

(9) The parent of a student attending a school operated by a 42051
school district. 42052

The members of the subcommittee shall serve without 42053
compensation. 42054

Sec. 3306.292. The Ohio school funding research advisory 42055
council may establish subcommittees in addition to the 42056
subcommittee established under section 3306.291 of the Revised 42057
Code. The council shall determine the membership and duties of the 42058
additional subcommittees. Up to one-half of the members of each 42059
additional subcommittee may be individuals who are not members of 42060
the council. 42061

Sec. 3306.30. (A) The board of education of each city, local, 42062
and exempted village school district, the governing authority of 42063
each community school established under Chapter 3314. of the 42064
Revised Code, and the governing body of each STEM school 42065
established under Chapter 3326. of the Revised Code annually shall 42066
submit to the department of education, by the date and in the 42067
manner prescribed by the superintendent of public instruction, a 42068
plan describing how the district or school will deploy the funds 42069
received under this chapter. The plan shall deploy the funds 42070
received for each component of the adequacy amount, shall comply 42071
with any applicable expenditure or reporting standard prescribed 42072
by rule adopted under section 3306.25 of the Revised Code, and in 42073
the case of school districts, shall comply with the operating 42074
standards adopted under division (D)(3) of section 3301.07 of the 42075
Revised Code and any directive of the superintendent of public 42076
instruction, unless a waiver has been granted under section 42077
3306.40 of the Revised Code. In the case of a district to which 42078
section 3306.31 of the Revised Code applies, the plan shall 42079
include the deployment of funds for the purposes described in 42080
divisions (B) and (D) of that section. 42081

(B) The department annually shall reconcile each spending 42082
plan submitted under this section with the actual spending of the 42083
district, community school, or STEM school. If the department 42084
finds that a district, community school, or STEM school has not 42085

complied any applicable expenditure or reporting standard 42086
prescribed by rule adopted under section 3306.25 of the Revised 42087
Code, the department shall proceed to take action under section 42088
3306.33 of the Revised Code. 42089

(C) If a school district, community school, or STEM school 42090
fails to submit a spending plan as required by this section or, as 42091
applicable, section 3306.31 of the Revised Code, the department 42092
shall proceed to take action under section 3306.33 of the Revised 42093
Code. 42094

Sec. 3306.31. (A) This section applies to any city, local, or 42095
exempted village school district that has a three-year average 42096
graduation rate, as defined in section 3301.0711 of the Revised 42097
Code, of eighty per cent or less. 42098

(B) The board of education of each school district to which 42099
this section applies shall implement actions prescribed by the 42100
governor's closing the achievement gap initiative in each of the 42101
following: 42102

(1) Each high school; 42103

(2) Each elementary or middle school in which less than fifty 42104
per cent of the students have attained a proficient score on the 42105
fourth or seventh grade achievement assessments in English 42106
language arts or mathematics required under section 3301.0710 of 42107
the Revised Code. 42108

(C) The board of education of each school district to which 42109
this section applies shall work with the department of education 42110
and the governor's closing the achievement gap initiative in 42111
developing its annual spending plan prior to submitting the plan 42112
under section 3306.30 of the Revised Code. 42113

(D) The board of each district to which this section applies 42114
shall create and staff, in each organizational unit, at least one 42115

position funded under division (A)(1) of section 3306.06 of the 42116
Revised Code. Each such position shall function as a linkage 42117
coordinator for closing the achievement gap and increasing the 42118
graduation rate. A linkage coordinator is a person, meeting 42119
guidelines established by the governor's closing the achievement 42120
gap initiative, who shall work with and who is the primary mentor, 42121
coach, and motivator for students identified as at risk of not 42122
graduating, as defined by the governor's closing the achievement 42123
gap initiative, and who coordinates those students' participation 42124
in academic programs, social service programs, out-of-school 42125
cultural and work-related experiences, and in-school and 42126
out-of-school mentoring programs, based on the students' needs. 42127
The linkage coordinator shall coordinate remedial disciplinary 42128
plans as needed and work with school personnel to gather student 42129
academic information and to engage parents of targeted students. 42130
The linkage coordinator shall serve as a liaison between the 42131
school and the governor's closing the achievement gap initiative 42132
and shall participate in all professional development activities 42133
as directed by the closing the achievement gap initiative. The 42134
linkage coordinator shall establish and coordinate the work of 42135
academic promotion teams, which shall address the academic and 42136
social needs of the identified students. The membership of teams 42137
in different schools may vary and may include the linkage 42138
coordinator, parents, teachers, principals, school nurses, school 42139
counselors, probation officers, or other school personnel or 42140
members of the community. 42141

(E) The governor's closing the achievement gap initiative 42142
shall work with each organizational unit of a school district to 42143
which this section applies to assess the progress in implementing 42144
prescribed activities, as required under division (B) of this 42145
section, and shall assist linkage coordinators, administrators, 42146
and other school staff in ensuring compliance with the district's 42147
spending plan required under section 3306.30 of the Revised Code. 42148

(F) The items related to implementing divisions (B) and (D) of this section included in the spending plan of a district to which this section applies are subject to the approval of the superintendent of public instruction and the governor's closing the achievement gap initiative. If they disapprove those items in the plan, the state superintendent shall do one of the following:

(1) Modify the items related to implementing divisions (B) and (D) of this section in the plan as the state superintendent considers appropriate and notify the district board of the modifications. The district board shall comply with the plan as modified by the state superintendent.

(2) Return the spending plan and require the district board to modify the items related to implementing divisions (B) and (D) of this section in the plan according to the state superintendent's instructions or recommendations. The district board shall modify the plan according to the state superintendent's instructions or recommendations and return the modified plan by a date specified by the state superintendent.

(G) The department shall work with the governor's closing the achievement gap initiative in reconciling, under division (B) of section 3306.30 of the Revised Code, the spending plan submitted by a district to which this section applies with the district's actual spending.

Sec. 3306.32. (A) Each city, local, exempted village, and joint vocational school district, each educational service center each community school established under Chapter 3314. of the Revised Code, and each STEM school established under Chapter 3326. of the Revised Code shall undergo a performance review under this section at least once every five fiscal years under the direction of the department of education. If a school district board of education governs and controls a STEM school as described in

section 3326.51 of the Revised Code, the performance review of 42180
that STEM school under this section shall be conducted at the time 42181
of and as part of the school district's performance review. 42182

(B) The office of school resource management of the 42184
department shall determine the order in which performance reviews 42185
shall be conducted under this section. After receiving 42186
recommendations from the office of school resource management, the 42187
state board of education and the auditor of state jointly shall 42188
adopt rules in accordance with Chapter 119. of the Revised Code 42189
prescribing the scope of the performance reviews. 42190

(C) The department may contract with the auditor of state, 42191
any other governmental entity, or any private entity to conduct 42192
performance reviews under this section. 42193

(D) Upon the conclusion of a performance review under this 42194
section, the contractor conducting the performance review shall 42195
submit a final review report to the state board, the office of 42196
school resource management, and the board, governing authority, or 42197
governing body of the district, service center, community school, 42198
or STEM school. 42199

(E) Not later than ninety days after the date of the final 42200
review report, the board, governing authority, or governing body 42201
of the district, community school, or STEM school shall submit to 42202
the office of school resource management a response to the report. 42203
The response shall address the findings and recommendations 42204
specified in the final review report and shall specify a timeline 42205
for implementing recommendations listed in the report. This 42206
division does not apply to any educational service center. 42207

(F) At the end of the timeline specified in the response, the 42209
board, governing authority, or governing body shall submit a 42210

report to the office of school resource management. The report 42211
shall explain the progress made in implementing each 42212
recommendation of the review report, specify the steps taken to 42213
implement each recommendation, and indicate for each 42214
recommendation whether and to what extent the recommendation has 42215
been implemented. This division does not apply to any educational 42216
service center. 42217

(G) If a district, community school, or STEM school fails to 42218
cooperate with a performance review under this section, or fails 42219
timely to submit a response or report under division (E) or (F) of 42220
this section that the office of school resource management finds 42221
satisfactory, the department shall proceed to take action under 42222
section 3306.33 of the Revised Code. This division does not apply 42223
to any educational service center. 42224

(H) The department shall pay the cost of each performance 42225
review under this section. 42226

Sec. 3306.321. (A) A performance review of an educational 42227
service center under section 3306.32 of the Revised Code shall 42228
examine the service center's delivery of services to local school 42229
districts and client districts as required by law and any 42230
contracts it has with those districts and whether that delivery of 42231
services comports with the requirements and specifications for 42232
those services, including the quality standards recommended by the 42233
state regional alliance advisory board under section 3312.12 of 42234
the Revised Code. 42235

(B) The department of education shall review the final report 42236
of the performance review of each educational service center and, 42237
if the findings indicate that the service center's services do not 42238
comport with the requirements and specifications for those 42239
services prescribed by law or contract, shall provide technical 42240
assistance to the service center in aligning its services with 42241

those requirements and specifications. 42242

(C) As used in this section, "client district" has the same meaning as in section 3317.11 of the Revised Code. 42243
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Sec. 3306.33. (A) Not earlier than July 1, 2010, the department of education shall take action under this section with respect to a school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code in any of the following circumstances: 42245
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(1) The department determines, based on its reconciliation under section 3306.30 of the Revised Code of a spending plan with actual spending, a site visit under section 3301.83 or 3314.39 of the Revised Code, or a determination under section 117.54 of the Revised Code, that the school district, community school, or STEM school has failed to comply with any applicable expenditure or reporting standard prescribed by rule adopted under section 3306.25 of the Revised Code. 42251
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(2) The district, community school, or STEM school fails to submit a spending plan under section 3306.30 and, if applicable, section 3306.31 of the Revised Code. 42259
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(3) The district, community school, or STEM school fails to cooperate with a performance review under section 3306.31 of the Revised Code, fails timely to submit a response or report under division (E) or (F) of that section that the office of school resource management finds satisfactory, or fails to implement a recommendation set forth in a performance review report. 42262
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(B) When a circumstance described in division (A) of this section applies, the department shall provide the school district, community school, or STEM school with technical assistance to bring the district or school into compliance with the expenditure 42268
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and reporting standards adopted under section 3306.25 of the 42272
Revised Code and the requirements of this chapter, as applicable 42273
to the circumstance triggering action under this section. In 42274
addition, the board of the district, the governing authority of 42275
the community school, or the governing body of the STEM school 42276
shall take all of the following actions: 42277

(1) Develop and submit to the department a three-year 42278
operations improvement plan containing all of the following: 42279

(a) An analysis of the reasons for the failure to meet the 42280
applicable expenditure or reporting standards or requirements of 42281
this chapter; 42282

(b) Specific strategies the board, governing authority, or 42283
governing body will use to address the problems in meeting the 42284
standards or requirements; 42285

(c) Identification of the resources the board, governing 42286
authority, or governing body will use to meet the standards or 42287
requirements; 42288

(d) A description of how the board, governing authority, or 42289
governing body will measure its progress in meeting the standards 42290
or requirements. 42291

If the district or school is required to have a continuous 42292
improvement plan under section 3302.04 of the Revised Code, the 42293
three-year operations improvement plan required by this section 42294
shall be aligned with the continuous improvement plan. 42295

(2) Notify the parent or guardian of each student served by 42296
the district, community school, or STEM school, either in writing 42297
or by electronic means, of the standards or requirements that were 42298
not met, the actions being taken to meet the standards or 42299
requirements, and any progress achieved in the immediately 42300
preceding school year toward meeting the standards or 42301
requirements. 42302

(3) Present the plan, and take public testimony with respect to it, in a public hearing before the board, governing authority, or governing body. 42303
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(C) When a circumstance described in division (A) of this section applies to a school district, community school, or STEM school for a second consecutive year, whether it is the same or a different circumstance, the department shall provide the district, community school, or STEM school with technical assistance to bring the district or school into compliance with the expenditure or reporting standards adopted under section 3306.25 of the Revised Code and the requirements of this chapter, as applicable to the circumstance triggering action under this section. In addition, both of the following apply: 42306
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(1) The board, governing authority of the community school, or the governing body of the STEM school shall take all of the actions prescribed in divisions (B)(1) to (3) of this section; 42316
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(2) The department shall establish a state intervention team to evaluate all aspects of the district's or school's operations, including, but not limited to, management, instructional methods, resource allocation, and scheduling. The intervention team shall include teachers and administrators recognized as outstanding in their fields. The team shall make recommendations regarding methods for bringing the district or school into compliance with the applicable standards adopted under section 3306.25 of the Revised Code and requirements of this chapter. The superintendent of public instruction shall establish guidelines for the intervention teams. The district or school shall pay the costs of the intervention team. 42319
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(D) When a circumstance described in division (A) of this section applies to a school district, community school, or STEM school for a third consecutive year, whether it is the same or a different circumstance as in the preceding years, the 42331
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superintendent of public instruction shall either: 42335

(1) Establish an accountability compliance commission under section 3306.34 of the Revised Code; 42336
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(2) Appoint a trustee who shall govern the district, community school, or STEM school in place of the board of education of the school district, the governing authority of the community school, or the governing body of the STEM school until the beginning of the first year that none of the circumstances described in division (A) of this section apply to the district, community school, or STEM school. 42338
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(E) When a circumstance described in division (A) of this section applies to a school district, community school, or STEM school for a fourth consecutive year, whether it is the same or a different circumstance as in the preceding years: 42345
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(1) With respect to a school district, the state board of education shall proceed under section 3301.16 of the Revised Code to revoke the district's charter. 42349
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(2) With respect to a community school or a STEM school, the department of education shall order the school to close, and the governing authority or the governing body shall permanently close the school. 42352
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(F)(1) At any time, the state board may proceed under section 3301.16 of the Revised Code to revoke the charter of a school district that fails to meet the operating standards established under division (D)(3) of section 3301.07 of the Revised Code or fails to comply with this section. 42356
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(2) At any time, the department may order a community school or a STEM school to close if the school fails to comply with this section. In that case, the governing authority or the governing body shall permanently close the school. 42361
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Sec. 3306.34. (A) Each accountability compliance commission 42365
appointed under division (D) of section 3306.33 of the Revised 42366
Code is a body both corporate and politic, constituting an agency 42367
and instrumentality of the state and performing essential 42368
governmental functions of the state. A commission shall be known 42369
as the "accountability compliance commission for 42370
(name of school district, community school, or STEM school)," and, 42371
in that name, may exercise all authority vested in such a 42372
commission by this section. A separate commission shall be 42373
established for each school district, community school, or STEM 42374
school for which the superintendent of public instruction opts to 42375
establish a commission under division (D) of section 3306.33 of 42376
the Revised Code. 42377

(B) Each accountability commission shall consist of three 42378
members, one of whom shall be appointed by the governor, one of 42379
whom shall be appointed by the superintendent of public 42380
instruction, and one of whom shall be appointed by the auditor of 42381
state. 42382

All members shall serve at the pleasure of the appointing 42383
authority during the life of the commission. In the event of the 42384
death, resignation, incapacity, removal, or ineligibility to serve 42385
of a member, the appointing authority shall appoint a successor 42386
within fifteen days after the vacancy occurs. Members shall serve 42387
without compensation, but shall be paid by the commission their 42388
necessary and actual expenses incurred while engaged in the 42389
business of the commission. 42390

(C) Immediately after appointment of the initial members of 42391
an accountability compliance commission, the state superintendent 42392
shall call the first meeting of the commission and shall cause 42393
written notice of the time, date, and place of that meeting to be 42394
given to each member of the commission at least forty-eight hours 42395

in advance of the meeting. The first meeting shall include an 42396
overview of the commission's roles and responsibilities, the 42397
requirements of section 2921.42 and Chapter 102. of the Revised 42398
Code as they pertain to commission members, the requirements of 42399
section 121.22 of the Revised Code, and the provisions of division 42400
(F) of this section. At its first meeting, the commission shall 42401
adopt temporary bylaws in accordance with division (D) of this 42402
section to govern its operations until the adoption of permanent 42403
bylaws. 42404

The state superintendent shall designate a chairperson for 42405
the commission from among the members. The chairperson shall call 42406
and conduct meetings, set meeting agendas, and serve as a liaison 42407
between the commission and the district board of education, the 42408
community school governing authority, or STEM school governing 42409
body. The chairperson also shall appoint a secretary, who shall 42410
not be a member of the commission. 42411

The department of education shall provide administrative 42412
support for the commission, provide data requested by the 42413
commission, and inform the commission of available state resources 42414
that could assist the commission in its work. 42415

(D) Each accountability compliance commission may adopt and 42416
alter bylaws and rules, which shall not be subject to section 42417
111.15 or Chapter 119. of the Revised Code, for the conduct of its 42418
affairs and for the manner, subject to this section, in which its 42419
powers and functions shall be exercised and embodied. 42420

(E) Two members of an accountability compliance commission 42421
constitute a quorum of the commission. The affirmative vote of two 42422
members of the commission is necessary for any action taken by 42423
vote of the commission. No vacancy in the membership of the 42424
commission shall impair the rights of a quorum by such vote to 42425
exercise all the rights and perform all the duties of the 42426
commission. Members of the commission are not disqualified from 42427

voting by reason of the functions of any other office they hold 42428
and are not disqualified from exercising the functions of the 42429
other office with respect to the school district or community 42430
school or STEM school, its officers, or the commission. 42431

(F) The members of an accountability compliance commission, 42432
the state superintendent, and any person authorized to act on 42433
behalf of or assist them shall not be personally liable or subject 42434
to any suit, judgment, or claim for damages resulting from the 42435
exercise of or failure to exercise the powers, duties, and 42436
functions granted to them in regard to their functioning under 42437
this section, but the commission, state superintendent, and such 42438
other persons shall be subject to mandamus proceedings to compel 42439
performance of their duties under this section. 42440

(G) Each member of an accountability compliance commission 42441
shall file the statement described in section 102.02 of the 42442
Revised Code with the Ohio ethics commission. The statement shall 42443
be confidential, subject to review, as described in division (B) 42444
of that section. 42445

(H) Meetings of each accountability compliance commission 42446
shall be subject to section 121.22 of the Revised Code. 42447

(I) Each accountability compliance commission shall seek 42448
input from the district board of education, community school 42449
governing authority, or STEM school governing body regarding ways 42450
to improve the district's or school's operations and compliance 42451
with the requirements of this chapter and the expenditure and 42452
reporting standards prescribed by rule adopted under section 42453
3306.25 of the Revised Code, but any decision of the commission 42454
related to any authority granted to the commission under this 42455
section shall be final. 42456

The commission may do any of the following: 42457

(1) Prepare and submit the school district's, community 42458

<u>school's, or STEM school's spending plan required under section</u>	42459
<u>3306.30 and, if applicable, section 3306.31 of the Revised Code;</u>	42460
<u>(2) Appoint school building administrators and reassign</u>	42461
<u>administrative personnel;</u>	42462
<u>(3) Terminate the contracts of administrators or</u>	42463
<u>administrative personnel. The commission shall not be required to</u>	42464
<u>comply with section 3319.16 of the Revised Code with respect to</u>	42465
<u>any contract terminated under this division.</u>	42466
<u>(4) Contract with a private entity to perform school or</u>	42467
<u>district management functions;</u>	42468
<u>(5) Establish a budget for the district or school and approve</u>	42469
<u>district or school appropriations and expenditures, unless, in the</u>	42470
<u>case of a school district, a financial planning and supervision</u>	42471
<u>commission has been established for the district pursuant to</u>	42472
<u>section 3316.05 of the Revised Code;</u>	42473
<u>(6) Exercise the powers, duties, and functions with respect</u>	42474
<u>to the district, community school, or STEM school as are granted</u>	42475
<u>to a financial planning and supervision commission with respect to</u>	42476
<u>a school district under divisions (A)(1) to (4) of section 3316.07</u>	42477
<u>of the Revised Code, unless a financial planning and supervision</u>	42478
<u>commission has been established for the district.</u>	42479
<u>(J) If the board of education of a school district, governing</u>	42480
<u>authority of a community school, or governing body of a STEM</u>	42481
<u>school for which an accountability compliance commission has been</u>	42482
<u>established renews any collective bargaining agreement under</u>	42483
<u>Chapter 4117. of the Revised Code during the existence of the</u>	42484
<u>commission, the board, governing authority, or governing body</u>	42485
<u>shall not enter into any agreement that would render any decision</u>	42486
<u>of the commission unenforceable.</u>	42487
<u>(K) An accountability compliance commission shall cease to</u>	42488
<u>exist at the beginning of the first year that none of the</u>	42489

circumstances described in division (A) of section 3306.33 of the 42490
Revised Code apply to the district, community school, or STEM 42491
school. 42492

Sec. 3306.35. The department of education shall develop a 42493
form, which shall be known as the "Formula ACcountability and 42494
Transparency" form or "FACT" form. The department annually shall 42495
issue and publish on its web site a FACT form for each city, 42496
local, and exempted village school district, community school 42497
established under Chapter 3314. of the Revised Code, and STEM 42498
school established under Chapter 3326. of the Revised Code. The 42499
form shall compare the payments to the district or school under 42500
each component prescribed by this chapter with the district's or 42501
school's deployment of those payments as indicated in its spending 42502
plan submitted under section 3306.30 and, if applicable, 3306.31 42503
of the Revised Code. The form shall not be the basis of any 42504
actions under section 3306.33 of the Revised Code but shall be a 42505
public document to inform parents, students, and taxpayers about 42506
the district's or school's spending. 42507

Sec. 3306.40. The board of education of a school district, 42508
the governing authority of a community school established under 42509
Chapter 3314. of the Revised Code, or the governing body of a STEM 42510
school established under Chapter 3326. of the Revised Code may 42511
apply to the superintendent of public instruction for a waiver of 42512
any standard or requirement of this chapter, including any 42513
applicable expenditure or reporting standard prescribed by rule 42514
adopted under section 3306.25 of the Revised Code. The board of 42515
education of any school district also may apply to the state 42516
superintendent for a waiver of any operating standard adopted 42517
under division (D)(3) of section 3301.07 of the Revised Code. 42518

The state board of education shall adopt standards for the 42519
approval or disapproval of waivers under this section. The state 42520

superintendent shall consider every application for a waiver, and 42521
shall determine whether to grant or deny a waiver in accordance 42522
with the state board's standards. For each waiver granted, the 42523
state superintendent shall specify the period of time during which 42524
the waiver is in effect, which shall not exceed five years. A 42525
district, community school, or STEM school may apply to renew a 42526
waiver. 42527

Sec. 3306.50. (A) The Harmon commission is hereby created. 42528

(1) The commission shall consist of twenty-one members, each 42529
of whom must be one of the following: 42530

(a) A classroom teacher; 42531

(b) A school administrator; 42532

(c) An instructor at a teacher preparation program under 42533
section 3333.048 of the Revised Code. 42534

(2) The members shall be appointed as follows: 42535

(a) Eleven persons, who are not also members of the general 42536
assembly, appointed jointly by the speaker of the house of 42537
representatives and the president of the senate, upon consultation 42538
with the minority leader of the house of representatives and the 42539
minority leader of the senate; 42540

(b) Ten persons appointed by the governor. 42541

In making their respective appointments under this section, 42542
the appointing authorities shall consult with each other so that 42543
of the twenty-one members appointed to the commission, there are 42544
at least five members from each of the categories prescribed in 42545
divisions (A)(1)(a) to (c) of this section. 42546

The members appointed under division (A)(2)(a) of this 42547
section shall serve for the duration of the general assembly in 42548
which they were appointed. 42549

The members appointed under division (A)(2)(b) of this section shall serve for the duration of the term of the governor in which they were appointed. 42550
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Vacancies on the commission shall be filled in the manner of the initial appointments. 42553
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(B) The chairperson of the commission shall be selected by the governor from among the members of the commission. 42555
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(C) The members of the commission shall serve without compensation but shall be paid by the department of education their necessary and actual expenses incurred while engaged in the business of the committee. 42557
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Sec. 3306.51. The Harmon commission shall review and approve or disapprove applications from city, exempted village, and local school districts and community schools established under Chapter 3314. of the Revised Code for individual classrooms to be designated as creative learning environments. To be eligible for designation of one or more of its classrooms as a creative learning environment, a community school shall enter into a memorandum of understanding, approved by the center for creativity and innovation in the department of education, with one or more school districts that specifies a collaborative agreement to share programming and resources to promote successful academic achievement for students and academic and fiscal efficiencies. 42561
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The commission shall designate a classroom as a creative learning environment if the commission determines that the classroom supports and emphasizes innovation in instruction methods and lesson plans and operates in accordance with the guidelines adopted by the state board of education under section 3306.52 of the Revised Code. Beginning July 1, 2010, a district or community school that has a classroom that is designated a creative learning environment may qualify for the pilot subsidy 42573
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prescribed by section 3306.57 of the Revised Code. 42581

Sec. 3306.52. The state board of education shall do both of 42582
the following: 42583

(A) Adopt guidelines for the Harmon commission to use in 42584
reviewing applications for creative learning environments. 42585

(B) Direct the department of education, through the center 42586
for creativity and innovation, to provide staff to assist the 42587
commission in carrying out the commission's duties under sections 42588
3306.50 to 3306.56 of the Revised Code. 42589

Sec. 3306.53. From January 1, 2010, through April 14, 2010, a 42590
city, exempted village, or local school district and a community 42591
school may submit to the Harmon commission an unlimited number of 42592
applications for first-time designation of individual classrooms 42593
as creative learning environments. No applications may be 42594
submitted between April 15, 2010, and July 1, 2010. After July 1, 42595
2011, each city, exempted village, or local school district and 42596
each eligible community school may submit only one application per 42597
fiscal year for first-time designation of one classroom as a 42598
creative learning environment. 42599

Sec. 3306.54. Not later than the first day of May each year, 42600
the Harmon commission shall begin meeting to review pending 42601
applications for first-time designations submitted under section 42602
3306.53 of the Revised Code. The commission shall approve or 42603
disapprove all pending applications by the first day of July. The 42604
decision of the commission is final. 42605

Sec. 3306.55. (A) The Harmon commission's first-time 42606
designation of a classroom as a creative learning environment is 42607
valid for one fiscal year. A school district or community school 42608
may apply to have the designation renewed. The commission shall 42609

renew the designation for the next two fiscal years if the school district or community school applies for the renewal and the commission finds that the classroom continues to meet the guidelines adopted under section 3306.52 of the Revised Code. The commission shall not renew the designation if the school district or community school does not apply for renewal or if the commission determines that the classroom no longer meets those guidelines.

(B) At the end of a two-year renewal granted under division (A) of this section, and every two fiscal years thereafter, the designation of a classroom as a creative learning environment is automatically renewed, without need for application, for the next two fiscal years, unless the designation is revoked under division (C) of this section.

(C) If the department of education at any time finds that the classroom is no longer operating in accordance with the standards adopted under section 3306.52 of the Revised Code, the department shall appeal the designation to the commission not later than the fifteenth day of February. The commission shall review the operation of the classroom and either continue the designation or revoke the designation. A revocation shall take effect on the first day of July following the department's appeal.

(D) The decision of the commission under divisions (A) to (C) of this section is final.

(E) If the commission does not renew a designation of a classroom under division (A) of this section or revokes that designation under division (C) of this section, the district or community school may reapply for designation of the classroom under section 3306.53 of the Revised Code. That application shall be treated as a new application for first-time designation.

Sec. 3306.56. The city, exempted village, or local school district or community school that operates a classroom designated by the Harmon commission as a creative learning environment shall submit periodic progress reports on the operation and performance of the classroom to the department of education in the manner and by the deadlines prescribed by the department.

Sec. 3306.57. (A) To facilitate the pilot subsidy prescribed by this section, the department of education annually shall rank each city, exempted village, or local school district according to income factor, as defined in section 3317.02 of the Revised Code, from lowest to highest income factor.

(B) Any school district that has one or more classrooms designated by the Harmon commission as a creative learning environment may apply for the pilot subsidy under this section if it is ranked in the lowest quintile according to income factor under division (A) of this section. Any community school established under Chapter 3314. of the Revised Code that has one or more classrooms designated by the Harmon commission as a creative learning environment may apply for the pilot subsidy. Each district and community school electing to apply shall do so in the manner and by the deadline established by the department. If more eligible districts and community schools apply for the subsidy than can be supported by the amount appropriated for the subsidy, the department shall select districts and community schools to receive the subsidy on a first-come, first served basis.

(C) Each school district or community school selected by the department for the pilot subsidy shall receive for fiscal year 2011 an amount equal to one hundred dollars for each student enrolled in a classroom operated by the district or community school that is designated as a creative learning environment.

(D) The department shall require each school district and community school that applies for a subsidy under this section to provide to the department, in the manner prescribed by the department, any data the department determines is necessary to process the district's or community school's application or subsidy payment.

Sec. 3307.31. (A) Payments by boards of education and governing authorities of community schools to the state teachers retirement system, as provided in sections 3307.29 and 3307.291 of the Revised Code, shall be made from the amount allocated under section 3314.08, Chapter 3306., or Chapter 3317. of the Revised Code prior to its distribution to the individual school districts or community schools. The amount due from each school district or community school shall be certified by the secretary of the system to the superintendent of public instruction monthly, or at such times as may be determined by the state teachers retirement board.

The superintendent shall deduct, from the amount allocated to each district or community school under section 3314.08, Chapter 3306., or Chapter 3317. of the Revised Code, the entire amounts due to the system from such district or school upon the certification to the superintendent by the secretary thereof.

The superintendent shall certify to the director of budget and management the amounts thus due the system for payment.

(B) Payments to the state teachers retirement system by a science, technology, engineering, and mathematics school shall be deducted from the amount allocated under section 3326.33 of the Revised Code and shall be made in the same manner as payments by boards of education under this section.

Sec. 3307.64. A disability benefit recipient, notwithstanding

section 3319.13 of the Revised Code, shall retain membership in 42701
the state teachers retirement system and shall be considered on 42702
leave of absence during the first five years following the 42703
effective date of a disability benefit. 42704

The state teachers retirement board shall require any 42705
disability benefit recipient to submit to an annual medical 42706
examination by a physician selected by the board, except that the 42707
board may waive the medical examination if the board's physician 42708
certifies that the recipient's disability is ongoing. If a 42709
disability benefit recipient refuses to submit to a medical 42710
examination, the recipient's disability benefit shall be suspended 42711
until the recipient withdraws the refusal. If the refusal 42712
continues for one year, all the recipient's rights under and to 42713
the disability benefit shall be terminated as of the effective 42714
date of the original suspension. 42715

After the examination, the examiner shall report and certify 42716
to the board whether the disability benefit recipient is no longer 42717
physically and mentally incapable of resuming the service from 42718
which the recipient was found disabled. If the board concurs in a 42719
report by the examining physician that the disability benefit 42720
recipient is no longer incapable, the payment of a disability 42721
benefit shall be terminated not later than the following 42722
thirty-first day of August or upon employment as a teacher prior 42723
thereto. If the leave of absence has not expired, the board shall 42724
so certify to the disability benefit recipient's last employer 42725
before being found disabled that the recipient is no longer 42726
physically and mentally incapable of resuming service that is the 42727
same or similar to that from which the recipient was found 42728
disabled. If the recipient was under contract at the time the 42729
recipient was found disabled, the employer by the first day of the 42730
next succeeding year shall restore the recipient to the 42731
recipient's previous position and salary or to a position and 42732

salary similar thereto, unless the recipient was dismissed or 42733
resigned in lieu of dismissal for dishonesty, misfeasance, 42734
malfeasance, or conviction of a felony. 42735

A disability benefit shall terminate if the disability 42736
benefit recipient becomes employed as a teacher in any public or 42737
private school or institution in this state or elsewhere. An 42738
individual receiving a disability benefit from the system shall be 42739
ineligible for any employment as a teacher and it shall be 42740
unlawful for any employer to employ the individual as a teacher. 42741
If any employer should employ or reemploy the individual prior to 42742
the termination of a disability benefit, the employer shall file 42743
notice of employment with the board designating the date of the 42744
employment. If the individual should be paid both a disability 42745
benefit and also compensation for teaching service for all or any 42746
part of the same month, the secretary of the board shall certify 42747
to the employer or to the superintendent of public instruction the 42748
amount of the disability benefit received by the individual during 42749
the employment, which amount shall be deducted from any amount due 42750
the employing district under ~~Chapter~~ Chapters 3306. and 3317. of 42751
the Revised Code or shall be paid by the employer to the annuity 42752
and pension reserve fund. 42753

Each disability benefit recipient shall file with the board 42754
an annual statement of earnings, current medical information on 42755
the recipient's condition, and any other information required in 42756
rules adopted by the board. The board may waive the requirement 42757
that a disability benefit recipient file an annual statement of 42758
earnings or current medical information if the board's physician 42759
certifies that the recipient's disability is ongoing. 42760

The board shall annually examine the information submitted by 42761
the recipient. If a disability benefit recipient refuses to file 42762
the statement or information, the disability benefit shall be 42763
suspended until the statement and information are filed. If the 42764

refusal continues for one year, the recipient's right to the 42765
disability benefit shall be terminated as of the effective date of 42766
the original suspension. 42767

A disability benefit also may be terminated by the board at 42768
the request of the disability benefit recipient. 42769

If disability retirement under section 3307.63 of the Revised 42770
Code is terminated for any reason, the annuity and pension 42771
reserves at that time in the annuity and pension reserve fund 42772
shall be transferred to the teachers' savings fund and the 42773
employers' trust fund, respectively. If the total disability 42774
benefit paid was less than the amount of the accumulated 42775
contributions of the member transferred to the annuity and pension 42776
reserve fund at the time of the member's disability retirement, 42777
then the difference shall be transferred from the annuity and 42778
pension reserve fund to another fund as required. In determining 42779
the amount of a member's account following the termination of 42780
disability retirement for any reason, the total amount paid shall 42781
be charged against the member's refundable account. 42782

If a disability allowance paid under section 3307.631 of the 42783
Revised Code is terminated for any reason, the reserve on the 42784
allowance at that time in the annuity and pension reserve fund 42785
shall be transferred from that fund to the employers' trust fund. 42786

If a former disability benefit recipient again becomes a 42787
contributor, other than as an other system retirant under section 42788
3307.35 of the Revised Code, to this retirement system, the school 42789
employees retirement system, or the public employees retirement 42790
system, and completes at least two additional years of service 42791
credit, the former disability benefit recipient shall receive 42792
credit for the period as a disability benefit recipient. 42793

Sec. 3309.41. (A) A disability benefit recipient shall retain 42794
membership status and shall be considered on leave of absence from 42795

employment during the first five years following the effective 42796
date of a disability benefit, notwithstanding any contrary 42797
provisions in Chapter 124. or 3319. of the Revised Code. 42798

(B) The school employees retirement board shall require a 42799
disability benefit recipient to undergo an annual medical 42800
examination, except that the board may waive the medical 42801
examination if the board's physician or physicians certify that 42802
the recipient's disability is ongoing. Should any disability 42803
benefit recipient refuse to submit to a medical examination, the 42804
recipient's disability benefit shall be suspended until withdrawal 42805
of the refusal. Should the refusal continue for one year, all the 42806
recipient's rights in and to the disability benefit shall be 42807
terminated as of the effective date of the original suspension. 42808

(C) On completion of the examination by an examining 42809
physician or physicians selected by the board, the physician or 42810
physicians shall report and certify to the board whether the 42811
disability benefit recipient is no longer physically and mentally 42812
incapable of resuming the service from which the recipient was 42813
found disabled. If the board concurs in the report that the 42814
disability benefit recipient is no longer incapable, the payment 42815
of the disability benefit shall be terminated not later than three 42816
months after the date of the board's concurrence or upon 42817
employment as an employee. If the leave of absence has not 42818
expired, the retirement board shall certify to the disability 42819
benefit recipient's last employer before being found disabled that 42820
the recipient is no longer physically and mentally incapable of 42821
resuming service that is the same or similar to that from which 42822
the recipient was found disabled. The employer shall restore the 42823
recipient to the recipient's previous position and salary or to a 42824
position and salary similar thereto not later than the first day 42825
of the first month following termination of the disability 42826
benefit, unless the recipient was dismissed or resigned in lieu of 42827

dismissal for dishonesty, misfeasance, malfeasance, or conviction 42828
of a felony. 42829

(D) Each disability benefit recipient shall file with the 42830
board an annual statement of earnings, current medical information 42831
on the recipient's condition, and any other information required 42832
in rules adopted by the board. The board may waive the requirement 42833
that a disability benefit recipient file an annual statement of 42834
earnings or current medical information on the recipient's 42835
condition if the board's physician or physicians certify that the 42836
recipient's disability is ongoing. 42837

The board shall annually examine the information submitted by 42838
the recipient. If a disability benefit recipient refuses to file 42839
the statement or information, the disability benefit shall be 42840
suspended until the statement and information are filed. If the 42841
refusal continues for one year, the recipient's right to the 42842
disability benefit shall be terminated as of the effective date of 42843
the original suspension. 42844

(E) If a disability benefit recipient is employed by an 42845
employer covered by this chapter, the recipient's disability 42846
benefit shall cease. 42847

(F) If disability retirement under section 3309.40 of the 42848
Revised Code is terminated for any reason, the annuity and pension 42849
reserves at that time in the annuity and pension reserve fund 42850
shall be transferred to the employees' savings fund and the 42851
employers' trust fund, respectively. If the total disability 42852
benefit paid is less than the amount of the accumulated 42853
contributions of the member transferred into the annuity and 42854
pension reserve fund at the time of the member's disability 42855
retirement, the difference shall be transferred from the annuity 42856
and pension reserve fund to another fund as may be required. In 42857
determining the amount of a member's account following the 42858
termination of disability retirement for any reason, the amount 42859

paid shall be charged against the member's refundable account. 42860

If a disability allowance paid under section 3309.401 of the 42861
Revised Code is terminated for any reason, the reserve on the 42862
allowance at that time in the annuity and pension reserve fund 42863
shall be transferred from that fund to the employers' trust fund. 42864

The board may terminate a disability benefit at the request 42865
of the recipient. 42866

(G) If a disability benefit is terminated and a former 42867
disability benefit recipient again becomes a contributor, other 42868
than as an other system retirant as defined in section 3309.341 of 42869
the Revised Code, to this system, the public employees retirement 42870
system, or the state teachers retirement system, and completes an 42871
additional two years of service credit after the termination of 42872
the disability benefit, the former disability benefit recipient 42873
shall be entitled to full service credit for the period as a 42874
disability benefit recipient. 42875

(H) If any employer employs any member who is receiving a 42876
disability benefit, the employer shall file notice of employment 42877
with the retirement board, designating the date of employment. In 42878
case the notice is not filed, the total amount of the benefit paid 42879
during the period of employment prior to notice shall be paid from 42880
amounts allocated under ~~Chapter~~ Chapters 3306. and 3317. of the 42881
Revised Code prior to its distribution to the school district in 42882
which the disability benefit recipient was so employed. 42883

Sec. 3309.48. Any employee who left the service of an 42884
employer after attaining age sixty-five or over and such employer 42885
had failed or refused to deduct and transmit to the school 42886
employees retirement system the employee contributions as required 42887
by section 3309.47 of the Revised Code during any year for which 42888
membership was compulsory as determined by the school employees 42889
retirement board, shall be granted service credit without cost, 42890

which shall be considered as total service credit for the purposes 42891
of meeting the qualifications for service retirement provided by 42892
the law in effect on and retroactive to the first eligible 42893
retirement date following the date such employment terminated, but 42894
shall not be paid until formal application for such allowance on a 42895
form provided by the retirement board is received in the office of 42896
the retirement system. The total service credit granted under this 42897
section shall not exceed ten years for any such employee. 42898

The liability incurred by the retirement board because of the 42899
service credit granted under this section shall be determined by 42900
the retirement board, the cost of which shall be equal to an 42901
amount that is determined by applying the combined employee and 42902
employer rates of contribution against the compensation of such 42903
employee at the rates of contribution and maximum salary 42904
provisions in effect during such employment for each year for 42905
which credit is granted, together with interest at the rate to be 42906
credited accumulated contributions at retirement, compounded 42907
annually from the first day of the month payment was due the 42908
retirement system to and including the month of deposit, the total 42909
amount of which shall be collected from the employer. Such amounts 42910
shall be certified by the retirement board to the superintendent 42911
of public instruction, who shall deduct the amount due the system 42912
from any funds due the affected school district under ~~Chapter~~ 42913
Chapters 3306. and 3317. of the Revised Code. The superintendent 42914
shall certify to the director of budget and management the amount 42915
due the system for payment. The total amount paid shall be 42916
deposited into the employers' trust fund, and shall not be 42917
considered as accumulated contributions of the employee in the 42918
event of ~~his~~ the employee's death or withdrawal of funds. 42919

Sec. 3309.51. (A) Each employer shall pay annually into the 42920
employers' trust fund, in such monthly or less frequent 42921
installments as the school employees retirement board requires, an 42922

amount certified by the school employees retirement board, which 42923
shall be as required by Chapter 3309. of the Revised Code. 42924

Payments by school district boards of education to the 42925
employers' trust fund of the school employees retirement system 42926
may be made from the amounts allocated under ~~Chapter~~ Chapters 42927
3306. and 3317. of the Revised Code prior to their distribution to 42928
the individual school districts. The amount due from each school 42929
district may be certified by the secretary of the system to the 42930
superintendent of public instruction monthly, or at such times as 42931
is determined by the school employees retirement board. 42932

Payments by governing authorities of community schools to the 42933
employers' trust fund of the school employees retirement system 42934
shall be made from the amounts allocated under ~~section~~ sections 42935
3306.16 and 3314.08 of the Revised Code prior to their 42936
distribution to the individual community schools. The amount due 42937
from each community school shall be certified by the secretary of 42938
the system to the superintendent of public instruction monthly, or 42939
at such times as determined by the school employees retirement 42940
board. 42941

Payments by a science, technology, engineering, and 42942
mathematics school, other than one governed as provided in section 42943
3326.51 of the Revised Code, to the employers' trust fund of the 42944
school employees retirement system shall be made from the amounts 42945
allocated under ~~section~~ sections 3306.17, 3326.33, and 3326.34 of 42946
the Revised Code prior to their distribution to the school. The 42947
amount due from a science, technology, engineering, and 42948
mathematics school shall be certified by the secretary of the 42949
school employees retirement system to the superintendent of public 42950
instruction monthly, or at such times as determined by the school 42951
employees retirement board. 42952

(B) The superintendent shall deduct from the amount allocated 42953
to each community school under ~~section~~ sections 3306.16 and 42954

3314.08 of the Revised Code, to each school district under ~~Chapter~~ 42955
Chapters 3306. and 3317. of the Revised Code, or to each science, 42956
technology, engineering, and mathematics school under ~~section~~ 42957
sections 3306.17, 3326.33, and 3326.34 of the Revised Code the 42958
entire amounts due to the school employees retirement system from 42959
such school or school district upon the certification to the 42960
superintendent by the secretary thereof. 42961

(C) Where an employer fails or has failed or refuses to make 42962
payments to the employers' trust fund, as provided for under 42963
Chapter 3309. of the Revised Code, the secretary of the school 42964
employees retirement system may certify to the state 42965
superintendent of public instruction, monthly or at such times as 42966
is determined by the school employees retirement board, the amount 42967
due from such employer, and the superintendent shall deduct from 42968
the amount allocated to the employer under section 3314.08 ~~or~~ 42969
3326.33, or 3326.34 or Chapter 3306. or 3317. of the Revised Code, 42970
as applicable, the entire amounts due to the system from the 42971
employer upon the certification to the superintendent by the 42972
secretary of the school employees retirement system. 42973

(D) The superintendent shall certify to the director of 42974
budget and management the amounts thus due the system for payment. 42975
42976

Sec. 3310.03. (A) A student is an "eligible student" for 42977
purposes of the educational choice scholarship pilot program if 42978
the student's resident district is not a school district in which 42979
the pilot project scholarship program is operating under sections 42980
3313.974 to 3313.979 of the Revised Code; the student is not 42981
enrolled, for any portion of the school year in which the student 42982
submits an application for the scholarship, in a nonpublic school; 42983
and the student satisfies one of the following conditions: 42984

(1) The student is enrolled in a school building that is 42985

operated by the student's resident district and to which both of 42986
the following apply: 42987

(a) The building was declared, in at least two of the three 42988
most recent ratings of school buildings published prior to the 42989
first day of July of the school year for which a scholarship is 42990
sought, to be in a state of academic emergency or academic watch 42991
under section 3302.03 of the Revised Code; 42992

(b) The building was not declared to be excellent or 42993
effective under that section in the most recent rating published 42994
prior to the first day of July of the school year for which a 42995
scholarship is sought. 42996

(2) The student is eligible to enroll in kindergarten in the 42997
school year for which a scholarship is sought and otherwise would 42998
be assigned under section 3319.01 of the Revised Code to a school 42999
building described in division (A)(1) of this section. 43000

(3) The student is enrolled in a community school established 43001
under Chapter 3314. of the Revised Code but otherwise would be 43002
assigned under section 3319.01 of the Revised Code to a building 43003
described in division (A)(1) of this section. 43004

(4) The student is enrolled in a school building that is 43005
operated by the student's resident district or in a community 43006
school established under Chapter 3314. of the Revised Code and 43007
otherwise would be assigned under section 3319.01 of the Revised 43008
Code to a school building described in division (A)(1) of this 43009
section in the school year for which the scholarship is sought. 43010

(5) The student is eligible to enroll in kindergarten in the 43011
school year for which a scholarship is sought, or is enrolled in a 43012
community school established under Chapter 3314. of the Revised 43013
Code, and all of the following apply to the student's resident 43014
district: 43015

(a) The district has in force an intradistrict open 43016

enrollment policy under which no student in kindergarten or the 43017
community school student's grade level, respectively, is 43018
automatically assigned to a particular school building; 43019

(b) In at least two of the three most recent ratings of 43020
school districts published prior to the first day of July of the 43021
school year for which a scholarship is sought, the district was 43022
declared to be in a state of academic emergency under section 43023
3302.03 of the Revised Code; 43024

(c) The district was not declared to be excellent or 43025
effective under that section in the most recent rating published 43026
prior to the first day of July of the school year for which a 43027
scholarship is sought. 43028

(B) A student who receives a scholarship under the 43029
educational choice scholarship pilot program remains an eligible 43030
student and may continue to receive scholarships in subsequent 43031
school years until the student completes grade twelve, so long as 43032
all of the following apply: 43033

(1) The student's resident district remains the same, or the 43034
student transfers to a new resident district and otherwise would 43035
be assigned in the new resident district to a school building 43036
described in division (A)(1) of this section; 43037

(2) The student takes each ~~state test~~ assessment prescribed 43038
for the student's grade level under section 3301.0710 or 3301.0712 43039
of the Revised Code while enrolled in a chartered nonpublic 43040
school; 43041

(3) In each school year that the student is enrolled in a 43042
chartered nonpublic school, the student is absent from school for 43043
not more than twenty days that the school is open for instruction, 43044
not including excused absences. 43045

(C) The department shall cease awarding first-time 43046
scholarships pursuant to divisions (A)(1) to (4) of this section 43047

with respect to a school building that, in the most recent ratings 43048
of school buildings published under section 3302.03 of the Revised 43049
Code prior to the first day of July of the school year, ceases to 43050
meet the criteria in division (A)(1) of this section. The 43051
department shall cease awarding first-time scholarships pursuant 43052
to division (A)(5) of this section with respect to a school 43053
district that, in the most recent ratings of school districts 43054
published under section 3302.03 of the Revised Code prior to the 43055
first day of July of the school year, ceases to meet the criteria 43056
in division (A)(5) of this section. However, students who have 43057
received scholarships in the prior school year remain eligible 43058
students pursuant to division (B) of this section. 43059

(D) The state board of education shall adopt rules defining 43060
excused absences for purposes of division (B)(3) of this section. 43061

Sec. 3310.08. (A) The amount paid for an eligible student 43062
under the educational choice scholarship pilot program shall be 43063
the lesser of the tuition of the chartered nonpublic school in 43064
which the student is enrolled or the maximum amount prescribed in 43065
section 3310.09 of the Revised Code. 43066

(B)(1) The department shall pay to the parent of each 43067
eligible student for whom a scholarship is awarded under the 43068
program, or to the student if at least eighteen years of age, 43069
periodic partial payments of the scholarship. 43070

(2) The department shall proportionately reduce or terminate 43071
the payments for any student who withdraws from a chartered 43072
nonpublic school prior to the end of the school year. 43073

(C)(1) The department shall deduct five thousand two hundred 43074
dollars from the payments made to each school district under 43075
~~Chapter~~ Chapters 3306. and 3317. and, if necessary, sections 43076
321.24 and 323.156 of the Revised Code ~~one of the following~~ 43077
~~amounts, as applicable,~~ for each eligible student awarded a 43078

scholarship under the educational choice scholarship pilot program 43079
who is entitled under section 3313.64 or 3313.65 of the Revised 43080
Code to attend school in the district+ 43081

~~(a) For each scholarship student enrolled in kindergarten,~~ 43082
~~two thousand seven hundred dollars;~~ 43083

~~(b) For each scholarship student enrolled in grades one to~~ 43084
~~twelve, five thousand two hundred dollars.~~ 43085

The amount deducted under division (C)(1) of this section 43086
funds scholarships for students under both the educational choice 43087
scholarship pilot program and the pilot project scholarship 43088
program under sections 3313.974 to 3313.979 of the Revised Code. 43089

(2) If the department reduces or terminates payments to a 43090
parent or a student, as prescribed in division (B)(2) of this 43091
section, and the student enrolls in the schools of the student's 43092
resident district ~~or in a community school, established under~~ 43093
~~Chapter 3314. of the Revised Code,~~ before the end of the school 43094
year, the department shall proportionally restore to the resident 43095
district the amount deducted for that student under division 43096
(C)(1) of this section. 43097

(D) In the case of any school district from which a deduction 43098
is made under division (C) of this section, the department shall 43099
disclose on the district's SF-3 form, or any successor to that 43100
form used to calculate a district's state funding for operating 43101
expenses, a comparison of the following: 43102

(1) The district's ~~state base cost~~ state share of the 43103
adequacy amount payment, as calculated under ~~division (A)(1) of~~ 43104
section ~~3317.022~~ 3306.13 of the Revised Code ~~prior to making the~~ 43105
~~adjustments under divisions (A)(2) and (3) of that section,~~ with 43106
the scholarship students included in the district's formula ADM; 43107

(2) What the district's state ~~base cost~~ share of the adequacy 43108
amount payment would have been, as calculated under ~~division~~ 43109

~~(A)(1) of that section prior to making the adjustments under~~ 43110
~~divisions (A)(2) and (3) of that section, if the scholarship~~ 43111
~~students were not included in the district's formula ADM.~~ 43112

This comparison shall display both the aggregate difference 43113
between the amounts described in divisions (D)(1) and (2) of this 43114
section, and the quotient of that aggregate difference divided by 43115
the number of eligible students for whom deductions are made under 43116
division (C) of this section. 43117

Sec. 3310.09. ~~(A)~~ The maximum amount awarded to an eligible 43118
student ~~in fiscal year 2007~~ under the educational choice 43119
scholarship pilot program shall be as follows: 43120

~~(1)(A)~~ For grades kindergarten through eight, four thousand 43121
~~two~~ five hundred fifty dollars; 43122

~~(2)(B)~~ For grades nine through twelve, five thousand three 43123
hundred dollars. 43124

~~(B) In fiscal year 2008 and in each fiscal year thereafter,~~ 43125
~~the maximum amount awarded under the program shall be the~~ 43126
~~applicable maximum amount awarded in the previous fiscal year~~ 43127
~~increased by the same percentage by which the general assembly~~ 43128
~~increased the formula amount, as defined in section 3317.02 of the~~ 43129
~~Revised Code, from the previous fiscal year.~~ 43130

Sec. 3310.11. (A) Only for the purpose of administering the 43131
educational choice scholarship pilot program, the department of 43132
education may request from any of the following entities the data 43133
verification code assigned under division (D)(2) of section 43134
3301.0714 of the Revised Code to any student who is seeking a 43135
scholarship under the program: 43136

(1) The student's resident district; 43137

(2) If applicable, the community school in which that student 43138

is enrolled; 43139

(3) The independent contractor engaged to create and maintain 43140
student data verification codes. 43141

(B) Upon a request by the department under division (A) of 43142
this section for the data verification code of a student seeking a 43143
scholarship or a request by the student's parent for that code, 43144
the school district or community school shall submit that code to 43145
the department or parent in the manner specified by the 43146
department. If the student has not been assigned a code, because 43147
the student will be entering kindergarten during the school year 43148
for which the scholarship is sought, the district shall assign a 43149
code to that student and submit the code to the department or 43150
parent by a date specified by the department. If the district does 43151
not assign a code to the student by the specified date, the 43152
department shall assign a code to that student. 43153

The department annually shall submit to each school district 43154
the name and data verification code of each student residing in 43155
the district who is entering kindergarten, who has been awarded a 43156
scholarship under the program, and for whom the department has 43157
assigned a code under this division. 43158

(C) For the purpose of administering the applicable ~~tests~~ 43159
assessments prescribed under sections 3301.0710 and 3301.0712 of 43160
the Revised Code, as required by section 3310.14 of the Revised 43161
Code, the department shall provide to each chartered nonpublic 43162
school that enrolls a scholarship student the data verification 43163
code for that student. 43164

(D) The department and each chartered nonpublic school that 43165
receives a data verification code under this section shall not 43166
release that code to any person except as provided by law. 43167

Any document relative to this program that the department 43168
holds in its files that contains both a student's name or other 43169

personally identifiable information and the student's data 43170
verification code shall not be a public record under section 43171
149.43 of the Revised Code. 43172

Sec. 3310.14. Notwithstanding division (K) of section 43173
3301.0711 of the Revised Code, each chartered nonpublic school 43174
that enrolls students awarded scholarships under sections 3310.01 43175
to 3310.17 of the Revised Code annually shall administer the ~~tests~~ 43176
assessments prescribed by section 3301.0710 or 3301.0712 of the 43177
Revised Code to each scholarship student enrolled in the school in 43178
accordance with section 3301.0711 of the Revised Code. Each 43179
chartered nonpublic school shall report to the department of 43180
education the results of each ~~test~~ assessment administered to each 43181
scholarship student under this section. 43182

Nothing in this section requires a chartered nonpublic school 43183
to administer any achievement ~~test~~ assessment, except for an Ohio 43184
graduation test prescribed by division (B)(1) of section 3301.0710 43185
of the Revised Code, as required by section 3313.612 of the 43186
Revised Code, to any student enrolled in the school who is not a 43187
scholarship student. 43188

Sec. 3310.15. (A) The department of education annually shall 43189
compile the scores attained by scholarship students to whom an 43190
assessment is administered under section 3310.14 of the Revised 43191
Code. The scores shall be aggregated as follows: 43192

(1) By state, which shall include all students awarded a 43193
scholarship under the educational choice scholarship pilot program 43194
and who were required to take an assessment under section 3310.14 43195
of the Revised Code; 43196

(2) By school district, which shall include all scholarship 43197
students who were required to take an assessment under section 43198
3310.14 of the Revised Code and for whom the district is the 43199

<u>student's resident district;</u>	43200
<u>(3) By chartered nonpublic school, which shall include all</u>	43201
<u>scholarship students enrolled in that school who were required to</u>	43202
<u>take an assessment under section 3310.14 of the Revised Code.</u>	43203
<u>(B) The department shall disaggregate the student performance</u>	43204
<u>data described in division (A) of this section according to the</u>	43205
<u>following categories:</u>	43206
<u>(1) Age;</u>	43207
<u>(2) Race and ethnicity;</u>	43208
<u>(3) Gender;</u>	43209
<u>(4) Students who have participated in the scholarship program</u>	43210
<u>for three or more years;</u>	43211
<u>(5) Students who have participated in the scholarship program</u>	43212
<u>for more than one year and less than three years;</u>	43213
<u>(6) Students who have participated in the scholarship program</u>	43214
<u>for one year or less;</u>	43215
<u>(7) Economically disadvantaged students.</u>	43216
<u>(C) The department shall post the student performance data</u>	43217
<u>required under divisions (A) and (B) of this section on its web</u>	43218
<u>site and, by the first day of February each year, shall distribute</u>	43219
<u>that data to the parent of each eligible student. In reporting</u>	43220
<u>student performance data under this division, the department shall</u>	43221
<u>not include any data that is statistically unreliable or that</u>	43222
<u>could result in the identification of individual students. For</u>	43223
<u>this purpose, the department shall not report performance data for</u>	43224
<u>any group that contains less than ten students.</u>	43225
<u>(D) The department shall provide the parent of each</u>	43226
<u>scholarship student with information comparing the student's</u>	43227
<u>performance on the assessments administered under section 3310.14</u>	43228
<u>of the Revised Code with the average performance of similar</u>	43229

students enrolled in the building operated by the student's 43230
resident district that the scholarship student would otherwise 43231
attend. In calculating the performance of similar students, the 43232
department shall consider age, grade, race and ethnicity, gender, 43233
and socioeconomic status. 43234

Sec. 3310.41. (A) As used in this section: 43235

(1) "Alternative public provider" means either of the 43236
following providers that agrees to enroll a child in the 43237
provider's special education program to implement the child's 43238
individualized education program and to which the child's parent 43239
owes fees for the services provided to the child: 43240

(a) A school district that is not the school district in 43241
which the child is entitled to attend school; 43242

(b) A public entity other than a school district. 43243

(2) "Entitled to attend school" means entitled to attend 43244
school in a school district under section 3313.64 or 3313.65 of 43245
the Revised Code. 43246

(3) "Formula ADM" and "category six special education ADM" 43247
have the same meanings as in section 3317.02 of the Revised Code. 43248

(4) "Preschool child with a disability" and "individualized 43249
education program" have the same meanings as in section 3323.01 of 43250
the Revised Code. 43251

(5) "Parent" has the same meaning as in section 3313.64 of 43252
the Revised Code, except that "parent" does not mean a parent 43253
whose custodial rights have been terminated. 43254

(6) "Preschool scholarship ADM" means the number of preschool 43255
children with disabilities reported under division (B)(3)(h) of 43256
section 3317.03 of the Revised Code. 43257

(7) "Qualified special education child" is a child for whom 43258

all of the following conditions apply: 43259

(a) The school district in which the child is entitled to 43260
attend school has identified the child as autistic. A child who 43261
has been identified as having a "pervasive developmental disorder 43262
- not otherwise specified (PPD-NOS)" shall be considered to be an 43263
autistic child for purposes of this section. 43264

(b) The school district in which the child is entitled to 43265
attend school has developed an individualized education program 43266
under Chapter 3323. of the Revised Code for the child. 43267

(c) The child either: 43268

(i) Was enrolled in the school district in which the child is 43269
entitled to attend school in any grade from preschool through 43270
twelve in the school year prior to the year in which a scholarship 43271
under this section is first sought for the child; or 43272

(ii) Is eligible to enter school in any grade preschool 43273
through twelve in the school district in which the child is 43274
entitled to attend school in the school year in which a 43275
scholarship under this section is first sought for the child. 43276

(8) "Registered private provider" means a nonpublic school or 43277
other nonpublic entity that has been approved by the department of 43278
education to participate in the program established under this 43279
section. 43280

(9) "Special education program" means a school or facility 43281
that provides special education and related services to children 43282
with disabilities. 43283

(B) There is hereby established the autism scholarship 43284
program. Under the program, the department of education shall pay 43285
a scholarship to the parent of each qualified special education 43286
child upon application of that parent pursuant to procedures and 43287
deadlines established by rule of the state board of education. 43288

Each scholarship shall be used only to pay tuition for the child 43289
on whose behalf the scholarship is awarded to attend a special 43290
education program that implements the child's individualized 43291
education program and that is operated by an alternative public 43292
provider or by a registered private provider. Each scholarship 43293
shall be in an amount not to exceed the lesser of the tuition 43294
charged for the child by the special education program or twenty 43295
thousand dollars. The purpose of the scholarship is to permit the 43296
parent of a qualified special education child the choice to send 43297
the child to a special education program, instead of the one 43298
operated by or for the school district in which the child is 43299
entitled to attend school, to receive the services prescribed in 43300
the child's individualized education program once the 43301
individualized education program is finalized. A scholarship under 43302
this section shall not be awarded to the parent of a child while 43303
the child's individualized education program is being developed by 43304
the school district in which the child is entitled to attend 43305
school, or while any administrative or judicial mediation or 43306
proceedings with respect to the content of the child's 43307
individualized education program are pending. A scholarship under 43308
this section shall not be used for a child to attend a public 43309
special education program that operates under a contract, compact, 43310
or other bilateral agreement between the school district in which 43311
the child is entitled to attend school and another school district 43312
or other public provider, or for a child to attend a community 43313
school established under Chapter 3314. of the Revised Code. 43314
However, nothing in this section or in any rule adopted by the 43315
state board shall prohibit a parent whose child attends a public 43316
special education program under a contract, compact, or other 43317
bilateral agreement, or a parent whose child attends a community 43318
school, from applying for and accepting a scholarship under this 43319
section so that the parent may withdraw the child from that 43320
program or community school and use the scholarship for the child 43321

to attend a special education program for which the parent is 43322
required to pay for services for the child. A child attending a 43323
special education program with a scholarship under this section 43324
shall continue to be entitled to transportation to and from that 43325
program in the manner prescribed by law. 43326

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 43327
(B)(10) of section 3317.03 of the Revised Code, a child who is not 43328
a preschool child with a disability for whom a scholarship is 43329
awarded under this section shall be counted in the formula ADM and 43330
the category six special education ADM of the district in which 43331
the child is entitled to attend school and not in the formula ADM 43332
and the category six special education ADM of any other school 43333
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 43334
section 3317.03 of the Revised Code, a child who is a preschool 43335
child with a disability for whom a scholarship is awarded under 43336
this section shall be counted in the preschool scholarship ADM and 43337
category six special education ADM of the school district in which 43338
the child is entitled to attend school and not in the preschool 43339
scholarship ADM or category six special education ADM of any other 43340
school district. 43341

(2) In each fiscal year, the department shall deduct from the 43342
amounts paid to each school district under ~~Chapter~~ Chapters 3306. 43343
and 3317. of the Revised Code, and, if necessary, sections 321.24 43344
and 323.156 of the Revised Code, the aggregate amount of 43345
scholarships awarded under this section for qualified special 43346
education children included in the formula ADM, or preschool 43347
scholarship ADM, and in the category six special education ADM of 43348
that school district as provided in division (C)(1) of this 43349
section. ~~The~~ When computing the school district's instructional 43350
services support under section 3306.05 of the Revised Code, the 43351
department shall add the district's preschool scholarship ADM to 43352
the district's formula ADM. 43353

The scholarships deducted shall be considered as an approved 43354
special education and related services expense ~~for the purpose of~~ 43355
the school ~~district's compliance with division (C)(5) of section~~ 43356
~~3317.022 of the Revised Code~~ district. 43357

(3) From time to time, the department shall make a payment to 43358
the parent of each qualified special education child for whom a 43359
scholarship has been awarded under this section. The scholarship 43360
amount shall be proportionately reduced in the case of any such 43361
child who is not enrolled in the special education program for 43362
which a scholarship was awarded under this section for the entire 43363
school year. The department shall make no payments to the parent 43364
of a child while any administrative or judicial mediation or 43365
proceedings with respect to the content of the child's 43366
individualized education program are pending. 43367

(D) A scholarship shall not be paid to a parent for payment 43368
of tuition owed to a nonpublic entity unless that entity is a 43369
registered private provider. The department shall approve entities 43370
that meet the standards established by rule of the state board for 43371
the program established under this section. 43372

(E) The state board shall adopt rules under Chapter 119. of 43373
the Revised Code prescribing procedures necessary to implement 43374
this section, including, but not limited to, procedures and 43375
deadlines for parents to apply for scholarships, standards for 43376
registered private providers, and procedures for approval of 43377
entities as registered private providers. 43378

Sec. 3311.0510. (A) If all of the local school districts that 43379
make up the territory of an educational service center have 43380
severed from the territory of that service center pursuant to 43381
section 3311.059 of the Revised Code, upon the effective date of 43382
the severance of the last remaining local school district to make 43383
up the territory of the service center, the governing board of 43384

that service center shall be abolished and such service center 43385
shall be dissolved by order of the superintendent of public 43386
instruction. The superintendent's order shall provide for the 43387
equitable division and disposition of the assets, property, debts, 43388
and obligations of the service center among the local school 43389
districts, of which the territory of the service center is or 43390
previously was made up, and shall provide that the tax duplicate 43391
of each of those local school districts shall be bound for and 43392
assume the district's equitable share of the outstanding 43393
indebtedness of the service center. The superintendent's order is 43394
final and is not appealable. 43395

Immediately upon the abolishment of the service center 43396
governing board pursuant to this section, the superintendent shall 43397
appoint a qualified individual to administer the dissolution of 43398
the service center and to implement the terms of the 43399
superintendent's dissolution order. Prior to distributing assets 43400
to any local school district, but after paying in full other debts 43401
and obligations of the service center, the superintendent of 43402
public instruction may assess against the remaining assets of the 43403
service center the amount of the costs incurred by the department 43404
of education in performing the superintendent's duties under this 43405
division, including the fees, if any, owed to the individual 43406
appointed to administer the superintendent's dissolution order. 43407
Any excess cost incurred by the department under this division 43408
shall be divided equitably among the local school districts, of 43409
which the territory of the service center is or previously was 43410
made up, and each district's share of that excess cost shall be 43411
bound against the tax duplicate of that district. 43412

43413
(B) A final audit of the former service center shall be 43414
performed in accordance with procedures established by the auditor 43415
of state. 43416

(C) The public records of an educational service center that is dissolved under this section shall be transferred in accordance with this division. Public records maintained by the service center in connection with services provided by the service center to local school districts shall be transferred to each of the respective local school districts. Public records maintained by the service center in connection with services provided under an agreement with a city or exempted village school district pursuant to section 3313.843 of the Revised Code shall be transferred to each of the respective city or exempted village school districts. All other public records maintained by the service center at the time the service center ceases operations shall be transferred to the Ohio historical society for analysis and disposition by the society in its capacity as archives administrator for the state and its political subdivisions pursuant to division (C) of section 149.30 and section 149.31 of the Revised Code.

Sec. 3311.06. (A) As used in this section:

(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.

(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.

(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory.

(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of

this section and has been filed with the state board. 43448

(B) The territory included within the boundaries of a city, 43449
local, exempted village, or joint vocational school district shall 43450
be contiguous except where a natural island forms an integral part 43451
of the district, where the state board of education authorizes a 43452
noncontiguous school district, as provided in division (E)(1) of 43453
this section, or where a local school district is created pursuant 43454
to section 3311.26 of the Revised Code from one or more local 43455
school districts, one of which has entered into an agreement under 43456
section 3313.42 of the Revised Code. 43457

(C)(1) When all of the territory of a school district is 43458
annexed to a city or village, such territory thereby becomes a 43459
part of the city school district or the school district of which 43460
the village is a part, and the legal title to school property in 43461
such territory for school purposes shall be vested in the board of 43462
education of the city school district or the school district of 43463
which the village is a part. 43464

(2) When the territory so annexed to a city or village 43465
comprises part but not all of the territory of a school district, 43466
the said territory becomes part of the city school district or the 43467
school district of which the village is a part only upon approval 43468
by the state board of education, unless the district in which the 43469
territory is located is a party to an annexation agreement with 43470
the city school district. 43471

Any urban school district that has not entered into an 43472
annexation agreement with any other school district whose 43473
territory would be affected by any transfer under this division 43474
and that desires to negotiate the terms of transfer with any such 43475
district shall conduct any negotiations under division (F) of this 43476
section as part of entering into an annexation agreement with such 43477
a district. 43478

Any school district, except an urban school district, 43479
desiring state board approval of a transfer under this division 43480
shall make a good faith effort to negotiate the terms of transfer 43481
with any other school district whose territory would be affected 43482
by the transfer. Before the state board may approve any transfer 43483
of territory to a school district, except an urban school 43484
district, under this section, it must receive the following: 43485

(a) A resolution requesting approval of the transfer, passed 43486
by at least one of the school districts whose territory would be 43487
affected by the transfer; 43488

(b) Evidence determined to be sufficient by the state board 43489
to show that good faith negotiations have taken place or that the 43490
district requesting the transfer has made a good faith effort to 43491
hold such negotiations; 43492

(c) If any negotiations took place, a statement signed by all 43493
boards that participated in the negotiations, listing the terms 43494
agreed on and the points on which no agreement could be reached. 43495

(D) The state board of education shall adopt rules governing 43496
negotiations held by any school district except an urban school 43497
district pursuant to division (C)(2) of this section. The rules 43498
shall encourage the realization of the following goals: 43499

(1) A discussion by the negotiating districts of the present 43500
and future educational needs of the pupils in each district; 43501

(2) The educational, financial, and territorial stability of 43502
each district affected by the transfer; 43503

(3) The assurance of appropriate educational programs, 43504
services, and opportunities for all the pupils in each 43505
participating district, and adequate planning for the facilities 43506
needed to provide these programs, services, and opportunities. 43507

Districts involved in negotiations under such rules may agree 43508

to share revenues from the property included in the territory to 43509
be transferred, establish cooperative programs between the 43510
participating districts, and establish mechanisms for the 43511
settlement of any future boundary disputes. 43512

(E)(1) If territory annexed after September 24, 1986, is part 43513
of a school district that is a party to an annexation agreement 43514
with the urban school district serving the annexing city, the 43515
transfer of such territory shall be governed by the agreement. If 43516
the agreement does not specify how the territory is to be dealt 43517
with, the boards of education of the district in which the 43518
territory is located and the urban school district shall negotiate 43519
with regard to the transfer of the territory which shall be 43520
transferred to the urban school district unless, not later than 43521
ninety days after the effective date of municipal annexation, the 43522
boards of education of both districts, by resolution adopted by a 43523
majority of the members of each board, agree that the territory 43524
will not be transferred and so inform the state board of 43525
education. 43526

If territory is transferred under this division the transfer 43527
shall take effect on the first day of July occurring not sooner 43528
than ninety-one days after the effective date of the municipal 43529
annexation. Territory transferred under this division need not be 43530
contiguous to the district to which it is transferred. 43531

(2) Territory annexed prior to September 24, 1986, by a city 43532
served by an urban school district shall not be subject to 43533
transfer under this section if the district in which the territory 43534
is located is a party to an annexation agreement or becomes a 43535
party to such an agreement not later than ninety days after 43536
September 24, 1986. If the district does not become a party to an 43537
annexation agreement within the ninety-day period, transfer of 43538
territory shall be governed by division (C)(2) of this section. If 43539
the district subsequently becomes a party to an agreement, 43540

territory annexed prior to September 24, 1986, other than 43541
territory annexed under division (C)(2) of this section prior to 43542
the effective date of the agreement, shall not be subject to 43543
transfer under this section. 43544

(F) An urban school district may enter into a comprehensive 43545
agreement with one or more school districts under which transfers 43546
of territory annexed by the city served by the urban school 43547
district after September 24, 1986, shall be governed by the 43548
agreement. Such agreement must provide for the establishment of a 43549
cooperative education program under section 3313.842 of the 43550
Revised Code in which all the parties to the agreement are 43551
participants and must be approved by resolution of the majority of 43552
the members of each of the boards of education of the school 43553
districts that are parties to it. An agreement may provide for 43554
interdistrict payments based on local revenue growth resulting 43555
from development in any territory annexed by the city served by 43556
the urban school district. 43557

An agreement entered into under this division may be altered, 43558
modified, or terminated only by agreement, by resolution approved 43559
by the majority of the members of each board of education, of all 43560
school districts that are parties to the agreement, except that 43561
with regard to any provision that affects only the urban school 43562
district and one of the other districts that is a party, that 43563
district and the urban district may modify or alter the agreement 43564
by resolution approved by the majority of the members of the board 43565
of that district and the urban district. Alterations, 43566
modifications, terminations, and extensions of an agreement 43567
entered into under this division do not require approval of the 43568
state board of education, but shall be filed with the board after 43569
approval and execution by the parties. 43570

If an agreement provides for interdistrict payments, each 43571
party to the agreement, except any school district specifically 43572

exempted by the agreement, shall agree to make an annual payment 43573
to the urban school district with respect to any of its territory 43574
that is annexed territory in an amount not to exceed the amount 43575
certified for that year under former section 3317.029 of the 43576
Revised Code as that section existed prior to July 1, 1998; except 43577
that such limitation of annual payments to amounts certified under 43578
former section 3317.029 of the Revised Code does not apply to 43579
agreements or extensions of agreements entered into on or after 43580
June 1, 1992, unless such limitation is expressly agreed to by the 43581
parties. The agreement may provide that all or any part of the 43582
payment shall be waived if the urban school district receives its 43583
payment with respect to such annexed territory under former 43584
section 3317.029 of the Revised Code and that all or any part of 43585
such payment may be waived if the urban school district does not 43586
receive its payment with respect to such annexed territory under 43587
such section. 43588

With respect to territory that is transferred to the urban 43589
school district after September 24, 1986, the agreement may 43590
provide for annual payments by the urban school district to the 43591
school district whose territory is transferred to the urban school 43592
district subsequent to annexation by the city served by the urban 43593
school district. 43594

(G) In the event territory is transferred from one school 43595
district to another under this section, an equitable division of 43596
the funds and indebtedness between the districts involved shall be 43597
made under the supervision of the state board of education and 43598
that board's decision shall be final. Such division shall not 43599
include funds payable to or received by a school district under 43600
Chapter 3306. or 3317. of the Revised Code or payable to or 43601
received by a school district from the United States or any 43602
department or agency thereof. In the event such transferred 43603
territory includes real property owned by a school district, the 43604

state board of education, as part of such division of funds and 43605
indebtedness, shall determine the true value in money of such real 43606
property and all buildings or other improvements thereon. The 43607
board of education of the school district receiving such territory 43608
shall forthwith pay to the board of education of the school 43609
district losing such territory such true value in money of such 43610
real property, buildings, and improvements less such percentage of 43611
the true value in money of each school building located on such 43612
real property as is represented by the ratio of the total 43613
enrollment in day classes of the pupils residing in the territory 43614
transferred enrolled at such school building in the school year in 43615
which such annexation proceedings were commenced to the total 43616
enrollment in day classes of all pupils residing in the school 43617
district losing such territory enrolled at such school building in 43618
such school year. The school district receiving such payment shall 43619
place the proceeds thereof in its sinking fund or bond retirement 43620
fund. 43621

(H) The state board of education, before approving such 43622
transfer of territory, shall determine that such payment has been 43623
made and shall apportion to the acquiring school district such 43624
percentage of the indebtedness of the school district losing the 43625
territory as is represented by the ratio that the assessed 43626
valuation of the territory transferred bears to the total assessed 43627
valuation of the entire school district losing the territory as of 43628
the effective date of the transfer, provided that in ascertaining 43629
the indebtedness of the school district losing the territory the 43630
state board of education shall disregard such percentage of the 43631
par value of the outstanding and unpaid bonds and notes of said 43632
school district issued for construction or improvement of the 43633
school building or buildings for which payment was made by the 43634
acquiring district as is equal to the percentage by which the true 43635
value in money of such building or buildings was reduced in fixing 43636
the amount of said payment. 43637

(I) No transfer of school district territory or division of funds and indebtedness incident thereto, pursuant to the annexation of territory to a city or village shall be completed in any other manner than that prescribed by this section regardless of the date of the commencement of such annexation proceedings, and this section applies to all proceedings for such transfers and divisions of funds and indebtedness pending or commenced on or after October 2, 1959.

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education. Where a joint vocational school district is composed only of two or more local school districts located in one county, or when all the participating districts are in one county and the boards of such participating districts so choose, the educational service center governing board of the county in which the joint vocational school district is located shall serve as the joint vocational school district board of education. Where a joint vocational school district is composed of local school districts of more than one county, or of any combination of city, local, or exempted village school districts or educational service centers, unless administration by the educational service center governing board has been chosen by all the participating districts in one county pursuant to this section, the board of education of the joint vocational school district shall be composed of one or more persons who are members of the boards of education from each of the city or exempted village school districts or members of the educational service centers' governing boards affected to be appointed by the boards of education or governing boards of such school districts and educational service centers. In such joint vocational school districts the number and terms of members of the joint vocational school district board of education and the allocation of a given

number of members to each of the city and exempted village 43670
districts and educational service centers shall be determined in 43671
the plan for such district, provided that each such joint 43672
vocational school district board of education shall be composed of 43673
an odd number of members. 43674

(B) Notwithstanding division (A) of this section, a governing 43675
board of an educational service center that has members of its 43676
governing board serving on a joint vocational school district 43677
board of education may make a request to the joint vocational 43678
district board that the joint vocational school district plan be 43679
revised to provide for one or more members of boards of education 43680
of local school districts that are within the territory of the 43681
educational service district and within the joint vocational 43682
school district to serve in the place of or in addition to its 43683
educational service center governing board members. If agreement 43684
is obtained among a majority of the boards of education and 43685
governing boards that have a member serving on the joint 43686
vocational school district board of education and among a majority 43687
of the local school district boards of education included in the 43688
district and located within the territory of the educational 43689
service center whose board requests the substitution or addition, 43690
the state board of education may revise the joint vocational 43691
school district plan to conform with such agreement. 43692

(C) If the board of education of any school district or 43693
educational service center governing board included within a joint 43694
vocational district that has had its board or governing board 43695
membership revised under division (B) of this section requests the 43696
joint vocational school district board to submit to the state 43697
board of education a revised plan under which one or more joint 43698
vocational board members chosen in accordance with a plan revised 43699
under such division would again be chosen in the manner prescribed 43700
by division (A) of this section, the joint vocational board shall 43701

submit the revised plan to the state board of education, provided 43702
the plan is agreed to by a majority of the boards of education 43703
represented on the joint vocational board, a majority of the local 43704
school district boards included within the joint vocational 43705
district, and each educational service center governing board 43706
affected by such plan. The state board of education may revise the 43707
joint vocational school district plan to conform with the revised 43708
plan. 43709

(D) The vocational schools in such joint vocational school 43710
district shall be available to all youth of school age within the 43711
joint vocational school district subject to the rules adopted by 43712
the joint vocational school district board of education in regard 43713
to the standards requisite to admission. A joint vocational school 43714
district board of education shall have the same powers, duties, 43715
and authority for the management and operation of such joint 43716
vocational school district as is granted by law, except by this 43717
chapter and Chapters 124., 3306., 3317., 3323., and 3331. of the 43718
Revised Code, to a board of education of a city school district, 43719
and shall be subject to all the provisions of law that apply to a 43720
city school district, except such provisions in this chapter and 43721
Chapters 124., 3306., 3317., 3323., and 3331. of the Revised Code. 43722

(E) Where a governing board of an educational service center 43723
has been designated to serve as the joint vocational school 43724
district board of education, the educational service center 43725
superintendent shall be the executive officer for the joint 43726
vocational school district, and the governing board may provide 43727
for additional compensation to be paid to the educational service 43728
center superintendent by the joint vocational school district, but 43729
the educational service center superintendent shall have no 43730
continuing tenure other than that of educational service center 43731
superintendent. The superintendent of schools of a joint 43732
vocational school district shall exercise the duties and authority 43733

vested by law in a superintendent of schools pertaining to the 43734
operation of a school district and the employment and supervision 43735
of its personnel. The joint vocational school district board of 43736
education shall appoint a treasurer of the joint vocational school 43737
district who shall be the fiscal officer for such district and who 43738
shall have all the powers, duties, and authority vested by law in 43739
a treasurer of a board of education. Where a governing board of an 43740
educational service center has been designated to serve as the 43741
joint vocational school district board of education, such board 43742
may appoint the educational service center superintendent as the 43743
treasurer of the joint vocational school district. 43744

(F) Each member of a joint vocational school district board 43745
of education may be paid such compensation as the board provides 43746
by resolution, but it shall not exceed one hundred twenty-five 43747
dollars per member for each meeting attended plus mileage, at the 43748
rate per mile provided by resolution of the board, to and from 43749
meetings of the board. 43750

The board may provide by resolution for the deduction of 43751
amounts payable for benefits under section 3313.202 of the Revised 43752
Code. 43753

Each member of a joint vocational school district board may 43754
be paid such compensation as the board provides by resolution for 43755
attendance at an approved training program, provided that such 43756
compensation shall not exceed sixty dollars per day for attendance 43757
at a training program three hours or fewer in length and one 43758
hundred twenty-five dollars a day for attendance at a training 43759
program longer than three hours in length. However, no board 43760
member shall be compensated for the same training program under 43761
this section and section 3313.12 of the Revised Code. 43762

Sec. 3311.21. (A) In addition to the resolutions authorized 43763
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 43764

the Revised Code, the board of education of a joint vocational or 43765
cooperative education school district by a vote of two-thirds of 43766
its full membership may at any time adopt a resolution declaring 43767
the necessity to levy a tax in excess of the ten-mill limitation 43768
for a period not to exceed ten years to provide funds for any one 43769
or more of the following purposes, which may be stated in the 43770
following manner in such resolution, the ballot, and the notice of 43771
election: purchasing a site or enlargement thereof and for the 43772
erection and equipment of buildings; for the purpose of enlarging, 43773
improving, or rebuilding thereof; for the purpose of providing for 43774
the current expenses of the joint vocational or cooperative school 43775
district; or for a continuing period for the purpose of providing 43776
for the current expenses of the joint vocational or cooperative 43777
education school district. The resolution shall specify the amount 43778
of the proposed rate and, if a renewal, whether the levy is to 43779
renew all, or a portion of, the existing levy, and shall specify 43780
the first year in which the levy will be imposed. If the levy 43781
provides for but is not limited to current expenses, the 43782
resolution shall apportion the annual rate of the levy between 43783
current expenses and the other purpose or purposes. Such 43784
apportionment may but need not be the same for each year of the 43785
levy, but the respective portions of the rate actually levied each 43786
year for current expenses and the other purpose or purposes shall 43787
be limited by such apportionment. The portion of any such rate 43788
actually levied for current expenses of a joint vocational or 43789
cooperative education school district shall be used in applying 43790
division (A)(1) of section 3306.01 and division (A) of section 43791
3317.01 of the Revised Code. The portion of any such rate not 43792
apportioned to the current expenses of a joint vocational or 43793
cooperative education school district shall be used in applying 43794
division (B) of this section. On the adoption of such resolution, 43795
the joint vocational or cooperative education school district 43796
board of education shall certify the resolution to the board of 43797

elections of the county containing the most populous portion of 43798
the district, which board shall receive resolutions for filing and 43799
send them to the boards of elections of each county in which 43800
territory of the district is located, furnish all ballots for the 43801
election as provided in section 3505.071 of the Revised Code, and 43802
prepare the election notice; and the board of elections of each 43803
county in which the territory of such district is located shall 43804
make the other necessary arrangements for the submission of the 43805
question to the electors of the joint vocational or cooperative 43806
education school district at the next primary or general election 43807
occurring not less than seventy-five days after the resolution was 43808
received from the joint vocational or cooperative education school 43809
district board of education, or at a special election to be held 43810
at a time designated by the district board of education consistent 43811
with the requirements of section 3501.01 of the Revised Code, 43812
which date shall not be earlier than seventy-five days after the 43813
adoption and certification of the resolution. 43814

The board of elections of the county or counties in which 43815
territory of the joint vocational or cooperative education school 43816
district is located shall cause to be published in one or more 43817
newspapers of general circulation in that district an 43818
advertisement of the proposed tax levy question together with a 43819
statement of the amount of the proposed levy once a week for two 43820
consecutive weeks, prior to the election at which the question is 43821
to appear on the ballot, and, if the board of elections operates 43822
and maintains a web site, the board also shall post a similar 43823
advertisement on its web site for thirty days prior to that 43824
election. 43825

If a majority of the electors voting on the question of 43826
levying such tax vote in favor of the levy, the joint vocational 43827
or cooperative education school district board of education shall 43828
annually make the levy within the district at the rate specified 43829

in the resolution and ballot or at any lesser rate, and the county auditor of each affected county shall annually place the levy on the tax list and duplicate of each school district in the county having territory in the joint vocational or cooperative education school district. The taxes realized from the levy shall be collected at the same time and in the same manner as other taxes on the duplicate, and the taxes, when collected, shall be paid to the treasurer of the joint vocational or cooperative education school district and deposited to a special fund, which shall be established by the joint vocational or cooperative education school district board of education for all revenue derived from any tax levied pursuant to this section and for the proceeds of anticipation notes which shall be deposited in such fund. After the approval of the levy, the joint vocational or cooperative education school district board of education may anticipate a fraction of the proceeds of the levy and from time to time, during the life of the levy, but in any year prior to the time when the tax collection from the levy so anticipated can be made for that year, issue anticipation notes in an amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected in each year up to a period of five years after the date of the issuance of the notes, less an amount equal to the proceeds of the levy obligated for each year by the issuance of anticipation notes, provided that the total amount maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of the levy for that year. Each issue of notes shall be sold as provided in Chapter 133. of the Revised Code, and shall, except for such limitation that the total amount of such notes maturing in any one year shall not exceed fifty per cent of the anticipated proceeds of the levy for that year, mature serially in substantially equal installments, during each year over a period not to exceed five years after their issuance.

(B) Prior to the application of section 319.301 of the

Revised Code, the rate of a levy that is limited to, or to the extent that it is apportioned to, purposes other than current expenses shall be reduced in the same proportion in which the district's total valuation increases during the life of the levy because of additions to such valuation that have resulted from improvements added to the tax list and duplicate.

(C) The form of ballot cast at an election under division (A) of this section shall be as prescribed by section 5705.25 of the Revised Code.

Sec. 3311.29. (A) Except as provided under division (B) or (C) of this section, no school district shall be created and no school district shall exist which does not maintain within such district public schools consisting of grades kindergarten through twelve and any such existing school district not maintaining such schools shall be dissolved and its territory joined with another school district or districts by order of the state board of education if no agreement is made among the surrounding districts voluntarily, which order shall provide an equitable division of the funds, property, and indebtedness of the dissolved school district among the districts receiving its territory. The state board of education may authorize exceptions to school districts where topography, sparsity of population, and other factors make compliance impracticable.

The superintendent of public instruction is without authority to distribute funds under ~~sections 3317.022 to 3317.025~~ Chapter 3306. or 3317. of the Revised Code to any school district that does not maintain schools with grades kindergarten through twelve and to which no exception has been granted by the state board of education.

(B) Division (A) of this section does not apply to any joint vocational school district or any cooperative education school

district established pursuant to divisions (A) to (C) of section 43894
3311.52 of the Revised Code. 43895

(C)(1)(a) Except as provided in division (C)(3) of this 43896
section, division (A) of this section does not apply to any 43897
cooperative education school district established pursuant to 43898
section 3311.521 of the Revised Code nor to the city, exempted 43899
village, or local school districts that have territory within such 43900
a cooperative education district. 43901

(b) The cooperative district and each city, exempted village, 43902
or local district with territory within the cooperative district 43903
shall maintain the grades that the resolution adopted or amended 43904
pursuant to section 3311.521 of the Revised Code specifies. 43905

(2) Any cooperative education school district described under 43906
division (C)(1) of this section that fails to maintain the grades 43907
it is specified to operate shall be dissolved by order of the 43908
state board of education unless prior to such an order the 43909
cooperative district is dissolved pursuant to section 3311.54 of 43910
the Revised Code. Any such order shall provide for the equitable 43911
adjustment, division, and disposition of the assets, property, 43912
debts, and obligations of the district among each city, local, and 43913
exempted village school district whose territory is in the 43914
cooperative district and shall provide that the tax duplicate of 43915
each city, local, and exempted village school district whose 43916
territory is in the cooperative district shall be bound for and 43917
assume its share of the outstanding indebtedness of the 43918
cooperative district. 43919

(3) If any city, exempted village, or local school district 43920
described under division (C)(1) of this section fails to maintain 43921
the grades it is specified to operate the cooperative district 43922
within which it has territory shall be dissolved in accordance 43923
with division (C)(2) of this section and upon that dissolution any 43924
city, exempted village, or local district failing to maintain 43925

grades kindergarten through twelve shall be subject to the 43926
provisions for dissolution in division (A) of this section. 43927

Sec. 3311.52. A cooperative education school district may be 43928
established pursuant to divisions (A) to (C) of this section or 43929
pursuant to section 3311.521 of the Revised Code. 43930

(A) A cooperative education school district may be 43931
established upon the adoption of identical resolutions within a 43932
sixty-day period by a majority of the members of the board of 43933
education of each city, local, and exempted village school 43934
district that is within the territory of a county school financing 43935
district. 43936

A copy of each resolution shall be filed with the governing 43937
board ~~of education~~ of the educational service center which created 43938
the county school financing district. Upon the filing of the last 43939
such resolution, the educational service center governing board 43940
shall immediately notify each board of education filing such a 43941
resolution of the date on which the last resolution was filed. 43942

Ten days after the date on which the last resolution is filed 43943
with the educational service center governing board or ten days 43944
after the last of any notices required under division (C) of this 43945
section is received by the educational service center governing 43946
board, whichever is later, the county school financing district 43947
shall be dissolved and the new cooperative education school 43948
district and the board of education of the cooperative education 43949
school district shall be established. 43950

On the date that any county school financing district is 43951
dissolved and a cooperative education school district is 43952
established under this section, each of the following shall apply: 43953

(1) The territory of the dissolved district becomes the 43954
territory of the new district. 43955

(2) Any outstanding tax levy in force in the dissolved district shall be spread over the territory of the new district and shall remain in force in the new district until the levy expires or is renewed.

(3) Any funds of the dissolved district shall be paid over in full to the new district.

(4) Any net indebtedness of the dissolved district shall be assumed in full by the new district. As used in division (A)(4) of this section, "net indebtedness" means the difference between the par value of the outstanding and unpaid bonds and notes of the dissolved district and the amount held in the sinking fund and other indebtedness retirement funds for their redemption.

When a county school financing district is dissolved and a cooperative education school district is established under this section, the governing board of the educational service center that created the dissolved district shall give written notice of this fact to the county auditor and the board of elections of each county having any territory in the new district.

(B) The resolutions adopted under division (A) of this section shall include all of the following provisions:

(1) Provision that the governing board of the educational service center which created the county school financing district shall be the board of education of the cooperative education school district, except that provision may be made for the composition, selection, and terms of office of an alternative board of education of the cooperative district, which board shall include at least one member selected from or by the members of the board of education of each city, local, and exempted village school district and at least one member selected from or by the members of the educational service center governing board within the territory of the cooperative district;

(2) Provision that the treasurer and superintendent of the educational service center which created the county school financing district shall be the treasurer and superintendent of the cooperative education school district, except that provision may be made for the selection of a treasurer or superintendent of the cooperative district other than the treasurer or superintendent of the educational service center, which provision shall require one of the following:

(a) The selection of one person as both the treasurer and superintendent of the cooperative district, which provision may require such person to be the treasurer or superintendent of any city, local, or exempted village school district or educational service center within the territory of the cooperative district;

(b) The selection of one person as the treasurer and another person as the superintendent of the cooperative district, which provision may require either one or both such persons to be treasurers or superintendents of any city, local, or exempted village school districts or educational service center within the territory of the cooperative district.

(3) A statement of the educational program the board of education of the cooperative education school district will conduct, including but not necessarily limited to the type of educational program, the grade levels proposed for inclusion in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program;

(4) A statement of the annual amount, or the method for determining that amount, of funds or services or facilities that each city, local, and exempted village school district within the territory of the cooperative district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(5) Provision for adopting amendments to the provisions of 44019
divisions (B)(2) to (4) of this section. 44020

(C) If the resolutions adopted under division (A) of this 44021
section provide for a board of education of the cooperative 44022
education school district that is not the governing board of the 44023
educational service center that created the county school 44024
financing district, each board of education of each city, local, 44025
or exempted village school district and the governing board of the 44026
educational service center within the territory of the cooperative 44027
district shall, within thirty days after the date on which the 44028
last resolution is filed with the educational service center 44029
governing board under division (A) of this section, select one or 44030
more members of the board of education of the cooperative district 44031
as provided in the resolutions filed with the educational service 44032
center governing board. Each such board shall immediately notify 44033
the educational ~~services~~ service center governing board of each 44034
such selection. 44035

(D) Except for the powers and duties in this chapter and 44036
Chapters 124., 3306., 3317., 3318., 3323., and 3331. of the 44037
Revised Code, a cooperative education school district established 44038
pursuant to divisions (A) to (C) of this section or pursuant to 44039
section 3311.521 of the Revised Code has all the powers of a city 44040
school district and its board of education has all the powers and 44041
duties of a board of education of a city school district with 44042
respect to the educational program specified in the resolutions 44043
adopted under division (A) of this section. All laws applicable to 44044
a city school district or the board of education or the members of 44045
the board of education of a city school district, except such laws 44046
in this chapter and Chapters 124., 3306., 3317., 3318., 3323., and 44047
3331. of the Revised Code, are applicable to a cooperative 44048
education school district and its board. 44049

The treasurer and superintendent of a cooperative education 44050

school district shall have the same respective duties and powers 44051
as a treasurer and superintendent of a city school district, 44052
except for any powers and duties in this chapter and Chapters 44053
124., 3306., 3317., 3318., 3323., and 3331. of the Revised Code. 44054

(E) For purposes of this title, any student included in the 44055
formula ADM certified for any city, exempted village, or local 44056
school district under section 3317.03 of the Revised Code by 44057
virtue of being counted, in whole or in part, in the average daily 44058
membership of a cooperative education school district under 44059
division (A)(2)~~(f)~~(d) of that section shall be construed to be 44060
enrolled both in that city, exempted village, or ~~village~~ local 44061
school district and in that cooperative education school district. 44062
This division shall not be construed to mean that any such 44063
individual student may be counted more than once for purposes of 44064
determining the average daily membership of any one school 44065
district. 44066

Sec. 3311.76. (A) Notwithstanding Chapters 3302., 3306., and 44067
3317. of the Revised Code, upon written request of the district 44068
chief executive officer the state superintendent of public 44069
instruction may exempt a municipal school district from any rules 44070
adopted under Title XXXVIII of the Revised Code except for any rule 44071
adopted under Chapter 3307. or 3309., sections 3319.07 to 3319.21, 44072
or Chapter 3323. of the Revised Code, and may authorize a 44073
municipal school district to apply funds allocated to the district 44074
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code, except 44075
those specifically allocated to purposes other than current 44076
expenses, to the payment of debt charges on the district's public 44077
obligations. The request must specify the provisions from which 44078
the district is seeking exemption or the application requested and 44079
the reasons for the request. The state superintendent shall 44080
approve the request if the superintendent finds the requested 44081
exemption or application is in the best interest of the district's 44082

students. The superintendent shall approve or disapprove the 44083
request within thirty days and shall notify the district board and 44084
the district chief executive officer of approval or reasons for 44085
disapproving the request. 44086

(B) In addition to the rights, authority, and duties 44087
conferred upon a municipal school district and its board of 44088
education in sections 3311.71 to 3311.76 of the Revised Code, a 44089
municipal school district and its board shall have all of the 44090
rights, authority, and duties conferred upon a city school 44091
district and its board by law that are not inconsistent with 44092
sections 3311.71 to 3311.76 of the Revised Code. 44093

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 44094
and (F), ~~and (G)~~ of this section, when a board of education 44095
decides to dispose of real or personal property that it owns in 44096
its corporate capacity and that exceeds in value ten thousand 44097
dollars, it shall sell the property at public auction, after 44098
giving at least thirty days' notice of the auction by publication 44099
in a newspaper of general circulation or by posting notices in 44100
five of the most public places in the school district in which the 44101
property, if it is real property, is situated, or, if it is 44102
personal property, in the school district of the board of 44103
education that owns the property. The board may offer real 44104
property for sale as an entire tract or in parcels. 44105

(B) When the board of education has offered real or personal 44106
property for sale at public auction at least once pursuant to 44107
division (A) of this section, and the property has not been sold, 44108
the board may sell it at a private sale. Regardless of how it was 44109
offered at public auction, at a private sale, the board shall, as 44110
it considers best, sell real property as an entire tract or in 44111
parcels, and personal property in a single lot or in several lots. 44112

(C) If a board of education decides to dispose of real or 44113

personal property that it owns in its corporate capacity and that 44114
exceeds in value ten thousand dollars, it may sell the property to 44115
the adjutant general; to any subdivision or taxing authority as 44116
respectively defined in divisions (A) and (C) of section 5705.01 44117
of the Revised Code, township park district, board of park 44118
commissioners established under Chapter 755. of the Revised Code, 44119
or park district established under Chapter 1545. of the Revised 44120
Code; to a wholly or partially tax-supported university, 44121
university branch, or college; or to the board of trustees of a 44122
school district library, upon such terms as are agreed upon. The 44123
sale of real or personal property to the board of trustees of a 44124
school district library is limited, in the case of real property, 44125
to a school district library within whose boundaries the real 44126
property is situated, or, in the case of personal property, to a 44127
school district library whose boundaries lie in whole or in part 44128
within the school district of the selling board of education. 44129

(D) When a board of education decides to trade as a part or 44130
an entire consideration, an item of personal property on the 44131
purchase price of an item of similar personal property, it may 44132
trade the same upon such terms as are agreed upon by the parties 44133
to the trade. 44134

(E) The president and the treasurer of the board of education 44135
shall execute and deliver deeds or other necessary instruments of 44136
conveyance to complete any sale or trade under this section. 44137

(F) When a board of education has identified a parcel of real 44138
property that it determines is needed for school purposes, the 44139
board may, upon a majority vote of the members of the board, 44140
acquire that property by exchanging real property that the board 44141
owns in its corporate capacity for the identified real property or 44142
by using real property that the board owns in its corporate 44143
capacity as part or an entire consideration for the purchase price 44144
of the identified real property. Any exchange or acquisition made 44145

pursuant to this division shall be made by a conveyance executed 44146
by the president and the treasurer of the board. 44147

~~(G)(1) When a school district board of education decides to 44148
dispose of real property suitable for use as classroom space, 44149
prior to disposing of that property under divisions (A) to (F) of 44150
this section, it shall first offer that property for sale to the 44151
governing authorities of the start-up community schools 44152
established under Chapter 3314. of the Revised Code located within 44153
the territory of the school district, at a price that is not 44154
higher than the appraised fair market value of that property. If 44155
more than one community school governing authority accepts the 44156
offer made by the school district board, the board shall sell the 44157
property to the governing authority that accepted the offer first 44158
in time. If no community school governing authority accepts the 44159
offer within sixty days after the offer is made by the school 44160
district board, the board may dispose of the property in the 44161
applicable manner prescribed under divisions (A) to (F) of this 44162
section. 44163~~

~~(2) When a school district board of education has not used 44164
real property suitable for classroom space for academic 44165
instruction, administration, storage, or any other educational 44166
purpose for one full school year and has not adopted a resolution 44167
outlining a plan for using that property for any of those purposes 44168
within the next three school years, it shall offer that property 44169
for sale to the governing authorities of the start-up community 44170
schools established under Chapter 3314. of the Revised Code 44171
located within the territory of the school district, at a price 44172
that is not higher than the appraised fair market value of that 44173
property. If more than one community school governing authority 44174
accepts the offer made by the school district board, the board 44175
shall sell the property to the governing authority that accepted 44176
the offer first in time. 44177~~

~~(H)~~ When a school district board of education has property 44178
that the board, by resolution, finds is not needed for school 44179
district use, is obsolete, or is unfit for the use for which it 44180
was acquired, the board may donate that property in accordance 44181
with this division if the fair market value of the property is, in 44182
the opinion of the board, two thousand five hundred dollars or 44183
less. 44184

The property may be donated to an eligible nonprofit 44185
organization that is located in this state and is exempt from 44186
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 44187
Before donating any property under this division, the board shall 44188
adopt a resolution expressing its intent to make unneeded, 44189
obsolete, or unfit-for-use school district property available to 44190
these organizations. The resolution shall include guidelines and 44191
procedures the board considers to be necessary to implement the 44192
donation program and shall indicate whether the school district 44193
will conduct the donation program or the board will contract with 44194
a representative to conduct it. If a representative is known when 44195
the resolution is adopted, the resolution shall provide contact 44196
information such as the representative's name, address, and 44197
telephone number. 44198

The resolution shall include within its procedures a 44199
requirement that any nonprofit organization desiring to obtain 44200
donated property under this division shall submit a written notice 44201
to the board or its representative. The written notice shall 44202
include evidence that the organization is a nonprofit organization 44203
that is located in this state and is exempt from federal income 44204
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 44205
the organization's primary purpose; a description of the type or 44206
types of property the organization needs; and the name, address, 44207
and telephone number of a person designated by the organization's 44208
governing board to receive donated property and to serve as its 44209

agent. 44210

After adoption of the resolution, the board shall publish, in 44211
a newspaper of general circulation in the school district, notice 44212
of its intent to donate unneeded, obsolete, or unfit-for-use 44213
school district property to eligible nonprofit organizations. The 44214
notice shall include a summary of the information provided in the 44215
resolution and shall be published at least twice. The second and 44216
any subsequent notice shall be published not less than ten nor 44217
more than twenty days after the previous notice. A similar notice 44218
also shall be posted continually in the board's office, and, if 44219
the school district maintains a web site on the internet, the 44220
notice shall be posted continually at that web site. 44221

The board or its representatives shall maintain a list of all 44222
nonprofit organizations that notify the board or its 44223
representative of their desire to obtain donated property under 44224
this division and that the board or its representative determines 44225
to be eligible, in accordance with the requirements set forth in 44226
this section and in the donation program's guidelines and 44227
procedures, to receive donated property. 44228

The board or its representative also shall maintain a list of 44229
all school district property the board finds to be unneeded, 44230
obsolete, or unfit for use and to be available for donation under 44231
this division. The list shall be posted continually in a 44232
conspicuous location in the board's office, and, if the school 44233
district maintains a web site on the internet, the list shall be 44234
posted continually at that web site. An item of property on the 44235
list shall be donated to the eligible nonprofit organization that 44236
first declares to the board or its representative its desire to 44237
obtain the item unless the board previously has established, by 44238
resolution, a list of eligible nonprofit organizations that shall 44239
be given priority with respect to the item's donation. Priority 44240
may be given on the basis that the purposes of a nonprofit 44241

organization have a direct relationship to specific school 44242
district purposes of programs provided or administered by the 44243
board. A resolution giving priority to certain nonprofit 44244
organizations with respect to the donation of an item of property 44245
shall specify the reasons why the organizations are given that 44246
priority. 44247

Members of the board shall consult with the Ohio ethics 44248
commission, and comply with Chapters 102. and 2921. of the Revised 44249
Code, with respect to any donation under this division to a 44250
nonprofit organization of which a board member, any member of a 44251
board member's family, or any business associate of a board member 44252
is a trustee, officer, board member, or employee. 44253

Sec. 3313.48. (A) The board of education of each city, 44254
exempted village, local, and joint vocational school district 44255
shall provide for the free education of the youth of school age 44256
within the district under its jurisdiction, at such places as will 44257
be most convenient for the attendance of the largest number 44258
thereof. Except as provided in section 3313.481 of the Revised 44259
Code, each school so provided shall be open for instruction with 44260
pupils in attendance ~~for~~ as prescribed by division (B) of this 44261
section. 44262

(B) Each school shall be open for instruction as follows: 44263

(1) In each learning year prior to the learning year that 44264
begins July 1, 2011, not less than one hundred eighty-two days ~~in~~ 44265
~~each school year, which;~~ 44266

(2) In each of the learning years beginning on July 1, 2011, 44267
and July 1, 2012, respectively, not less than one hundred 44268
eighty-six days; 44269

(3) In each of the learning years beginning on July 1, 2013, 44270
and July 1, 2014, respectively, not less than one hundred ninety 44271

days; 44272

(4) In each of the learning years beginning on July 1, 2015, 44273
and July 1, 2016, respectively, not less than one hundred 44274
ninety-four days; 44275

(5) In the learning year that begins on July 1, 2017, and in 44276
each learning year thereafter, not less than one hundred 44277
ninety-eight days. 44278

(C) The minimum learning year prescribed by division (B) of 44279
this section may include all of the following: 44280

~~(A)~~(1) Up to four ~~school~~ days per year in which classes are 44281
dismissed one-half day early or the equivalent amount of time 44282
during a different number of days for the purpose of 44283
individualized parent-teacher conferences and reporting periods; 44284

~~(B)~~(2) Up to two days for professional meetings of teachers 44285
when such days occur during a regular school week and schools are 44286
not in session; 44287

~~(C)~~(3) The number of days the school is closed as a result of 44288
public calamity, as provided in ~~section~~ sections 3306.01 and 44289
3317.01 of the Revised Code. 44290

(D) The state board of education shall adopt standards for 44291
defining ~~"school~~ the minimum number of hours for a "learning day" 44292
as used in this section and sections ~~3313.48~~ 3306.01 and 3317.01 44293
of the Revised Code. 44294

Except as otherwise provided in this section, each learning 44295
day for grades seven through twelve shall consist of not less than 44296
five clock hours with pupils in attendance, except in such 44297
emergency situations, including lack of classroom space, as are 44298
approved by the state board of education. Except as otherwise 44299
provided in this section, each learning day for grades one through 44300
six shall consist of not less than five clock hours with pupils in 44301

attendance which may include fifteen minute morning and afternoon 44302
recess periods, except in such emergency situations, including 44303
lack of classroom space, as are approved by the state board of 44304
education. 44305

Sec. 3313.481. (A) With the approval of the department of 44306
education, a board of education of a city, exempted village, 44307
local, or joint vocational school district may operate any of its 44308
schools on a schedule other than that required by section 3313.48 44309
of the Revised Code in order to do any of the following: 44310

(1) To provide a flexible school day during which may be held 44311
parent-teacher conferences and reporting periods involving time in 44312
excess of that permitted to be credited toward fulfillment of the 44313
minimum school year under section 3313.48 of the Revised Code; 44314

(2) To establish and maintain a calendar of quarters, 44315
trimesters, or pentamesters; 44316

(3) To provide staggered attendance schedules if it receives 44317
approval to do so from the department of education. 44318

(B) A school district operating a school under this section 44319
shall have such school open for instruction for each pupil 44320
enrolled in that school for at least the following: 44321

(1) For each learning year prior to the learning year that 44322
begins on July 1, 2011, nine hundred ten hours during the school 44323
year. 44324

(2) In each of the learning years beginning on July 1, 2011, 44325
and July 1, 2012, respectively, nine hundred thirty hours; 44326

(3) In each of the learning years beginning on July 1, 2013, 44327
and July 1, 2014, respectively, nine hundred fifty hours; 44328

(4) In each of the learning years beginning on July 1, 2015, 44329
and July 1, 2016, respectively, nine hundred seventy hours; 44330

(5) In the learning year that begins on July 1, 2017, and in each learning year thereafter, nine hundred ninety hours. 44331
44332

(C) For purposes of determining whether a school that is on a staggered attendance schedule is in compliance with this section in any ~~school~~ learning year, the department of education may include days the school was open for instruction with pupils in attendance for not more than the first seventy days of the ensuing ~~school~~ learning year provided such days are not considered as days the school was open for instruction during such ensuing ~~school~~ learning year. The following shall be considered as time during which the schools are open for instruction for a pupil enrolled in such a school, or for a pupil enrolled in a school that is not on a staggered attendance schedule but that operates under this section: 44333
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(1) Morning and afternoon recess periods of not more than fifteen minutes duration per period for a pupil in grades one through six; 44345
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44347

(2) Ten hours during which the pupil would otherwise be in attendance but ~~when he~~ is not required to attend school in order to provide time for individualized parent-teacher conferences and reporting periods; 44348
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44351

(3) Ten hours during which the pupil would otherwise be in attendance but is not required to attend school in order to provide time for teachers to attend professional meetings; 44352
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44354

(4) The number of hours pupils would otherwise be in attendance but are not required to attend because school is closed as a result of a public calamity as provided in ~~section~~ sections 3306.01 and 3317.01 of the Revised Code. 44355
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44358

~~(C)~~(D) No board of education shall discriminate on the basis of sex, race, religion, or national origin when assigning pupils to attendance schedules pursuant to this section. 44359
44360
44361

Sec. 3313.482. (A) Annually, prior to the first day of 44362
September, the board of education of each city, local, and 44363
exempted village school district shall adopt a resolution 44364
specifying a contingency plan under which the district's students 44365
will make up days on which it was necessary to close schools ~~for~~ 44366
~~any of the reasons specified in division (B) of section 3317.01 of~~ 44367
~~the Revised Code because of disease epidemic, hazardous weather~~ 44368
~~conditions, inoperability of school buses or other equipment~~ 44369
~~necessary to the school's operation, damage to a school building,~~ 44370
~~or other temporary circumstances due to utility failure rendering~~ 44371
~~the school building unfit for school use, if any such days must be~~ 44372
made up in order to comply with the requirements of ~~that section~~ 44373
~~and sections 3306.01, 3313.48 and, 3313.481, and 3317.01 of the~~ 44374
Revised Code. The resolution shall provide in the plan for making 44375
up at least five full ~~school~~ learning days. If, after the first 44376
day of September, the board determines that the district is unable 44377
to implement the contingency plan as originally adopted, the board 44378
may adopt a resolution to amend the plan, but in no case shall the 44379
amended plan provide for making up less than five full learning 44380
days. No resolution adopted pursuant to this division shall 44381
conflict with any collective bargaining agreement into which a 44382
board has entered pursuant to Chapter 4117. of the Revised Code 44383
and that is in effect in the district. 44384

(B) Notwithstanding the content of the contingency plan it 44385
adopts under division (A) of this section, if a school district 44386
closes or evacuates any school building as a result of a bomb 44387
threat or any other report of an alleged or impending explosion, 44388
and if, as a result of the closing or evacuation, the school 44389
district would be unable to meet the requirements of sections 44390
3306.01, 3313.48, 3313.481, and 3317.01 of the Revised Code 44391
regarding the number of days schools must be open for instruction 44392
or the requirements of the state minimum standards for the ~~school~~ 44393

learning day that are established by the department of education 44394
regarding the number of hours there must be in the ~~school~~ learning 44395
day, the school district may increase the length of one or more 44396
other ~~school~~ learning days for the school that was closed or 44397
evacuated, in increments of one-half hour, to make up the number 44398
of hours or days that the school building in question was so 44399
closed or evacuated for the purpose of satisfying the requirements 44400
of those sections regarding the number of days schools must be 44401
open for instruction or the requirements of those standards 44402
regarding the number of hours there must be in the ~~school~~ learning 44403
day. 44404

(C) If a school district closes or evacuates any school 44405
building for any of the reasons specified in division ~~(B)~~(A) of 44406
this section ~~3317.01 of the Revised Code~~, and if for that school 44407
the total number of full ~~school~~ learning days specified in the 44408
district's contingency plan adopted under that division ~~(A)~~ of 44409
~~this section~~ is insufficient to enable the school district to meet 44410
the requirements of sections 3306.01, 3313.48, 3313.481, and 44411
3317.01 of the Revised Code regarding the number of days schools 44412
must be open for instruction or the requirements of the state 44413
minimum standards for the ~~school~~ learning day that are established 44414
by the department of education regarding the number of hours there 44415
must be in the ~~school~~ learning day, the school district may 44416
increase the length of one or more other ~~school~~ learning days for 44417
the school that was closed or evacuated, in increments of one-half 44418
hour, to make up the number of hours or days that the school 44419
building in question was so closed or evacuated for the purpose of 44420
satisfying the requirements of those sections regarding the number 44421
of days schools must be open for instruction or the requirements 44422
of those standards regarding the number of hours there must be in 44423
the ~~school~~ learning day. The district shall not be required to 44424
actually make up any of the days specified in the district's 44425
contingency plan prior to increasing the length of one or more 44426

~~school~~ learning days to make up the shortage of hours or days 44427
caused by the school's closure or evacuation, but in no case shall 44428
the district fail to make up the total number of full ~~school~~ 44429
learning days specified in the contingency plan in accordance with 44430
that plan. 44431

(D) If a school district closes or evacuates a school 44432
building as a result of a bomb threat or any other report of an 44433
alleged or impending explosion and also closes or evacuates that 44434
school building on a different day for any of the reasons 44435
specified in division ~~(B)~~(A) of this section ~~3317.01 of the~~ 44436
~~Revised Code~~, division (B) of this section applies regarding the 44437
closing or evacuation of the school building as a result of the 44438
bomb threat or report of an alleged or impending explosion and 44439
division (C) of this section applies regarding the closing or 44440
evacuation of the school building for the reason specified in 44441
division ~~(B)~~(A) of this section ~~3317.01 of the Revised Code~~. 44442

Notwithstanding the provisions of sections 3306.01, 3313.48, 44443
3313.481, and 3317.01 of the Revised Code and the requirements of 44444
the state minimum standards for the ~~school~~ learning day that are 44445
established by the department of education and notwithstanding the 44446
content of the contingency plan it adopts under division (A) of 44447
this section regarding the closing or evacuation of a school 44448
building as a result of a bomb threat or any other report of an 44449
alleged or impending explosion, a school district that makes up, 44450
as described in division (B) or (C) of this section, all of the 44451
hours or days that its school buildings were closed or evacuated 44452
for any of the reasons identified in division (B) or (C) of this 44453
section shall be deemed to have complied with the requirements of 44454
those sections regarding the number of days schools must be open 44455
for instruction and the requirements of those minimum standards 44456
regarding the number of hours there must be in the ~~school~~ learning 44457
day. 44458

Sec. 3313.483. (A) A board of education, upon the adoption of 44459
a resolution stating that it may be financially unable to open on 44460
the day or to remain open for instruction on all days set forth in 44461
its adopted school calendar and pay all obligated expenses, or the 44462
superintendent of public instruction upon the issuance of written 44463
notification under division (B) of section 3313.489 of the Revised 44464
Code, shall request the auditor of state to determine whether such 44465
situation exists. The auditor shall deliver a copy of each request 44466
from a board of education to the superintendent of public 44467
instruction. In the case of a school district not under a fiscal 44468
emergency pursuant to Chapter 3316. of the Revised Code the 44469
auditor shall not issue a finding under this section until written 44470
notification is received from the superintendent pursuant to 44471
section 3313.487 of the Revised Code. 44472

(B) If the auditor of state finds that the board of education 44473
has attempted to avail itself to the fullest extent authorized by 44474
law of all lawful revenue sources available to it except those 44475
authorized by section 5705.21 of the Revised Code, the auditor 44476
shall certify that finding to the superintendent of public 44477
instruction and the state board of education and shall certify the 44478
operating deficit the district will have at the end of the fiscal 44479
year if it commences or continues operating its instructional 44480
program in accordance with its adopted school calendar and pays 44481
all obligated expenses. 44482

(C) No board of education may delay the opening of its 44483
schools or close its schools for financial reasons. Upon the 44484
request of the superintendent of public instruction, the attorney 44485
general shall seek injunctive relief and any other relief required 44486
to enforce this prohibition in the court of common pleas of 44487
Franklin county. The court of common pleas of Franklin county has 44488
exclusive original jurisdiction over all such actions. 44489

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E)(1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the superintendent of public instruction a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the superintendent such information as the superintendent requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the superintendent, utilize the financial plan required by section 3316.04 of the Revised Code, or applicable parts thereof, as the plan required under this division. The board of education of a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code may utilize the financial recovery plan for the district, or applicable parts thereof, as the plan required under this division. Except for the plan of a school district under a fiscal emergency, the superintendent shall evaluate, make recommendations concerning, and approve or disapprove each plan. When a plan is submitted, the superintendent shall immediately notify the members of the general assembly whose legislative districts include any or all of the territory of the school district submitting the plan.

(2) The superintendent shall submit to the controlling board 44523
a copy of each plan the superintendent approves, or each plan 44524
submitted by a district under a fiscal emergency pursuant to 44525
division (B) of section 3316.03 of the Revised Code, and the 44526
general terms of each proposed loan, and shall make 44527
recommendations regarding the plan and whether a proposed loan to 44528
the board of education should be approved for payment as provided 44529
in division (E)(3) of this section. The controlling board shall 44530
approve or disapprove the plan and the proposed loan presented to 44531
it by the superintendent. In the case of a district not under a 44532
fiscal emergency pursuant to division (B) of section 3316.03 of 44533
the Revised Code, the controlling board may require a board of 44534
education to implement the superintendent's recommendations for 44535
expenditure reductions or impose other requirements. Loan 44536
repayments shall be in accordance with a schedule approved by the 44537
superintendent, except that the principal amount of the loan shall 44538
be payable in monthly, semiannual, or annual installments of 44539
principal and interest that are substantially equal principal and 44540
interest installments. Except as otherwise provided in division 44541
(E)(2) of this section, repayment shall be made no later than the 44542
fifteenth day of June of the second fiscal year following the 44543
approval of the loan. A school district with a certified deficit 44544
in excess of either twenty-five million dollars or fifteen per 44545
cent of the general fund expenditures of the district during the 44546
fiscal year shall repay the loan no later than the fifteenth day 44547
of June of the tenth fiscal year following the approval of the 44548
loan. In deciding whether to approve or disapprove a proposed 44549
loan, the controlling board shall consider the deficit certified 44550
by the auditor of state pursuant to this section. A board of 44551
education that has an outstanding loan approved pursuant to this 44552
section with a repayment date of more than two fiscal years after 44553
the date of approval of such loan may not apply for another loan 44554
with such a repayment date until the outstanding loan has been 44555

repaid. 44556

(3) If a board of education has submitted and received 44557
controlling board approval of a plan and proposed loan in 44558
accordance with this section, the superintendent of public 44559
instruction shall report to the controlling board the actual 44560
amounts loaned to the board of education. Such board of education 44561
shall request the superintendent to pay any funds the board of 44562
education would otherwise receive pursuant to ~~sections 3317.022 to~~ 44563
~~3317.025~~ Chapter 3306. of the Revised Code first directly to the 44564
holders of the board of education's notes, or an agent thereof, 44565
such amounts as are specified under the terms of the loan. Such 44566
payments shall be made only from and to the extent of money 44567
appropriated by the general assembly for purposes of such 44568
sections. No note or other obligation of the board of education 44569
under the loan constitutes an obligation nor a debt or a pledge of 44570
the faith, credit, or taxing power of the state, and the holder or 44571
owner of such note or obligation has no right to have taxes levied 44572
by the general assembly for the payment of such note or 44573
obligation, and such note or obligation shall contain a statement 44574
to that effect. 44575

(4) Pursuant to the terms of such a loan, a board of 44576
education may issue its notes in anticipation of the collection of 44577
its voted levies for current expenses or its receipt of such state 44578
funds or both. Such notes shall be issued in accordance with 44579
division (E) of section 133.10 of the Revised Code and constitute 44580
Chapter 133. securities to the extent such division and the 44581
otherwise applicable provisions of Chapter 133. of the Revised 44582
Code are not inconsistent with this section, provided that in any 44583
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 44584
(E)(2) of section 133.10 of the Revised Code do not apply to such 44585
notes. 44586

(5) Notwithstanding section 133.36 or 3313.17, any other 44587

section of the Revised Code, or any other provision of law, a 44588
board of education that has received a loan under this section may 44589
not declare bankruptcy, so long as any portion of such loan 44590
remains unpaid. 44591

(F) Under this section and sections 3313.4810 and 3313.4811, 44592
"board of education" or "district board" includes the financial 44593
planning and supervision commission of a school district under a 44594
fiscal emergency pursuant to Chapter 3316. of the Revised Code 44595
where such commission chooses to exercise the powers and duties 44596
otherwise required of the district board of education under this 44597
section and sections 3313.4810 and 3313.4811 of the Revised Code. 44598

Sec. 3313.485. Notwithstanding any provision to the contrary 44599
in sections 3313.48 and 3313.481 or in Chapter 4117. of the 44600
Revised Code, the requirements of divisions (B)(2) to (5) of 44601
section 3313.48 and divisions (B)(2) to (5) of section 3313.481 of 44602
the Revised Code do not prevail over conflicting provisions in a 44603
valid collective bargaining agreement entered into prior to the 44604
effective date of this section. However, any collective bargaining 44605
agreement entered into, renewed, or amended on or after the 44606
effective date of this section shall comply with the requirements 44607
of divisions (B)(2) to (5) of section 3313.48, as applicable, or 44608
divisions (B)(2) to (5) of section 3313.481 of the Revised Code, 44609
as applicable. 44610

Sec. 3313.53. (A) As used in this section: 44611

(1) "Licensed individual" means an individual who holds a 44612
valid educator license, certificate, or permit issued by the state 44613
board of education under section 3319.22, 3319.26, or 3319.27~~7~~ 44614
~~3319.302, or 3319.304~~ of the Revised Code. 44615

(2) "Nonlicensed individual" means an individual who does not 44616
hold a valid educator license, certificate, or permit issued by 44617

the state board of education under section 3319.22, 3319.26, or 44618
3319.27, ~~3319.302, or 3319.304~~ of the Revised Code. 44619

(B) The board of education of any city, exempted village, or 44620
local school district may establish and maintain in connection 44621
with the public school systems: 44622

(1) Manual training, industrial arts, domestic science, and 44623
commercial departments; 44624

(2) Agricultural, industrial, vocational, and trades schools. 44625

Such board may pay from the public school funds, as other 44626
school expenses are paid, the expenses of establishing and 44627
maintaining such departments and schools and of directing, 44628
supervising, and coaching the pupil-activity programs in music, 44629
language, arts, speech, government, athletics, and any others 44630
directly related to the curriculum. 44631

(C) The board of education of any city, exempted village, or 44632
local school district may employ a nonlicensed individual to 44633
direct, supervise, or coach a pupil-activity program as long as 44634
that individual holds a valid pupil-activity program permit issued 44635
by the state board of education under division (A) of section 44636
3319.303 of the Revised Code. 44637

(D)(1) Except as provided in division (D)(2) of this section, 44638
a nonlicensed individual who holds a valid pupil-activity program 44639
permit may be employed under division (C) of this section only 44640
after the school district's board of education adopts a resolution 44641
stating that it has offered such position to those employees of 44642
the district who are licensed individuals and no such employee 44643
qualified to fill the position has accepted it, and has then 44644
advertised the position as available to any licensed individual 44645
who is qualified to fill it and who is not employed by the board, 44646
and no such person has applied for and accepted the position. 44647

(2) A board of education may renew the contract of any 44648

nonlicensed individual, currently employed by the board under 44649
division (C) of this section for one or more years, without first 44650
offering the position held by that individual to employees of the 44651
district who are licensed individuals or advertising the position 44652
as available to any qualified licensed individuals who are not 44653
currently employed by the board as otherwise required under 44654
division (D)(1) of this section. 44655

(E) A nonlicensed individual employed under this section is a 44656
nonteaching employee and is not an educational assistant as 44657
defined in section 3319.088 of the Revised Code. A nonlicensed 44658
individual may direct, supervise, or coach a pupil-activity 44659
program under this section as long as that pupil-activity program 44660
does not include any class or course required or offered for 44661
credit toward a pupil's promotion to the next grade or for 44662
graduation, or any activity conducted as a part of or required for 44663
such a class or course. A nonlicensed individual employed under 44664
this section may perform only the duties of the director, 44665
supervisor, or coach of the pupil-activity program for which the 44666
nonlicensed individual is employed. 44667

(F) The board shall fix the compensation of each nonlicensed 44668
individual employed under this section, which shall be the same 44669
amount as the position was or would be offered to the district's 44670
licensed employees, and execute a written contract with the 44671
nonlicensed individual for a term not to exceed one year. The 44672
contract shall specify the compensation, duration, and other terms 44673
of employment, and the compensation shall not be reduced unless 44674
such reduction is a part of a uniform plan affecting the entire 44675
district. 44676

If the state board suspends, revokes, or limits the 44677
pupil-activity program permit of a nonlicensed individual, the 44678
school district board may terminate or suspend the employment 44679
contract of that individual. Otherwise, no contract issued under 44680

this section shall be terminated or suspended except pursuant to 44681
the procedure established by division (C) of section 3319.081 of 44682
the Revised Code. 44683

Sec. 3313.532. (A) Any person twenty-two or more years of age 44684
and enrolled in an adult high school continuation program 44685
established pursuant to section 3313.531 of the Revised Code may 44686
request the board of education operating the program to conduct an 44687
evaluation in accordance with division (C) of this section. 44688

(B) Any applicant to a board of education for a diploma of 44689
adult education under division (B) of section 3313.611 of the 44690
Revised Code may request the board to conduct an evaluation in 44691
accordance with division (C) of this section. 44692

(C) Upon the request of any person pursuant to division (A) 44693
or (B) of this section, the board of education to which the 44694
request is made shall evaluate the person to determine whether the 44695
person is disabled, in accordance with rules adopted by the state 44696
board of education. If the evaluation indicates that the person is 44697
disabled, the board shall determine whether to excuse the person 44698
from taking any of the ~~tests~~ assessments required by division (B) 44699
of section 3301.0710 of the Revised Code as a requirement for 44700
receiving a diploma under section 3313.611 of the Revised Code. 44701
The board may require the person to take an alternate assessment 44702
in place of any test from which the person is so excused. 44703

Sec. 3313.533. (A) The board of education of a city, exempted 44704
village, or local school district may adopt a resolution to 44705
establish and maintain an alternative school in accordance with 44706
this section. The resolution shall specify, but not necessarily be 44707
limited to, all of the following: 44708

(1) The purpose of the school, which purpose shall be to 44709
serve students who are on suspension, who are having truancy 44710

problems, who are experiencing academic failure, who have a 44711
history of class disruption, who are exhibiting other academic or 44712
behavioral problems specified in the resolution, or who have been 44713
discharged or released from the custody of the department of youth 44714
services under section 5139.51 of the Revised Code; 44715

(2) The grades served by the school, which may include any of 44716
grades kindergarten through twelve; 44717

(3) A requirement that the school be operated in accordance 44718
with this section. The board of education adopting the resolution 44719
under division (A) of this section shall be the governing board of 44720
the alternative school. The board shall develop and implement a 44721
plan for the school in accordance with the resolution establishing 44722
the school and in accordance with this section. Each plan shall 44723
include, but not necessarily be limited to, all of the following: 44724

(a) Specification of the reasons for which students will be 44725
accepted for assignment to the school and any criteria for 44726
admission that are to be used by the board to approve or 44727
disapprove the assignment of students to the school; 44728

(b) Specification of the criteria and procedures that will be 44729
used for returning students who have been assigned to the school 44730
back to the regular education program of the district; 44731

(c) An evaluation plan for assessing the effectiveness of the 44732
school and its educational program and reporting the results of 44733
the evaluation to the public. 44734

(B) Notwithstanding any provision of Title XXXIII of the 44735
Revised Code to the contrary, the alternative school plan may 44736
include any of the following: 44737

(1) A requirement that on each ~~school~~ learning day students 44738
must attend school or participate in other programs specified in 44739
the plan or by the chief administrative officer of the school for 44740
a period equal to the minimum ~~school~~ learning day set by the state 44741

board of education under section 3313.48 of the Revised Code plus 44742
any additional time required in the plan or by the chief 44743
administrative officer; 44744

(2) Restrictions on student participation in extracurricular 44745
or interscholastic activities; 44746

(3) A requirement that students wear uniforms prescribed by 44747
the district board of education. 44748

(C) In accordance with the alternative school plan, the 44749
district board of education may employ teachers and nonteaching 44750
employees necessary to carry out its duties and fulfill its 44751
responsibilities or may contract with a nonprofit or for profit 44752
entity to operate the alternative school, including the provision 44753
of personnel, supplies, equipment, or facilities. 44754

(D) An alternative school may be established in all or part 44755
of a school building. 44756

(E) If a district board of education elects under this 44757
section, or is required by section 3313.534 of the Revised Code, 44758
to establish an alternative school, the district board may join 44759
with the board of education of one or more other districts to form 44760
a joint alternative school by forming a cooperative education 44761
school district under section 3311.52 or 3311.521 of the Revised 44762
Code, or a joint educational program under section 3313.842 of the 44763
Revised Code. The authority to employ personnel or to contract 44764
with a nonprofit or for profit entity under division (C) of this 44765
section applies to any alternative school program established 44766
under this division. 44767

(F) Any individual employed as a teacher at an alternative 44768
school operated by a nonprofit or for profit entity under this 44769
section shall be licensed and shall be subject to background 44770
checks, as described in section 3319.39 of the Revised Code, in 44771
the same manner as an individual employed by a school district. 44772

(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.	44773 44774 44775
(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following:	44776 44777 44778 44779
(a) A description of the educational program provided at the alternative school, which shall include:	44780 44781
(i) Provisions for the school to be configured in clusters or small learning communities;	44782 44783
(ii) Provisions for the incorporation of education technology into the curriculum;	44784 44785
(iii) Provisions for accelerated learning programs in reading and mathematics.	44786 44787
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	44788 44789 44790 44791 44792 44793
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	44794 44795 44796
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	44797 44798
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of	44799 44800 44801 44802

state. 44803

(2) Notwithstanding division (A)(2) of this section, any 44804
alternative school to which division (G) of this section applies 44805
shall include only grades six through twelve. 44806

(3) Notwithstanding anything in division (A)(3)(a) of this 44807
section to the contrary, the characteristics of students who may 44808
be assigned to an alternative school to which division (G) of this 44809
section applies shall include only disruptive and low-performing 44810
students. 44811

(H) When any district board of education determines to 44812
contract with a nonprofit or for profit entity to operate an 44813
alternative school under this section, the board shall use the 44814
procedure set forth in this division. 44815

(1) The board shall publish notice of a request for proposals 44816
in a newspaper of general circulation in the district once each 44817
week for a period of at least two consecutive weeks prior to the 44818
date specified by the board for receiving proposals. Notices of 44819
requests for proposals shall contain a general description of the 44820
subject of the proposed contract and the location where the 44821
request for proposals may be obtained. The request for proposals 44822
shall include all of the following information: 44823

(a) Instructions and information to respondents concerning 44824
the submission of proposals, including the name and address of the 44825
office where proposals are to be submitted; 44826

(b) Instructions regarding communications, including at least 44827
the names, titles, and telephone numbers of persons to whom 44828
questions concerning a proposal may be directed; 44829

(c) A description of the performance criteria that will be 44830
used to evaluate whether a respondent to which a contract is 44831
awarded is meeting the district's educational standards or the 44832
method by which such performance criteria will be determined; 44833

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed;

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond;

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties.

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school;

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

(c) Whether the respondent has the resources to undertake the operation of the alternative school and to provide qualified personnel to staff the school;

(d) Financial responsibility.

(3) The board shall select for further review at least three proposals from respondents the board considers qualified to operate the alternative school in the best interests of the

students and the district. If fewer than three proposals are 44864
submitted, the board shall select each proposal submitted. The 44865
board may cancel a request for proposals or reject all proposals 44866
at any time prior to the execution of a contract. 44867

The board may hold discussions with any of the three selected 44868
respondents to clarify or revise the provisions of a proposal or 44869
the proposed contract to ensure complete understanding between the 44870
board and the respondent of the terms under which a contract will 44871
be entered. Respondents shall be accorded fair and equal treatment 44872
with respect to any opportunity for discussion regarding 44873
clarifications or revisions. The board may terminate or 44874
discontinue any further discussion with a respondent upon written 44875
notice. 44876

(4) Upon further review of the three proposals selected by 44877
the board, the board shall award a contract to the respondent the 44878
board considers to have the most merit, taking into consideration 44879
the scope, complexity, and nature of the services to be performed 44880
by the respondent under the contract. 44881

(5) Except as provided in division (H)(6) of this section, 44882
the request for proposals, submitted proposals, and related 44883
documents shall become public records under section 149.43 of the 44884
Revised Code after the award of the contract. 44885

(6) Any respondent may request in writing that the board not 44886
disclose confidential or proprietary information or trade secrets 44887
contained in the proposal submitted by the respondent to the 44888
board. Any such request shall be accompanied by an offer of 44889
indemnification from the respondent to the board. The board shall 44890
determine whether to agree to the request and shall inform the 44891
respondent in writing of its decision. If the board agrees to 44892
nondisclosure of specified information in a proposal, such 44893
information shall not become a public record under section 149.43 44894
of the Revised Code. If the respondent withdraws its proposal at 44895

any time prior to the execution of a contract, the proposal shall 44896
not be a public record under section 149.43 of the Revised Code. 44897

(I) Upon a recommendation from the department and in 44898
accordance with section 3301.16 of the Revised Code, the state 44899
board of education may revoke the charter of any alternative 44900
school operated by a school district that violates this section. 44901

Sec. 3313.536. (A) The board of education of each city, 44902
exempted village, and local school district and the governing 44903
authority of each chartered nonpublic school shall adopt a 44904
comprehensive school safety plan for each school building under 44905
the board's or governing authority's control. The board or 44906
governing authority shall examine the environmental conditions and 44907
operations of each building to determine potential hazards to 44908
student and staff safety and shall propose operating changes to 44909
promote the prevention of potentially dangerous problems and 44910
circumstances. In developing the plan for each building, the board 44911
or governing authority shall involve community law enforcement and 44912
safety officials, parents of students who are assigned to the 44913
building, and teachers and nonteaching employees who are assigned 44914
to the building. The board or governing authority shall consider 44915
incorporating remediation strategies into the plan for any 44916
building where documented safety problems have occurred. 44917

The board or governing authority shall incorporate into the 44918
plan both of the following: 44919

(1) A protocol for addressing serious threats to the safety 44920
of school property, students, employees, or administrators; 44921

(2) A protocol for responding to any emergency events that do 44922
occur and that compromise the safety of school property, students, 44923
employees, or administrators. 44924

Each protocol shall include procedures deemed appropriate by 44925

the board or governing authority for responding to threats and 44926
emergency events, respectively, including such things as 44927
notification of appropriate law enforcement personnel, calling 44928
upon specified emergency response personnel for assistance, and 44929
informing parents of affected students. Prior to the opening day 44930
of each school year, the board or governing authority shall inform 44931
each student enrolled in the school and the student's parent of 44932
the parental notification procedures included in the protocol. 44933

(B) The board or governing authority shall update the safety 44934
plan at least once every three years and whenever a major 44935
modification to the building requires changes in the procedures 44936
outlined in the plan. 44937

(C) The board or governing authority shall file a copy of the 44938
current safety plan and building blueprint with each law 44939
enforcement agency that has jurisdiction over the school building 44940
and, upon request, the fire department that serves the political 44941
subdivision in which the school building is located. The board or 44942
governing authority also shall file a copy of the current safety 44943
plan and a floor plan of the building, but not a building 44944
blueprint, with the attorney general, who shall post that 44945
information on the Ohio law enforcement gateway or its successor. 44946

Copies of safety plans, building blueprints, and floor plans 44947
shall be filed as described in this division not later than the 44948
ninety-first day after ~~the effective date of this amendment~~ March 44949
30, 2007. If a board or governing authority revises a safety plan, 44950
building blueprint, or floor plan after the initial filing, the 44951
board or governing authority shall file copies of the revised 44952
safety plan, building blueprint, or floor plan in the manner 44953
described in this division not later than the ninety-first day 44954
after the revision is adopted. 44955

Copies of the safety plan and building blueprint are not a 44956
public record pursuant to section 149.433 of the Revised Code. 44957

Notwithstanding section 149.433 of the Revised Code, a 44958
building floor plan filed with the attorney general pursuant to 44959
this division is not a public record to the extent it is a record 44960
kept by the attorney general. This paragraph does not affect the 44961
status of a floor plan kept as a record by another public office. 44962

The board or governing authority, each law enforcement agency 44963
and fire department to which copies of the safety plan and 44964
building blueprint are provided, and the attorney general shall 44965
keep the copies in a secure place. 44966

(D) The board or governing authority shall grant access to 44967
each school building under its control to law enforcement 44968
personnel to enable the personnel to hold training sessions for 44969
responding to threats and emergency events affecting the building, 44970
provided that the access occurs outside of student instructional 44971
hours and an employee of the board or governing authority is 44972
present in the building during the training sessions. 44973

Sec. 3313.55. The board of education of any school district 44974
in which is located a state, district, county, or municipal 44975
hospital for children with epilepsy or any public institution, 44976
except state institutions for the care and treatment of 44977
delinquent, unstable, or socially maladjusted children, shall make 44978
provision for the education of all educable children therein; 44979
except that in the event another school district within the same 44980
county or an adjoining county is the source of sixty per cent or 44981
more of the children in said hospital or institution, the board of 44982
that school district shall make provision for the education of all 44983
the children therein. In any case in which a board provides 44984
educational facilities under this section, the board that provides 44985
the facilities shall be entitled to all moneys authorized for the 44986
attendance of pupils as provided in Chapter 3306. or 3317. of the 44987
Revised Code, tuition as provided in section 3317.08 of the 44988

Revised Code, and such additional compensation as is provided for 44989
crippled children in sections 3323.01 to 3323.12 of the Revised 44990
Code. Any board that provides the educational facilities for 44991
children in county or municipal institutions established for the 44992
care and treatment of children who are delinquent, unstable, or 44993
socially maladjusted shall not be entitled to any moneys provided 44994
for crippled children in sections 3323.01 to 3323.12 of the 44995
Revised Code. 44996

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 44997
of the Revised Code, divisions (A) to (E) of this section do not 44998
apply to any cooperative education school district established 44999
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 45000
Code. 45001

(A) The board of education of each city and exempted village 45002
school district, the governing board of each educational service 45003
center, and the board of each cooperative education school 45004
district established pursuant to section 3311.521 of the Revised 45005
Code shall prescribe a curriculum for all schools under their 45006
control. Except as provided in division (E) of this section, in 45007
any such curriculum there shall be included the study of the 45008
following subjects: 45009

(1) The language arts, including reading, writing, spelling, 45010
oral and written English, and literature; 45011

(2) Geography, the history of the United States and of Ohio, 45012
and national, state, and local government in the United States, 45013
including a balanced presentation of the relevant contributions to 45014
society of men and women of African, Mexican, Puerto Rican, and 45015
American Indian descent as well as other ethnic and racial groups 45016
in Ohio and the United States; 45017

(3) Mathematics; 45018

(4) Natural science, including instruction in the conservation of natural resources;	45019 45020
(5) Health education, which shall include instruction in:	45021
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, the use and effects of food additives;	45022 45023 45024
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco;	45025 45026
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	45027 45028 45029
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention.	45030 45031 45032 45033 45034
(6) Physical education;	45035
(7) The fine arts, including music;	45036
(8) First aid, including a training program in cardiopulmonary resuscitation, safety, and fire prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation;	45037 45038 45039 45040 45041
<u>(9) In grade seven or eight, life and career-ready skills, including financial literacy, entrepreneurship, career planning and awareness, and any other skills identified by the superintendent of public instruction. The state superintendent shall issue program guidance and guidelines to assist with the implementation of division (A)(9) of this section.</u>	45042 45043 45044 45045 45046 45047
(B) Except as provided in division (E) of this section, every	45048

school or school district shall include in the requirements for 45049
promotion from the eighth grade to the ninth grade one year's 45050
course of study of American history. A board may waive this 45051
requirement for academically accelerated students who, in 45052
accordance with procedures adopted by the board, are able to 45053
demonstrate mastery of essential concepts and skills of the eighth 45054
grade American history course of study. 45055

(C) Except as provided in division (E) of this section, every 45056
high school shall include in the requirements for graduation from 45057
any curriculum one unit of American history and government, 45058
including a study of the constitutions of the United States and of 45059
Ohio. 45060

(D) Except as provided in division (E) of this section, basic 45061
instruction in geography, United States history, the government of 45062
the United States, the government of the state of Ohio, local 45063
government in Ohio, the Declaration of Independence, the United 45064
States Constitution, and the Constitution of the state of Ohio 45065
shall be required before pupils may participate in courses 45066
involving the study of social problems, economics, foreign 45067
affairs, United Nations, world government, socialism and 45068
communism. 45069

(E) For each cooperative education school district 45070
established pursuant to section 3311.521 of the Revised Code and 45071
each city, exempted village, and local school district that has 45072
territory within such a cooperative district, the curriculum 45073
adopted pursuant to divisions (A) to (D) of this section shall 45074
only include the study of the subjects that apply to the grades 45075
operated by each such school district. The curriculums for such 45076
schools, when combined, shall provide to each student of these 45077
districts all of the subjects required under divisions (A) to (D) 45078
of this section. 45079

(F) The board of education of any cooperative education 45080

school district established pursuant to divisions (A) to (C) of 45081
section 3311.52 of the Revised Code shall prescribe a curriculum 45082
for the subject areas and grade levels offered in any school under 45083
its control. 45084

(G) Upon the request of any parent or legal guardian of a 45085
student, the board of education of any school district shall 45086
permit the parent or guardian to promptly examine, with respect to 45087
the parent's or guardian's own child: 45088

(1) Any survey or questionnaire, prior to its administration 45089
to the child; 45090

(2) Any textbook, workbook, software, video, or other 45091
instructional materials being used by the district in connection 45092
with the instruction of the child; 45093

(3) Any completed and graded test taken or survey or 45094
questionnaire filled out by the child; 45095

(4) Copies of the statewide academic standards and each model 45096
curriculum developed pursuant to section 3301.079 of the Revised 45097
Code, which copies shall be available at all times during school 45098
hours in each district school building. 45099

Sec. 3313.603. (A) As used in this section: 45100

(1) "One unit" means a minimum of one hundred twenty hours of 45101
course instruction, except that for a laboratory course, "one 45102
unit" means a minimum of one hundred fifty hours of course 45103
instruction. 45104

(2) "One-half unit" means a minimum of sixty hours of course 45105
instruction, except that for physical education courses, "one-half 45106
unit" means a minimum of one hundred twenty hours of course 45107
instruction. 45108

(B) Beginning September 15, 2001, except as required in 45109
division (C) of this section and division (C) of section 3313.614 45110

of the Revised Code, the requirements for graduation from every	45111
high school shall include twenty units earned in grades nine	45112
through twelve and shall be distributed as follows:	45113
(1) English language arts, four units;	45114
(2) Health, one-half unit;	45115
(3) Mathematics, three units;	45116
(4) Physical education, one-half unit;	45117
(5) Science, two units until September 15, 2003, and three	45118
units thereafter, which at all times shall include both of the	45119
following:	45120
(a) Biological sciences, one unit;	45121
(b) Physical sciences, one unit.	45122
(6) Social studies, three units, which shall include both of	45123
the following:	45124
(a) American history, one-half unit;	45125
(b) American government, one-half unit.	45126
(7) Elective units, seven units until September 15, 2003, and	45127
six units thereafter.	45128
Each student's electives shall include at least one unit, or	45129
two half units, chosen from among the areas of	45130
business/technology, fine arts, and/or foreign language.	45131
(C) Beginning with students who enter ninth grade for the	45132
first time on or after July 1, 2010, except as provided in	45133
divisions (D) to (F) of this section, the requirements for	45134
graduation from every public and chartered nonpublic high school	45135
shall include twenty units that are designed to prepare students	45136
for the workforce and college. The units shall be distributed as	45137
follows:	45138
(1) English language arts, four units;	45139

(2) Health, one-half unit;	45140
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	45141 45142
(4) Physical education, one-half unit;	45143
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	45144 45145 45146 45147
(a) Physical sciences, one unit;	45148
(b) Life sciences, one unit;	45149
(c) Advanced study in one or more of the following sciences, one unit:	45150 45151
(i) Chemistry, physics, or other physical science;	45152
(ii) Advanced biology or other life science;	45153
(iii) Astronomy, physical geology, or other earth or space science.	45154 45155
(6) Social studies, three units, which shall include both of the following:	45156 45157
(a) American history, one-half unit;	45158
(b) American government, one-half unit.	45159
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under <u>division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section,</u> into one or more existing social studies credits required under division (C)(6) of this section, or into the content of another class, so that every high school student receives instruction in	45160 45161 45162 45163 45164 45165 45166 45167 45168

those concepts. In developing the curriculum required by this 45169
paragraph, schools shall use available public-private partnerships 45170
and resources and materials that exist in business, industry, and 45171
through the centers for economics education at institutions of 45172
higher education in the state. 45173

(7) Five units consisting of one or any combination of 45174
foreign language, fine arts, business, career-technical education, 45175
family and consumer sciences, technology, agricultural education, 45176
or English language arts, mathematics, science, or social studies 45177
courses not otherwise required under division (C) of this section. 45178

Ohioans must be prepared to apply increased knowledge and 45179
skills in the workplace and to adapt their knowledge and skills 45180
quickly to meet the rapidly changing conditions of the 45181
twenty-first century. National studies indicate that all high 45182
school graduates need the same academic foundation, regardless of 45183
the opportunities they pursue after graduation. The goal of Ohio's 45184
system of elementary and secondary education is to prepare all 45185
students for and seamlessly connect all students to success in 45186
life beyond high school graduation, regardless of whether the next 45187
step is entering the workforce, beginning an apprenticeship, 45188
engaging in post-secondary training, serving in the military, or 45189
pursuing a college degree. 45190

The Ohio core curriculum is the standard expectation for all 45191
students entering ninth grade for the first time at a public or 45192
chartered nonpublic high school on or after July 1, 2010. A 45193
student may satisfy this expectation through a variety of methods, 45194
including, but not limited to, integrated, applied, 45195
career-technical, and traditional coursework. 45196

Whereas teacher quality is essential for student success in 45197
completing the Ohio core curriculum, the general assembly shall 45198
appropriate funds for strategic initiatives designed to strengthen 45199
schools' capacities to hire and retain highly qualified teachers 45200

in the subject areas required by the curriculum. Such initiatives 45201
are expected to require an investment of \$120,000,000 over five 45202
years. 45203

Stronger coordination between high schools and institutions 45204
of higher education is necessary to prepare students for more 45205
challenging academic endeavors and to lessen the need for academic 45206
remediation in college, thereby reducing the costs of higher 45207
education for Ohio's students, families, and the state. The state 45208
board of education, the Ohio board of regents, and the partnership 45209
for continued learning shall develop policies to ensure that only 45210
in rare instances will students who complete the Ohio core 45211
curriculum require academic remediation after high school. 45212

School districts, community schools, and chartered nonpublic 45213
schools shall integrate technology into learning experiences 45214
whenever practicable across the curriculum in order to maximize 45215
efficiency, enhance learning, and prepare students for success in 45216
the technology-driven twenty-first century. Districts and schools 45217
may use distance and web-based course delivery as a method of 45218
providing or augmenting all instruction required under this 45219
division, including laboratory experience in science. Districts 45220
and schools shall whenever practicable utilize technology access 45221
and electronic learning opportunities provided by the eTech Ohio 45222
commission, the Ohio learning network, education technology 45223
centers, public television stations, and other public and private 45224
providers. 45225

(D) Except as provided in division (E) of this section, a 45226
student who enters ninth grade on or after July 1, 2010, and 45227
before July 1, 2014, may qualify for graduation from a public or 45228
chartered nonpublic high school even though the student has not 45229
completed the Ohio core curriculum prescribed in division (C) of 45230
this section if all of the following conditions are satisfied: 45231

(1) After the student has attended high school for two years, 45232

as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

The partnership for continued learning, in collaboration with the department of education and the Ohio board of regents, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The partnership shall submit its findings and any recommendations not later than

August 1, 2014, to the speaker and minority leader of the house of 45264
representatives, the president and minority leader of the senate, 45265
the chairpersons and ranking minority members of the standing 45266
committees of the house of representatives and the senate that 45267
consider education legislation, the state board of education, and 45268
the superintendent of public instruction. 45269

(E) Each school district and chartered nonpublic school 45270
retains the authority to require an even more rigorous minimum 45271
curriculum for high school graduation than specified in division 45272
(B) or (C) of this section. A school district board of education, 45273
through the adoption of a resolution, or the governing authority 45274
of a chartered nonpublic school may stipulate any of the 45275
following: 45276

(1) A minimum high school curriculum that requires more than 45277
twenty units of academic credit to graduate; 45278

(2) An exception to the district's or school's minimum high 45279
school curriculum that is comparable to the exception provided in 45280
division (D) of this section but with additional requirements, 45281
which may include a requirement that the student successfully 45282
complete more than the minimum curriculum prescribed in division 45283
(B) of this section; 45284

(3) That no exception comparable to that provided in division 45285
(D) of this section is available. 45286

(F) A student enrolled in a dropout prevention and recovery 45287
program, which program has received a waiver from the department 45288
of education, may qualify for graduation from high school by 45289
successfully completing a competency-based instructional program 45290
administered by the dropout prevention and recovery program in 45291
lieu of completing the Ohio core curriculum prescribed in division 45292
(C) of this section. The department shall grant a waiver to a 45293
dropout prevention and recovery program, within sixty days after 45294

the program applies for the waiver, if the program meets all of 45295
the following conditions: 45296

(1) The program serves only students not younger than sixteen 45297
years of age and not older than twenty-one years of age. 45298

(2) The program enrolls students who, at the time of their 45299
initial enrollment, either, or both, are at least one grade level 45300
behind their cohort age groups or experience crises that 45301
significantly interfere with their academic progress such that 45302
they are prevented from continuing their traditional programs. 45303

(3) The program requires students to attain at least the 45304
applicable score designated for each of the ~~tests~~ assessments 45305
prescribed under division (B)(1) of section 3301.0710 of the 45306
Revised Code or, to the extent prescribed by rule of the state 45307
board of education under division (E)(6) of section 3301.0712 of 45308
the Revised Code, division (B)(2) of that section. 45309

(4) The program develops an individual career plan for the 45310
student that specifies the student's matriculating to a two-year 45311
degree program, acquiring a business and industry credential, or 45312
entering an apprenticeship. 45313

(5) The program provides counseling and support for the 45314
student related to the plan developed under division (F)(4) of 45315
this section during the remainder of the student's high school 45316
experience. 45317

(6) The program requires the student and the student's 45318
parent, guardian, or custodian to sign and file, in accordance 45319
with procedural requirements stipulated by the program, a written 45320
statement asserting the parent's, guardian's, or custodian's 45321
consent to the student's graduating without completing the Ohio 45322
core curriculum and acknowledging that one consequence of not 45323
completing the Ohio core curriculum is ineligibility to enroll in 45324
most state universities in Ohio without further coursework. 45325

(7) Prior to receiving the waiver, the program has submitted 45326
to the department an instructional plan that demonstrates how the 45327
academic content standards adopted by the state board of education 45328
under section 3301.079 of the Revised Code will be taught and 45329
assessed. 45330

If the department does not act either to grant the waiver or 45331
to reject the program application for the waiver within sixty days 45332
as required under this section, the waiver shall be considered to 45333
be granted. 45334

(G) Every high school may permit students below the ninth 45335
grade to take advanced work ~~for~~. If a high school so permits, it 45336
shall award high school credit. ~~A high school for successful~~ 45337
completion of the advanced work and shall count such advanced work 45338
toward the graduation requirements of division (B) or (C) of this 45339
section if the advanced work was both: 45340

(1) Taught by a person who possesses a license or certificate 45341
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 45342
Code that is valid for teaching high school; 45343

(2) Designated by the board of education of the city, local, 45344
or exempted village school district, the board of the cooperative 45345
education school district, or the governing authority of the 45346
chartered nonpublic school as meeting the high school curriculum 45347
requirements. 45348

Each high school shall record on the student's high school 45349
transcript all high school credit awarded under division (G) of 45350
this section. In addition, if the student completed a seventh- or 45351
eighth-grade fine arts course described in division (K) of this 45352
section and the course qualified for high school credit under that 45353
division, the high school shall record that course on the 45354
student's high school transcript. 45355

(H) The department shall make its individual academic career 45356

plan available through its Ohio career information system web site 45357
for districts and schools to use as a tool for communicating with 45358
and providing guidance to students and families in selecting high 45359
school courses. 45360

(I) Units earned in English language arts, mathematics, 45361
science, and social studies that are delivered through integrated 45362
academic and career-technical instruction are eligible to meet the 45363
graduation requirements of division (B) or (C) of this section. 45364

(J) The state board of education, in consultation with the 45365
Ohio board of regents and the partnership for continued learning, 45366
shall adopt a statewide plan implementing methods for students to 45367
earn units of high school credit based on a demonstration of 45368
subject area competency, instead of or in combination with 45369
completing hours of classroom instruction. The state board shall 45370
adopt the plan not later than March 31, 2009, and commence phasing 45371
in the plan during the 2009-2010 school year. The plan shall 45372
include a standard method for recording demonstrated proficiency 45373
on high school transcripts. Each school district, community 45374
school, and chartered nonpublic school shall comply with the state 45375
board's plan adopted under this division and award units of high 45376
school credit in accordance with the plan. The state board may 45377
adopt existing methods for earning high school credit based on a 45378
demonstration of subject area competency as necessary prior to the 45379
2009-2010 school year. 45380

(K) This division does not apply to students who qualify for 45381
graduation from high school under division (D) or (F) of this 45382
section, or to students pursuing a career-technical instructional 45383
track as determined by the school district board of education or 45384
the chartered nonpublic school's governing authority. 45385
Nevertheless, the general assembly encourages such students to 45386
consider enrolling in a fine arts course as an elective. 45387

Beginning with students who enter ninth grade for the first 45388

time on or after July 1, 2010, each student enrolled in a public 45389
or chartered nonpublic high school shall complete two semesters or 45390
the equivalent of fine arts to graduate from high school. The 45391
coursework may be completed in any of grades seven to twelve. Each 45392
student who completes a fine arts course in grade seven or eight 45393
may elect to count that course toward the five units of electives 45394
required for graduation under division (C)(7) of this section, if 45395
the course satisfied the requirements of division (G) of this 45396
section. In that case, the high school shall award the student 45397
high school credit for the course and count the course toward the 45398
five units required under division (C)(7) of this section. If the 45399
course in grade seven or eight did not satisfy the requirements of 45400
division (G) of this section, the high school shall not award the 45401
student high school credit for the course but shall count the 45402
course toward the two semesters or the equivalent of fine arts 45403
required by this division. 45404

(L) Notwithstanding anything to the contrary in this section, 45405
the board of education of each school district and the governing 45406
authority of each chartered nonpublic school may adopt a policy to 45407
excuse from the high school physical education requirement each 45408
student who, during high school, has participated in 45409
interscholastic athletics, marching band, or cheerleading for at 45410
least two full seasons. If the board or authority adopts such a 45411
policy, the board or authority shall not require the student to 45412
complete any physical education course as a condition to graduate. 45413
However, the student shall be required to complete one-half unit, 45414
consisting of at least sixty hours of instruction, in another 45415
course of study. 45416

Sec. 3313.605. (A) As used in this section: 45417

(1) "Civic responsibility" means the patriotic and ethical 45418
duties of all citizens to take an active role in society and to 45419

consider the interests and concerns of other individuals in the 45420
community. 45421

(2) "Volunteerism" means nonprofit activity in the United 45422
States, the benefits and limitations of nonprofit activities, and 45423
the presence and function of nonprofit civic and charitable 45424
organizations in the United States. 45425

(3) "Community service" means a service performed through 45426
educational institutions, government agencies, nonprofit 45427
organizations, social service agencies, and philanthropies and 45428
generally designed to provide direct experience with people or 45429
project planning, with the goal of improving the quality of life 45430
for the community. Such activities may include but are not limited 45431
to tutoring, literacy training, neighborhood improvement, 45432
encouraging interracial and multicultural understanding, promoting 45433
ideals of patriotism, increasing environmental safety, assisting 45434
the elderly or disabled, and providing mental health care, 45435
housing, drug abuse prevention programs, and other philanthropic 45436
programs, particularly for disadvantaged or low-income persons. 45437

(B) ~~Any~~ The board of education of each city, local, exempted 45438
village, or and joint vocational school district board of 45439
education may, the governing authority of each community school 45440
established under Chapter 3314. of the Revised Code, and the 45441
governing body of each STEM school established under Chapter 3326. 45442
of the Revised Code shall include community service education in 45443
the its educational program ~~of the district by adopting a~~ 45444
~~resolution to that effect.~~ A governing board of an educational 45445
service center, upon the request of a local school district board 45446
of education, may provide a community service education program 45447
for the local district pursuant to this section. ~~Any board~~ In 45448
implementing community service education, each board, governing 45449
authority, or governing body shall do both of the following: 45450

(1) Establish a community service advisory committee. The 45451

committee shall provide recommendations to the board, governing authority, or governing body regarding a community service plan for students ~~in all grades of the schools under control of the board~~ and shall oversee and assist in the implementation of the plan adopted by the board, governing authority, or governing body under division (B)(2) of this section. Each board, governing authority, or governing body shall determine the membership and organization of its advisory committee and may designate an existing committee established for another purpose to serve as the community service advisory committee; however, each such committee shall include two or more students and shall include or consult with at least one person employed in the field of volunteer management who devotes at least fifty per cent of employment hours to coordinating volunteerism among community organizations. The committee members may include representatives of parents, teachers, administrators, other educational institutions, business, government, nonprofit organizations, veterans organizations, social service agencies, religious organizations, and philanthropies.

(2) Develop and implement a community service plan ~~for students in all grades of the schools under control of the board.~~ To assist in establishing its plan, the board, governing authority, or governing body shall consult with and may contract with one or more local or regional organizations with experience in volunteer program development and management. Each community service plan adopted under this division shall be based upon the recommendations of the advisory committee and shall provide for all of the following:

(a) Education of students in the value of community service and its contributions to the history of this state and this nation;

(b) Identification of opportunities for students to provide

community service;	45484
(c) Encouragement of students to provide community service;	45485
(d) Integration of community service opportunities into the curriculum;	45486 45487
(e) <u>Guidelines for the community service learning project prescribed by division (B)(2) of section 3301.0710 and section 3301.0712 of the Revised Code, consistent with the scoring rubric developed for such project under section 3301.0712 of the Revised Code;</u>	45488 45489 45490 45491 45492
(f) A community service instructional program for teachers, including strategies for the teaching of community service education, for the discovery of community service opportunities, and for the motivation of students to become involved in community service.	45493 45494 45495 45496 45497
Plans shall be reviewed periodically by the advisory committee and, if necessary, revised by the board, <u>governing authority, or governing body</u> at least once every five years.	45498 45499 45500
Plans shall emphasize community service opportunities that can most effectively use the skills of students, such as tutoring or literacy programs. Plans shall provide for students to perform services under the plan that will not supplant the hiring of, result in the displacement of, or impair any existing employment contract of any particular employee of any private or governmental entity for which the services are performed. The plan shall provide for any entity utilizing a student to perform community service under the plan to verify to the board that the student does not supplant the hiring of, displace, or impair the employment contract of any particular employee of the entity.	45501 45502 45503 45504 45505 45506 45507 45508 45509 45510 45511
Upon adoption, a board, <u>governing authority, or governing body</u> shall submit a copy of its plan to the department of education. Each city and exempted village board of education and	45512 45513 45514

each governing board of a service center shall include a copy of 45515
its plan in any course of study adopted under section 3313.60 of 45516
the Revised Code that is required to be submitted for approval to 45517
the state board for review. A joint vocational school district 45518
board of education shall submit a copy of its plan to the state 45519
board for review when required to do so by the state board. A 45520
local board shall forward its plan to the educational service 45521
center governing board for inclusion in the governing board's 45522
course of study. ~~By December 1, 1992, and periodically thereafter,~~ 45523
the The department of education periodically shall review all 45524
plans and publish those plans that could serve as models for other 45525
school districts ~~or~~, educational service centers, community 45526
schools, or STEM schools. 45527

(C) ~~A Under this section, a board integrating community~~ 45528
~~service education into the curriculum, governing authority, or~~ 45529
governing body may only grant high school credit for a community 45530
service education course if approximately half of the course is 45531
devoted to classroom study of such matters as civic 45532
responsibility, the history of volunteerism, and community service 45533
training and approximately half of the course is devoted to 45534
community service. 45535

Each board, governing authority, or governing body shall 45536
determine which specific activities will serve to fulfill the 45537
required hours of community service. 45538

(D) Each board, governing authority, or governing body shall 45539
use the rubric developed under section 3301.0712 of the Revised 45540
Code to determine whether the community service project required 45541
as a part of the high school assessment system meets the criteria 45542
for high school graduation. 45543

Sec. 3313.607. (A) The board of education of ~~any~~ each school 45544
district ~~may provide assistance to any student to,~~ the governing 45545

authority of each community school operating under Chapter 3314. 45546
of the Revised Code, and the governing body of each STEM school 45547
operating under Chapter 3326. of the Revised Code shall require 45548
all students to develop a written career and college plan as part 45549
of the course required by division (A)(9) of section 3313.60 of 45550
the Revised Code. ~~If a school district receives any state money~~ 45551
~~appropriated for the purposes of this section, career~~ Career and 45552
~~college plans developed utilizing these funds shall be completed~~ 45553
prior to the end of the eighth grade year, shall identify career 45554
goals and indicate educational goals to prepare for those career 45555
goals, and shall be updated periodically as students successfully 45556
complete high school coursework, ~~and shall.~~ Career and college 45557
plans may culminate in a career passport described by division (B) 45558
of this section. 45559

(B) The board of education of any school district, the 45560
governing authority of a community school, or the governing body 45561
of a STEM school may provide an individual career passport to any 45562
student upon the successful completion of the coursework of any 45563
high school. If a school district, governing authority, or 45564
governing body receives any state money for the purposes of this 45565
section, a career passport shall be provided to each such student. 45566
Each such passport shall document the knowledge and skills of the 45567
student, including documentation of the student's coursework and 45568
any employment, community, or leadership experiences. Each such 45569
passport shall also list the competency levels the student 45570
achieved, disclose the student's attendance record, and identify 45571
the career credentials the student gained. 45572

Sec. 3313.608. (A) Beginning with students who enter third 45573
grade in the school year that starts July 1, ~~2003~~ 2009, for any 45574
student who attains a score in the range designated under division 45575
(A)(2)~~(e)~~(c) of section 3301.0710 of the Revised Code on the ~~test~~ 45576
assessment prescribed under that section to measure skill in 45577

~~reading~~ English language arts expected at the end of third grade, 45578
each school district, in accordance with the policy adopted under 45579
section 3313.609 of the Revised Code, shall do one of the 45580
following: 45581

(1) Promote the student to fourth grade if the student's 45582
principal and reading teacher agree that other evaluations of the 45583
student's skill in reading demonstrate that the student is 45584
academically prepared to be promoted to fourth grade; 45585

(2) Promote the student to fourth grade but provide the 45586
student with intensive intervention services in fourth grade; 45587

(3) Retain the student in third grade. 45588

(B)(1) To assist students in meeting this third grade 45589
guarantee established by this section, each school district shall 45590
adopt policies and procedures with which it shall annually assess 45591
the reading skills of each student at the end of first and second 45592
grade and identify students who are reading below their grade 45593
level. If the diagnostic assessment to measure ~~reading~~ English 45594
language arts ability for the appropriate grade level has been 45595
developed in accordance with division (D)(1) of section 3301.079 45596
of the Revised Code, each school district shall use such 45597
diagnostic assessment to identify such students, except that any 45598
district to which division (E) of section 3301.0715 of the Revised 45599
Code applies may use another assessment to identify such students. 45600
The policies and procedures shall require the students' classroom 45601
teachers to be involved in the assessment and the identification 45602
of students reading below grade level. The district shall notify 45603
the parent or guardian of each student whose reading skills are 45604
below grade level and, in accordance with division (C) of this 45605
section, provide intervention services to each student reading 45606
below grade level. Such intervention services shall include 45607
instruction in intensive, systematic phonetics pursuant to rules 45608
adopted by the state board of education. 45609

45610

(2) For each student entering third grade after July 1, ~~2003~~ 45611
2009, who does not attain by the end of the third grade at least a 45612
score in the range designated under division (A)(2)~~(e)~~(b) of 45613
section 3301.0710 of the Revised Code on the ~~test~~ assessment 45614
prescribed under that section to measure skill in ~~reading~~ English 45615
language arts expected at the end of third grade, the district 45616
also shall offer intense remediation services during the summer 45617
following third grade. 45618

(C) For each student required to be offered intervention 45619
services under this section, the district shall involve the 45620
student's parent or guardian and classroom teacher in developing 45621
the intervention strategy, and shall offer to the parent or 45622
guardian the opportunity to be involved in the intervention 45623
services. 45624

(D) Any summer remediation services funded in whole or in 45625
part by the state and offered by school districts to students 45626
under this section shall meet the following conditions: 45627

(1) The remediation methods are based on reliable educational 45628
research. 45629

(2) The school districts conduct ~~testing~~ assessment before 45630
and after students participate in the program to facilitate 45631
monitoring results of the remediation services. 45632

(3) The parents of participating students are involved in 45633
programming decisions. 45634

(4) The services are conducted in a school building or 45635
community center and not on an at-home basis. 45636

(E) This section does not create a new cause of action or a 45637
substantive legal right for any person. 45638

Sec. 3313.61. (A) A diploma shall be granted by the board of 45639

education of any city, exempted village, or local school district 45640
that operates a high school to any person to whom all of the 45641
following apply: 45642

(1) The person has successfully completed the curriculum in 45643
any high school or the individualized education program developed 45644
for the person by any high school pursuant to section 3323.08 of 45645
the Revised Code, or has qualified under division (D) or (F) of 45646
section 3313.603 of the Revised Code, provided that no school 45647
district shall require a student to remain in school for any 45648
specific number of semesters or other terms if the student 45649
completes the required curriculum early; 45650

(2) Subject to section 3313.614 of the Revised Code, the 45651
person has met the assessment requirements of division (A)(2)(a) 45652
or (b) of this section, as applicable. 45653

(a) If the person entered the ninth grade prior to the date 45654
prescribed by rule of the state board of education under division 45655
(E)(2) of section 3301.0712 of the Revised Code, the person 45656
either: 45657

~~(a)(i)~~ Has attained at least the applicable scores designated 45658
under division (B)(1) of section 3301.0710 of the Revised Code on 45659
all the ~~tests~~ assessments required by that division unless the 45660
person was excused from taking any such ~~test~~ assessment pursuant 45661
to section 3313.532 of the Revised Code or unless division (H) or 45662
(L) of this section applies to the person; 45663

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 45664
in section 3313.615 of the Revised Code. 45665

(b) If the person entered the ninth grade on or after the 45666
date prescribed by rule of the state board under division (E)(2) 45667
of section 3301.0712 of the Revised Code, the person has attained 45668
on the entire assessment system prescribed under division (B)(2) 45669
of section 3301.0710 of the Revised Code at least the required 45670

passing composite score, designated under division (C)(1) of 45671
section 3301.0712 of the Revised Code, except to the extent that 45672
the person is excused from some portion of that assessment system 45673
pursuant to section 3313.532 of the Revised Code or division (H) 45674
or (L) of this section. 45675

(3) The person is not eligible to receive an honors diploma 45676
granted pursuant to division (B) of this section. 45677

Except as provided in divisions (C), (E), (J), and (L) of 45678
this section, no diploma shall be granted under this division to 45679
anyone except as provided under this division. 45680

(B) In lieu of a diploma granted under division (A) of this 45681
section, an honors diploma shall be granted, in accordance with 45682
rules of the state board ~~of education~~, by any such district board 45683
to anyone who accomplishes all of the following: 45684

(1) Successfully completes the curriculum in any high school 45685
or the individualized education program developed for the person 45686
by any high school pursuant to section 3323.08 of the Revised 45687
Code; 45688

(2) Subject to section 3313.614 of the Revised Code, has met 45689
the assessment requirements of division (B)(2)(a) or (b) of this 45690
section, as applicable. 45691

(a) If the person entered the ninth grade prior to the date 45692
prescribed by rule of the state board of education under division 45693
(E)(2) of section 3301.0712 of the Revised Code, the person 45694
either: 45695

~~(a)~~(i) Has attained at least the applicable scores designated 45696
under division (B)(1) of section 3301.0710 of the Revised Code on 45697
all the ~~tests~~ assessments required by that division; 45698

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 45699
in section 3313.615 of the Revised Code. 45700

(b) If the person entered the ninth grade on or after the date prescribed by rule of the state board under division (E)(2) of section 3301.0712 of the Revised Code, the person has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code.

(3) Has met additional criteria established by the state board for the granting of such a diploma.

An honors diploma shall not be granted to a student who is subject to the Ohio core curriculum prescribed in division (C) of section 3313.603 of the Revised Code but elects the option of division (D) or (F) of that section. Except as provided in divisions (C), (E), and (J) of this section, no honors diploma shall be granted to anyone failing to comply with this division and no more than one honors diploma shall be granted to any student under this division.

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. The rules may prescribe the granting of an honors diploma recognizing technical expertise for a career-technical student. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any ~~such~~ district board administering any of the ~~tests~~ 45733
assessments required by section 3301.0710 ~~or 3301.0712~~ of the 45734
Revised Code to any person requesting to take such ~~test~~ assessment 45735
pursuant to division (B)(8)(b) of section 3301.0711 of the Revised 45736
Code shall award a diploma to such person if the person attains at 45737
least the applicable scores designated under division (B)(1) of 45738
section 3301.0710 of the Revised Code on all the ~~tests~~ assessments 45739
administered and if the person has previously attained the 45740
applicable scores on all the other ~~tests~~ assessments required by 45741
division (B)(1) of that section or has been exempted or excused 45742
from attaining the applicable score on any such test pursuant to 45743
division (H) or (L) of this section or from taking any such test 45744
pursuant to section 3313.532 of the Revised Code. 45745

(D) Each diploma awarded under this section shall be signed 45746
by the president and treasurer of the issuing board, the 45747
superintendent of schools, and the principal of the high school. 45748
Each diploma shall bear the date of its issue, be in such form as 45749
the district board prescribes, and be paid for out of the 45750
district's general fund. 45751

(E) A person who is a resident of Ohio and is eligible under 45752
state board of education minimum standards to receive a high 45753
school diploma based in whole or in part on credits earned while 45754
an inmate of a correctional institution operated by the state or 45755
any political subdivision thereof, shall be granted such diploma 45756
by the correctional institution operating the programs in which 45757
such credits were earned, and by the board of education of the 45758
school district in which the inmate resided immediately prior to 45759
the inmate's placement in the institution. The diploma granted by 45760
the correctional institution shall be signed by the director of 45761
the institution, and by the person serving as principal of the 45762
institution's high school and shall bear the date of issue. 45763

(F) Persons who are not residents of Ohio but who are inmates 45764

of correctional institutions operated by the state or any 45765
political subdivision thereof, and who are eligible under state 45766
board of education minimum standards to receive a high school 45767
diploma based in whole or in part on credits earned while an 45768
inmate of the correctional institution, shall be granted a diploma 45769
by the correctional institution offering the program in which the 45770
credits were earned. The diploma granted by the correctional 45771
institution shall be signed by the director of the institution and 45772
by the person serving as principal of the institution's high 45773
school and shall bear the date of issue. 45774

(G) The state board of education shall provide by rule for 45775
the administration of the ~~tests~~ assessments required by section 45776
3301.0710 of the Revised Code to inmates of correctional 45777
institutions. 45778

(H) Any person to whom all of the following apply shall be 45779
exempted from attaining the applicable score on the ~~test~~ 45780
assessment in social studies designated under division (B)(1) of 45781
section 3301.0710 of the Revised Code, any social studies 45782
end-of-course examination required under division (B)(2) of that 45783
section if such an exemption is prescribed by rule of the state 45784
board under division (E)(4) of section 3301.0712 of the Revised 45785
Code, or the test in citizenship designated under former division 45786
(B) of section 3301.0710 of the Revised Code as it existed prior 45787
to September 11, 2001: 45788

(1) The person is not a citizen of the United States; 45789

(2) The person is not a permanent resident of the United 45790
States; 45791

(3) The person indicates no intention to reside in the United 45792
States after the completion of high school. 45793

(I) Notwithstanding division (D) of section 3311.19 and 45794
division (D) of section 3311.52 of the Revised Code, this section 45795

and section 3311.611 of the Revised Code do not apply to the board 45796
of education of any joint vocational school district or any 45797
cooperative education school district established pursuant to 45798
divisions (A) to (C) of section 3311.52 of the Revised Code. 45799

(J) Upon receipt of a notice under division (D) of section 45800
3325.08 of the Revised Code that a student has received a diploma 45801
under that section, the board of education receiving the notice 45802
may grant a high school diploma under this section to the student, 45803
except that such board shall grant the student a diploma if the 45804
student meets the graduation requirements that the student would 45805
otherwise have had to meet to receive a diploma from the district. 45806
The diploma granted under this section shall be of the same type 45807
the notice indicates the student received under section 3325.08 of 45808
the Revised Code. 45809

(K) As used in this division, "limited English proficient 45810
student" has the same meaning as in division (C)(3) of section 45811
3301.0711 of the Revised Code. 45812

Notwithstanding division (C)(3) of section 3301.0711 of the 45813
Revised Code, no limited English proficient student who has not 45814
either attained the applicable scores designated under division 45815
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 45816
assessments required by that division, or attained the composite 45817
score designated for the assessments required by division (B)(2) 45818
of that section, shall be awarded a diploma under this section. 45819

(L) Any student described by division (A)(1) of this section 45820
may be awarded a diploma without attaining the applicable scores 45821
designated on the ~~tests~~ assessments prescribed under division (B) 45822
of section 3301.0710 of the Revised Code provided an 45823
individualized education program specifically exempts the student 45824
from attaining such scores. This division does not negate the 45825
requirement for such a student to take all such ~~tests~~ assessments 45826
or alternate assessments required by division (C)(1) of section 45827

3301.0711 of the Revised Code for the purpose of assessing student progress as required by federal law.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.

(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:

(1) The applicant is a resident of the district;

(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;

(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division

(B)(3)(a) or (b) of this section, as applicable.

(a) Prior to the date prescribed by rule of the state board under division (E)(3) of section 3301.0712 of the Revised Code, the applicant either: 45857
45858
45859

~~(a)(i)~~ Has attained the applicable scores designated under 45860
division (B)(1) of section 3301.0710 of the Revised Code on all of 45861
the ~~tests~~ assessments required by that division or was excused or 45862
exempted from any such ~~test~~ assessment pursuant to section 45863
3313.532 or was exempted from attaining the applicable score on 45864
any such ~~test~~ assessment pursuant to division (H) or (L) of 45865
section 3313.61 of the Revised Code; 45866

~~(b)(ii)~~ Has satisfied the alternative conditions prescribed 45867
in section 3313.615 of the Revised Code. 45868

(b) On or after the date prescribed by rule of the state board under division (E)(3) of section 3301.0712 of the Revised Code, has attained on the entire assessment system prescribed under division (B)(2) of section 3301.0710 of the Revised Code at least the required passing composite score, designated under division (C)(1) of section 3301.0712 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that assessment system pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code. 45869
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(4) The district board determines, in accordance with the 45879
standards adopted under division (A) of this section, that the 45880
applicant has attained sufficient high school credits, including 45881
equivalent credits awarded under such standards, to qualify as 45882
having successfully completed the curriculum required by the 45883
district for graduation. 45884

(C) If a district board determines that an applicant is not 45885
eligible for a diploma under division (B) of this section, it 45886
shall inform the applicant of the reason the applicant is 45887

ineligible and shall provide a list of any courses required for 45888
the diploma for which the applicant has not received credit. An 45889
applicant may reapply for a diploma under this section at any 45890
time. 45891

(D) If a district board awards an adult education diploma 45892
under this section, the president and treasurer of the board and 45893
the superintendent of schools shall sign it. Each diploma shall 45894
bear the date of its issuance, be in such form as the district 45895
board prescribes, and be paid for from the district's general 45896
fund, except that the state board may by rule prescribe standard 45897
language to be included on each diploma. 45898

(E) As used in this division, "limited English proficient 45899
student" has the same meaning as in division (C)(3) of section 45900
3301.0711 of the Revised Code. 45901

Notwithstanding division (C)(3) of section 3301.0711 of the 45902
Revised Code, no limited English proficient student who has not 45903
either attained the applicable scores designated under division 45904
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 45905
assessments required by that division, or attained the composite 45906
score designated for the assessments required by division (B)(2) 45907
of that section, shall be awarded a diploma under this section. 45908

Sec. 3313.612. (A) No nonpublic school chartered by the state 45909
board of education shall grant ~~any~~ a high school diploma to any 45910
person unless, subject to section 3313.614 of the Revised Code, 45911
the person has met the assessment requirements of division (A)(1) 45912
or (2) of this section, as applicable. 45913

(1) If the person entered the ninth grade prior to the date 45914
prescribed by rule of the state board under division (E)(2) of 45915
section 3301.0712 of the Revised Code, the person has attained, 45916
~~subject to section 3313.614 of the Revised Code~~ at least the 45917
applicable scores designated under division (B)(1) of section 45918

3301.0710 of the Revised Code on all the ~~tests~~ assessments 45919
required by that division, or has satisfied the alternative 45920
conditions prescribed in section 3313.615 of the Revised Code. 45921

(2) If the person entered the ninth grade on or after the 45922
date prescribed by rule of the state board under division (E)(2) 45923
of section 3301.0712 of the Revised Code, the person has attained 45924
on the entire assessment system prescribed under division (B)(2) 45925
of section 3301.0710 of the Revised Code at least the required 45926
passing composite score, designated under division (C)(1) of 45927
section 3301.0712 of the Revised Code. 45928

(B) This section does not apply to either of the following: 45929

(1) Any person with regard to any ~~test~~ assessment from which 45930
the person was excused pursuant to division (C)(1)(c) of section 45931
3301.0711 of the Revised Code; 45932

(2) Any person with regard to the social studies ~~test~~ 45933
assessment under division (B)(1) of section 3301.0710 of the 45934
Revised Code, any social studies end-of-course examination 45935
required under division (B)(2) of that section if such an 45936
exemption is prescribed by rule of the state board of education 45937
under division (E)(4) of section 3301.0712 of the Revised Code, or 45938
the citizenship test under former division (B) of section 45939
3301.0710 of the Revised Code as it existed prior to September 11, 45940
2001, if all of the following apply: 45941

(a) The person is not a citizen of the United States; 45942

(b) The person is not a permanent resident of the United 45943
States; 45944

(c) The person indicates no intention to reside in the United 45945
States after completion of high school. 45946

(C) As used in this division, "limited English proficient 45947
student" has the same meaning as in division (C)(3) of section 45948

3301.0711 of the Revised Code. 45949

Notwithstanding division (C)(3) of section 3301.0711 of the 45950
Revised Code, no limited English proficient student who has not 45951
either attained the applicable scores designated under division 45952
(B)(1) of section 3301.0710 of the Revised Code on all the ~~tests~~ 45953
assessments required by that division, or attained the composite 45954
score designated for the assessments required by division (B)(2) 45955
of that section, shall be awarded a diploma under this section. 45956

Sec. 3313.614. (A) As used in this section, a person 45957
"fulfills the curriculum requirement for a diploma" at the time 45958
one of the following conditions is satisfied: 45959

(1) The person successfully completes the high school 45960
curriculum of a school district, a community school, a chartered 45961
nonpublic school, or a correctional institution. 45962

(2) The person successfully completes the individualized 45963
education program developed for the person under section 3323.08 45964
of the Revised Code. 45965

(3) A board of education issues its determination under 45966
section 3313.611 of the Revised Code that the person qualifies as 45967
having successfully completed the curriculum required by the 45968
district. 45969

(B) This division specifies the ~~testing~~ assessment 45970
requirements that must be fulfilled as a condition toward granting 45971
high school diplomas under sections 3313.61, 3313.611, 3313.612, 45972
and 3325.08 of the Revised Code. 45973

(1) A person who fulfills the curriculum requirement for a 45974
diploma before September 15, 2000, is not required to pass any 45975
proficiency test or achievement test in science as a condition to 45976
receiving a diploma. 45977

(2) A person who began ninth grade prior to July 1, 2003, is 45978

not required to pass the Ohio graduation test prescribed under 45979
division (B)(1) of section 3301.0710 or any assessment prescribed 45980
under division (B)(2) of that section in any subject as a 45981
condition to receiving a diploma once the person has passed the 45982
ninth grade proficiency test in the same subject, so long as the 45983
person passed the ninth grade proficiency test prior to September 45984
15, 2008. However, any such person who passes the Ohio graduation 45985
test in any subject prior to passing the ninth grade proficiency 45986
test in the same subject shall be deemed to have passed the ninth 45987
grade proficiency test in that subject as a condition to receiving 45988
a diploma. For this purpose, the ninth grade proficiency test in 45989
citizenship substitutes for the Ohio graduation test in social 45990
studies. If a person began ninth grade prior to July 1, 2003, but 45991
does not pass a ninth grade proficiency test or the Ohio 45992
graduation test in a particular subject before September 15, 2008, 45993
and passage of a test in that subject is a condition for the 45994
person to receive a diploma, the person must pass the Ohio 45995
graduation test instead of the ninth grade proficiency test in 45996
that subject to receive a diploma. 45997

(3) A person who begins ninth grade on or after July 1, 2003, 45998
in a school district, community school, or chartered nonpublic 45999
school is not eligible to receive a diploma based on passage of 46000
ninth grade proficiency tests. Each such person who begins ninth 46001
grade prior to the date prescribed by the state board of education 46002
under division (E)(5) of section 3301.0712 of the Revised Code 46003
must pass Ohio graduation tests to meet the testing requirements 46004
applicable to that person as a condition to receiving a diploma. 46005

(4) A person who begins ninth grade on or after the date 46006
prescribed by the state board of education under division (E)(5) 46007
of section 3301.0712 of the Revised Code is not eligible to 46008
receive a diploma based on passage of the Ohio graduation tests. 46009
Each such person must attain on the entire assessment system 46010

prescribed under division (B)(2) of section 3301.0710 of the 46011
Revised Code at least the required passing composite score, 46012
designated under division (C)(1) of section 3301.0712 of the 46013
Revised Code. 46014

(C) This division specifies the curriculum requirement that 46015
shall be completed as a condition toward granting high school 46016
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 46017
of the Revised Code. 46018

(1) A person who is under twenty-two years of age when the 46019
person fulfills the curriculum requirement for a diploma shall 46020
complete the curriculum required by the school district or school 46021
issuing the diploma for the first year that the person originally 46022
enrolled in high school, except for a person who qualifies for 46023
graduation from high school under either division (D) or (F) of 46024
section 3313.603 of the Revised Code. 46025

(2) Once a person fulfills the curriculum requirement for a 46026
diploma, the person is never required, as a condition of receiving 46027
a diploma, to meet any different curriculum requirements that take 46028
effect pending the person's passage of proficiency tests or 46029
achievement tests or assessments, including changes mandated by 46030
section 3313.603 of the Revised Code, the state board, a school 46031
district board of education, or a governing authority of a 46032
community school or chartered nonpublic school. 46033

Sec. 3313.615. This section shall apply to diplomas awarded 46034
after September 15, 2006, to students who are required to take the 46035
five Ohio graduation tests prescribed by division (B)(1) of 46036
section 3301.0710 of the Revised Code. 46037

(A) As an alternative to the requirement that a person attain 46038
the scores designated under division (B)(1) of section 3301.0710 46039
of the Revised Code on all the ~~tests~~ assessments required under 46040
that division in order to be eligible for a high school diploma or 46041

an honors diploma under sections 3313.61, 3313.612, or 3325.08 of 46042
the Revised Code or for a diploma of adult education under section 46043
3313.611 of the Revised Code, a person who has attained at least 46044
the applicable scores designated under division (B)(1) of section 46045
3301.0710 of the Revised Code on all but one of the ~~tests~~ 46046
assessments required by that division and from which the person 46047
was not excused or exempted, pursuant to division (L) of section 46048
3313.61, division (B)(1) of section 3313.612, or section 3313.532 46049
of the Revised Code, may be awarded a diploma or honors diploma if 46050
the person has satisfied all of the following conditions: 46051

(1) On the one ~~test~~ assessment required under division (B)(1) 46052
of section 3301.0710 of the Revised Code for which the person 46053
failed to attain the designated score, the person missed that 46054
score by ten points or less; 46055

(2) Has a ninety-seven per cent school attendance rate in 46056
each of the last four school years, excluding any excused 46057
absences; 46058

(3) Has not been expelled from school under section 3313.66 46059
of the Revised Code in any of the last four school years; 46060

(4) Has a grade point average of at least 2.5 out of 4.0, or 46061
its equivalent as designated in rules adopted by the state board 46062
of education, in the subject area of the ~~test~~ assessment required 46063
under division (B)(1) of section 3301.0710 of the Revised Code for 46064
which the person failed to attain the designated score; 46065

(5) Has completed the high school curriculum requirements 46066
prescribed in section 3313.603 of the Revised Code or has 46067
qualified under division (D) or (F) of that section; 46068

(6) Has taken advantage of any intervention programs provided 46069
by the school district or school in the subject area described in 46070
division (A)(4) of this section and has a ninety-seven per cent 46071
attendance rate, excluding any excused absences, in any of those 46072

programs that are provided at times beyond the normal school day, 46073
school week, or school year or has received comparable 46074
intervention services from a source other than the school district 46075
or school; 46076

(7) Holds a letter recommending graduation from each of the 46077
person's high school teachers in the subject area described in 46078
division (A)(4) of this section and from the person's high school 46079
principal. 46080

(B) The state board of education shall establish rules 46081
designating grade point averages equivalent to the average 46082
specified in division (A)(4) of this section for use by school 46083
districts and schools with different grading systems. 46084

(C) Any student who is exempt from attaining the applicable 46085
score designated under division (B)(1) of section 3301.0710 of the 46086
Revised Code on the Ohio graduation test in social studies 46087
pursuant to division (H) of section 3313.61 or division (B)(2) of 46088
section 3313.612 of the Revised Code shall not qualify for a high 46089
school diploma under this section, unless, notwithstanding the 46090
exemption, the student attains the applicable score on that ~~test~~ 46091
assessment. If the student attains the applicable score on that 46092
~~test~~ assessment, the student may qualify for a diploma under this 46093
section in the same manner as any other student who is required to 46094
take the five Ohio graduation tests prescribed by division (B)(1) 46095
of section 3301.0710 of the Revised Code. 46096

Sec. 3313.62. (A) The school year shall begin on the first 46097
day of July of each calendar year and close on the thirtieth day 46098
of June of the succeeding calendar year. A school week shall 46099
consist of five days, and a school month of four school weeks. 46100

(B) "Learning year" means a school year as defined in 46101
division (A) of this section. 46102

(C) "Learning day" or "school day" is a day a school is 46103
scheduled to be open for instruction. 46104

Sec. 3313.64. (A) As used in this section and in section 46105
3313.65 of the Revised Code: 46106

(1)(a) Except as provided in division (A)(1)(b) of this 46107
section, "parent" means either parent, unless the parents are 46108
separated or divorced or their marriage has been dissolved or 46109
annulled, in which case "parent" means the parent who is the 46110
residential parent and legal custodian of the child. When a child 46111
is in the legal custody of a government agency or a person other 46112
than the child's natural or adoptive parent, "parent" means the 46113
parent with residual parental rights, privileges, and 46114
responsibilities. When a child is in the permanent custody of a 46115
government agency or a person other than the child's natural or 46116
adoptive parent, "parent" means the parent who was divested of 46117
parental rights and responsibilities for the care of the child and 46118
the right to have the child live with the parent and be the legal 46119
custodian of the child and all residual parental rights, 46120
privileges, and responsibilities. 46121

(b) When a child is the subject of a power of attorney 46122
executed under sections 3109.51 to 3109.62 of the Revised Code, 46123
"parent" means the grandparent designated as attorney in fact 46124
under the power of attorney. When a child is the subject of a 46125
caretaker authorization affidavit executed under sections 3109.64 46126
to 3109.73 of the Revised Code, "parent" means the grandparent 46127
that executed the affidavit. 46128

(2) "Legal custody," "permanent custody," and "residual 46129
parental rights, privileges, and responsibilities" have the same 46130
meanings as in section 2151.011 of the Revised Code. 46131

(3) "School district" or "district" means a city, local, or 46132
exempted village school district and excludes any school operated 46133

in an institution maintained by the department of youth services. 46134

(4) Except as used in division (C)(2) of this section, "home" 46135
means a home, institution, foster home, group home, or other 46136
residential facility in this state that receives and cares for 46137
children, to which any of the following applies: 46138

(a) The home is licensed, certified, or approved for such 46139
purpose by the state or is maintained by the department of youth 46140
services. 46141

(b) The home is operated by a person who is licensed, 46142
certified, or approved by the state to operate the home for such 46143
purpose. 46144

(c) The home accepted the child through a placement by a 46145
person licensed, certified, or approved to place a child in such a 46146
home by the state. 46147

(d) The home is a children's home created under section 46148
5153.21 or 5153.36 of the Revised Code. 46149

(5) "Agency" means all of the following: 46150

(a) A public children services agency; 46151

(b) An organization that holds a certificate issued by the 46152
Ohio department of job and family services in accordance with the 46153
requirements of section 5103.03 of the Revised Code and assumes 46154
temporary or permanent custody of children through commitment, 46155
agreement, or surrender, and places children in family homes for 46156
the purpose of adoption; 46157

(c) Comparable agencies of other states or countries that 46158
have complied with applicable requirements of section 2151.39 of 46159
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 46160
5103.23 to 5103.237 of the Revised Code. 46161

(6) A child is placed for adoption if either of the following 46162
occurs: 46163

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Child," unless otherwise indicated, includes preschool children with disabilities.

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education. 46194

(3) A child who is not entitled under division (B)(2) of this 46195
section to be admitted to the schools of the district where the 46196
child resides and who is residing with a resident of this state 46197
with whom the child has been placed for adoption shall be admitted 46198
to the schools of the district where the child resides unless 46199
either of the following applies: 46200

(a) The placement for adoption has been terminated. 46201

(b) Another school district is required to admit the child 46202
under division (B)(1) of this section. 46203

Division (B) of this section does not prohibit the board of 46204
education of a school district from placing a child with a 46205
disability who resides in the district in a special education 46206
program outside of the district or its schools in compliance with 46207
Chapter 3323. of the Revised Code. 46208

(C) A district shall not charge tuition for children admitted 46209
under division (B)(1) or (3) of this section. If the district 46210
admits a child under division (B)(2) of this section, tuition 46211
shall be paid to the district that admits the child as follows: 46212

(1) If the child receives special education in accordance 46213
with Chapter 3323. of the Revised Code, the school district of 46214
residence, as defined in section 3323.01 of the Revised Code, 46215
shall pay tuition for the child in accordance with section 46216
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 46217
regardless of who has custody of the child or whether the child 46218
resides in a home. 46219

(2) For a child that does not receive special education in 46220
accordance with Chapter 3323. of the Revised Code, except as 46221
otherwise provided in division (C)(2)(d) of this section, if the 46222
child is in the permanent or legal custody of a government agency 46223
or person other than the child's parent, tuition shall be paid by: 46224

(a) The district in which the child's parent resided at the 46225
time the court removed the child from home or at the time the 46226
court vested legal or permanent custody of the child in the person 46227
or government agency, whichever occurred first; 46228

(b) If the parent's residence at the time the court removed 46229
the child from home or placed the child in the legal or permanent 46230
custody of the person or government agency is unknown, tuition 46231
shall be paid by the district in which the child resided at the 46232
time the child was removed from home or placed in legal or 46233
permanent custody, whichever occurred first; 46234

(c) If a school district cannot be established under division 46235
(C)(2)(a) or (b) of this section, tuition shall be paid by the 46236
district determined as required by section 2151.362 of the Revised 46237
Code by the court at the time it vests custody of the child in the 46238
person or government agency; 46239

(d) If at the time the court removed the child from home or 46240
vested legal or permanent custody of the child in the person or 46241
government agency, whichever occurred first, one parent was in a 46242
residential or correctional facility or a juvenile residential 46243
placement and the other parent, if living and not in such a 46244
facility or placement, was not known to reside in this state, 46245
tuition shall be paid by the district determined under division 46246
(D) of section 3313.65 of the Revised Code as the district 46247
required to pay any tuition while the parent was in such facility 46248
or placement; 46249

(e) If the department of education has determined, pursuant 46250
to division (A)(2) of section 2151.362 of the Revised Code, that a 46251
school district other than the one named in the court's initial 46252
order, or in a prior determination of the department, is 46253
responsible to bear the cost of educating the child, the district 46254
so determined shall be responsible for that cost. 46255

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the sworn statement of an adult resident of the district that the resident has initiated legal proceedings for custody of the child.

(F) In the case of any individual entitled to attend school under this division, no tuition shall be charged by the school district of attendance and no other school district shall be required to pay tuition for the individual's attendance. Notwithstanding division (B), (C), or (E) of this section:

(1) All persons at least eighteen but under twenty-two years of age who live apart from their parents, support themselves by their own labor, and have not successfully completed the high school curriculum or the individualized education program developed for the person by the high school pursuant to section 3323.08 of the Revised Code, are entitled to attend school in the district in which they reside.

(2) Any child under eighteen years of age who is married is entitled to attend school in the child's district of residence.

(3) A child is entitled to attend school in the district in which either of the child's parents is employed if the child has a medical condition that may require emergency medical attention. The parent of a child entitled to attend school under division (F)(3) of this section shall submit to the board of education of the district in which the parent is employed a statement from the child's physician certifying that the child's medical condition may require emergency medical attention. The statement shall be supported by such other evidence as the board may require.

(4) Any child residing with a person other than the child's parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after

the death of a parent, resides in a school district other than the 46318
district in which the child attended school at the time of the 46319
parent's death is entitled to continue to attend school in the 46320
district in which the child attended school at the time of the 46321
parent's death for the remainder of the school year, subject to 46322
approval of that district board. 46323

(6) A child under the age of twenty-two years who resides 46324
with a parent who is having a new house built in a school district 46325
outside the district where the parent is residing is entitled to 46326
attend school for a period of time in the district where the new 46327
house is being built. In order to be entitled to such attendance, 46328
the parent shall provide the district superintendent with the 46329
following: 46330

(a) A sworn statement explaining the situation, revealing the 46331
location of the house being built, and stating the parent's 46332
intention to reside there upon its completion; 46333

(b) A statement from the builder confirming that a new house 46334
is being built for the parent and that the house is at the 46335
location indicated in the parent's statement. 46336

(7) A child under the age of twenty-two years residing with a 46337
parent who has a contract to purchase a house in a school district 46338
outside the district where the parent is residing and who is 46339
waiting upon the date of closing of the mortgage loan for the 46340
purchase of such house is entitled to attend school for a period 46341
of time in the district where the house is being purchased. In 46342
order to be entitled to such attendance, the parent shall provide 46343
the district superintendent with the following: 46344

(a) A sworn statement explaining the situation, revealing the 46345
location of the house being purchased, and stating the parent's 46346
intent to reside there; 46347

(b) A statement from a real estate broker or bank officer 46348

confirming that the parent has a contract to purchase the house, 46349
that the parent is waiting upon the date of closing of the 46350
mortgage loan, and that the house is at the location indicated in 46351
the parent's statement. 46352

The district superintendent shall establish a period of time 46353
not to exceed ninety days during which the child entitled to 46354
attend school under division (F)(6) or (7) of this section may 46355
attend without tuition obligation. A student attending a school 46356
under division (F)(6) or (7) of this section shall be eligible to 46357
participate in interscholastic athletics under the auspices of 46358
that school, provided the board of education of the school 46359
district where the student's parent resides, by a formal action, 46360
releases the student to participate in interscholastic athletics 46361
at the school where the student is attending, and provided the 46362
student receives any authorization required by a public agency or 46363
private organization of which the school district is a member 46364
exercising authority over interscholastic sports. 46365

(8) A child whose parent is a full-time employee of a city, 46366
local, or exempted village school district, or of an educational 46367
service center, may be admitted to the schools of the district 46368
where the child's parent is employed, or in the case of a child 46369
whose parent is employed by an educational service center, in the 46370
district that serves the location where the parent's job is 46371
primarily located, provided the district board of education 46372
establishes such an admission policy by resolution adopted by a 46373
majority of its members. Any such policy shall take effect on the 46374
first day of the school year and the effective date of any 46375
amendment or repeal may not be prior to the first day of the 46376
subsequent school year. The policy shall be uniformly applied to 46377
all such children and shall provide for the admission of any such 46378
child upon request of the parent. No child may be admitted under 46379
this policy after the first day of classes of any school year. 46380

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The state board of education shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to

attend the schools of the district in which the child's 46413
grandparent resides, provided that, prior to such attendance in 46414
any school year, the board of education of the school district in 46415
which the child's grandparent resides and the board of education 46416
of the school district in which the child's parent resides enter 46417
into a written agreement specifying that good cause exists for 46418
such attendance, describing the nature of this good cause, and 46419
consenting to such attendance. 46420

In lieu of a consent form signed by a parent, a board of 46421
education may request the grandparent of a child attending school 46422
in the district in which the grandparent resides pursuant to 46423
division (F)(11) of this section to complete any consent form 46424
required by the district, including any authorization required by 46425
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 46426
Code. Upon request, the grandparent shall complete any consent 46427
form required by the district. A school district shall not incur 46428
any liability solely because of its receipt of a consent form from 46429
a grandparent in lieu of a parent. 46430

Division (F)(11) of this section does not create, and shall 46431
not be construed as creating, a new cause of action or substantive 46432
legal right against a school district, a member of a board of 46433
education, or an employee of a school district. This section does 46434
not affect, and shall not be construed as affecting, any 46435
immunities from defenses to tort liability created or recognized 46436
by Chapter 2744. of the Revised Code for a school district, 46437
member, or employee. 46438

(12) A child under the age of twenty-two years is entitled to 46439
attend school in a school district other than the district in 46440
which the child is entitled to attend school under division (B), 46441
(C), or (E) of this section provided that, prior to such 46442
attendance in any school year, both of the following occur: 46443

(a) The superintendent of the district in which the child is 46444

entitled to attend school under division (B), (C), or (E) of this 46445
section contacts the superintendent of another district for 46446
purposes of this division; 46447

(b) The superintendents of both districts enter into a 46448
written agreement that consents to the attendance and specifies 46449
that the purpose of such attendance is to protect the student's 46450
physical or mental well-being or to deal with other extenuating 46451
circumstances deemed appropriate by the superintendents. 46452

While an agreement is in effect under this division for a 46453
student who is not receiving special education under Chapter 3323. 46454
of the Revised Code and notwithstanding Chapter 3327. of the 46455
Revised Code, the board of education of neither school district 46456
involved in the agreement is required to provide transportation 46457
for the student to and from the school where the student attends. 46458

A student attending a school of a district pursuant to this 46459
division shall be allowed to participate in all student 46460
activities, including interscholastic athletics, at the school 46461
where the student is attending on the same basis as any student 46462
who has always attended the schools of that district while of 46463
compulsory school age. 46464

(13) All school districts shall comply with the 46465
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 46466
seq., for the education of homeless children. Each city, local, 46467
and exempted village school district shall comply with the 46468
requirements of that act governing the provision of a free, 46469
appropriate public education, including public preschool, to each 46470
homeless child. 46471

When a child loses permanent housing and becomes a homeless 46472
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 46473
such a homeless person changes temporary living arrangements, the 46474
child's parent or guardian shall have the option of enrolling the 46475

child in either of the following: 46476

(a) The child's school of origin, as defined in 42 U.S.C.A. 46477
11432(g)(3)(C); 46478

(b) The school that is operated by the school district in 46479
which the shelter where the child currently resides is located and 46480
that serves the geographic area in which the shelter is located. 46481

(14) A child under the age of twenty-two years who resides 46482
with a person other than the child's parent is entitled to attend 46483
school in the school district in which that person resides if both 46484
of the following apply: 46485

(a) That person has been appointed, through a military power 46486
of attorney executed under section 574(a) of the "National Defense 46487
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 46488
U.S.C. 1044b, or through a comparable document necessary to 46489
complete a family care plan, as the parent's agent for the care, 46490
custody, and control of the child while the parent is on active 46491
duty as a member of the national guard or a reserve unit of the 46492
armed forces of the United States or because the parent is a 46493
member of the armed forces of the United States and is on a duty 46494
assignment away from the parent's residence. 46495

(b) The military power of attorney or comparable document 46496
includes at least the authority to enroll the child in school. 46497

The entitlement to attend school in the district in which the 46498
parent's agent under the military power of attorney or comparable 46499
document resides applies until the end of the school year in which 46500
the military power of attorney or comparable document expires. 46501

(G) A board of education, after approving admission, may 46502
waive tuition for students who will temporarily reside in the 46503
district and who are either of the following: 46504

(1) Residents or domiciliaries of a foreign nation who 46505

request admission as foreign exchange students; 46506

(2) Residents or domiciliaries of the United States but not 46507
of Ohio who request admission as participants in an exchange 46508
program operated by a student exchange organization. 46509

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 46510
3327.04, and 3327.06 of the Revised Code, a child may attend 46511
school or participate in a special education program in a school 46512
district other than in the district where the child is entitled to 46513
attend school under division (B) of this section. 46514

(I)(1) Notwithstanding anything to the contrary in this 46515
section or section 3313.65 of the Revised Code, a child under 46516
twenty-two years of age may attend school in the school district 46517
in which the child, at the end of the first full week of October 46518
of the school year, was entitled to attend school as otherwise 46519
provided under this section or section 3313.65 of the Revised 46520
Code, if at that time the child was enrolled in the schools of the 46521
district but since that time the child or the child's parent has 46522
relocated to a new address located outside of that school district 46523
and within the same county as the child's or parent's address 46524
immediately prior to the relocation. The child may continue to 46525
attend school in the district, and at the school to which the 46526
child was assigned at the end of the first full week of October of 46527
the current school year, for the balance of the school year. 46528
Division (I)(1) of this section applies only if both of the 46529
following conditions are satisfied: 46530

(a) The board of education of the school district in which 46531
the child was entitled to attend school at the end of the first 46532
full week in October and of the district to which the child or 46533
child's parent has relocated each has adopted a policy to enroll 46534
children described in division (I)(1) of this section. 46535

(b) The child's parent provides written notification of the 46536

relocation outside of the school district to the superintendent of 46537
each of the two school districts. 46538

(2) At the beginning of the school year following the school 46539
year in which the child or the child's parent relocated outside of 46540
the school district as described in division (I)(1) of this 46541
section, the child is not entitled to attend school in the school 46542
district under that division. 46543

(3) Any person or entity owing tuition to the school district 46544
on behalf of the child at the end of the first full week in 46545
October, as provided in division (C) of this section, shall 46546
continue to owe such tuition to the district for the child's 46547
attendance under division (I)(1) of this section for the lesser of 46548
the balance of the school year or the balance of the time that the 46549
child attends school in the district under division (I)(1) of this 46550
section. 46551

(4) A pupil who may attend school in the district under 46552
division (I)(1) of this section shall be entitled to 46553
transportation services pursuant to an agreement between the 46554
district and the district in which the child or child's parent has 46555
relocated unless the districts have not entered into such 46556
agreement, in which case the child shall be entitled to 46557
transportation services in the same manner as a pupil attending 46558
school in the district under interdistrict open enrollment as 46559
described in division ~~(H)~~(D) of section 3313.981 of the Revised 46560
Code, regardless of whether the district has adopted an open 46561
enrollment policy as described in division (B)(1)(b) or (c) of 46562
section 3313.98 of the Revised Code. 46563

(J) This division does not apply to a child receiving special 46564
education. 46565

A school district required to pay tuition pursuant to 46566
division (C)(2) or (3) of this section or section 3313.65 of the 46567

Revised Code shall have an amount deducted under division (F) of 46568
section 3317.023 of the Revised Code equal to its own tuition rate 46569
for the same period of attendance. A school district entitled to 46570
receive tuition pursuant to division (C)(2) or (3) of this section 46571
or section 3313.65 of the Revised Code shall have an amount 46572
credited under division (F) of section 3317.023 of the Revised 46573
Code equal to its own tuition rate for the same period of 46574
attendance. If the tuition rate credited to the district of 46575
attendance exceeds the rate deducted from the district required to 46576
pay tuition, the department of education shall pay the district of 46577
attendance the difference from amounts deducted from all 46578
districts' payments under division (F) of section 3317.023 of the 46579
Revised Code but not credited to other school districts under such 46580
division and from appropriations made for such purpose. The 46581
treasurer of each school district shall, by the fifteenth day of 46582
January and July, furnish the superintendent of public instruction 46583
a report of the names of each child who attended the district's 46584
schools under divisions (C)(2) and (3) of this section or section 46585
3313.65 of the Revised Code during the preceding six calendar 46586
months, the duration of the attendance of those children, the 46587
school district responsible for tuition on behalf of the child, 46588
and any other information that the superintendent requires. 46589

Upon receipt of the report the superintendent, pursuant to 46590
division (F) of section 3317.023 of the Revised Code, shall deduct 46591
each district's tuition obligations under divisions (C)(2) and (3) 46592
of this section or section 3313.65 of the Revised Code and pay to 46593
the district of attendance that amount plus any amount required to 46594
be paid by the state. 46595

(K) In the event of a disagreement, the superintendent of 46596
public instruction shall determine the school district in which 46597
the parent resides. 46598

(L) Nothing in this section requires or authorizes, or shall 46599

be construed to require or authorize, the admission to a public 46600
school in this state of a pupil who has been permanently excluded 46601
from public school attendance by the superintendent of public 46602
instruction pursuant to sections 3301.121 and 3313.662 of the 46603
Revised Code. 46604

(M) In accordance with division (B)(1) of this section, a 46605
child whose parent is a member of the national guard or a reserve 46606
unit of the armed forces of the United States and is called to 46607
active duty, or a child whose parent is a member of the armed 46608
forces of the United States and is ordered to a temporary duty 46609
assignment outside of the district, may continue to attend school 46610
in the district in which the child's parent lived before being 46611
called to active duty or ordered to a temporary duty assignment 46612
outside of the district, as long as the child's parent continues 46613
to be a resident of that district, and regardless of where the 46614
child lives as a result of the parent's active duty status or 46615
temporary duty assignment. However, the district is not 46616
responsible for providing transportation for the child if the 46617
child lives outside of the district as a result of the parent's 46618
active duty status or temporary duty assignment. 46619

Sec. 3313.642. (A) Except as provided in division (B) of this 46620
section and notwithstanding the provisions of sections 3313.48 and 46621
3313.64 of the Revised Code, the board of education of a city, 46622
exempted village, or local school district shall not be required 46623
to furnish, free of charge, to the pupils attending the public 46624
schools any materials used in a course of instruction with the 46625
exception of the necessary textbooks or electronic textbooks 46626
required to be furnished without charge pursuant to section 46627
3329.06 of the Revised Code. The board may, however, make 46628
provision by appropriations transferred from the general fund of 46629
the district or otherwise for furnishing free of charge any 46630
materials used in a course of instruction to such pupils as it 46631

determines are in serious financial need of such materials. 46632

(B) No board of education of a school district ~~that receives~~ 46633
~~funds under section 3317.029 of the Revised Code~~ shall charge a 46634
fee to a ~~recipient of aid under Chapter 5107. or 5115. of the~~ 46635
~~Revised Code~~ pupil who is eligible for a free lunch under the 46636
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 46637
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 46638
42 U.S.C. 1771, as amended, for any materials needed to enable the 46639
~~recipient~~ pupil to participate fully in a course of instruction. 46640
The prohibition in this division against charging a fee does not 46641
apply to any fee charged for any materials needed to enable a 46642
~~recipient~~ pupil to participate fully in extracurricular activities 46643
or in any pupil enrichment program that is not a course of 46644
instruction. 46645

(C) Boards of education may adopt rules and regulations 46646
prescribing a schedule of fees for materials used in a course of 46647
instruction and prescribing a schedule of charges which may be 46648
imposed upon pupils for the loss, damage, or destruction of school 46649
apparatus, equipment, musical instruments, library material, 46650
textbooks, or electronic textbooks required to be furnished 46651
without charge, and for damage to school buildings, and may 46652
enforce the payment of such fees and charges by withholding the 46653
grades and credits of the pupils concerned. 46654

Sec. 3313.6410. This section applies to any school that is 46655
operated by a school district and in which the enrolled students 46656
work primarily on assignments in nonclassroom-based learning 46657
opportunities provided via an internet- or other computer-based 46658
instructional method. 46659

(A) Any school to which this section applies shall withdraw 46660
from the school any student who, for two consecutive school years, 46661
has failed to participate in the spring administration of any ~~test~~ 46662

assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the ~~test~~ assessment pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division (E) of section 3317.03 of the Revised Code. The school shall report any such student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code, to the department of education to be added to the list maintained by the department under section 3314.26 of the Revised Code.

(B) No school to which this section applies shall receive any state funds under Chapter 3306. or 3317. of the Revised Code for any enrolled student whose data verification code appears on the list maintained by the department under section 3314.26 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the school district that operates the school in an amount equal to the state funds the district otherwise would receive for that student, as determined by the department. A school to which this section applies may withdraw any student for whom the parent does not pay tuition as required by this division.

Sec. 3313.65. (A) As used in this section and section 3313.64 of the Revised Code:

(1) A person is "in a residential facility" if the person is a resident or a resident patient of an institution, home, or other residential facility that is:

(a) Licensed as a nursing home, residential care facility, or home for the aging by the director of health under section 3721.02 of the Revised Code ~~or licensed as a community alternative home by the director of health under section 3724.03 of the Revised Code;~~

(b) Licensed as an adult care facility by the director of

health under Chapter 3722. of the Revised Code;	46694
(c) Maintained as a county home or district home by the board	46695
of county commissioners or a joint board of county commissioners	46696
under Chapter 5155. of the Revised Code;	46697
(d) Operated or administered by a board of alcohol, drug	46698
addiction, and mental health services under section 340.03 or	46699
340.06 of the Revised Code, or provides residential care pursuant	46700
to contracts made under section 340.03 or 340.033 of the Revised	46701
Code;	46702
(e) Maintained as a state institution for the mentally ill	46703
under Chapter 5119. of the Revised Code;	46704
(f) Licensed by the department of mental health under section	46705
5119.20 or 5119.22 of the Revised Code;	46706
(g) Licensed as a residential facility by the department of	46707
mental retardation and developmental disabilities under section	46708
5123.19 of the Revised Code;	46709
(h) Operated by the veteran's administration or another	46710
agency of the United States government;	46711
(i) The Ohio soldiers' and sailors' home.	46712
(2) A person is "in a correctional facility" if any of the	46713
following apply:	46714
(a) The person is an Ohio resident and is:	46715
(i) Imprisoned, as defined in section 1.05 of the Revised	46716
Code;	46717
(ii) Serving a term in a community-based correctional	46718
facility or a district community-based correctional facility;	46719
(iii) Required, as a condition of parole, a post-release	46720
control sanction, a community control sanction, transitional	46721
control, or early release from imprisonment, as a condition of	46722

shock parole or shock probation granted under the law in effect 46723
prior to July 1, 1996, or as a condition of a furlough granted 46724
under the version of section 2967.26 of the Revised Code in effect 46725
prior to March 17, 1998, to reside in a halfway house or other 46726
community residential center licensed under section 2967.14 of the 46727
Revised Code or a similar facility designated by the court of 46728
common pleas that established the condition or by the adult parole 46729
authority. 46730

(b) The person is imprisoned in a state correctional 46731
institution of another state or a federal correctional institution 46732
but was an Ohio resident at the time the sentence was imposed for 46733
the crime for which the person is imprisoned. 46734

(3) A person is "in a juvenile residential placement" if the 46735
person is an Ohio resident who is under twenty-one years of age 46736
and has been removed, by the order of a juvenile court, from the 46737
place the person resided at the time the person became subject to 46738
the court's jurisdiction in the matter that resulted in the 46739
person's removal. 46740

(4) "Community control sanction" has the same meaning as in 46741
section 2929.01 of the Revised Code. 46742

(5) "Post-release control sanction" has the same meaning as 46743
in section 2967.01 of the Revised Code. 46744

(B) If the circumstances described in division (C) of this 46745
section apply, the determination of what school district must 46746
admit a child to its schools and what district, if any, is liable 46747
for tuition shall be made in accordance with this section, rather 46748
than section 3313.64 of the Revised Code. 46749

(C) A child who does not reside in the school district in 46750
which the child's parent resides and for whom a tuition obligation 46751
previously has not been established under division (C)(2) of 46752
section 3313.64 of the Revised Code shall be admitted to the 46753

schools of the district in which the child resides if at least one 46754
of the child's parents is in a residential or correctional 46755
facility or a juvenile residential placement and the other parent, 46756
if living and not in such a facility or placement, is not known to 46757
reside in this state. 46758

(D) Regardless of who has custody or care of the child, 46759
whether the child resides in a home, or whether the child receives 46760
special education, if a district admits a child under division (C) 46761
of this section, tuition shall be paid to that district as 46762
follows: 46763

(1) If the child's parent is in a juvenile residential 46764
placement, by the district in which the child's parent resided at 46765
the time the parent became subject to the jurisdiction of the 46766
juvenile court; 46767

(2) If the child's parent is in a correctional facility, by 46768
the district in which the child's parent resided at the time the 46769
sentence was imposed; 46770

(3) If the child's parent is in a residential facility, by 46771
the district in which the parent resided at the time the parent 46772
was admitted to the residential facility, except that if the 46773
parent was transferred from another residential facility, tuition 46774
shall be paid by the district in which the parent resided at the 46775
time the parent was admitted to the facility from which the parent 46776
first was transferred; 46777

(4) In the event of a disagreement as to which school 46778
district is liable for tuition under division (C)(1), (2), or (3) 46779
of this section, the superintendent of public instruction shall 46780
determine which district shall pay tuition. 46781

(E) If a child covered by division (D) of this section 46782
receives special education in accordance with Chapter 3323. of the 46783
Revised Code, the tuition shall be paid in accordance with section 46784

3323.13 or 3323.14 of the Revised Code. Tuition for children who 46785
do not receive special education shall be paid in accordance with 46786
division (J) of section 3313.64 of the Revised Code. 46787

Sec. 3313.671. (A)(1) Except as otherwise provided in 46788
division (B) of this section, no pupil, at the time of initial 46789
entry or at the beginning of each school year, to an elementary or 46790
high school for which the state board of education prescribes 46791
minimum standards pursuant to division (D) of section 3301.07 of 46792
the Revised Code, shall be permitted to remain in school for more 46793
than fourteen days unless the pupil presents written evidence 46794
satisfactory to the person in charge of admission, that the pupil 46795
has been immunized by a method of immunization approved by the 46796
department of health pursuant to section 3701.13 of the Revised 46797
Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, 46798
rubeola, and rubella or is in the process of being immunized. 46799

(2) Except as provided in division (B) of this section, no 46800
pupil who begins kindergarten at an elementary school subject to 46801
the state board of education's minimum standards shall be 46802
permitted to remain in school for more than fourteen days unless 46803
the pupil presents written evidence satisfactory to the person in 46804
charge of admission that the pupil has been immunized by a 46805
department of health-approved method of immunization or is in the 46806
process of being immunized against both of the following: 46807

(a) During or after the school year beginning in 1999, 46808
hepatitis B; 46809

(b) During or after the school year beginning in 2006, 46810
chicken pox. 46811

(3) As used in divisions (A)(1) and (2) of this section, "in 46812
the process of being immunized" means the pupil has been immunized 46813
against mumps, rubeola, rubella, and chicken pox, and if the pupil 46814
has not been immunized against poliomyelitis, diphtheria, 46815

pertussis, tetanus, and hepatitis B, the pupil has received at 46816
least the first dose of the immunization sequence, and presents 46817
written evidence to the pupil's building principal or chief 46818
administrative officer of each subsequent dose required to obtain 46819
immunization at the intervals prescribed by the director of 46820
health. Any student previously admitted under the "in process of 46821
being immunized" provision and who has not complied with the 46822
immunization intervals prescribed by the director of health shall 46823
be excluded from school on the fifteenth day of the following 46824
school year. Any student so excluded shall be readmitted upon 46825
showing evidence to the student's building principal or chief 46826
administrative officer of progress on the director of health's 46827
interval schedule. 46828

(4) Beginning in the 2010-2011 school year, except as 46829
provided in division (B) of this section, no pupil who begins 46830
seventh grade at a school subject to the state board of 46831
education's minimum standards shall be permitted to remain in 46832
school for more than fourteen days unless the pupil presents 46833
written evidence satisfactory to the person in charge of admission 46834
that the pupil has received a department of health-approved 46835
tetanus, diphtheria, and acellular pertussis booster vaccination. 46836

(B)(1) A pupil who has had natural rubeola, and presents a 46837
signed statement from the pupil's parent, guardian, or physician 46838
to that effect, is not required to be immunized against rubeola. 46839

(2) A pupil who has had natural mumps, and presents a signed 46840
statement from the pupil's parent, guardian, or physician to that 46841
effect, is not required to be immunized against mumps. 46842

(3) A pupil who has had natural chicken pox, and presents a 46843
signed statement from the pupil's parent, guardian, or physician 46844
to that effect, is not required to be immunized against chicken 46845
pox. 46846

(4) A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian declines to have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.

(5) A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

(C) As used in this division, "chicken pox epidemic" means the occurrence of cases of chicken pox in numbers greater than expected in the school's population or for a particular period of time.

Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the state department of health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic no longer exists.

The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B, and the booster vaccination required by division (A)(4) of this section, to pupils who are not so provided by their

parents or guardians. 46878

Sec. 3313.673. (A) Except as provided in division (B) of this 46879
section, prior to the first day of November of the school year in 46880
which a pupil is enrolled for the first time in either 46881
kindergarten or first grade, the pupil shall be screened for 46882
hearing, vision, speech and communications, and health or medical 46883
problems and for any developmental disorders. If the results of 46884
any screening reveal the possibility of special learning needs, 46885
the board of education of the school district shall conduct 46886
further assessment in accordance with Chapter 3323. of the Revised 46887
Code. The board may provide any of the elements of the screening 46888
program itself, contract with any person or governmental entity to 46889
provide any such elements, or request the parent to obtain any 46890
such elements from a provider selected by the parent. If the board 46891
conducts hearing and vision screening itself or contracts for 46892
hearing and vision screening, such screening shall be conducted 46893
pursuant to sections 3313.50, 3313.69, and 3313.73 of the Revised 46894
Code. 46895

(B) Prior to the first day of August of the school year in 46896
which a pupil is required to be screened under this section, the 46897
board shall provide parents with information about the district's 46898
screening program. If the board chooses to request parents to 46899
obtain any screening services, it shall provide lists of providers 46900
to parents together with information about such screening services 46901
available in the community to parents who cannot afford them. Any 46902
parent requested to obtain any screening services under this 46903
division may sign a written statement to the effect that ~~he~~ the 46904
parent does not wish to have ~~his~~ the parent's child receive such 46905
screening. 46906

(C) Each district shall report the aggregate results of the 46907
screenings required under this section in the manner prescribed by 46908

guidelines established for that purpose by the state board of 46909
education under division (B)(1)(o) of section 3301.0714 of the 46910
Revised Code. 46911

Sec. 3313.68. The board of education of each city, exempted 46912
village, or local school district may appoint one or more school 46913
physicians and one or more school dentists. Two or more school 46914
districts may unite and employ one such physician and at least one 46915
such dentist whose duties shall be such as are prescribed by law. 46916
Said school physician shall hold a license to practice medicine in 46917
Ohio, and each school dentist shall be licensed to practice in 46918
this state. School physicians and dentists may be discharged at 46919
any time by the board of education. School physicians and dentists 46920
shall serve one year and until their successors are appointed and 46921
shall receive such compensation as the board of education 46922
determines. The board of education may also employ registered 46923
nurses, as defined by section 4723.01 and licensed as school 46924
nurses under ~~section 3319.22~~ Chapter 3319. of the Revised Code, to 46925
aid in such inspection in such ways as are prescribed by it, and 46926
to aid in the conduct and coordination of the school health 46927
service program. The school dentists shall make such examinations 46928
and diagnoses and render such remedial or corrective treatment for 46929
the school children as is prescribed by the board of education; 46930
provided that all such remedial or corrective treatment shall be 46931
limited to the children whose parents cannot otherwise provide for 46932
same, and then only with the written consent of the parents or 46933
guardians of such children. School dentists may also conduct such 46934
oral hygiene educational work as is authorized by the board of 46935
education. 46936

The board of education may delegate the duties and powers 46937
provided for in this section to the board of health or officer 46938
performing the functions of a board of health within the school 46939
district, if such board or officer is willing to assume the same. 46940

Boards of education shall co-operate with boards of health in the 46941
prevention and control of epidemics. 46942

Sec. 3313.713. (A) As used in this section: 46943

(1) "Drug" means a drug, as defined in section 4729.01 of the 46944
Revised Code, that is to be administered pursuant to the 46945
instructions of the prescriber, whether or not required by law to 46946
be sold only upon a prescription. 46947

(2) "Federal law" means the "Individuals with Disabilities 46948
Education Act of 1997," 111 Stat. 37, 20 U.S.C. 1400, as amended. 46949

(3) "Prescriber" has the same meaning as in section 4729.01 46950
of the Revised Code. 46951

(B) The board of education of each city, local, exempted 46952
village, and joint vocational school district shall, not later 46953
than one hundred twenty days after September 20, 1984, adopt a 46954
policy on the authority of its employees, when acting in 46955
situations other than those governed by sections 2305.23, 46956
2305.231, and 3313.712 of the Revised Code, to administer drugs 46957
prescribed to students enrolled in the schools of the district. 46958
The policy shall provide either that: 46959

(1) Except as otherwise required by federal law, no person 46960
employed by the board shall, in the course of such employment, 46961
administer any drug prescribed to any student enrolled in the 46962
schools of the district. 46963

(2) Designated persons employed by the board are authorized 46964
to administer to a student a drug prescribed for the student. 46965
Effective July 1, 2011, only employees of the board who hold a 46966
valid school nurse license or school nurse wellness coordinator 46967
license issued under section 3319.221 of the Revised Code or who 46968
have completed a drug administration training program conducted by 46969
a registered nurse may administer to a student a drug prescribed 46970

for the student. Except as otherwise provided by federal law, the 46971
board's policy may provide that certain drugs or types of drugs 46972
shall not be administered or that no employee, ~~or no employee~~ 46973
~~without appropriate training,~~ shall use certain procedures, such 46974
as injection, to administer a drug to a student. 46975

(C) No drug prescribed for a student shall be administered 46976
pursuant to federal law or a policy adopted under division (B) of 46977
this section until the following occur: 46978

(1) The board, or a person designated by the board, receives 46979
a written request, signed by the parent, guardian, or other person 46980
having care or charge of the student, that the drug be 46981
administered to the student. 46982

(2) The board, or a person designated by the board, receives 46983
a statement, signed by the prescriber, that includes all of the 46984
following information: 46985

(a) The name and address of the student; 46986

(b) The school and class in which the student is enrolled; 46987

(c) The name of the drug and the dosage to be administered; 46988

(d) The times or intervals at which each dosage of the drug 46989
is to be administered; 46990

(e) The date the administration of the drug is to begin; 46991

(f) The date the administration of the drug is to cease; 46992

(g) Any severe adverse reactions that should be reported to 46993
the prescriber and one or more phone numbers at which the 46994
prescriber can be reached in an emergency; 46995

(h) Special instructions for administration of the drug, 46996
including sterile conditions and storage. 46997

(3) The parent, guardian, or other person having care or 46998
charge of the student agrees to submit a revised statement signed 46999

by the prescriber to the board or a person designated by the board 47000
if any of the information provided by the prescriber pursuant to 47001
division (C)(2) of this section changes. 47002

(4) The person authorized by the board to administer the drug 47003
receives a copy of the statement required by division (C)(2) or 47004
(3) of this section. 47005

(5) The drug is received by the person authorized to 47006
administer the drug to the student for whom the drug is prescribed 47007
in the container in which it was dispensed by the prescriber or a 47008
licensed pharmacist. 47009

(6) Any other procedures required by the board are followed. 47010

(D) If a drug is administered to a student, the board of 47011
education shall acquire and retain copies of the written requests 47012
required by division (C)(1) and the statements required by 47013
divisions (C)(2) and (3) of this section and shall ensure that by 47014
the next school day following the receipt of any such statement a 47015
copy is given to the person authorized to administer drugs to the 47016
student for whom the statement has been received. The board, or a 47017
person designated by the board, shall establish a location in each 47018
school building for the storage of drugs to be administered under 47019
this section and federal law. All such drugs shall be stored in 47020
that location in a locked storage place, except that drugs that 47021
require refrigeration may be kept in a refrigerator in a place not 47022
commonly used by students. 47023

(E) No person who has been authorized by a board of education 47024
to administer a drug and has a copy of the most recent statement 47025
required by division (C)(2) or (3) of this section given to the 47026
person in accordance with division (D) of this section prior to 47027
administering the drug is liable in civil damages for 47028
administering or failing to administer the drug, unless such 47029
person acts in a manner that constitutes gross negligence or 47030

wanton or reckless misconduct. 47031

(F) A board of education may designate a person or persons to 47032
perform any function or functions in connection with a drug policy 47033
adopted under this section either by name or by position, 47034
training, qualifications, or similar distinguishing factors. 47035

Nothing in this section shall be construed to require a 47036
person employed by a board of education to administer a drug to a 47037
student unless the board's policy adopted in compliance with this 47038
section establishes such a requirement. A board shall not require 47039
an employee to administer a drug to a student if the employee 47040
objects, on the basis of religious convictions, to administering 47041
the drug. 47042

A policy adopted by a board of education pursuant to this 47043
section may be changed, modified, or revised by action of the 47044
board. 47045

Nothing in this section affects the application of section 47046
2305.23, 2305.231, or 3313.712 of the Revised Code to the 47047
administration of emergency care or treatment to a student. 47048

Sec. ~~3313.174~~ 3313.82. The board of education of each city 47049
~~and exempted village~~ school district ~~and~~, the governing board of 47050
each educational service center, the governing authority of each 47051
community school established under Chapter 3314. of the Revised 47052
Code, and the governing body of each STEM school established under 47053
Chapter 3326. of the Revised Code shall appoint a business 47054
advisory council. The council shall advise and provide 47055
recommendations to the board, governing authority, or governing 47056
body on matters specified by the board, governing authority, or 47057
governing body including, but not necessarily limited to, the 47058
delineation of employment skills and the development of curriculum 47059
to instill these skills; changes in the economy and in the job 47060
market, and the types of employment in which future jobs are most 47061

likely to be available; coordination with the Ohio skills bank and 47062
university system of Ohio institutions; development of the 47063
response to and implementation of recommendations from a 47064
performance review conducted under section 3306.32 of the Revised 47065
Code or a performance audit conducted under section 3316.042 of 47066
the Revised Code; and suggestions for developing a working 47067
relationship among businesses, labor organizations, and 47068
educational personnel in the district or in the territory ~~of~~ 47069
served by the educational service center, community school, or 47070
STEM school. Each board, governing authority, or governing body 47071
shall determine the membership and organization of its council, 47072
and annually shall report to the department of education the names 47073
of the council members. Notwithstanding ~~division (D) of section~~ 47074
~~3311.19 and~~ division (D) of section 3311.52 of the Revised Code, 47075
this section shall not apply to the board of education of ~~any~~ 47076
~~joint vocational school district or~~ any cooperative education 47077
school district created pursuant to divisions (A) to (C) of 47078
section 3311.52 of the Revised Code. 47079

Sec. 3313.821. (A) The board of education of each school 47080
district, the governing authority of each community school 47081
established under Chapter 3314. of the Revised Code, and the 47082
governing body of each STEM school established under Chapter 3326. 47083
of the Revised Code shall appoint a family and community 47084
engagement team. Each team shall do the following: 47085

(1) Work with local county family and children first councils 47086
established under section 121.37 of the Revised Code to recommend 47087
to the board, governing authority, or governing body 47088
qualifications and responsibilities to be included in the job 47089
descriptions for school family and community engagement 47090
coordinators; 47091

(2) Develop five-year family and community engagement plans; 47092

(3) Provide annual progress reports on the development and implementation of the plan. The board, governing authority, or governing body shall submit the plan and annual progress reports to the county family and children first council. 47093
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(4) Advise and provide recommendations to the board, governing authority, or governing body on matters specified by the board, governing authority, or governing body. 47097
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(B) Each board, governing authority, and governing body shall determine the membership and organization of its family and community engagement team, provided that it shall include parents, community representatives, health and human service representatives, business representatives, and any other representatives identified by the board, governing authority, or governing body. 47100
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(C) Notwithstanding section 3311.055, this section does not apply to the governing board of an educational service center. 47107
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Sec. 3313.822. As an alternative to appointing both a business advisory council and a family and community engagement team, the board of education of a school district, the governing authority of a community school, and the governing body of a STEM school may appoint one committee that functions as both. A committee appointed under this section shall perform all functions required of a business advisory council under section 3313.82 of the Revised Code and of a family and community engagement team under section 3313.821 of the Revised Code. Each board, governing authority, and governing body shall determine the membership and organization of its committee, provided the membership shall comply with the requirements of division (B) of section 3313.821 of the Revised Code. 47109
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Sec. 3313.843. (A) Notwithstanding division (D) of section 47122

3311.52 of the Revised Code, this section does not apply to either 47123
of the following: 47124

(1) Any cooperative education school district; 47125

(2) Any city or exempted village school district with a total 47126
student count of thirteen thousand or more determined pursuant to 47127
section 3317.03 of the Revised Code that has not entered into one 47128
or more agreements pursuant to this section prior to July 1, 1993, 47129
unless the district's total student count did not exceed thirteen 47130
thousand at the time it entered into an initial agreement under 47131
this section. 47132

(B) The board of education of a city or exempted village 47133
school district and the governing board of an educational service 47134
center may enter into an agreement, through adoption of identical 47135
resolutions, under which the educational service center governing 47136
board will provide services to the city or exempted village school 47137
district. 47138

Services provided under the agreement shall be specified in 47139
the agreement, and may include any one or a combination of the 47140
following: supervisory teachers; in-service and continuing 47141
education programs for city or exempted village school district 47142
personnel; curriculum services as provided to the local school 47143
districts under the supervision of the service center governing 47144
board; research and development programs; academic instruction for 47145
which the governing board employs teachers pursuant to section 47146
3319.02 of the Revised Code; and assistance in the provision of 47147
special accommodations and classes for students with disabilities. 47148
Services included in the agreement shall be provided to the city 47149
or exempted village district in the same manner they are provided 47150
to local school districts under the governing board's supervision, 47151
unless otherwise specified in the agreement. The city or exempted 47152
village board of education shall reimburse the educational service 47153
center governing board pursuant to section 3317.11 of the Revised 47154

Code. 47155

(C) If an educational service center received funding under 47156
division (B) of former section 3317.11 or division (F) of section 47157
3317.11 of the Revised Code for an agreement under this section 47158
involving a city school district whose total student count was 47159
less than thirteen thousand, the service center may continue to 47160
receive funding under that division for such an agreement in any 47161
subsequent year if the city district's total student count exceeds 47162
thirteen thousand. However, only the first thirteen thousand 47163
pupils in the formula ADM of such district shall be included in 47164
determining the amount of the per pupil subsidy the service center 47165
shall receive under division (F) of section 3317.11 of the Revised 47166
Code. 47167

(D) Any If an educational service center that has received 47168
funding under division (F) of section 3317.11 of the Revised Code, 47169
or under division (B) of former section 3317.11 of the Revised 47170
Code as it existed prior to September 26, 2003, for services 47171
provided to a city or exempted village school district pursuant to 47172
an agreement entered into under this section is dissolved or is 47173
scheduled to be dissolved under section 3311.0510 of the Revised 47174
Code, the city or exempted village school district that entered 47175
into that agreement with the service center may enter into a new 47176
agreement under this section with another service center for the 47177
same or similar services. In that case, the other service center 47178
shall receive funding under division (F) of section 3317.11 of the 47179
Revised Code for services to that district for any subsequent year 47180
that the new agreement is in force. An agreement entered into 47181
under this division shall be effective on the first day of July 47182
following the date both the service center governing board and the 47183
city or exempted village school district board approved the 47184
agreement, unless the agreement is so approved after the initial 47185
service center is dissolved, in which case the agreement shall be 47186

effective on the date that both boards have approved the 47187
agreement. 47188

(E) Except for an agreement under division (D) of this 47189
section that is approved by the boards of the district and the new 47190
service center after the initial service center is dissolved, any 47191
agreement entered into pursuant to this section shall be valid 47192
only if a copy is filed with the department of education by the 47193
first day of the school year for which the agreement is in effect. 47194
An agreement under division (D) of this section that is approved 47195
by the boards of the district and the new service center after the 47196
initial service center is dissolved shall be valid only if a copy 47197
is filed with the department within ten days after both boards 47198
have approved the agreement. 47199

Sec. 3313.976. (A) No private school may receive scholarship 47200
payments from parents pursuant to section 3313.979 of the Revised 47201
Code until the chief administrator of the private school registers 47202
the school with the superintendent of public instruction. The 47203
state superintendent shall register any school that meets the 47204
following requirements: 47205

(1) The school is located within the boundaries of the pilot 47206
project school district; 47207

(2) The school indicates in writing its commitment to follow 47208
all requirements for a state-sponsored scholarship program 47209
specified under sections 3313.974 to 3313.979 of the Revised Code, 47210
including, but not limited to, the requirements for admitting 47211
students pursuant to section 3313.977 of the Revised Code; 47212

(3) The school meets all state minimum standards for 47213
chartered nonpublic schools in effect on July 1, 1992, except that 47214
the state superintendent at the superintendent's discretion may 47215
register nonchartered nonpublic schools meeting the other 47216
requirements of this division; 47217

- (4) The school does not discriminate on the basis of race, religion, or ethnic background; 47218
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- (5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 47220
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- (6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 47222
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- (7) The school does not provide false or misleading information about the school to parents, students, or the general public; 47225
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- (8) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving ninety per cent of the scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of ten per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit any such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind contributions or services. 47228
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- (9) For students in grades kindergarten through eight, the school agrees not to charge any tuition to low-income families receiving a seventy-five per cent scholarship amount through the scholarship program, pursuant to division (A) of section 3313.978 of the Revised Code, in excess of the difference between the actual tuition charge of the school and seventy-five per cent of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the low-income family's provision of in-kind 47238
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contributions or services. 47249

(10) The school agrees not to charge any tuition to families 47250
of students in grades nine through twelve receiving a scholarship 47251
in excess of the actual tuition charge of the school less 47252
seventy-five or ninety per cent of the scholarship amount 47253
established pursuant to division (C)(1) of section 3313.978 of the 47254
Revised Code, as applicable, excluding any increase described in 47255
division (C)(2) of that section. 47256

(11) Notwithstanding division (K) of section 3301.0711 of the 47257
Revised Code, the school annually administers the assessments 47258
prescribed by section 3301.0710 of the Revised Code to each 47259
scholarship student enrolled in the school in accordance with 47260
section 3301.0711 of the Revised Code and reports to the 47261
department of education the results of each such assessment 47262
administered to each scholarship student. 47263

(B) The state superintendent shall revoke the registration of 47264
any school if, after a hearing, the superintendent determines that 47265
the school is in violation of any of the provisions of division 47266
(A) of this section. 47267

(C) Any public school located in a school district adjacent 47268
to the pilot project district may receive scholarship payments on 47269
behalf of parents pursuant to section 3313.979 of the Revised Code 47270
if the superintendent of the district in which such public school 47271
is located notifies the state superintendent prior to the first 47272
day of March that the district intends to admit students from the 47273
pilot project district for the ensuing school year pursuant to 47274
section 3327.06 of the Revised Code. 47275

(D) Any parent wishing to purchase tutorial assistance from 47276
any person or governmental entity pursuant to the pilot project 47277
program under sections 3313.974 to 3313.979 of the Revised Code 47278
shall apply to the state superintendent. The state superintendent 47279

shall approve providers who appear to possess the capability of 47280
furnishing the instructional services they are offering to 47281
provide. 47282

Sec. 3313.978. (A) Annually by the first day of November, the 47283
superintendent of public instruction shall notify the pilot 47284
project school district of the number of initial scholarships that 47285
the state superintendent will be awarding in each of grades 47286
kindergarten through eight. 47287

The state superintendent shall provide information about the 47288
scholarship program to all students residing in the district, 47289
shall accept applications from any such students until such date 47290
as shall be established by the state superintendent as a deadline 47291
for applications, and shall establish criteria for the selection 47292
of students to receive scholarships from among all those applying 47293
prior to the deadline, which criteria shall give preference to 47294
students from low-income families. For each student selected, the 47295
state superintendent shall also determine whether the student 47296
qualifies for seventy-five or ninety per cent of the scholarship 47297
amount. Students whose family income is at or above two hundred 47298
per cent of the maximum income level established by the state 47299
superintendent for low-income families shall qualify for 47300
seventy-five per cent of the scholarship amount and students whose 47301
family income is below two hundred per cent of that maximum income 47302
level shall qualify for ninety per cent of the scholarship amount. 47303
The state superintendent shall notify students of their selection 47304
prior to the fifteenth day of January and whether they qualify for 47305
seventy-five or ninety per cent of the scholarship amount. 47306

(1) A student receiving a pilot project scholarship may 47307
utilize it at an alternative public school by notifying the 47308
district superintendent, at any time before the beginning of the 47309
school year, of the name of the public school in an adjacent 47310

school district to which the student has been accepted pursuant to 47311
section 3327.06 of the Revised Code. 47312

(2) A student may decide to utilize a pilot project 47313
scholarship at a registered private school in the district if all 47314
of the following conditions are met: 47315

(a) By the fifteenth day of February of the preceding school 47316
year, or at any time prior to the start of the school year, the 47317
parent makes an application on behalf of the student to a 47318
registered private school. 47319

(b) The registered private school notifies the parent and the 47320
state superintendent as follows that the student has been 47321
admitted: 47322

(i) By the fifteenth day of March of the preceding school 47323
year if the student filed an application by the fifteenth day of 47324
February and was admitted by the school pursuant to division (A) 47325
of section 3313.977 of the Revised Code; 47326

(ii) Within one week of the decision to admit the student if 47327
the student is admitted pursuant to division (C) of section 47328
3313.977 of the Revised Code. 47329

(c) The student actually enrolls in the registered private 47330
school to which the student was first admitted or in another 47331
registered private school in the district or in a public school in 47332
an adjacent school district. 47333

(B) The state superintendent shall also award in any school 47334
year tutorial assistance grants to a number of students equal to 47335
the number of students who receive scholarships under division (A) 47336
of this section. Tutorial assistance grants shall be awarded 47337
solely to students who are enrolled in the public schools of the 47338
district in a grade level covered by the pilot project. Tutorial 47339
assistance grants may be used solely to obtain tutorial assistance 47340
from a provider approved pursuant to division (D) of section 47341

3313.976 of the Revised Code. 47342

All students wishing to obtain tutorial assistance grants 47343
shall make application to the state superintendent by the first 47344
day of the school year in which the assistance will be used. The 47345
state superintendent shall award assistance grants in accordance 47346
with criteria the superintendent shall establish. For each student 47347
awarded a grant, the state superintendent shall also determine 47348
whether the student qualifies for seventy-five or ninety per cent 47349
of the grant amount and so notify the student. Students whose 47350
family income is at or above two hundred per cent of the maximum 47351
income level established by the state superintendent for 47352
low-income families shall qualify for seventy-five per cent of the 47353
grant amount and students whose family income is below two hundred 47354
per cent of that maximum income level shall qualify for ninety per 47355
cent of the grant amount. 47356

(C)(1) In the case of basic scholarships for students in 47357
grades kindergarten through eight, the scholarship amount shall 47358
not exceed the lesser of the tuition charges of the alternative 47359
school the scholarship recipient attends or three thousand dollars 47360
before fiscal year 2007 and three thousand four hundred fifty 47361
dollars in fiscal year 2007 and thereafter. 47362

In the case of basic scholarships for students in grades nine 47363
through twelve, the scholarship amount shall not exceed the lesser 47364
of the tuition charges of the alternative school the scholarship 47365
recipient attends or two thousand seven hundred dollars before 47366
fiscal year 2007 and three thousand four hundred fifty dollars in 47367
fiscal year 2007 and thereafter. 47368

(2) The state superintendent shall provide for an increase in 47369
the basic scholarship amount in the case of any student who is a 47370
mainstreamed student with a disability and shall further increase 47371
such amount in the case of any separately educated student with a 47372
disability. Such increases shall take into account the 47373

instruction, related services, and transportation costs of 47374
educating such students. 47375

(3) In the case of tutorial assistance grants, the grant 47376
amount shall not exceed the lesser of the provider's actual 47377
charges for such assistance or: 47378

(a) Before fiscal year 2007, a percentage established by the 47379
state superintendent, not to exceed twenty per cent, of the amount 47380
of the pilot project school district's average basic scholarship 47381
amount; 47382

(b) In fiscal year 2007 and thereafter, four hundred dollars. 47383

(4) No scholarship or tutorial assistance grant shall be 47384
awarded unless the state superintendent determines that 47385
twenty-five or ten per cent, as applicable, of the amount 47386
specified for such scholarship or grant pursuant to division 47387
(C)(1), (2), or (3) of this section will be furnished by a 47388
political subdivision, a private nonprofit or for profit entity, 47389
or another person. Only seventy-five or ninety per cent of such 47390
amounts, as applicable, shall be paid from state funds pursuant to 47391
section 3313.979 of the Revised Code. 47392

(D)(1) Annually by the first day of November, the state 47393
superintendent shall estimate the maximum per-pupil scholarship 47394
amounts for the ensuing school year. The state superintendent 47395
shall make this estimate available to the general public at the 47396
offices of the district board of education together with the forms 47397
required by division (D)(2) of this section. 47398

(2) Annually by the fifteenth day of January, the chief 47399
administrator of each registered private school located in the 47400
pilot project district and the principal of each public school in 47401
such district shall complete a parental information form and 47402
forward it to the president of the board of education. The 47403
parental information form shall be prescribed by the department of 47404

education and shall provide information about the grade levels 47405
offered, the numbers of students, tuition amounts, achievement 47406
test results, and any sectarian or other organizational 47407
affiliations. 47408

(E)(1) Only for the purpose of administering the pilot 47409
project scholarship program, the department may request from any 47410
of the following entities the data verification code assigned 47411
under division (D)(2) of section 3301.0714 of the Revised Code to 47412
any student who is seeking a scholarship under the program: 47413

(a) The school district in which the student is entitled to 47414
attend school under section 3313.64 or 3313.65 of the Revised 47415
Code; 47416

(b) If applicable, the community school in which the student 47417
is enrolled; 47418

(c) The independent contractor engaged to create and maintain 47419
data verification codes. 47420

(2) Upon a request by the department under division (E)(1) of 47421
this section for the data verification code of a student seeking a 47422
scholarship or a request by the student's parent for that code, 47423
the school district or community school shall submit that code to 47424
the department or parent in the manner specified by the 47425
department. If the student has not been assigned a code, because 47426
the student will be entering kindergarten during the school year 47427
for which the scholarship is sought, the district shall assign a 47428
code to that student and submit the code to the department or 47429
parent by a date specified by the department. If the district does 47430
not assign a code to the student by the specified date, the 47431
department shall assign a code to the student. 47432

The department annually shall submit to each school district 47433
the name and data verification code of each student residing in 47434
the district who is entering kindergarten, who has been awarded a 47435

scholarship under the program, and for whom the department has 47436
assigned a code under this division. 47437

(3) The department shall not release any data verification 47438
code that it receives under division (E) of this section to any 47439
person except as provided by law. 47440

(F) Any document relative to the pilot project scholarship 47441
program that the department holds in its files that contains both 47442
a student's name or other personally identifiable information and 47443
the student's data verification code shall not be a public record 47444
under section 149.43 of the Revised Code. 47445

(G)(1) The department annually shall compile the scores 47446
attained by scholarship students enrolled in registered private 47447
schools on the assessments administered to the students pursuant 47448
to division (A)(11) of section 3313.976 of the Revised Code. The 47449
scores shall be aggregated as follows: 47450

(a) By school district, which shall include all scholarship 47451
students residing in the pilot project school district who are 47452
enrolled in a registered private school and were required to take 47453
an assessment pursuant to division (A)(11) of section 3313.976 of 47454
the Revised Code; 47455

(b) By registered private school, which shall include all 47456
scholarship students enrolled in that school who were required to 47457
take an assessment pursuant to division (A)(11) of section 47458
3313.976 of the Revised Code. 47459

(2) The department shall disaggregate the student performance 47460
data described in division (G)(1) of this section according to the 47461
following categories: 47462

(a) Age; 47463

(b) Race and ethnicity; 47464

(c) Gender; 47465

<u>(d) Students who have participated in the scholarship program</u>	47466
<u>for three or more years;</u>	47467
<u>(e) Students who have participated in the scholarship program</u>	47468
<u>for more than one year and less than three years;</u>	47469
<u>(f) Students who have participated in the scholarship program</u>	47470
<u>for one year or less;</u>	47471
<u>(g) Economically disadvantaged students.</u>	47472
<u>(3) The department shall post the student performance data</u>	47473
<u>required under divisions (G)(1) and (2) of this section on its web</u>	47474
<u>site and shall include that data in the information about the</u>	47475
<u>scholarship program provided to students under division (A) of</u>	47476
<u>this section. In reporting student performance data under this</u>	47477
<u>division, the department shall not include any data that is</u>	47478
<u>statistically unreliable or that could result in the</u>	47479
<u>identification of individual students. For this purpose, the</u>	47480
<u>department shall not report performance data for any group that</u>	47481
<u>contains less than ten students.</u>	47482
<u>(4) The department shall provide the parent of each</u>	47483
<u>scholarship student enrolled in a registered private school with</u>	47484
<u>information comparing the student's performance on the assessments</u>	47485
<u>administered pursuant to division (A)(11) of section 3313.976 of</u>	47486
<u>the Revised Code with the average performance of similar students</u>	47487
<u>enrolled in the building operated by the pilot project school</u>	47488
<u>district that the scholarship student would otherwise attend. In</u>	47489
<u>calculating the performance of similar students, the department</u>	47490
<u>shall consider age, grade, race and ethnicity, gender, and</u>	47491
<u>socioeconomic status.</u>	47492
Sec. 3313.98. Notwithstanding division (D) of section 3311.19	47493
and division (D) of section 3311.52 of the Revised Code, the	47494
provisions of this section and sections 3313.981 to 3313.983 of	47495

the Revised Code that apply to a city school district do not apply 47496
to a joint vocational or cooperative education school district 47497
unless expressly specified. 47498

(A) As used in this section and sections 3313.981 to 3313.983 47499
of the Revised Code: 47500

(1) "Parent" means either of the natural or adoptive parents 47501
of a student, except under the following conditions: 47502

(a) When the marriage of the natural or adoptive parents of 47503
the student has been terminated by a divorce, dissolution of 47504
marriage, or annulment or the natural or adoptive parents of the 47505
student are living separate and apart under a legal separation 47506
decree and the court has issued an order allocating the parental 47507
rights and responsibilities with respect to the student, "parent" 47508
means the residential parent as designated by the court except 47509
that "parent" means either parent when the court issues a shared 47510
parenting decree. 47511

(b) When a court has granted temporary or permanent custody 47512
of the student to an individual or agency other than either of the 47513
natural or adoptive parents of the student, "parent" means the 47514
legal custodian of the child. 47515

(c) When a court has appointed a guardian for the student, 47516
"parent" means the guardian of the student. 47517

(2) "Native student" means a student entitled under section 47518
3313.64 or 3313.65 of the Revised Code to attend school in a 47519
district adopting a resolution under this section. 47520

(3) "Adjacent district" means a city, exempted village, or 47521
local school district having territory that abuts the territory of 47522
a district adopting a resolution under this section. 47523

(4) "Adjacent district student" means a student entitled 47524
under section 3313.64 or 3313.65 of the Revised Code to attend 47525

school in an adjacent district. 47526

(5) "Adjacent district joint vocational student" means an 47527
adjacent district student who enrolls in a city, exempted village, 47528
or local school district pursuant to this section and who also 47529
enrolls in a joint vocational school district that does not 47530
contain the territory of the district for which that student is a 47531
native student and does contain the territory of the city, 47532
exempted village, or local district in which the student enrolls. 47533

~~(6) "Formula amount" has the same meaning as in section 47534
3317.02 of the Revised Code. 47535~~

~~(7) "Adjusted formula amount" means the sum of the formula 47536
amount plus the per pupil amount of the base funding supplements 47537
specified in divisions (C)(1) to (4) of section 3317.012 "Formula 47538
ADM" has the same meaning as in section 3317.02 of the Revised 47539
Code. 47540~~

~~(8)(7) "Poverty line" means the poverty line established by 47541
the director of the United States office of management and budget 47542
as revised by the director of the office of community services in 47543
accordance with section 673(2) of the "Community Services Block 47544
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 47545~~

~~(9)(8) "IEP" has the same meaning as in section 3323.01 of 47546
the Revised Code. 47547~~

~~(10)(9) "Other district" means a city, exempted village, or 47548
local school district having territory outside of the territory of 47549
a district adopting a resolution under this section. 47550~~

~~(11)(10) "Other district student" means a student entitled 47551
under section 3313.64 or 3313.65 of the Revised Code to attend 47552
school in an other district. 47553~~

~~(12)(11) "Other district joint vocational student" means a 47554
student who is enrolled in any city, exempted village, or local 47555~~

school district and who also enrolls in a joint vocational school 47556
district that does not contain the territory of the district for 47557
which that student is a native student in accordance with a policy 47558
adopted under section 3313.983 of the Revised Code. 47559

(B)(1) The board of education of each city, local, and 47560
exempted village school district shall adopt a resolution 47561
establishing for the school district one of the following 47562
policies: 47563

(a) A policy that entirely prohibits the enrollment of 47564
students from adjacent districts or other districts, other than 47565
students for whom tuition is paid in accordance with section 47566
3317.08 of the Revised Code; 47567

(b) A policy that permits enrollment of students from all 47568
adjacent districts in accordance with policy statements contained 47569
in the resolution; 47570

(c) A policy that permits enrollment of students from all 47571
other districts in accordance with policy statements contained in 47572
the resolution. 47573

(2) A policy permitting enrollment of students from adjacent 47574
or from other districts, as applicable, shall provide for all of 47575
the following: 47576

(a) Application procedures, including deadlines for 47577
application and for notification of students and the 47578
superintendent of the applicable district whenever an adjacent or 47579
other district student's application is approved. 47580

(b) Procedures for admitting adjacent or other district 47581
applicants free of any tuition obligation to the district's 47582
schools, including, but not limited to: 47583

(i) The establishment of district capacity limits by grade 47584
level, school building, and education program; 47585

(ii) A requirement that all native students wishing to be 47586
enrolled in the district will be enrolled and that any adjacent or 47587
other district students previously enrolled in the district shall 47588
receive preference over first-time applicants; 47589

(iii) Procedures to ensure that an appropriate racial balance 47590
is maintained in the district schools. 47591

(C) Except as provided in section 3313.982 of the Revised 47592
Code, the procedures for admitting adjacent or other district 47593
students, as applicable, shall not include: 47594

(1) Any requirement of academic ability, or any level of 47595
athletic, artistic, or other extracurricular skills; 47596

(2) Limitations on admitting applicants because of 47597
disability, except that a board may refuse to admit a student 47598
receiving services under Chapter 3323. of the Revised Code, if the 47599
services described in the student's IEP are not available in the 47600
district's schools; 47601

(3) A requirement that the student be proficient in the 47602
English language; 47603

(4) Rejection of any applicant because the student has been 47604
subject to disciplinary proceedings, except that if an applicant 47605
has been suspended or expelled by the student's district for ten 47606
consecutive days or more in the term for which admission is sought 47607
or in the term immediately preceding the term for which admission 47608
is sought, the procedures may include a provision denying 47609
admission of such applicant. 47610

(D)(1) Each school board permitting only enrollment of 47611
adjacent district students shall provide information about the 47612
policy adopted under this section, including the application 47613
procedures and deadlines, to the superintendent and the board of 47614
education of each adjacent district and, upon request, to the 47615
parent of any adjacent district student. 47616

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. ~~An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.~~

(G) The state board of education shall monitor school districts to ensure compliance with this section and the

districts' policies. The board may adopt rules requiring uniform 47648
application procedures, deadlines for application, notification 47649
procedures, and record-keeping requirements for all school boards 47650
that adopt policies permitting the enrollment of adjacent or other 47651
district students, as applicable. If the state board adopts such 47652
rules, no school board shall adopt a policy that conflicts with 47653
those rules. 47654

(H) A resolution adopted by a board of education under this 47655
section that entirely prohibits the enrollment of students from 47656
adjacent and from other school districts does not abrogate any 47657
agreement entered into under section 3313.841 or 3313.92 of the 47658
Revised Code or any contract entered into under section 3313.90 of 47659
the Revised Code between the board of education adopting the 47660
resolution and the board of education of any adjacent or other 47661
district or prohibit these boards of education from entering into 47662
any such agreement or contract. 47663

(I) Nothing in this section shall be construed to permit or 47664
require the board of education of a city, exempted village, or 47665
local school district to exclude any native student of the 47666
district from enrolling in the district. 47667

Sec. 3313.981. (A) The state board of education shall adopt 47668
rules requiring all of the following: 47669

(1) The board of education of each city, exempted village, 47670
and local school district to annually report to the department of 47671
education all of the following: 47672

(a) The number of adjacent district or other district 47673
students, as applicable, and adjacent district or other district 47674
joint vocational students, as applicable, enrolled in the district 47675
and the number of native students enrolled in adjacent or other 47676
districts, in accordance with a policy adopted under division (B) 47677
of section 3313.98 of the Revised Code; 47678

(b) Each adjacent district or other district student's or	47679
adjacent district or other district joint vocational student's	47680
date of enrollment in the district;	47681
(c) The full-time equivalent number of adjacent district or	47682
other district students enrolled in vocational education programs	47683
or classes described in division (A) of section 3317.014 of the	47684
Revised Code and the full-time equivalent number of such students	47685
enrolled in vocational education programs or classes described in	47686
division (B) of that section;	47687
(d) Each native student's date of enrollment in an adjacent	47688
or other district.	47689
(2) The board of education of each joint vocational school	47690
district to annually report to the department all of the	47691
following:	47692
(a) The number of adjacent district or other district joint	47693
vocational students, as applicable, enrolled in the district;	47694
(b) The full-time equivalent number of adjacent district or	47695
other district joint vocational students enrolled in vocational	47696
education programs or classes described in division (A) of section	47697
3317.014 of the Revised Code and the full-time equivalent number	47698
of such students enrolled in vocational education programs or	47699
classes described in division (B) of that section;	47700
(c) For each adjacent district or other district joint	47701
vocational student, the city, exempted village, or local school	47702
district in which the student is also enrolled.	47703
(3) Prior to the first full school week in October each year,	47704
the superintendent of each city, local, or exempted village school	47705
district that admits adjacent district or other district students	47706
or adjacent district or other district joint vocational students	47707
in accordance with a policy adopted under division (B) of section	47708
3313.98 of the Revised Code to notify each adjacent or other	47709

district where those students are entitled to attend school under 47710
section 3313.64 or 3313.65 of the Revised Code of the number of 47711
the adjacent or other district's native students who are enrolled 47712
in the superintendent's district under the policy. 47713

The rules shall provide for the method of counting students 47714
who are enrolled for part of a school year in an adjacent or other 47715
district or as an adjacent district or other district joint 47716
vocational student. 47717

~~(B) From the payments made to a city, exempted village, or 47718
local school district under Chapter 3317. of the Revised Code, the 47719
department of education shall annually subtract both of the 47720
following: 47721~~

~~(1) An amount equal to the number of the district's native 47722
students reported under division (A)(1) of this section who are 47723
enrolled in adjacent or other school districts pursuant to 47724
policies adopted by such districts under division (B) of section 47725
3313.98 of the Revised Code multiplied by the adjusted formula 47726
amount for the district; 47727~~

~~(2) The excess costs computed in accordance with division (E) 47728
of this section for any such native students receiving special 47729
education and related services in adjacent or other school 47730
districts or as an adjacent district or other district joint 47731
vocational student; 47732~~

~~(3) For the full-time equivalent number of the district's 47733
native students reported under division (A)(1)(c) or (2)(b) of 47734
this section as enrolled in vocational education programs or 47735
classes described in section 3317.014 of the Revised Code, an 47736
amount equal to the formula amount times the applicable multiple 47737
prescribed by that section. 47738~~

~~(C) To the payments made to a city, exempted village, or 47739
local school district under Chapter 3317. of the Revised Code, the 47740~~

~~department of education shall annually add all of the following:~~ 47741

~~(1) An amount equal to the adjusted formula amount for the district multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students enrolled in the district, as reported under division (A)(1) of this section;~~ 47742
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~~(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;~~ 47748
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47750
47751
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~~(3) For the full time equivalent number of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(c) of this section as enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code, an amount equal to the formula amount times the applicable multiple prescribed by that section;~~ 47753
47754
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~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the adjusted formula amount for the district.~~ 47760
47761
47762
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~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~ 47764
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~~(1) An amount equal to the adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled;~~ 47769
47770
47771

~~(2) An amount equal to the full time equivalent number of students reported pursuant to division (A)(2)(b) of this section times the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code~~ Each student enrolled in a school of an adjacent or other district under an open enrollment policy adopted under section 3313.98 of the Revised Code shall be counted in the formula ADM of the district in which the student is enrolled and not in the formula ADM of the district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Accordingly, the district in which the student is enrolled shall be credited with state funds for the student under Chapters 3306. and 3317. of the Revised Code.

~~(E)(C)(1)~~ A city, exempted village, or local school district board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student ~~as follows:~~

~~(a) Subtract the adjusted formula amount for the district by~~ subtracting from the actual costs to educate the student:

~~(b) From the amount computed under division (E)(1)(a) of this section subtract~~ the amount of any funds received by the district under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under this division to the department of education.

(3) If any student for whom excess costs are computed under division ~~(E)(C)(1)~~ of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to the joint vocational school district enrolling the student.

~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its formula ADM certified under section 3317.03 of the Revised Code.~~

~~(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's formula ADM certified under section 3317.03 of the Revised Code.~~

~~(H)(D)~~ Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under ~~division (D) of section 3317.022~~ 3306.12 of the Revised Code for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3314.012. (A) Within ninety days of September 28, 1999, the superintendent of public instruction shall appoint representatives of the department of education, including employees who work with the education management information system and employees of the office of community schools

established by section 3314.11 of the Revised Code, to a committee 47834
to develop report card models for community schools. The director 47835
of the legislative office of education oversight shall also 47836
appoint representatives to the committee. The committee shall 47837
design model report cards appropriate for the various types of 47838
community schools approved to operate in the state. Sufficient 47839
models shall be developed to reflect the variety of grade levels 47840
served and the missions of the state's community schools. All 47841
models shall include both financial and academic data. The initial 47842
models shall be developed by March 31, 2000. 47843

(B) The department of education shall issue an annual report 47844
card for each community school, regardless of how long the school 47845
has been in operation. The report card shall report the academic 47846
and financial performance of the school utilizing one of the 47847
models developed under division (A) of this section. The report 47848
card shall include all information applicable to school buildings 47849
under division (A) of section 3302.03 of the Revised Code ~~and~~ 47850
~~section 3302.032 of the Revised Code.~~ 47851

(C) Upon receipt of a copy of a contract between a sponsor 47852
and a community school entered into under this chapter, the 47853
department of education shall notify the community school of the 47854
specific model report card that will be used for that school. 47855

(D) Report cards shall be distributed to the parents of all 47856
students in the community school, to the members of the board of 47857
education of the school district in which the community school is 47858
located, and to any person who requests one from the department. 47859

~~(E) No report card shall be issued for any community school 47860
under this section until the school has been open for instruction 47861
for two full school years. 47862~~

Sec. 3314.015. (A) The department of education shall be 47863
responsible for the oversight of any and all sponsors of the 47864

community schools established under this chapter and shall provide 47865
technical assistance to schools and sponsors in their compliance 47866
with applicable laws and the terms of the contracts entered into 47867
under section 3314.03 of the Revised Code and in the development 47868
and start-up activities of those schools. In carrying out its 47869
duties under this section, the department shall do all of the 47870
following: 47871

(1) In providing technical assistance to proposing parties, 47872
governing authorities, and sponsors, conduct training sessions and 47873
distribute informational materials; 47874

(2) Approve entities to be sponsors of community schools ~~and~~ 47875
~~monitor~~; 47876

(3) Monitor the effectiveness of ~~those~~ any and all sponsors 47877
in their oversight of the schools with which they have contracted; 47878

~~(3)~~(4) By December thirty-first of each year, issue a report 47879
to the governor, the speaker of the house of representatives, the 47880
president of the senate, and the chairpersons of the house and 47881
senate committees principally responsible for education matters 47882
regarding the effectiveness of academic programs, operations, and 47883
legal compliance and of the financial condition of all community 47884
schools established under this chapter and on the performance of 47885
community school sponsors; 47886

~~(4)~~(5) From time to time, make legislative recommendations to 47887
the general assembly designed to enhance the operation and 47888
performance of community schools. 47889

(B)(1) ~~No~~ Except as provided in sections 3314.021 and 47890
3314.027 of the Revised Code, no entity listed in division (C)(1) 47891
of section 3314.02 of the Revised Code shall enter into a 47892
preliminary agreement under division (C)(2) of section 3314.02 of 47893
the Revised Code until it has received approval from the 47894
department of education to sponsor community schools under this 47895

chapter and has entered into a written agreement with the 47896
department regarding the manner in which the entity will conduct 47897
such sponsorship. The department shall adopt in accordance with 47898
Chapter 119. of the Revised Code rules containing criteria, 47899
procedures, and deadlines for processing applications for such 47900
approval, for oversight of sponsors, for revocation of the 47901
approval of sponsors, and for entering into written agreements 47902
with sponsors. The rules shall require an entity to submit 47903
evidence of the entity's ability and willingness to comply with 47904
the provisions of division (D) of section 3314.03 of the Revised 47905
Code. The rules also shall require entities approved as sponsors 47906
on and after June 30, 2005, to demonstrate a record of financial 47907
responsibility and successful implementation of educational 47908
programs. If an entity seeking approval on or after June 30, 2005, 47909
to sponsor community schools in this state sponsors or operates 47910
schools in another state, at least one of the schools sponsored or 47911
operated by the entity must be comparable to or better than the 47912
performance of Ohio schools in need of continuous improvement 47913
under section 3302.03 of the Revised Code, as determined by the 47914
department. 47915

(2) An entity that sponsors community schools may enter into 47916
preliminary agreements and sponsor schools as follows, provided 47917
each school and the contract for sponsorship meets the 47918
requirements of this chapter: 47919

(a) An entity that sponsored fifty or fewer schools that were 47920
open for operation as of May 1, 2005, may sponsor not more than 47921
fifty schools. 47922

(b) An entity that sponsored more than fifty but not more 47923
than seventy-five schools that were open for operation as of May 47924
1, 2005, may sponsor not more than the number of schools the 47925
entity sponsored that were open for operation as of May 1, 2005. 47926

(c) Until June 30, 2006, an entity that sponsored more than 47927

seventy-five schools that were open for operation as of May 1, 47928
2005, may sponsor not more than the number of schools the entity 47929
sponsored that were open for operation as of May 1, 2005. After 47930
June 30, 2006, such an entity may sponsor not more than 47931
seventy-five schools. 47932

~~Upon approval of an entity to be a sponsor under this~~ 47933
~~division, the~~ The department shall notify ~~the~~ each entity of the 47934
number of schools the entity may sponsor. 47935

Notwithstanding the limits imposed by division (B)(2) of this 47936
section, no entity shall initially enter into a contract with a 47937
school under section 3314.03 of the Revised Code if more than 47938
thirty-three per cent of the Ohio schools currently sponsored by 47939
the entity have a performance rating of academic watch or academic 47940
emergency under section 3302.03 of the Revised Code. 47941

The limit imposed on an entity ~~to which~~ by division (B)~~(1)~~(2) 47942
of this section ~~applies~~ shall be decreased by one for each school 47943
sponsored by the entity that permanently closes. 47944

If at any time an entity exceeds the number of schools it may 47945
sponsor under this division, the department shall assist the 47946
schools in excess of the entity's limit in securing new sponsors. 47947
If a school is unable to secure a new sponsor, the department 47948
shall assume sponsorship of the school in accordance with division 47949
(C) of this section. Those schools for which another sponsor or 47950
the department assumes sponsorship shall be the schools that most 47951
recently entered into contracts with the entity under section 47952
3314.03 of the Revised Code. 47953

~~(2)~~(3) The department of education shall determine, pursuant 47954
to criteria adopted by rule of the department, whether the mission 47955
proposed to be specified in the contract of a community school to 47956
be sponsored by a state university board of trustees or the 47957
board's designee under division (C)(1)(e) of section 3314.02 of 47958

the Revised Code complies with the requirements of that division. 47959
Such determination of the department is final. 47960

~~(3)~~(4) The department of education shall determine, pursuant 47961
to criteria adopted by rule of the department, if any tax-exempt 47962
entity under section 501(c)(3) of the Internal Revenue Code that 47963
is proposed to be a sponsor of a community school is an 47964
education-oriented entity for purpose of satisfying the condition 47965
prescribed in division (C)(1)(f)(iii) of section 3314.02 of the 47966
Revised Code. Such determination of the department is final. 47967

(C) If at any time the state board of education finds that a 47968
sponsor is not in compliance or is no longer willing to comply 47969
with its contract with any community school or with the 47970
department's rules for sponsorship, the state board or designee 47971
shall conduct a hearing in accordance with Chapter 119. of the 47972
Revised Code on that matter. If after the hearing, the state board 47973
or designee has confirmed the original finding, the department of 47974
education may revoke the sponsor's ~~approval~~ authority to sponsor 47975
community schools and may assume the sponsorship of any schools 47976
with which the sponsor has contracted until the earlier of the 47977
expiration of two school years or until a new sponsor as described 47978
in division (C)(1) of section 3314.02 of the Revised Code is 47979
secured by the school's governing authority. The department may 47980
extend the term of the contract in the case of a school for which 47981
it has assumed sponsorship under this division as necessary to 47982
accommodate the term of the department's authorization to sponsor 47983
the school specified in this division. 47984

(D)(1) The department may declare any sponsor, including any 47985
sponsor that is exempt pursuant to section 3314.021 or 3314.027 of 47986
the Revised Code from obtaining the department's initial approval 47987
to sponsor, to be in a probationary status if at any time the 47988
sponsor has failed to take any of the following actions, which 47989
actions the department determines are warranted: 47990

<u>(a) Take steps to intervene in a school's operation to</u>	47991
<u>correct problems in the school's performance, including the</u>	47992
<u>monitoring and enforcement of the implementation of a school's</u>	47993
<u>corrective action plan required by the department;</u>	47994
<u>(b) Declare a school to be in a probationary status pursuant</u>	47995
<u>to section 3314.073 of the Revised Code;</u>	47996
<u>(c) Suspend the operation of a school pursuant to section</u>	47997
<u>3314.072 of the Revised Code;</u>	47998
<u>(d) Terminate a school's contract pursuant to section 3314.07</u>	47999
<u>of the Revised Code.</u>	48000
<u>(2) If the department declares a sponsor to be in a</u>	48001
<u>probationary status, the department shall send a written</u>	48002
<u>notification stating the department's declaration, the length of</u>	48003
<u>the probationary status, the reasons for the declaration, and a</u>	48004
<u>requirement that the sponsor submit to the department an offer of</u>	48005
<u>reasonable remedies within ten business days after the date of the</u>	48006
<u>department's notice to the sponsor. If the department finds the</u>	48007
<u>remedies offered by the sponsor satisfactory, the sponsor shall</u>	48008
<u>take the actions necessary to implement them. The department shall</u>	48009
<u>monitor the sponsor's actions to implement the remedies.</u>	48010
<u>(3) If the department finds that the remedies offered by the</u>	48011
<u>sponsor under division (D)(2) of this section are not</u>	48012
<u>satisfactory, or if the department finds that the sponsor is not</u>	48013
<u>taking the actions necessary to implement those remedies, the</u>	48014
<u>department may suspend the sponsor's authority to sponsor schools</u>	48015
<u>or may partially restrict the sponsor's authority to sponsor</u>	48016
<u>schools by limiting the geographic territory within which the</u>	48017
<u>sponsor may sponsor schools, reducing the number of schools the</u>	48018
<u>sponsor may sponsor, or restricting the types of schools the</u>	48019
<u>sponsor may sponsor. The department also may require the sponsor</u>	48020
<u>to submit additional reports above and beyond those otherwise</u>	48021

required by law. 48022

(4) If the department suspends or restricts a sponsor's authority to sponsor schools under division (D)(3) of this section, the department shall assign another sponsor that is approved by the department and that agrees to do so to sponsor any school affected by the suspension or restriction until the department rescinds the suspension or restriction, another permanent sponsor is secured, or the school's contract under section 3314.03 of the Revised Code expires, whichever occurs first. 48023
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(E) The decision of the department to disapprove an entity for sponsorship of a community school or, to revoke approval authority for such sponsorship, as provided in under division (C) of this section, or to suspend or restrict an entity's authority to sponsor schools under division (D) of this section, may be appealed by the entity in accordance with section 119.12 of the Revised Code. 48032
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~~(E)~~(F) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school. 48039
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~~(F)~~(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules. 48046
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Sec. 3314.016. (A) After June 30, 2007, a new start-up school may be established under this chapter only if the school's governing authority enters into a contract with an operator that 48050
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manages other schools in the United States that perform at a level higher than academic watch. The governing authority of the community school may sign a contract with an operator only if the operator has fewer contracts with the governing authorities of new start-up schools established under this chapter after June 30, 2007, than the number of schools managed by the operator in the United States that perform at a level higher than academic watch, as determined by the department of education. However, the governing authority shall not contract with an operator that currently manages any community schools in Ohio for which the department issues annual report cards under section 3314.012 of the Revised Code, unless the latest report card issued for at least one of those schools designates a performance rating under section 3302.03 of the Revised Code of in need of continuous improvement or higher.

(B) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2007-2008 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.	48085 48086
(c) The school has been in operation for at least four school years.	48087 48088
(d) The school is not managed by an operator.	48089
(C) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by the big eight school district in which the school is located may establish one additional start-up school that is located in the same school district and that provides a general educational program to students in any or all of grades kindergarten through five to facilitate their transition to the current start-up school, and may open the additional start-up school in the 2009-2010 school year, if both of the following conditions are met:	48090 48091 48092 48093 48094 48095 48096 48097 48098
(1) The governing authority enters into another contract with the same sponsor and files a copy of the contract with the superintendent of public instruction prior to March 15, 2009.	48099 48100 48101
(2) The governing authority's current school satisfies all of the following conditions:	48102 48103
(a) The school provided instruction to students for eleven months in the previous school year.	48104 48105
(b) The school has been in operation for at least two school years.	48106 48107
(c) The school qualified to be rated in need of continuous improvement or higher pursuant to section 3302.03 of the Revised Code for its first school year of operation, even though the department of education did not issue a report card for the school for that school year.	48108 48109 48110 48111 48112
Sec. 3314.02. (A) As used in this chapter:	48113

(1) "Sponsor" means an entity listed in division (C)(1) of 48114
this section, which has been approved by the department of 48115
education to sponsor community schools and with which the 48116
governing authority of the proposed community school enters into a 48117
contract pursuant to this section. 48118

(2) "Pilot project area" means the school districts included 48119
in the territory of the former community school pilot project 48120
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 48121
the 122nd general assembly. 48122

(3) "Challenged school district" means any of the following: 48123

(a) A school district that is part of the pilot project area; 48124

(b) A school district that is either in a state of academic 48125
emergency or in a state of academic watch under section 3302.03 of 48126
the Revised Code; 48127

(c) A big eight school district. 48128

(4) "Big eight school district" means a school district that 48129
for fiscal year 1997 had both of the following: 48130

(a) A percentage of children residing in the district and 48131
participating in the predecessor of Ohio works first greater than 48132
thirty per cent, as reported pursuant to former section 3317.10 of 48133
the Revised Code; 48134

(b) An average daily membership greater than twelve thousand, 48135
as reported pursuant to former division (A) of section 3317.03 of 48136
the Revised Code. 48137

(5) "New start-up school" means a community school other than 48138
one created by converting all or part of an existing public school 48139
or educational service center building, as designated in the 48140
school's contract pursuant to division (A)(17) of section 3314.03 48141
of the Revised Code. 48142

(6) "Urban school district" means one of the state's 48143

twenty-one urban school districts as defined in division (O) of 48144
section 3317.02 of the Revised Code as that section existed prior 48145
to July 1, 1998. 48146

(7) "Internet- or computer-based community school" means a 48147
community school established under this chapter in which the 48148
enrolled students work primarily from their residences on 48149
assignments in nonclassroom-based learning opportunities provided 48150
via an internet- or other computer-based instructional method that 48151
does not rely on regular classroom instruction or via 48152
comprehensive instructional methods that include internet-based, 48153
other computer-based, and noncomputer-based learning 48154
opportunities. 48155

(B) Any person or group of individuals may initially propose 48156
under this division the conversion of all or a portion of a public 48157
school or a building operated by an educational service center to 48158
a community school. The proposal shall be made to the board of 48159
education of the city, local, or exempted village school district 48160
in which the public school is proposed to be converted or, in the 48161
case of the conversion of a building operated by an educational 48162
service center, to the governing board of the service center. Upon 48163
receipt of a proposal, a board may enter into a preliminary 48164
agreement with the person or group proposing the conversion of the 48165
public school or service center building, indicating the intention 48166
of the board to support the conversion to a community school. A 48167
proposing person or group that has a preliminary agreement under 48168
this division may proceed to finalize plans for the school, 48169
establish a governing authority for the school, and negotiate a 48170
contract with the board. Provided the proposing person or group 48171
adheres to the preliminary agreement and all provisions of this 48172
chapter, the board shall negotiate in good faith to enter into a 48173
contract in accordance with section 3314.03 of the Revised Code 48174
and division (C) of this section. 48175

(C)(1) Any person or group of individuals may propose under 48176
this division the establishment of a new start-up school to be 48177
located in a challenged school district. The proposal may be made 48178
to any of the following entities: 48179

(a) The board of education of the district in which the 48180
school is proposed to be located; 48181

(b) The board of education of any joint vocational school 48182
district with territory in the county in which is located the 48183
majority of the territory of the district in which the school is 48184
proposed to be located; 48185

(c) The board of education of any other city, local, or 48186
exempted village school district having territory in the same 48187
county where the district in which the school is proposed to be 48188
located has the major portion of its territory; 48189

(d) The governing board of any educational service center, as 48190
long as the proposed school will be located in a county within the 48191
territory of the service center or in a county contiguous to such 48192
county; 48193

(e) A sponsoring authority designated by the board of 48194
trustees of any of the thirteen state universities listed in 48195
section 3345.011 of the Revised Code or the board of trustees 48196
itself as long as a mission of the proposed school to be specified 48197
in the contract under division (A)(2) of section 3314.03 of the 48198
Revised Code and as approved by the department of education under 48199
division (B)~~(2)~~(3) of section 3314.015 of the Revised Code will be 48200
the practical demonstration of teaching methods, educational 48201
technology, or other teaching practices that are included in the 48202
curriculum of the university's teacher preparation program 48203
approved by the state board of education; 48204

(f) Any qualified tax-exempt entity under section 501(c)(3) 48205
of the Internal Revenue Code as long as all of the following 48206

conditions are satisfied:	48207
(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.	48208 48209
(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.	48210 48211
(iii) The department of education has determined that the entity is an education-oriented entity under division (B) (3) (4) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.	48212 48213 48214 48215 48216
(iv) The entity is not a community school.	48217
Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.	48218 48219 48220
(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.	48221 48222 48223 48224 48225 48226 48227 48228 48229 48230
(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch, provided there is a valid contract between the school and a sponsor.	48231 48232 48233 48234 48235 48236 48237

(4) A copy of every preliminary agreement entered into under 48238
this division shall be filed with the superintendent of public 48239
instruction. 48240

(D) A majority vote of the board of a sponsoring entity and a 48241
majority vote of the members of the governing authority of a 48242
community school shall be required to adopt a contract and convert 48243
the public school or educational service center building to a 48244
community school or establish the new start-up school. Beginning 48245
September 29, 2005, adoption of the contract shall occur not later 48246
than the fifteenth day of March, and signing of the contract shall 48247
occur not later than the fifteenth day of May, prior to the school 48248
year in which the school will open. The governing authority shall 48249
notify the department of education when the contract has been 48250
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 48251
3314.017 of the Revised Code, an unlimited number of community 48252
schools may be established in any school district provided that a 48253
contract is entered into for each community school pursuant to 48254
this chapter. 48255

(E)(1) As used in this division, "immediate relatives" are 48256
limited to spouses, children, parents, grandparents, siblings, and 48257
in-laws. 48258

Each new start-up community school established under this 48259
chapter shall be under the direction of a governing authority 48260
which shall consist of a board of not less than five individuals. 48261

No person shall serve on the governing authority or operate 48262
the community school under contract with the governing authority 48263
so long as the person owes the state any money or is in a dispute 48264
over whether the person owes the state any money concerning the 48265
operation of a community school that has closed. 48266

(2) No person shall serve on the governing authorities of 48267
more than two start-up community schools at the same time. 48268

(3) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any nonprofit or for-profit operator of a community school, unless at least one year has elapsed since the conclusion of the person's membership.

(F)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district.

(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school. However, the educational service center shall not enter into a contract with any additional community school unless the school is located in a county within the territory of the service center or

in a county contiguous to such county. 48301

Sec. 3314.021. (A) This section applies to any entity that is 48302
exempt from taxation under section 501(c)(3) of the Internal 48303
Revenue Code and that satisfies the conditions specified in 48304
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 48305
Revised Code but does not satisfy the condition specified in 48306
division (C)(1)(f)(i) of that section. 48307

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 48308
of the Revised Code, an entity described in division (A) of this 48309
section may do both of the following without obtaining the 48310
department of education's initial approval of its sponsorship 48311
under ~~division~~ divisions (A)(2) and (B)(1) of section 3314.015 of 48312
the Revised Code: 48313

(1) Succeed the board of trustees of a state university 48314
located in the pilot project area or that board's designee as the 48315
sponsor of a community school established under this chapter; 48316

(2) Continue to sponsor that school in conformance with the 48317
terms of the contract between the board of trustees or its 48318
designee and the governing authority of the community school and 48319
renew that contract as provided in division (E) of section 3314.03 48320
of the Revised Code. 48321

(C) The entity that succeeds the board of trustees or the 48322
board's designee as sponsor of a community school under division 48323
(B) of this section also may enter into contracts to sponsor other 48324
community schools located in any challenged school district, 48325
without obtaining the department's initial approval of its 48326
sponsorship of those schools under ~~division~~ divisions (A)(2) and 48327
(B)(1) of section 3314.015 of the Revised Code, and not subject to 48328
the restriction of division (A)(7) of section 3314.013 of the 48329
Revised Code, as long as the contracts conform with and the entity 48330
complies with all other requirements of this chapter. 48331

(D) Regardless of the entity's authority to sponsor community schools without the initial approval of the department, the entity is under the continuing oversight of the department in accordance with rules adopted under section 3314.015 of the Revised Code. The department, in accordance with divisions (C), (D), and (E) of section 3314.015 of the Revised Code, may revoke, suspend, or restrict the entity's authority to sponsor any school, or may declare the sponsor to be in a probationary status, in the same manner as if that authority were initially subject to approval of the department under that section. 48332
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Sec. 3314.024. ~~A management company~~ (A) No governing authority of a community school shall enter into a new contract, or renew an existing contract, with an operator, unless the contract was selected through a competitive bidding process established by the department of education. 48342
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(B) An operator that provides services to a community school that amounts to more than twenty per cent of the annual gross revenues of the school shall provide a detailed accounting including the nature and costs of the services it provides to the community school. This information shall be included in the footnotes of the financial statements of the school and be subject to audit during the course of the regular financial audit of the community school. 48347
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Sec. 6 3314.027. ~~The State Board of Education shall continue to sponsor any community school for which it has entered into a contract at the time of the effective date of this section until the earlier of the expiration of two school years or until a new sponsor, as described in division (C)(1) of section 3314.02 of the Revised Code, as amended by this act, is secured by the school's governing authority. The State Board shall not thereafter sponsor any community school except as provided in division (C) of section~~ 48355
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~~3314.015 of the Revised Code. The State Board may extend the term 48363
of any existing contract with a community school governing 48364
authority only as necessary to accommodate the term of the Board's 48365
authorization to sponsor the school as specified in this section. 48366~~

Notwithstanding the requirement for initial approval of 48367
sponsorship by the ~~Department~~ department of ~~Education~~ education 48368
prescribed in ~~division~~ divisions (A)(2) and (B)(1) of section 48369
3314.015 of the Revised Code, ~~as enacted by this act,~~ and any 48370
geographical restriction or mission requirement prescribed in 48371
division (C)(1) of section 3314.02 of the Revised Code, ~~as amended~~ 48372
~~by this act,~~ an entity ~~other than the State Board of Education~~ 48373
that has entered into a contract to sponsor a community school on 48374
~~the effective date of this section~~ April 8, 2003, may continue to 48375
sponsor the school in conformance with the terms of that contract 48376
as long as the entity complies with all other sponsorship 48377
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 48378
~~act~~ this chapter. Such an entity also may enter into new contracts 48379
to sponsor community schools after ~~the effective date of this~~ 48380
~~section~~ April 8, 2003, and need not be approved by the ~~Department~~ 48381
~~of Education~~ department for such sponsorship, as otherwise 48382
required under ~~division~~ divisions (A)(2) and (B)(1) of section 48383
3314.015 of the Revised Code, ~~as enacted by this act,~~ as long as 48384
the contracts conform to and the entity complies with all other 48385
provisions of ~~Chapter 3314. of the Revised Code as amended by this~~ 48386
~~act~~ this chapter. 48387

Regardless of the entity's authority to sponsor community 48388
schools without the initial approval of the department, each 48389
entity described in this section is under the continuing oversight 48390
of the department in accordance with rules adopted under section 48391
3314.015 of the Revised Code. The department, in accordance with 48392
divisions (C), (D), and (E) of section 3314.015 of the Revised 48393
Code, may revoke, suspend, or restrict the entity's authority to 48394

sponsor any school, or may declare the entity to be in a 48395
probationary status, in the same manner as if that authority were 48396
initially subject to approval of the department under that 48397
section. 48398

Sec. 3314.028. Notwithstanding any provision of this chapter 48399
to the contrary, beginning in the 2009-2010 school year, a 48400
community school that meets the following conditions may operate 48401
from the facility in which the school was located in the 2008-2009 48402
school year and shall not be required to locate to another school 48403
district: 48404

(A) The school was located in the facility for at least the 48405
three school years prior to the 2009-2010 school year. 48406

(B) The school's sponsor is a school district that is 48407
adjacent to the school district in which the school is located. 48408

(C) The school's education program emphasizes serving 48409
students identified as gifted under Chapter 3324. of the Revised 48410
Code. 48411

(D) The school has been rated in need of continuous 48412
improvement or higher under section 3302.03 of the Revised Code 48413
for the previous three school years. 48414

Sec. 3314.03. A copy of every contract entered into under 48415
this section shall be filed with the superintendent of public 48416
instruction. 48417

(A) Each contract entered into between a sponsor and the 48418
governing authority of a community school shall specify the 48419
following: 48420

(1) That the school shall be established as either of the 48421
following: 48422

(a) A nonprofit corporation established under Chapter 1702. 48423

of the Revised Code, if established prior to April 8, 2003;	48424
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;	48425 48426
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	48427 48428 48429 48430
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests <u>assessments</u> ;	48431 48432 48433 48434
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	48435 48436
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	48437 48438
(6)(a) Dismissal procedures;	48439
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.	48440 48441 48442 48443 48444 48445
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	48446 48447
(8) Requirements for financial audits by the auditor of state. The contract shall require <u>the governing authority of the school, and any operator with which the governing authority contracts, to comply with the financial reporting standards adopted by the state board of education under division (B)(2) of section 3301.07 of the Revised Code, and that financial records of</u>	48448 48449 48450 48451 48452 48453

the school ~~to~~ be maintained in the same manner as are financial 48454
records of school districts, pursuant to rules of the auditor of 48455
state, ~~and the audits.~~ Audits shall be conducted in accordance 48456
with section 117.10 of the Revised Code. 48457

(9) The facilities to be used and their locations; 48458

(10) Qualifications of teachers, ~~including a requirement that~~ 48459
~~the school's classroom teachers be licensed in accordance with~~ 48460
~~sections 3319.22 to 3319.31 of the Revised Code, except that a~~ 48461
~~community school may engage noncertificated persons to teach up to~~ 48462
~~twelve hours per week pursuant to section 3319.301 in compliance~~ 48463
with section 3314.102 of the Revised Code; 48464

(11) That the school will comply with the following 48465
requirements: 48466

(a) The school will provide learning opportunities to a 48467
minimum of twenty-five students for ~~a minimum of nine hundred~~ 48468
~~twenty~~ at least the applicable number of hours per school year 48469
prescribed by section 3314.031 of the Revised Code. 48470

(b) The governing authority will purchase liability 48471
insurance, or otherwise provide for the potential liability of the 48472
school. 48473

(c) The school will be nonsectarian in its programs, 48474
admission policies, employment practices, and all other 48475
operations, and will not be operated by a sectarian school or 48476
religious institution. 48477

(d) The school will comply with division (A)(9) of section 48478
3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 48479
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 48480
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.605, 48481
3313.607, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.643, 48482
3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 48483
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 48484

3313.718, 3313.80, 3313.82, 3313.821, 3313.822, 3313.96, 3319.073, 48485
3319.321, 3319.39, 3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 48486
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 48487
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 48488
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 48489
were a school district and will comply with section 3301.0714 of 48490
the Revised Code in the manner specified in section 3314.17 of the 48491
Revised Code. 48492

(e) The school shall comply with Chapter 102. and section 48493
2921.42 of the Revised Code. 48494

(f) The school will comply with sections 3313.61, 3313.611, 48495
and 3313.614 of the Revised Code, except that for students who 48496
enter ninth grade for the first time before July 1, 2010, the 48497
requirement in sections 3313.61 and 3313.611 of the Revised Code 48498
that a person must successfully complete the curriculum in any 48499
high school prior to receiving a high school diploma may be met by 48500
completing the curriculum adopted by the governing authority of 48501
the community school rather than the curriculum specified in Title 48502
XXXIII of the Revised Code or any rules of the state board of 48503
education. Beginning with students who enter ninth grade for the 48504
first time on or after July 1, 2010, the requirement in sections 48505
3313.61 and 3313.611 of the Revised Code that a person must 48506
successfully complete the curriculum of a high school prior to 48507
receiving a high school diploma shall be met by completing the 48508
Ohio core curriculum prescribed in division (C) of section 48509
3313.603 of the Revised Code, unless the person qualifies under 48510
division (D) or (F) of that section. Each school shall comply with 48511
the plan for awarding high school credit based on demonstration of 48512
subject area competency, adopted by the state board of education 48513
under division (J) of section 3313.603 of the Revised Code. 48514

(g) The school governing authority will submit within four 48515
months after the end of each school year a report of its 48516

activities and progress in meeting the goals and standards of 48517
divisions (A)(3) and (4) of this section and its financial status 48518
to the sponsor ~~and~~, the parents of all students enrolled in the 48519
school, and the legislative office of education oversight. The 48520
school shall collect and provide any data that the legislative 48521
office of education oversight requests in furtherance of any study 48522
or research that the general assembly requires the office to 48523
conduct. 48524

(h) The school, unless it is an internet- or computer-based 48525
community school, will comply with section 3313.801 of the Revised 48526
Code as if it were a school district. 48527

(12) Arrangements for providing health and other benefits to 48528
employees; 48529

(13) The length of the contract, which shall begin at the 48530
beginning of an academic year. No contract shall exceed five years 48531
unless such contract has been renewed pursuant to division (E) of 48532
this section. 48533

(14) The governing authority of the school, which shall be 48534
responsible for carrying out the provisions of the contract; 48535

(15) A financial plan detailing an estimated school budget 48536
for each year of the period of the contract and specifying the 48537
total estimated per pupil expenditure amount for each such year. 48538
~~The plan shall specify for each year the base formula amount that~~ 48539
~~will be used for purposes of funding calculations under section~~ 48540
~~3314.08 of the Revised Code. This base formula amount for any year~~ 48541
~~shall not exceed the formula amount defined under section 3317.02~~ 48542
~~of the Revised Code. The plan may also specify for any year a~~ 48543
~~percentage figure to be used for reducing the per pupil amount of~~ 48544
~~the subsidy calculated pursuant to section 3317.029 of the Revised~~ 48545
~~Code the school is to receive that year under section 3314.08 of~~ 48546
~~the Revised Code.~~ 48547

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in

accordance with the provisions of division (C) of section 3314.015 48579
of the Revised Code; 48580

(21) A provision recognizing the sponsor's authority to 48581
assume the operation of a school under the conditions specified in 48582
division (B) of section 3314.073 of the Revised Code; 48583

(22) A provision recognizing both of the following: 48584

(a) The authority of public health and safety officials to 48585
inspect the facilities of the school and to order the facilities 48586
closed if those officials find that the facilities are not in 48587
compliance with health and safety laws and regulations; 48588

(b) The authority of the department of education as the 48589
community school oversight body to suspend the operation of the 48590
school under section 3314.072 of the Revised Code if the 48591
department has evidence of conditions or violations of law at the 48592
school that pose an imminent danger to the health and safety of 48593
the school's students and employees and the sponsor refuses to 48594
take such action; 48595

(23) A description of the learning opportunities that will be 48596
offered to students including both classroom-based and 48597
non-classroom-based learning opportunities that is in compliance 48598
with criteria for student participation established by the 48599
department under division ~~(L)~~(J)(2) of section 3314.08 of the 48600
Revised Code; 48601

(24) The school will comply with sections 3302.04 and 48602
3302.041 of the Revised Code, except that any action required to 48603
be taken by a school district pursuant to those sections shall be 48604
taken by the sponsor of the school. However, the sponsor shall not 48605
be required to take any action described in division (F) of 48606
section 3302.04 of the Revised Code. 48607

(25) Beginning in the 2006-2007 school year, the school will 48608
open for operation not later than the thirtieth day of September 48609

~~each school year, unless the mission of the school as specified~~ 48610
~~under division (A)(2) of this section is solely to serve dropouts.~~ 48611
In its initial year of operation, if the school fails to open by 48612
the thirtieth day of September, ~~or within one year after the~~ 48613
~~adoption of the contract pursuant to division (D) of section~~ 48614
~~3314.02 of the Revised Code if the mission of the school is solely~~ 48615
~~to serve dropouts,~~ the contract shall be void. 48616

(B) The community school shall also submit to the sponsor a 48617
comprehensive plan for the school. The plan shall specify the 48618
following: 48619

(1) The process by which the governing authority of the 48620
school will be selected in the future; 48621

(2) The management and administration of the school; 48622

(3) If the community school is a currently existing public 48623
school or educational service center building, alternative 48624
arrangements for current public school students who choose not to 48625
attend the converted school and for teachers who choose not to 48626
teach in the school or building after conversion; 48627

(4) The instructional program and educational philosophy of 48628
the school; 48629

(5) Internal financial controls. 48630

(C) A contract entered into under section 3314.02 of the 48631
Revised Code between a sponsor and the governing authority of a 48632
community school may provide for the community school governing 48633
authority to make payments to the sponsor, which is hereby 48634
authorized to receive such payments as set forth in the contract 48635
between the governing authority and the sponsor. The total amount 48636
of such payments for oversight and monitoring of the school shall 48637
not exceed three per cent of the total amount of payments for 48638
operating expenses that the school receives from the state. 48639

(D) The contract shall specify the duties of the sponsor 48640
which shall be in accordance with the written agreement entered 48641
into with the department of education under division (B) of 48642
section 3314.015 of the Revised Code and shall include the 48643
following: 48644

(1) Monitor the community school's compliance with all laws 48645
applicable to the school and with the terms of the contract; 48646

(2) Monitor and evaluate the academic and fiscal performance 48647
and the organization and operation of the community school on at 48648
least an annual basis; 48649

(3) Report on an annual basis the results of the evaluation 48650
conducted under division (D)(2) of this section to the department 48651
of education and to the parents of students enrolled in the 48652
community school; 48653

(4) Provide technical assistance to the community school in 48654
complying with laws applicable to the school and terms of the 48655
contract; 48656

(5) Take steps to intervene in the school's operation to 48657
correct problems in the school's overall performance, declare the 48658
school to be on probationary status pursuant to section 3314.073 48659
of the Revised Code, suspend the operation of the school pursuant 48660
to section 3314.072 of the Revised Code, or terminate the contract 48661
of the school pursuant to section 3314.07 of the Revised Code as 48662
determined necessary by the sponsor; 48663

(6) Have in place a plan of action to be undertaken in the 48664
event the community school experiences financial difficulties or 48665
closes prior to the end of a school year. 48666

(E) Upon the expiration of a contract entered into under this 48667
section, the sponsor of a community school may, with the approval 48668
of the governing authority of the school, renew that contract for 48669
a period of time determined by the sponsor, but not ending earlier 48670

than the end of any school year, if the sponsor finds that the 48671
school's compliance with applicable laws and terms of the contract 48672
and the school's progress in meeting the academic goals prescribed 48673
in the contract have been satisfactory. Any contract that is 48674
renewed under this division remains subject to the provisions of 48675
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48676

(F) If a community school fails to open for operation within 48677
one year after the contract entered into under this section is 48678
adopted pursuant to division (D) of section 3314.02 of the Revised 48679
Code or permanently closes prior to the expiration of the 48680
contract, the contract shall be void and the school shall not 48681
enter into a contract with any other sponsor. A school shall not 48682
be considered permanently closed because the operations of the 48683
school have been suspended pursuant to section 3314.072 of the 48684
Revised Code. Any contract that becomes void under this division 48685
shall not count toward any statewide limit on the number of such 48686
contracts prescribed by section 3314.013 of the Revised Code. 48687

Sec. 3314.031. Each community school established under this 48688
chapter shall provide at least the following number of hours of 48689
learning opportunities to each student enrolled in the school for 48690
a full school year: 48691

(A) For each school year prior to the school year that begins 48692
on July 1, 2011, nine hundred twenty hours; 48693

(B) In each of the school years beginning on July 1, 2011, 48694
and July 1, 2012, respectively, nine hundred thirty hours; 48695

(C) In each of the school years beginning on July 1, 2013, 48696
and July 1, 2014, respectively, nine hundred fifty hours; 48697

(D) In each of the school years beginning on July 1, 2015, 48698
and July 1, 2016, respectively, nine hundred seventy hours; 48699

(E) In the school year that begins on July 1, 2017, and in 48700

each school year thereafter, nine hundred ninety hours. 48701

Sec. 3314.051. (A) When the governing authority of a 48702
community school that acquired real property from a school 48703
district pursuant to division (G)(2) of section 3313.41 of the 48704
Revised Code, as it existed prior to the effective date of this 48705
amendment, decides to dispose of that property, it first shall 48706
offer that property for sale to the school district board of 48707
education from which it acquired the property, at a price that is 48708
not higher than the appraised fair market value of that property. 48709
If the district board does not accept the offer within sixty days 48710
after the offer is made, the community school may dispose of the 48711
property in another lawful manner. 48712

(B) When a community school that acquired real property from 48713
a school district pursuant to division (G)(2) of section 3313.41 48714
of the Revised Code, as it existed prior to the effective date of 48715
this amendment, permanently closes, in distributing the school's 48716
assets under section 3314.074 of the Revised Code, that property 48717
first shall be offered for sale to the school district board of 48718
education from which the community school acquired the property, 48719
at a price that is not higher than the appraised fair market value 48720
of that property. If the district board does not accept the offer 48721
within sixty days after the offer is made, the property may be 48722
disposed in another lawful manner. 48723

Sec. 3314.052. (A) This section does not apply to internet- 48724
or computer-based community schools. 48725

(B) As used in this section, "classroom facilities" has the 48726
same meaning as in section 3318.01 of the Revised Code. 48727

(C) On and after the effective date of this section each 48728
classroom facility owned or leased by the governing authority or 48729
operator of a community school shall comply with the design 48730

guidelines adopted by the Ohio school facilities commission for 48731
classroom facilities projects under Chapter 3318. of the Revised 48732
Code applicable to the grade levels and function of the facility 48733
as it is used by the community school. However, the 48734
three-hundred-fifty-student minimum service capacity for an entire 48735
classroom facility specified in those guidelines, as prescribed 48736
for school districts by section 3318.03 of the Revised Code, shall 48737
not apply to community schools. 48738

Sec. 3314.075. Notwithstanding any provision to the contrary 48739
in this chapter, two or more community schools, which are not 48740
internet- or computer-based community schools, are located in the 48741
same building, have at least one common member on their respective 48742
governing authorities, and have the same chief administrative 48743
officer, may consolidate into one community school, and the assets 48744
and liabilities of each of the schools may be consolidated into 48745
the single school that results from the consolidation, with the 48746
approval of each school's sponsor and so long as consolidation of 48747
those assets and liabilities is not otherwise prohibited by any 48748
other provision of law or the provisions of a contract. Such 48749
consolidation shall be effective not later than the thirtieth day 48750
of September of the school year in which the consolidated single 48751
school is to begin operating. 48752

Sec. 3314.08. (A) As used in this section: 48753

(1) ~~"Base formula amount" means the amount specified as such~~ 48754
~~in a community school's financial plan for a school year pursuant~~ 48755
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 48756

~~(2) "IEP" has the same meaning as in section 3323.01 of the~~ 48757
~~Revised Code.~~ 48758

~~(3) "Applicable special education weight" means the multiple~~ 48759
~~specified in section 3317.013 of the Revised Code for a disability~~ 48760

~~described in that section.~~ 48761

~~(4) "Applicable vocational education weight" means:~~ 48762

~~(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division:~~ 48763
48764

~~(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.~~ 48765
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~~(5)(2) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.~~ 48769
48770
48771

~~(6) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.~~ 48772
48773
48774
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~~(7) "Poverty based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty based assistance a community school is entitled to receive pursuant to divisions (D)(5) to (9) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.~~ 48776
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~~(8) "All day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.~~ 48782
48783

~~(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.~~ 48784
48785

~~(B) The state board of education shall adopt rules requiring both of the following:~~ 48786
48787

~~(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are~~ 48788
48789
48790

~~enrolled in grades one through twelve in a community school 48791
established under this chapter, the number of students entitled to 48792
attend school in the district who are enrolled in kindergarten in 48793
a community school, the number of those kindergartners who are 48794
enrolled in all day kindergarten in their community school, and 48795
for each child, the community school in which the child is 48796
enrolled. 48797~~

~~(2) The the governing authority of each community school 48798
established under this chapter to annually report all of the 48799
following: 48800~~

~~(a)(1) The number of students enrolled in each of grades ~~one~~ 48801
kindergarten through twelve ~~and the number of students enrolled in~~ 48802
~~kindergarten~~ in the school who are not receiving special education 48803
and related services pursuant to an IEP; 48804~~

~~(b)(2) The number of enrolled students in each of grades ~~one~~ 48805
kindergarten through twelve ~~and the number of enrolled students in~~ 48806
~~kindergarten~~, who are receiving special education and related 48807
services pursuant to an IEP; 48808~~

~~(c)(3) The number of students reported under division 48809
(B)(2)(~~b~~) of this section receiving special education and related 48810
services pursuant to an IEP for a disability described in each of 48811
divisions ~~(A) to (F)~~ (D)(1) to (6) of section ~~3317.013~~ 3306.02 of 48812
the Revised Code; 48813~~

~~(d)(4) The full-time equivalent number of students reported 48814
under divisions (B) (1) and (2)(~~a~~) ~~and (b)~~ of this section who are 48815
enrolled in vocational education programs or classes described in 48816
each of divisions (A) and (B) of section 3317.014 of the Revised 48817
Code that are provided by the community school; 48818~~

~~(e)(5) Twenty per cent of the number of students reported 48819
under divisions (B) (1) and (2)(~~a~~) ~~and (b)~~ of this section who are 48820
not reported under division (B)(2)(~~d~~) (4) of this section but who 48821~~

are enrolled in vocational education programs or classes described 48822
in each of divisions (A) and (B) of section 3317.014 of the 48823
Revised Code at a joint vocational school district under a 48824
contract between the community school and the joint vocational 48825
school district and are entitled to attend school in a city, 48826
local, or exempted village school district whose territory is part 48827
of the territory of the joint vocational district; 48828

~~(f)(6)~~ The number of enrolled preschool children with 48829
disabilities receiving special education services in a 48830
state-funded unit; 48831

~~(g) The community school's base formula amount;~~ 48832

~~(h)(7)~~ For each student, the city, exempted village, or local 48833
school district in which the student is entitled to attend school; 48834

~~(i) Any poverty based assistance reduction factor that 48835
applies to a school year.~~ 48836

~~(C) From the state education aid calculated for a city, 48837
exempted village, or local school district and, if necessary, from 48838
the payment made to the district under sections 321.24 and 323.156 48839
of the Revised Code, the department of education shall annually 48840
subtract the sum of the amounts described in divisions (C)(1) to 48841
(9) of this section. However, when deducting payments on behalf of 48842
students enrolled in internet or computer based community 48843
schools, the department shall deduct only those amounts described 48844
in divisions (C)(1) and (2) of this section. Furthermore, the 48845
aggregate amount deducted under this division shall not exceed the 48846
sum of the district's state education aid and its payment under 48847
sections 321.24 and 323.156 of the Revised Code. 48848~~

~~(1) An amount equal to the sum of the amounts obtained when, 48850
for each community school where the district's students are 48851
enrolled, the number of the district's students reported under 48852~~

~~divisions (B)(2)(a), (b), and (c) of this section who are enrolled 48853
in grades one through twelve, and one half the number of students 48854
reported under those divisions who are enrolled in kindergarten, 48855
in that community school is multiplied by the sum of the base 48856
formula amount of that community school plus the per pupil amount 48857
of the base funding supplements specified in divisions (C)(1) to 48858
(4) of section 3317.012 of the Revised Code. 48859~~

~~(2) The sum of the amounts calculated under divisions 48860
(C)(2)(a) and (b) of this section: 48861~~

~~(a) For each of the district's students reported under 48862
division (B)(2)(c) of this section as enrolled in a community 48863
school in grades one through twelve and receiving special 48864
education and related services pursuant to an IEP for a disability 48865
described in section 3317.013 of the Revised Code, the product of 48866
the applicable special education weight times the community 48867
school's base formula amount; 48868~~

~~(b) For each of the district's students reported under 48869
division (B)(2)(c) of this section as enrolled in kindergarten in 48870
a community school and receiving special education and related 48871
services pursuant to an IEP for a disability described in section 48872
3317.013 of the Revised Code, one half of the amount calculated as 48873
prescribed in division (C)(2)(a) of this section. 48874~~

~~(3) For each of the district's students reported under 48875
division (B)(2)(d) of this section for whom payment is made under 48876
division (D)(4) of this section, the amount of that payment; 48877~~

~~(4) An amount equal to the sum of the amounts obtained when, 48878
for each community school where the district's students are 48879
enrolled, the number of the district's students enrolled in that 48880
community school who are included in the district's poverty 48881
student count is multiplied by the per pupil amount of 48882
poverty based assistance the school district receives that year 48883~~

~~pursuant to division (C) of section 3317.029 of the Revised Code, 48884
as adjusted by any poverty based assistance reduction factor of 48885
that community school. The per pupil amount of that aid for the 48886
district shall be calculated by the department. 48887~~

~~(5) An amount equal to the sum of the amounts obtained when, 48888
for each community school where the district's students are 48889
enrolled, the district's per pupil amount of aid received under 48890
division (E) of section 3317.029 of the Revised Code, as adjusted 48891
by any poverty based assistance reduction factor of the community 48892
school, is multiplied by the sum of the following: 48893~~

~~(a) The number of the district's students reported under 48894
division (B)(2)(a) of this section who are enrolled in grades one 48895
to three in that community school and who are not receiving 48896
special education and related services pursuant to an IEP; 48897~~

~~(b) One half of the district's students who are enrolled in 48898
all day or any other kindergarten class in that community school 48899
and who are not receiving special education and related services 48900
pursuant to an IEP; 48901~~

~~(c) One half of the district's students who are enrolled in 48902
all day kindergarten in that community school and who are not 48903
receiving special education and related services pursuant to an 48904
IEP. 48905~~

~~The district's per pupil amount of aid under division (E) of 48906
section 3317.029 of the Revised Code is the quotient of the amount 48907
the district received under that division divided by the 48908
district's kindergarten through third grade ADM, as defined in 48909
that section. 48910~~

~~(6) An amount equal to the sum of the amounts obtained when, 48911
for each community school where the district's students are 48912
enrolled, the district's per pupil amount received under division 48913
(F) of section 3317.029 of the Revised Code, as adjusted by any 48914~~

~~poverty based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled in the community school who are identified as limited English proficient.~~ 48915
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~~(7) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 48919
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48924

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 48925
48926

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 48927
48928

~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17.~~ 48929
48930
48931
48932

~~(8) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of that community school, is multiplied by the sum of the following:~~ 48933
48934
48935
48936
48937
48938

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 48939
48940

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 48941
48942

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated~~ 48943
48944

~~under each division divided by the district's formula ADM, as 48945
defined in section 3317.02 of the Revised Code. 48946~~

~~(9) An amount equal to the per pupil state parity aid funding 48947
calculated for the school district under either division (C) or 48948
(D) of section 3317.0217 of the Revised Code multiplied by the sum 48949
of the number of students in grades one through twelve, and 48950
one half of the number of students in kindergarten, who are 48951
entitled to attend school in the district and are enrolled in a 48952
community school as reported under division (B)(1) of this 48953
section. 48954~~

~~(D) The department of education shall annually pay to a 48955
community school established under this chapter the sum of the 48956
amounts described in divisions (D)(1) to (10) of this section. 48957
However, the department shall calculate and pay to each internet- 48958
or computer based community school only the amounts described in 48959
divisions (D)(1) to (3) of this section. Furthermore, the sum of 48960
the payments to all community schools under divisions (D)(1), (2), 48961
and (4) to (10) of this section for the students entitled to 48962
attend school in any particular school district shall not exceed 48963
the sum of that district's state education aid and its payment 48964
under sections 321.24 and 323.156 of the Revised Code. If the sum 48965
of the payments calculated under those divisions for the students 48966
entitled to attend school in a particular school district exceeds 48967
the sum of that district's state education aid and its payment 48968
under sections 321.24 and 323.156 of the Revised Code, the 48969
department shall calculate and apply a proration factor to the 48970
payments to all community schools under those divisions for the 48971
students entitled to attend school in that district. 48972~~

~~(1) Subject to section 3314.085 of the Revised Code, an 48974
amount equal to the sum of the amounts obtained when the number of 48975
students enrolled in grades one through twelve, plus one half of 48976~~

~~the kindergarten students in the school, reported under divisions 48977
(B)(2)(a), (b), and (c) of this section who are not receiving 48978
special education and related services pursuant to an IEP for a 48979
disability described in section 3317.013 of the Revised Code is 48980
multiplied by the sum of the community school's base formula 48981
amount plus the per pupil amount of the base funding supplements 48982
specified in divisions (C)(1) to (4) of section 3317.012 of the 48983
Revised Code. 48984~~

~~(2) Prior to fiscal year 2007, the greater of the amount 48985
calculated under division (D)(2)(a) or (b) of this section, and in 48986
fiscal year 2007 and thereafter, the amount calculated under 48987
division (D)(2)(b) of this section: 48988~~

~~(a) The aggregate amount that the department paid to the 48989
community school in fiscal year 1999 for students receiving 48990
special education and related services pursuant to IEPs, excluding 48991
federal funds and state disadvantaged pupil impact aid funds; 48992~~

~~(b) The sum of the amounts calculated under divisions 48993
(D)(2)(b)(i) and (ii) of this section: 48994~~

~~(i) For each student reported under division (B)(2)(c) of 48995
this section as enrolled in the school in grades one through 48996
twelve and receiving special education and related services 48997
pursuant to an IEP for a disability described in section 3317.013 48998
of the Revised Code, the following amount: 48999~~

~~(the school's base formula amount plus 49000
the per pupil amount of the base funding supplements specified in 49001
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 49002
+ (the applicable special education weight X the 49003
community school's base formula amount); 49004~~

~~(ii) For each student reported under division (B)(2)(c) of 49005
this section as enrolled in kindergarten and receiving special 49006
education and related services pursuant to an IEP for a disability 49007~~

~~described in section 3317.013 of the Revised Code, one half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.~~

~~(3) An amount received from federal funds to provide special education and related services to students in the community school, as determined by the superintendent of public instruction.~~

~~(4) For each student reported under division (B)(2)(d) of this section as enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the community school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, an amount equal to the applicable vocational education weight times the community school's base formula amount times the percentage of time the student spends in the vocational education programs or classes.~~

~~(5) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the number of that district's students enrolled in the community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty based assistance that school district receives that year pursuant to division (C) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school. The per pupil amount of aid shall be determined as described in division (C)(4) of this section.~~

~~(6) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised~~

~~Code, as adjusted by any poverty based assistance reduction factor 49040
of the community school, is multiplied by the sum of the 49041
following: 49042~~

~~(a) The number of the district's students reported under 49043
division (B)(2)(a) of this section who are enrolled in grades one 49044
to three in that community school and who are not receiving 49045
special education and related services pursuant to an IEP; 49046~~

~~(b) One half of the district's students who are enrolled in 49047
all day or any other kindergarten class in that community school 49048
and who are not receiving special education and related services 49049
pursuant to an IEP; 49050~~

~~(c) One half of the district's students who are enrolled in 49051
all day kindergarten in that community school and who are not 49052
receiving special education and related services pursuant to an 49053
IEP. 49054~~

~~The district's per pupil amount of aid under division (E) of 49055
section 3317.029 of the Revised Code shall be determined as 49056
described in division (C)(5) of this section. 49057~~

~~(7) An amount equal to the sum of the amounts obtained when, 49058
for each school district where the community school's students are 49059
entitled to attend school, the number of that district's students 49060
enrolled in the community school who are identified as 49061
limited English proficient is multiplied by the district's per 49062
pupil amount received under division (F) of section 3317.029 of 49063
the Revised Code, as adjusted by any poverty based assistance 49064
reduction factor of the community school. 49065~~

~~(8) An amount equal to the sum of the amounts obtained when, 49066
for each school district where the community school's students are 49067
entitled to attend school, the district's per pupil amount 49068
received under division (G) of section 3317.029 of the Revised 49069
Code, as adjusted by any poverty based assistance reduction factor 49070~~

~~of the community school, is multiplied by the sum of the following:~~ 49071
49072

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 49073
49074

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 49075
49076

~~The district's per pupil amount under division (G) of section 3317.029 of the Revised Code shall be determined as described in division (C)(7) of this section.~~ 49077
49078
49079

~~(9) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~ 49080
49081
49082
49083
49084
49085
49086

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~ 49087
49088

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~ 49089
49090

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~ 49091
49092
49093

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's~~ 49094
49095
49096
49097
49098
49099
49100

~~students enrolled in kindergarten, in the community school as~~ 49101
~~reported under division (B)(2)(a) and (b) of this section amount~~ 49102
~~calculated for the school under section 3306.16 of the Revised~~ 49103
~~Code.~~ 49104

~~(E)(D)~~(1) If a community school's costs for a fiscal year for 49105
a student receiving special education and related services 49106
pursuant to an IEP for a disability described in divisions ~~(B) to~~ 49107
~~(F)(D)(2) to (6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code 49108
exceed the threshold catastrophic cost for serving the student as 49109
specified in division (C)(3)(b) of section 3317.022 of the Revised 49110
Code, the school may submit to the superintendent of public 49111
instruction documentation, as prescribed by the superintendent, of 49112
all its costs for that student. Upon submission of documentation 49113
for a student of the type and in the manner prescribed, the 49114
department shall pay to the community school an amount equal to 49115
the school's costs for the student in excess of the threshold 49116
catastrophic costs. 49117

(2) The community school shall only report under division 49118
~~(E)(D)~~(1) of this section, and the department shall only pay for, 49119
the costs of educational expenses and the related services 49120
provided to the student in accordance with the student's 49121
~~individualized education program~~ IEP. Any legal fees, court costs, 49122
or other costs associated with any cause of action relating to the 49123
student may not be included in the amount. 49124

~~(F)(E)~~ A community school may apply to the department of 49125
education for preschool children with disabilities ~~or gifted~~ unit 49126
funding the school would receive if it were a school district. 49127
Upon request of its governing authority, a community school that 49128
received such preschool unit funding as a school district-operated 49129
school before it became a community school shall retain any units 49130
awarded to it as a school district-operated school provided the 49131
school continues to meet eligibility standards for the unit. 49132

A community school shall be considered a school district and 49133
its governing authority shall be considered a board of education 49134
for the purpose of applying to any state or federal agency for 49135
grants that a school district may receive under federal or state 49136
law or any appropriations act of the general assembly. The 49137
governing authority of a community school may apply to any private 49138
entity for additional funds. 49139

~~(G)~~(F) A board of education sponsoring a community school may 49140
utilize local funds to make enhancement grants to the school or 49141
may agree, either as part of the contract or separately, to 49142
provide any specific services to the community school at no cost 49143
to the school. 49144

~~(H)~~(G) A community school may not levy taxes or issue bonds 49145
secured by tax revenues. 49146

~~(I)~~(H) No community school shall charge tuition for the 49147
enrollment of any student. 49148

~~(J)~~(I)(1)(a) A community school may borrow money to pay any 49149
necessary and actual expenses of the school in anticipation of the 49150
receipt of any portion of the payments to be received by the 49151
school pursuant to division ~~(D)~~(C) of this section. The school may 49152
issue notes to evidence such borrowing. The proceeds of the notes 49153
shall be used only for the purposes for which the anticipated 49154
receipts may be lawfully expended by the school. 49155

(b) A school may also borrow money for a term not to exceed 49156
fifteen years for the purpose of acquiring facilities. 49157

(2) Except for any amount guaranteed under section 3318.50 of 49158
the Revised Code, the state is not liable for debt incurred by the 49159
governing authority of a community school. 49160

~~(K) For purposes of determining the number of students for 49161
which divisions (D)(5) and (6) of this section applies in any 49162
school year, a community school may submit to the department of 49163~~

~~job and family services, no later than the first day of March, a 49164
list of the students enrolled in the school. For each student on 49165
the list, the community school shall indicate the student's name, 49166
address, and date of birth and the school district where the 49167
student is entitled to attend school. Upon receipt of a list under 49168
this division, the department of job and family services shall 49169
determine, for each school district where one or more students on 49170
the list is entitled to attend school, the number of students 49171
residing in that school district who were included in the 49172
department's report under section 3317.10 of the Revised Code. The 49173
department shall make this determination on the basis of 49174
information readily available to it. Upon making this 49175
determination and no later than ninety days after submission of 49176
the list by the community school, the department shall report to 49177
the state department of education the number of students on the 49178
list who reside in each school district who were included in the 49179
department's report under section 3317.10 of the Revised Code. In 49180
complying with this division, the department of job and family 49181
services shall not report to the state department of education any 49182
personally identifiable information on any student. 49183~~

~~(L)(J) The department of education shall adjust the amounts 49184
subtracted and amount paid under divisions division (C) and (D) of 49185
this section to reflect any enrollment of students in community 49186
schools for less than the equivalent of a full school year. The 49187
state board of education ~~within ninety days after April 8, 2003,~~ 49188
shall adopt in accordance with Chapter 119. of the Revised Code 49189
rules governing the payments to community schools under this 49190
section and ~~section 3314.13~~ of the Revised Code including initial 49191
payments in a school year and adjustments and reductions made in 49192
subsequent periodic payments to community schools and 49193
corresponding deductions from school district accounts as provided 49194
under ~~divisions (C) and (D)~~ of this section and ~~section 3314.13~~ of 49195
the Revised Code. For purposes of this section and ~~section 3314.13~~ 49196~~

~~of the Revised Code:~~ 49197

(1) A student shall be considered enrolled in the community 49198
school for any portion of the school year the student is 49199
participating at a college under Chapter 3365. of the Revised 49200
Code. 49201

(2) A student shall be considered to be enrolled in a 49202
community school during a school year for the period of time 49203
beginning on the later of the date on which the school both has 49204
received documentation of the student's enrollment from a parent 49205
and the student has commenced participation in learning 49206
opportunities as defined in the contract with the sponsor, or 49207
thirty days prior to the date on which the student is entered into 49208
the education management information system established under 49209
section 3301.0714 of the Revised Code. For purposes of applying 49210
this division and division ~~(I)~~(J)(3) of this section to a 49211
community school student, "learning opportunities" shall be 49212
defined in the contract, which shall describe both classroom-based 49213
and non-classroom-based learning opportunities and shall be in 49214
compliance with criteria and documentation requirements for 49215
student participation which shall be established by the 49216
department. Any student's instruction time in non-classroom-based 49217
learning opportunities shall be certified by an employee of the 49218
community school. A student's enrollment shall be considered to 49219
cease on the date on which any of the following occur: 49220

(a) The community school receives documentation from a parent 49222
terminating enrollment of the student. 49223

(b) The community school is provided documentation of a 49224
student's enrollment in another public or private school. 49225

(c) The community school ceases to offer learning 49226
opportunities to the student pursuant to the terms of the contract 49227

with the sponsor or the operation of any provision of this 49228
chapter. 49229

(3) The department shall determine each community school 49230
student's percentage of full-time equivalency based on the 49231
percentage of learning opportunities offered by the community 49232
school to that student, reported either as number of hours or 49233
number of days, is of the total learning opportunities offered by 49234
the community school to a student who attends for the school's 49235
entire school year. ~~However, no, subject to both of the following~~ 49236
requirements: 49237

(a) No internet- or computer-based community school shall be 49238
credited for any time a student spends participating in learning 49239
opportunities beyond ten hours within any period of twenty-four 49240
consecutive hours. ~~Whether~~ 49241

(b) In the case of a community school and for which the 49242
mission is to serve primarily dropouts, the department shall count 49243
each enrolled student in the school's ADM only for the full-time 49244
equivalent amount of hours the student participates in 49245
classroom-based learning opportunities and shall not count any 49246
time a student participates in non-classroom-based learning 49247
opportunities. 49248

Whether it reports hours or days of learning opportunities, 49249
each community school shall offer not less than ~~nine hundred~~ 49250
~~twenty~~ the applicable minimum number of hours of learning 49251
opportunities during the school year prescribed by section 49252
3314.031 of the Revised Code. 49253

~~(M)~~(K) The department of education shall reduce the amounts 49254
paid under division ~~(D)~~(C) of this section to reflect payments 49255
made to colleges under division (B) of section 3365.07 of the 49256
Revised Code or through alternative funding agreements entered 49257
into under rules adopted under section 3365.12 of the Revised 49258

Code. 49259

~~(N)~~(L)(1) No student shall be considered enrolled in any 49260
internet- or computer-based community school or, if applicable to 49261
the student, in any community school that is required to provide 49262
the student with a computer pursuant to division (C) of section 49263
3314.22 of the Revised Code, unless both of the following 49264
conditions are satisfied: 49265

(a) The student possesses or has been provided with all 49266
required hardware and software materials and all such materials 49267
are operational so that the student is capable of fully 49268
participating in the learning opportunities specified in the 49269
contract between the school and the school's sponsor as required 49270
by division (A)(23) of section 3314.03 of the Revised Code; 49271

(b) The school is in compliance with division (A) of section 49272
3314.22 of the Revised Code, relative to such student. 49273

(2) In accordance with policies adopted jointly by the 49274
superintendent of public instruction and the auditor of state, the 49275
department shall reduce the amounts otherwise payable under 49276
division ~~(D)~~(C) of this section to any community school that 49277
includes in its program the provision of computer hardware and 49278
software materials to any student, if such hardware and software 49279
materials have not been delivered, installed, and activated for 49280
each such student in a timely manner or other educational 49281
materials or services have not been provided according to the 49282
contract between the individual community school and its sponsor. 49283

The superintendent of public instruction and the auditor of 49284
state shall jointly establish a method for auditing any community 49285
school to which this division pertains to ensure compliance with 49286
this section. 49287

The superintendent, auditor of state, and the governor shall 49288
jointly make recommendations to the general assembly for - 49289

legislative changes that may be required to assure fiscal and 49290
academic accountability for such schools. 49291

~~(O)~~(M)(1) If the department determines that a review of a 49292
community school's enrollment is necessary, such review shall be 49293
completed and written notice of the findings shall be provided to 49294
the governing authority of the community school and its sponsor 49295
within ninety days of the end of the community school's fiscal 49296
year, unless extended for a period not to exceed thirty additional 49297
days for one of the following reasons: 49298

(a) The department and the community school mutually agree to 49299
the extension. 49300

(b) Delays in data submission caused by either a community 49301
school or its sponsor. 49302

(2) If the review results in a finding that additional 49303
funding is owed to the school, such payment shall be made within 49304
thirty days of the written notice. If the review results in a 49305
finding that the community school owes moneys to the state, the 49306
following procedure shall apply: 49307

(a) Within ten business days of the receipt of the notice of 49308
findings, the community school may appeal the department's 49309
determination to the state board of education or its designee. 49310

(b) The board or its designee shall conduct an informal 49311
hearing on the matter within thirty days of receipt of such an 49312
appeal and shall issue a decision within fifteen days of the 49313
conclusion of the hearing. 49314

(c) If the board has enlisted a designee to conduct the 49315
hearing, the designee shall certify its decision to the board. The 49316
board may accept the decision of the designee or may reject the 49317
decision of the designee and issue its own decision on the matter. 49318

(d) Any decision made by the board under this division is 49319

final. 49320

(3) If it is decided that the community school owes moneys to 49321
the state, the department shall deduct such amount from the 49322
school's future payments in accordance with guidelines issued by 49323
the superintendent of public instruction. 49324

~~(Q)~~(N) The department ~~shall not subtract from a school~~ 49325
~~district's state aid account under division (C) of this section~~ 49326
~~and~~ shall not pay to a community school under division ~~(D)~~(C) of 49327
this section any amount for any of the following: 49328

(1) Any student who has graduated from the twelfth grade of a 49329
public or nonpublic high school; 49330

(2) Any student who is not a resident of the state; 49331

(3) Any student who was enrolled in the community school 49332
during the previous school year when ~~tests~~ assessments were 49333
administered under section 3301.0711 of the Revised Code but did 49334
not take one or more of the ~~tests~~ assessments required by that 49335
section and was not excused pursuant to division (C)(1) or (3) of 49336
that section, unless the superintendent of public instruction 49337
grants the student a waiver from the requirement to take the ~~test~~ 49338
assessment and a parent is not paying tuition for the student 49339
pursuant to section 3314.26 of the Revised Code. The 49340
superintendent may grant a waiver only for good cause in 49341
accordance with rules adopted by the state board of education. 49342

(4) Any student who has attained the age of twenty-two years, 49343
except for veterans of the armed services whose attendance was 49344
interrupted before completing the recognized twelve-year course of 49345
the public schools by reason of induction or enlistment in the 49346
armed forces and who apply for enrollment in a community school 49347
not later than four years after termination of war or their 49348
honorable discharge. If, however, any such veteran elects to 49349
enroll in special courses organized for veterans for whom tuition 49350

is paid under federal law, or otherwise, the department ~~shall not~~ 49351
~~subtract from a school district's state aid account under division~~ 49352
~~(C) of this section and~~ shall not pay to a community school under 49353
division ~~(D)~~(C) of this section any amount for that veteran. 49354

Sec. 3314.083. If the department of education pays a joint 49355
vocational school district under division (G)(4) of section 49356
3317.16 of the Revised Code for excess costs of providing special 49357
education and related services to a student with a disability who 49358
is enrolled in a community school, as calculated under division 49359
(G)(2) of that section, the department shall deduct the amount of 49360
that payment from the amount calculated for payment to the 49361
community school under section ~~3314.08~~ 3306.16 of the Revised 49362
Code. 49363

Sec. 3314.084. (A) As used in this section: 49364

(1) ~~"Formula ADM" has the same meaning as in section 3317.03~~ 49365
~~of the Revised Code.~~ 49366

~~(2)~~ "Home" has the same meaning as in section 3313.64 of the 49367
Revised Code. 49368

~~(3)~~(2) "School district of residence" has the same meaning as 49369
in section 3323.01 of the Revised Code; however, a community 49370
school established under this chapter is not a "school district of 49371
residence" for purposes of this section. 49372

(B) Notwithstanding anything to the contrary in section 49373
3314.08 or 3317.03 of the Revised Code, ~~all of the following apply~~ 49374
in the case of a child who is enrolled in a community school and 49375
is also living in a home: 49376

~~(1)~~ For, for purposes of the report required under division 49377
(B)~~(1)~~ of section 3314.08 of the Revised Code, the child's school 49378
district of residence, and not the school district in which the 49379
home that the child is living in is located, shall be considered 49380

to be the school district in which the child is entitled to attend 49381
school. ~~That school district of residence, therefore, shall make~~ 49382
~~the report required under division (B)(1) of section 3314.08 of~~ 49383
~~the Revised Code with respect to the child.~~ 49384

~~(2) For purposes of the report required under division (B)(2)~~ 49385
~~of section 3314.08 of the Revised Code, the community school shall~~ 49386
~~report the name of the child's school district of residence.~~ 49387

~~(3) The child's school district of residence shall count the~~ 49388
~~child in that district's formula ADM.~~ 49389

~~(4) The school district in which the home that the child is~~ 49390
~~living in is located shall not count the child in that district's~~ 49391
~~formula ADM.~~ 49392

~~(5) The Department of Education shall deduct the applicable~~ 49393
~~amounts prescribed under division (C) of section 3314.08 and~~ 49394
~~division (D) of section 3314.13 of the Revised Code from the~~ 49395
~~child's school district of residence and shall not deduct those~~ 49396
~~amounts from the school district in which the home that the child~~ 49397
~~is living in is located.~~ 49398

~~(6) The Department shall make the payments prescribed in~~ 49399
~~divisions (D) and (E) of section 3314.08 and section 3314.13 of~~ 49400
~~the Revised Code, as applicable, to the community school.~~ 49401

Sec. 3314.087. (A) As used in this section: 49402

(1) "Career-technical program" means vocational programs or 49403
classes described in division (A) or (B) of section 3317.014 of 49404
the Revised Code in which a student is enrolled. 49405

(2) "Formula ADM," "category one or two vocational education 49406
ADM," and "FTE basis" have the same meanings as in section 3317.02 49407
of the Revised Code. 49408

(3) "Resident school district" means the city, exempted 49409
village, or local school district in which a student is entitled 49410

to attend school under section 3313.64 or 3313.65 of the Revised Code. 49411
49412

(B) Notwithstanding anything to the contrary in this chapter 49413
or Chapter 3306. or 3317. of the Revised Code, a student enrolled 49414
in a community school may simultaneously enroll in the 49415
career-technical program operated by the student's resident school 49416
district. On an FTE basis, the student's resident school district 49417
shall count the student in the category one or two vocational 49418
education ADM for the proportion of the time the student is 49419
enrolled in the district's career-technical program and, 49420
accordingly, the department of education shall calculate funds 49421
under Chapter 3317. for the district attributable to the student 49422
for the proportion of time the student attends the 49423
career-technical program. The community school shall count the 49424
student in its enrollment report under section 3314.08 of the 49425
Revised Code and shall report to the department the proportion of 49426
time that the student attends classes at the community school. The 49427
department shall pay the community school ~~and deduct from the~~ 49428
~~student's resident school district~~ the amount computed for the 49429
student under section ~~3314.08~~ 3306.16 of the Revised Code in 49430
proportion to the fraction of the time on an FTE basis that the 49431
student attends classes at the community school. "Full-time 49432
equivalency" for a community school student, as defined in 49433
division ~~(L)~~(J) of section 3314.08 of the Revised Code, does not 49434
apply to the student. 49435

Sec. 3314.091. (A) A school district is not required to 49436
provide transportation for any native student enrolled in a 49437
community school if the district board of education has entered 49438
into an agreement with the community school's governing authority 49439
that designates the community school as responsible for providing 49440
or arranging for the transportation of the district's native 49441
students to and from the community school. For any such agreement 49442

to be effective, it must be certified by the superintendent of 49443
public instruction as having met all of the following 49444
requirements: 49445

(1) It is submitted to the department of education by a 49446
deadline which shall be established by the department. 49447

(2) In accordance with divisions (C)(1) and (2) of this 49448
section, it specifies qualifications, such as residing a minimum 49449
distance from the school, for students to have their 49450
transportation provided or arranged. 49451

(3) The transportation provided by the community school is 49452
subject to all provisions of the Revised Code and all rules 49453
adopted under the Revised Code pertaining to pupil transportation. 49454

(4) The sponsor of the community school also has signed the 49455
agreement. 49456

(B)(1) For the school year that begins on July 1, 2007, a 49457
school district is not required to provide transportation for any 49458
native student enrolled in a community school, if the community 49459
school during the previous school year transported the students 49460
enrolled in the school or arranged for the students' 49461
transportation, even if that arrangement consisted of having 49462
parents transport their children to and from the school, but did 49463
not enter into an agreement to transport or arrange for 49464
transportation for those students under division (A) of this 49465
section, and if the governing authority of the community school by 49466
July 15, 2007, submits written notification to the district board 49467
of education stating that the governing authority is accepting 49468
responsibility for providing or arranging for the transportation 49469
of the district's native students to and from the community 49470
school. 49471

(2) For any school year subsequent to the school year that 49472
begins on July 1, 2007, a school district is not required to 49473

provide transportation for any native student enrolled in a 49474
community school if the governing authority of the community 49475
school, by the thirty-first day of January of the previous school 49476
year, submits written notification to the district board of 49477
education stating that the governing authority is accepting 49478
responsibility for providing or arranging for the transportation 49479
of the district's native students to and from the community 49480
school. If the governing authority of the community school has 49481
previously accepted responsibility for providing or arranging for 49482
the transportation of a district's native students to and from the 49483
community school, under division (B)(1) or (2) of this section, 49484
and has since relinquished that responsibility under division 49485
(B)(3) of this section, the governing authority shall not accept 49486
that responsibility again unless the district board consents to 49487
the governing authority's acceptance of that responsibility. 49488

(3) A governing authority's acceptance of responsibility 49489
under division (B)(1) or (2) of this section shall cover an entire 49490
school year, and shall remain in effect for subsequent school 49491
years unless the governing authority submits written notification 49492
to the district board that the governing authority is 49493
relinquishing the responsibility. However, a governing authority 49494
shall not relinquish responsibility for transportation before the 49495
end of a school year, and shall submit the notice relinquishing 49496
responsibility by the thirty-first day of January, in order to 49497
allow the school district reasonable time to prepare 49498
transportation for its native students enrolled in the school. 49499

(C)(1) A community school governing authority that enters 49500
into an agreement under division (A) of this section, or that 49501
accepts responsibility under division (B) of this section, shall 49502
provide or arrange transportation free of any charge for each of 49503
its enrolled students who is required to be transported under 49504
section 3327.01 of the Revised Code or who would otherwise be 49505

transported by the school district under the district's 49506
transportation policy. The governing authority shall report to the 49507
department of education the number of students transported or for 49508
whom transportation is arranged under this section in accordance 49509
with rules adopted by the state board of education. 49510

(2) The governing authority may provide or arrange 49511
transportation for any other enrolled student who is not eligible 49512
for transportation in accordance with division (C)(1) of this 49513
section and may charge a fee for such service up to the actual 49514
cost of the service. 49515

(3) Notwithstanding anything to the contrary in division 49516
(C)(1) or (2) of this section, a community school governing 49517
authority shall provide or arrange transportation free of any 49518
charge for any disabled student enrolled in the school for whom 49519
the student's individualized education program developed under 49520
Chapter 3323. of the Revised Code specifies transportation. 49521

(D)(1) If a school district board and a community school 49522
governing authority elect to enter into an agreement under 49523
division (A) of this section, the department of education shall 49524
make payments to the community school according to the terms of 49525
the agreement for each student actually transported under division 49526
(C)(1) of this section. 49527

If a community school governing authority accepts 49528
transportation responsibility under division (B) of this section, 49529
the department shall make payments to the community school for 49530
each student actually transported or for whom transportation is 49531
arranged by the community school under division (C)(1) of this 49532
section, calculated as follows: 49533

(a) For any fiscal year which the general assembly has 49534
specified that transportation payments to school districts be 49535
based on an across-the-board percentage of the district's payment 49536

for the previous school year, the per pupil payment to the 49537
community school shall be the following quotient: 49538

(i) The total amount calculated for the school district in 49539
which the child is entitled to attend school for student 49540
transportation other than transportation of children with 49541
disabilities; divided by 49542

(ii) The number of students included in the district's 49543
transportation ADM for the current fiscal year, as reported under 49544
division (B)(13) of section 3317.03 of the Revised Code, plus the 49545
number of students enrolled in the community school not counted in 49546
the district's transportation ADM who are transported under 49547
division (B)(1) or (2) of this section. 49548

(b) For any fiscal year which the general assembly has 49549
specified that the transportation payments to school districts be 49550
calculated in accordance with ~~division (D) of section 3317.022~~ 49551
3306.12 of the Revised Code and any rules of the state board of 49552
education implementing that ~~division section~~, the payment to the 49553
community school shall be the amount so calculated that otherwise 49554
would be paid to the school district in which the student is 49555
entitled to attend school by the method of transportation the 49556
district would have used. The community school, however, is not 49557
required to use the same method to transport that student. 49558

As used in this division "entitled to attend school" means 49559
entitled to attend school under section 3313.64 or 3313.65 of the 49560
Revised Code. 49561

(2) The department shall deduct the payment under division 49562
(D)(1) of this section from the state education aid, as defined in 49563
section ~~3314.08~~ 5751.20 of the Revised Code, and, if necessary, 49564
the payment under sections 321.14 and 323.156 of the Revised Code, 49565
that is otherwise paid to the school district in which the student 49566
enrolled in the community school is entitled to attend school. The 49567

department shall include the number of the district's native 49568
students for whom payment is made to a community school under 49569
division (D)(1) of this section in the calculation of the 49570
district's transportation payment under ~~division (D) of~~ section 49571
~~3317.022~~ 3306.12 of the Revised Code and the operating 49572
appropriations act. 49573

(3) A community school shall be paid under division (D)(1) of 49574
this section only for students who are eligible as specified in 49575
section 3327.01 of the Revised Code and division (C)(1) of this 49576
section, and whose transportation to and from school is actually 49577
provided, who actually utilized transportation arranged, or for 49578
whom a payment in lieu of transportation is made by the community 49579
school's governing authority. To qualify for the payments, the 49580
community school shall report to the department, in the form and 49581
manner required by the department, data on the number of students 49582
transported or whose transportation is arranged, the number of 49583
miles traveled, cost to transport, and any other information 49584
requested by the department. 49585

(4) A community school shall use payments received under this 49586
section solely to pay the costs of providing or arranging for the 49587
transportation of students who are eligible as specified in 49588
section 3327.01 of the Revised Code and division (C)(1) of this 49589
section, which may include payments to a parent, guardian, or 49590
other person in charge of a child in lieu of transportation. 49591

(E) Except when arranged through payment to a parent, 49592
guardian, or person in charge of a child, transportation provided 49593
or arranged for by a community school pursuant to an agreement 49594
under this section is subject to all provisions of the Revised 49595
Code, and all rules adopted under the Revised Code, pertaining to 49596
the construction, design, equipment, and operation of school buses 49597
and other vehicles transporting students to and from school. The 49598
drivers and mechanics of the vehicles are subject to all 49599

provisions of the Revised Code, and all rules adopted under the 49600
Revised Code, pertaining to drivers and mechanics of such 49601
vehicles. The community school also shall comply with sections 49602
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 49603
of section 3327.16 of the Revised Code and, subject to division 49604
(C)(1) of this section, sections 3327.01 and 3327.02 of the 49605
Revised Code, as if it were a school district. 49606

Sec. 3314.10. (A)(1) The governing authority of any community 49607
school established under this chapter may employ teachers and 49608
nonteaching employees necessary to carry out its mission and 49609
fulfill its contract. 49610

(2) Except as provided under division (A)(3) of this section, 49611
employees hired under this section may organize and collectively 49612
bargain pursuant to Chapter 4117. of the Revised Code. 49613
Notwithstanding division (D)(1) of section 4117.06 of the Revised 49614
Code, a unit containing teaching and nonteaching employees 49615
employed under this section shall be considered an appropriate 49616
unit. As applicable, employment under this section is subject to 49617
either Chapter 3307. or 3309. of the Revised Code. 49618

(3) If a school is created by converting all or part of an 49619
existing public school rather than by establishment of a new 49620
start-up school, at the time of conversion, the employees of the 49621
community school shall remain part of any collective bargaining 49622
unit in which they were included immediately prior to the 49623
conversion and shall remain subject to any collective bargaining 49624
agreement for that unit in effect on the first day of July of the 49625
year in which the community school initially begins operation and 49626
shall be subject to any subsequent collective bargaining agreement 49627
for that unit, unless a petition is certified as sufficient under 49628
division (A)(6) of this section with regard to those employees. 49629
Any new employees of the community school shall also be included 49630

in the unit to which they would have been assigned had not the 49631
conversion taken place and shall be subject to the collective 49632
bargaining agreement for that unit unless a petition is certified 49633
as sufficient under division (A)(6) of this section with regard to 49634
those employees. 49635

Notwithstanding division (B) of section 4117.01 of the 49636
Revised Code, the board of education of a school district and not 49637
the governing authority of a community school shall be regarded, 49638
for purposes of Chapter 4117. of the Revised Code, as the "public 49639
employer" of the employees of a conversion community school 49640
subject to a collective bargaining agreement pursuant to division 49641
(A)(3) of this section unless a petition is certified under 49642
division (A)(6) of this section with regard to those employees. 49643
Only on and after the effective date of a petition certified as 49644
sufficient under division (A)(6) of this section shall division 49645
(A)(2) of this section apply to those employees of that community 49646
school and only on and after the effective date of that petition 49647
shall Chapter 4117. of the Revised Code apply to the governing 49648
authority of that community school with regard to those employees. 49649

(4) Notwithstanding sections 4117.03 to 4117.18 of the 49650
Revised Code and Section 4 of Amended Substitute Senate Bill No. 49651
133 of the 115th general assembly, the employees of a conversion 49652
community school who are subject to a collective bargaining 49653
agreement pursuant to division (A)(3) of this section shall cease 49654
to be subject to that agreement and all subsequent agreements 49655
pursuant to that division and shall cease to be part of the 49656
collective bargaining unit that is subject to that and all 49657
subsequent agreements, if a majority of the employees of that 49658
community school who are subject to that collective bargaining 49659
agreement sign and submit to the state employment relations board 49660
a petition requesting all of the following: 49661

(a) That all the employees of the community school who are 49662

subject to that agreement be removed from the bargaining unit that 49663
is subject to that agreement and be designated by the state 49664
employment relations board as a new and separate bargaining unit 49665
for purposes of Chapter 4117. of the Revised Code; 49666

(b) That the employee organization certified as the exclusive 49667
representative of the employees of the bargaining unit from which 49668
the employees are to be removed be certified as the exclusive 49669
representative of the new and separate bargaining unit for 49670
purposes of Chapter 4117. of the Revised Code; 49671

(c) That the governing authority of the community school be 49672
regarded as the "public employer" of these employees for purposes 49673
of Chapter 4117. of the Revised Code. 49674

(5) Notwithstanding sections 4117.03 to 4117.18 of the 49675
Revised Code and Section 4 of Amended Substitute Senate Bill No. 49676
133 of the 115th general assembly, the employees of a conversion 49677
community school who are subject to a collective bargaining 49678
agreement pursuant to division (A)(3) of this section shall cease 49679
to be subject to that agreement and all subsequent agreements 49680
pursuant to that division, shall cease to be part of the 49681
collective bargaining unit that is subject to that and all 49682
subsequent agreements, and shall cease to be represented by any 49683
exclusive representative of that collective bargaining unit, if a 49684
majority of the employees of the community school who are subject 49685
to that collective bargaining agreement sign and submit to the 49686
state employment relations board a petition requesting all of the 49687
following: 49688

(a) That all the employees of the community school who are 49689
subject to that agreement be removed from the bargaining unit that 49690
is subject to that agreement; 49691

(b) That any employee organization certified as the exclusive 49692
representative of the employees of that bargaining unit be 49693

decertified as the exclusive representative of the employees of 49694
the community school who are subject to that agreement; 49695

(c) That the governing authority of the community school be 49696
regarded as the "public employer" of these employees for purposes 49697
of Chapter 4117. of the Revised Code. 49698

(6) Upon receipt of a petition under division (A)(4) or (5) 49699
of this section, the state employment relations board shall check 49700
the sufficiency of the signatures on the petition. If the 49701
signatures are found sufficient, the board shall certify the 49702
sufficiency of the petition and so notify the parties involved, 49703
including the board of education, the governing authority of the 49704
community school, and any exclusive representative of the 49705
bargaining unit. The changes requested in a certified petition 49706
shall take effect on the first day of the month immediately 49707
following the date on which the sufficiency of the petition is 49708
certified under division (A)(6) of this section. 49709

(B)(1) The board of education of each city, local, and 49710
exempted village school district sponsoring a community school and 49711
the governing board of each educational service center in which a 49712
community school is located shall adopt a policy that provides a 49713
leave of absence of at least three years to each teacher or 49714
nonteaching employee of the district or service center who is 49715
employed by a conversion or new start-up community school 49716
sponsored by the district or located in the district or center for 49717
the period during which the teacher or employee is continuously 49718
employed by the community school. The policy shall also provide 49719
that any teacher or nonteaching employee may return to employment 49720
by the district or service center if the teacher or employee 49721
leaves or is discharged from employment with the community school 49722
for any reason, unless, in the case of a teacher, the board of the 49723
district or service center determines that the teacher was 49724
discharged for a reason for which the board would have sought to 49725

discharge the teacher under section 3319.16 of the Revised Code, 49726
in which case the board may proceed to discharge the teacher 49727
utilizing the procedures of that section. Upon termination of such 49728
a leave of absence, any seniority that is applicable to the person 49729
shall be calculated to include all of the following: all 49730
employment by the district or service center prior to the leave of 49731
absence; all employment by the community school during the leave 49732
of absence; and all employment by the district or service center 49733
after the leave of absence. The policy shall also provide that if 49734
any teacher holding valid certification returns to employment by 49735
the district or service center upon termination of such a leave of 49736
absence, the teacher shall be restored to the previous position 49737
and salary or to a position and salary similar thereto. If, as a 49738
result of teachers returning to employment upon termination of 49739
such leaves of absence, a school district or educational service 49740
center reduces the number of teachers it employs, it shall make 49741
such reductions in accordance with section 3319.17 or, if 49742
applicable, 3319.171 of the Revised Code. 49743

Unless a collective bargaining agreement providing otherwise 49744
is in effect for an employee of a conversion community school 49745
pursuant to division (A)(3) of this section, an employee on a 49746
leave of absence pursuant to this division shall remain eligible 49747
for any benefits that are in addition to benefits under Chapter 49748
3307. or 3309. of the Revised Code provided by the district or 49749
service center to its employees provided the employee pays the 49750
entire cost associated with such benefits, except that personal 49751
leave and vacation leave cannot be accrued for use as an employee 49752
of a school district or service center while in the employ of a 49753
community school unless the district or service center board 49754
adopts a policy expressly permitting this accrual. 49755

(2) While on a leave of absence pursuant to division (B)(1) 49756
of this section, a conversion community school shall permit a 49757

teacher to use sick leave accrued while in the employ of the 49758
school district from which the leave of absence was taken and 49759
prior to commencing such leave. If a teacher who is on such a 49760
leave of absence uses sick leave so accrued, the cost of any 49761
salary paid by the community school to the teacher for that time 49762
shall be reported to the department of education. The cost of 49763
employing a substitute teacher for that time shall be paid by the 49764
community school. The department of education shall add amounts to 49765
the payments made to a community school under this chapter and 49766
section 3306.16 of the Revised Code as necessary to cover the cost 49767
of salary reported by a community school as paid to a teacher 49768
using sick leave so accrued pursuant to this section. The 49769
department shall subtract the amounts of any payments made to 49770
community schools under this division from payments made to such 49771
sponsoring school district under ~~Chapter~~ Chapters 3306. and 3317. 49772
of the Revised Code. 49773

A school district providing a leave of absence and employee 49774
benefits to a person pursuant to this division is not liable for 49775
any action of that person while the person is on such leave and 49776
employed by a community school. 49777

Sec. 3314.102. Each community school shall do both of the 49778
following in the same manner as required of a school district: 49779

(A) Comply with the provisions of section 3319.074 of the 49780
Revised Code, except that the prohibition in division (B) of that 49781
section shall apply only to teachers hired by the school on or 49782
after the effective date of this section; 49783

(B) Employ as classroom teachers only persons who are 49784
licensed under sections 3319.22 to 3319.31 of the Revised Code in 49785
a manner that is in compliance with any rules of the state board 49786
of education that either implement those sections or otherwise 49787
require teachers to teach in the subject areas or grade levels for 49788

which they are licensed. 49789

A community school may engage persons issued permits under 49790
section 3319.301 of the Revised Code in the same manner as may 49791
school districts. 49792

Sec. 3314.19. The sponsor of each community school annually 49793
shall provide the following assurances in writing to the 49794
department of education not later than ten business days prior to 49795
the opening of the school: 49796

(A) That the sponsor has filed a current copy of the contract 49797
between the sponsor and the governing authority of the school 49798
entered into under section 3314.03 of the Revised Code ~~has been~~ 49799
~~filed~~ with the state office of community schools established under 49800
section 3314.11 of the Revised Code and that the sponsor will file 49801
any subsequent modifications to that contract ~~will be filed~~ with 49802
the office; 49803

(B) That the school has submitted to the sponsor a plan for 49804
providing special education and related services to students with 49805
disabilities and has demonstrated the capacity to provide those 49806
services in accordance with Chapter 3323. of the Revised Code and 49807
federal law; 49808

(C) That the school has a plan and procedures for 49809
administering the achievement ~~tests~~ and diagnostic assessments 49810
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 49811
Revised Code; 49812

(D) That school personnel have the necessary training, 49813
knowledge, and resources to properly use and submit information to 49814
all databases maintained by the department for the collection of 49815
education data, including the education management information 49816
system established under section 3301.0714 of the Revised Code in 49817
accordance with methods and timelines established under section 49818

3314.17 of the Revised Code; 49819

(E) That the school has submitted all required information 49820
about the school ~~has been submitted~~ to the Ohio education 49821
directory system or any successor system; 49822

(F) That the school will enroll at least the minimum number 49823
of students required by division (A)(11)(a) of section 3314.03 of 49824
the Revised Code in the school year for which the assurances are 49825
provided; 49826

(G) That all classroom teachers are licensed in accordance 49827
with ~~sections 3319.22 to 3319.31 of the Revised Code, except for~~ 49828
~~noncertificated persons engaged to teach up to twelve hours per~~ 49829
~~week pursuant to section 3319.301~~ 3314.102 of the Revised Code; 49830

(H) That the school's fiscal officer is in compliance with 49831
section 3314.011 of the Revised Code; 49832

(I) That the school has complied with sections 3319.39 and 49833
3319.391 of the Revised Code with respect to all employees, that 49834
the school has complied with section 3314.41 of the Revised Code 49835
with respect to persons described in division (B) of that section, 49836
and that the school has conducted a criminal records check of each 49837
of its governing authority members; 49838

(J) That the school holds all of the following: 49839

(1) Proof of property ownership or a lease for the facilities 49840
used by the school; 49841

(2) A certificate of occupancy; 49842

(3) Liability insurance for the school, as required by 49843
division (A)(11)(b) of section 3314.03 of the Revised Code, that 49844
the sponsor considers sufficient to indemnify the school's 49845
facilities, staff, and governing authority against risk; 49846

(4) A satisfactory health and safety inspection; 49847

(5) A satisfactory fire inspection; 49848

(6) A valid food permit, if applicable.	49849
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	49850 49851 49852
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;	49853 49854 49855 49856
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	49857 49858
<u>Sec. 3314.191. The sponsor of a community school is subject to this section if the sponsor fails to take an action described in division (A) or (K) of section 3314.19 of the Revised Code with respect to one or more of the community schools it sponsors, or if one or more of the community schools it sponsors fails to meet any of the criteria specified in divisions (B) to (J), (L), and (M) of that section.</u>	49859 49860 49861 49862 49863 49864 49865
<u>(A) In any year in which a sponsor becomes subject to this section, the department of education shall provide the sponsor with technical assistance to bring the sponsor or the community school into compliance with the criteria specified in section 3314.19 of the Revised Code, and the sponsor shall take both of the following actions:</u>	49866 49867 49868 49869 49870 49871
<u>(1) Develop and submit to the department a three-year operations improvement plan containing all of the following:</u>	49872 49873
<u>(a) An analysis of the reasons for the sponsor's failure to comply with the criteria and to assure that the community schools it sponsors comply with the criteria;</u>	49874 49875 49876
<u>(b) Specific strategies the sponsor will use to address the problems in meeting the criteria;</u>	49877 49878

(c) Identification of the resources the sponsor will use to meet the criteria and to assure that the schools it sponsors meet the criteria; 49879
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(d) A description of how the sponsor will measure its progress in meeting the criteria and assuring that the schools it sponsors meet the criteria. 49882
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(2) Notify the parent or guardian of each student enrolled in each community school it sponsors with respect to which the criteria were not met, either in writing or by electronic means, of the criteria the sponsor or the school did not meet, the actions the sponsor is taking toward meeting the criteria and assuring that the school meets the criteria, and any progress the sponsor has achieved in the immediately preceding school year toward meeting the criteria and assuring that the school meets the criteria. 49885
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(B) If a sponsor becomes subject to this section in a second consecutive year, both of the following apply: 49894
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(1) The sponsor shall take the actions required by divisions (A)(1) and (2) of this section; 49896
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(2) The department shall declare the sponsor to be in probationary status, and monitor the sponsor's actions to implement remedies, in accordance with division (D) of section 3314.015 of the Revised Code. The department may suspend or restrict the sponsor's authority to sponsor community schools under divisions (D)(3) and (4) of that section if the department finds that the remedies offered by the sponsor are not satisfactory, or if the department finds that the sponsor is not taking actions necessary to implement those remedies. 49898
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(C) If a sponsor becomes subject to this section in a third consecutive year, the department shall revoke the sponsor's authority to sponsor community schools in accordance with division 49907
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(C) of section 3314.015 of the Revised Code. 49910

(D) The department's suspension, restriction, or revocation of the sponsorship authority of a sponsor that is subject to this section is subject to appeal under division (E) of section 3314.015 of the Revised Code. 49911
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(E) This section does not restrict the department's authority otherwise to place a sponsor on probationary status, or otherwise to suspend, restrict, or revoke a sponsor's authority, under section 3314.015 of the Revised Code. 49915
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Sec. 3314.192. (A) The sponsor of each community school annually shall report to the department of education, not later than ten business days prior to the opening of the school, whether the school's governing authority has entered into a contract with an operator for that school year. The sponsor shall also report to the department any additional information about the operator and contract the superintendent of public instruction specifies by rule. 49919
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(B) The department shall post the information reported under division (A) of this section on its web site. 49927
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(C) If there is any change in the contract between the governing authority of a community school and the school's operator during the course of the school year, the governing authority shall notify the school's sponsor of the change not later than thirty days after the change is made. If the change involves any of the information reported under division (A) of this section, the sponsor shall report the change to the department not later than thirty days after receiving notification of the change from the school's governing authority. The department shall update its web site to reflect the change not later than thirty days after receiving the report of the change from the school's sponsor. 49929
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Sec. 3314.21. (A) As used in this section:	49941
(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.	49942 49943
(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.	49944 49945 49946
(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.	49947 49948 49949
(B) (1) <u>(1)</u> It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.	49950 49951 49952 49953
(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 <u>3314.102</u> of the Revised Code.	49954 49955 49956 49957
(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher.	49958 49959 49960 49961 49962 49963
(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:	49964 49965 49966 49967
(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each	49968 49969 49970

computer provided to students for instructional use. The school 49971
shall provide such device or software at no cost to any student 49972
who works primarily from the student's residence on a computer 49973
obtained from a source other than the school. 49974

(2) A plan for fulfilling the intent of the general assembly 49975
specified in division (B)(1) of this section. The plan shall 49976
indicate the number of times teachers will visit each student 49977
throughout the school year and the manner in which those visits 49978
will be conducted. 49979

(3) That the school will set up a central base of operation 49980
and the sponsor will maintain a representative within fifty miles 49981
of that base of operation to provide monitoring and assistance. 49982

Sec. 3314.25. Each internet- or computer-based community 49983
school shall provide its students a location within a fifty-mile 49984
radius of the student's residence at which to complete the 49985
statewide achievement ~~tests~~ and diagnostic assessments prescribed 49986
under sections 3301.079 ~~and~~, 3301.0710, and 3301.0712 of the 49987
Revised Code. 49988

Sec. 3314.26. (A) Each internet- or computer-based community 49989
school shall withdraw from the school any student who, for two 49990
consecutive school years, has failed to participate in the spring 49991
administration of any ~~test~~ assessment prescribed under section 49992
3301.0710 or 3301.0712 of the Revised Code for the student's grade 49993
level and was not excused from the ~~test~~ assessment pursuant to 49994
division (C)(1) or (3) of section 3301.0711 of the Revised Code, 49995
regardless of whether a waiver was granted for the student under 49996
division ~~(Q)~~(N)(3) of section 3314.08 of the Revised Code. The 49997
school shall report any such student's data verification code, as 49998
assigned pursuant to section 3301.0714 of the Revised Code, to the 49999
department of education. The department shall maintain a list of 50000

all data verification codes reported under this division and 50001
section 3313.6410 of the Revised Code and provide that list to 50002
each internet- or computer-based community school and to each 50003
school to which section 3313.6410 of the Revised Code applies. 50004

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(B) No internet- or computer-based community school shall 50006
receive any state funds under this chapter for any enrolled 50007
student whose data verification code appears on the list 50008
maintained by the department under division (A) of this section. 50009

Notwithstanding any provision of the Revised Code to the 50010
contrary, the parent of any such student shall pay tuition to the 50011
internet- or computer-based community school in an amount equal to 50012
the state funds the school otherwise would receive for that 50013
student, as determined by the department. An internet- or 50014
computer-based community school may withdraw any student for whom 50015
the parent does not pay tuition as required by this division. 50016

Sec. 3314.35. (A)(1) Except as provided in division (A)~~(2)~~(3) 50017
of this section, this section applies to any community school that 50018
meets one of the following criteria after July 1, 2008, but before 50019
July 1, 2009: 50020

(a) The school does not offer a grade level higher than three 50021
and has been declared to be in a state of academic emergency under 50022
section 3302.03 of the Revised Code for four consecutive school 50023
years. 50024

(b) The school satisfies all of the following conditions: 50025

(i) The school offers any of grade levels four to eight but 50026
does not offer a grade level higher than nine. 50027

(ii) The school has been declared to be in a state of 50028
academic emergency under section 3302.03 of the Revised Code for 50029
three consecutive school years. 50030

(iii) For two of those school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school satisfies all of the following conditions:

(i) The school offers any of grade levels ten to twelve.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.

(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(2) Except as provided in division (A)(3) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth

in either reading or mathematics, as determined by the department 50061
in accordance with rules adopted under division (A) of section 50062
3302.021 of the Revised Code. 50063

(c) The school offers any of grade levels ten to twelve and 50064
has been declared to be in a state of academic emergency under 50065
section 3302.03 of the Revised Code for three of the four most 50066
recent school years. 50067

(3) This section does not apply to any either of the 50068
following: 50069

(a) Any community school in which a majority of the students 50070
are enrolled in a dropout prevention and recovery program that is 50071
operated by the school and that has been granted a waiver under 50072
section 3314.36 of the Revised Code; 50073

(b) Any community school in which a majority of the enrolled 50074
students are children with disabilities receiving special 50075
education and related services in accordance with Chapter 3323. of 50076
the Revised Code. 50077

(B) Any community school to which this section applies shall 50078
permanently close at the conclusion of the school year in which 50079
the school first becomes subject to this section. The sponsor and 50080
governing authority of the school shall comply with all procedures 50081
for closing a community school adopted by the department under 50082
division ~~(E)~~(F) of section 3314.015 of the Revised Code. The 50083
governing authority of the school shall not enter into a contract 50084
with any other sponsor under section 3314.03 of the Revised Code 50085
after the school closes. 50086

(C) Not later than July 1, 2008, the department shall 50087
determine the feasibility of using the value-added progress 50088
dimension, as defined in section 3302.01 of the Revised Code, as a 50089
factor in evaluating the academic performance of community schools 50090
described in division (A)(1)(c)(i) of this section. 50091

Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, 50092
if the department determines that using the value-added progress 50093
dimension to evaluate community schools described in division 50094
(A)(1)(c)(i) of this section is not feasible, a community school 50095
described in that division shall be required to permanently close 50096
under this section only if it has been declared to be in a state 50097
of academic emergency under section 3302.03 of the Revised Code 50098
for four consecutive school years. 50099

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 50100
not apply to any community school in which a majority of the 50101
students are enrolled in a dropout prevention and recovery program 50102
that is operated by the school and that has been granted a waiver 50103
by the department of education. The department shall grant a 50104
waiver to a dropout prevention and recovery program, within sixty 50105
days after the program applies for the waiver, if the program 50106
meets all of the following conditions: 50107

(1) The program serves only students not younger than sixteen 50108
years of age and not older than twenty-one years of age. 50109

(2) The program enrolls students who, at the time of their 50110
initial enrollment, either, or both, are at least one grade level 50111
behind their cohort age groups or experience crises that 50112
significantly interfere with their academic progress such that 50113
they are prevented from continuing their traditional programs. 50114

(3) The program requires students to attain at least the 50115
applicable score designated for each of the ~~tests~~ assessments 50116
prescribed under division (B)(1) of section 3301.0710 of the 50117
Revised Code or, to the extent prescribed by rule of the state 50118
board of education under division (E)(6) of section 3301.0712 of 50119
the Revised Code, division (B)(2) of that section. 50120

(4) The program develops an individual career plan for the 50121
student that specifies the student's matriculating to a two-year 50122

degree program, acquiring a business and industry credential, or 50123
entering an apprenticeship. 50124

(5) The program provides counseling and support for the 50125
student related to the plan developed under division (A)(4) of 50126
this section during the remainder of the student's high school 50127
experience. 50128

(6) Prior to receiving the waiver, the program has submitted 50129
to the department an instructional plan that demonstrates how the 50130
academic content standards adopted by the state board of education 50131
under section 3301.079 of the Revised Code will be taught and 50132
assessed. 50133

If the department does not act either to grant the waiver or 50134
to reject the program application for the waiver within sixty days 50135
as required under this section, the waiver shall be considered to 50136
be granted. 50137

(B) Notwithstanding division (A) of this section, the 50138
department shall not grant a waiver to any community school that 50139
did not qualify for a waiver under this section when it initially 50140
began operations, unless the state board of education approves the 50141
waiver. 50142

Sec. ~~269.60.60~~ 3314.38. ~~UNAUDITABLE COMMUNITY SCHOOL~~ 50143

(A) If the ~~Auditor~~ auditor of ~~State~~ state or a public 50144
accountant, pursuant to section 117.41 of the Revised Code, 50145
declares a community school established under ~~Chapter 3314. of the~~ 50146
~~Revised Code~~ this chapter to be unauditabile, the ~~Auditor~~ auditor 50147
of ~~State~~ state shall provide written notification of that 50148
declaration to the school, the school's sponsor, and the 50149
~~Department~~ department of ~~Education~~ education. The ~~Auditor~~ auditor 50150
of ~~State~~ state also shall post the notification on the ~~Auditor~~ 50151
auditor of ~~State's~~ state's web site. 50152

(B) Notwithstanding any provision to the contrary in ~~Chapter~~ 50153
~~3314. of the Revised Code~~ this chapter or any other provision of 50154
law, a sponsor of a community school that is notified by the 50155
~~Auditor~~ auditor of ~~State~~ state under division (A) of this section 50156
that a community school it sponsors is unauditabile shall not enter 50157
into contracts with any additional community schools under section 50158
3314.03 of the Revised Code until the ~~Auditor~~ auditor of ~~State~~ 50159
state or a public accountant has completed a financial audit of 50160
that school. 50161

(C) Not later than forty-five days after receiving 50162
notification by the ~~Auditor~~ auditor of ~~State~~ state under division 50163
(A) of this section that a community school is unauditabile, the 50164
sponsor of the school shall provide a written response to the 50165
~~Auditor~~ auditor of ~~State~~ state. The response shall include the 50166
following: 50167

(1) An overview of the process the sponsor will use to review 50168
and understand the circumstances that led to the community school 50169
becoming unauditabile; 50170

(2) A plan for providing the ~~Auditor~~ auditor of ~~State~~ state 50171
with the documentation necessary to complete an audit of the 50172
community school and for ensuring that all financial documents are 50173
available in the future; 50174

(3) The actions the sponsor will take to ensure that the plan 50175
described in division (C)(2) of this section is implemented. 50176

(D) If a community school fails to make reasonable efforts 50177
and continuing progress to bring its accounts, records, files, or 50178
reports into an auditabile condition within ninety days after being 50179
declared unauditabile, the ~~Auditor~~ auditor of ~~State~~ state, in 50180
addition to requesting legal action under sections 117.41 and 50181
117.42 of the Revised Code, shall notify the ~~Department~~ department 50182
of the school's failure. If the ~~Auditor~~ auditor of ~~State~~ state or 50183

a public accountant subsequently is able to complete a financial 50184
audit of the school, the ~~Auditor~~ auditor of ~~State~~ state shall 50185
notify the ~~Department~~ department that the audit has been 50186
completed. 50187

(E) Notwithstanding any provision to the contrary in ~~Chapter~~ 50188
~~3314. of the Revised Code~~ this chapter or any other provision of 50189
law, upon notification by the ~~Auditor~~ auditor of ~~State~~ state under 50190
division (D) of this section that a community school has failed to 50191
make reasonable efforts and continuing progress to bring its 50192
accounts, records, files, or reports into an auditable condition 50193
following a declaration that the school is unauditible, the 50194
~~Department~~ department shall immediately cease all payments to the 50195
school under ~~Chapter 3314. of the Revised Code~~ this chapter and 50196
any other provision of law. Upon subsequent notification from the 50197
~~Auditor~~ auditor of ~~State~~ state under that division that the 50198
~~Auditor~~ auditor of ~~State~~ state or a public accountant was able to 50199
complete a financial audit of the community school, the ~~Department~~ 50200
department shall release all funds withheld from the school under 50201
this section. 50202

Sec. 3314.39. (A) The department of education shall conduct 50203
an on-site visit of each community school at least every five 50204
years to evaluate the school's operations. During each visit, the 50205
department shall do all of the following: 50206

(1) Determine if the school has complied with the terms of 50207
the contract with its sponsor; 50208

(2) Determine if the school has complied with all laws 50209
regarding community school academic and fiscal accountability and 50210
with all other applicable laws and administrative rules; 50211

(3) Corroborate the information reported to the department by 50212
the sponsor under division (D)(3) of section 3314.03 of the 50213
Revised Code; 50214

(4) Review the school's progress in implementing a continuous improvement plan developed under division (B) of section 3302.04 of the Revised Code, if applicable. 50215
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(B) Each on-site visit conducted under this section shall include school tours, classroom observations, and interviews with administrators, teachers, other school staff, parents, or students. 50218
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(C) Each community school shall provide any data, documents, or other materials the department considers necessary to enable it to conduct a thorough on-site visit. 50222
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(D) Upon completion of each on-site visit, the department shall issue a written report summarizing its findings. The department shall provide a copy of the report to the sponsor and governing authority of the community school. The sponsor or the governing authority may submit factual corrections to the department by a deadline established by the department. Upon receipt of any factual corrections, the department shall revise the report and issue a final version. The department shall post the final version of the report on its web site. 50225
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(E) The sponsor of a community school may consider findings contained in the report issued under division (D) of this section in deciding whether to place the school in probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the school's contract pursuant to section 3314.07 of the Revised Code. If the sponsor fails to take any of these actions that the department determines are warranted based on the findings in the report, the department may revoke the sponsor's approval to sponsor community schools in accordance with division (C) of section 3314.015 of the Revised Code. 50234
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(F) Any on-site visit required by this section may be 50245

conducted in conjunction with a site evaluation required under 50246
division (D) of section 3302.04 of the Revised Code. 50247

(G) The state board of education shall adopt rules to 50248
implement this section. 50249

Sec. 3314.42. (A) The governing authority of each community 50250
school established under this chapter shall submit to the school's 50251
sponsor a copy of any corrective action plan for the school 50252
required by the department of education, including a corrective 50253
action plan required under division (L) of section 3301.0714 of 50254
the Revised Code. The chief administrative officer of that sponsor 50255
shall review and sign the corrective action plan and return it to 50256
the governing authority. The signature of the sponsor's chief 50257
administrative officer shall signify the sponsor's receipt of 50258
notice of the content of the corrective action plan. 50259

(B) The sponsor shall monitor and may assist the school's 50260
implementation of the corrective action plan. 50261

(C) The school's failure to submit any corrective action plan 50262
required by the department to the chief administrative officer of 50263
the school's sponsor or to implement all of the provisions of a 50264
corrective action plan may be considered by the sponsor when 50265
determining whether to take any action under section 3314.07, 50266
3314.072, or 3314.073 of the Revised Code. 50267

Sec. 3314.43. For purposes of section 3319.321 of the Revised 50268
Code, the sponsor of a community school established under this 50269
chapter shall be an "educational institution," to which the 50270
records of a pupil enrolled in the school may be released for a 50271
legitimate educational purpose without the consent of the pupil or 50272
the pupil's parent, guardian, or custodian in accordance with that 50273
section. The sponsor shall handle any educational records released 50274
to the sponsor in accordance with the requirements of that section 50275

and the "Family Educational Rights and Privacy Act of 1974," 20 50276
U.S.C. 1232g. 50277

Sec. 3314.44. (A) If a community school established under 50278
this chapter closes for any reason, the chief administrative 50279
officer of the school at the time the school closes shall in good 50280
faith take all reasonable steps necessary to collect and assemble 50281
in an orderly manner the educational records of each student who 50282
is or has been enrolled in the school so that those records may be 50283
transmitted in accordance with this division. The chief 50284
administrative officer shall transmit the records to the 50285
department of education, in the manner and by the date prescribed 50286
by the department. 50287

(B) No person required to collect, assemble, and transmit 50288
student records under division (A) of this section shall fail to 50289
comply with that division. 50290

(C) Whoever violates division (B) of this section is guilty 50291
of a misdemeanor in the third degree. 50292

Sec. 3315.17. (A) The board of education of each city, 50293
exempted village, local, and joint vocational school district 50294
shall establish a textbook and instructional materials fund. Each 50295
board annually shall deposit into that fund an amount derived from 50296
revenues received by the district for operating expenses that is 50297
equal to three per cent of the formula amount for the preceding 50298
fiscal year, as defined in section 3317.02 of the Revised Code, or 50299
another percentage if established by the auditor of state under 50300
division (C) of this section, multiplied by the district's student 50301
population for the preceding fiscal year. Money in the fund shall 50302
be used solely for textbooks, instructional software, and 50303
instructional materials, supplies, and equipment. Any money in the 50304
fund that is not used in any fiscal year shall carry forward to 50305

the next fiscal year. 50306

(B)(1) Notwithstanding division (A) of this section, if in a 50307
fiscal year a district board deposits in the textbook and 50308
instructional materials fund an amount of money greater than the 50309
amount required to be deposited by this section or the rules 50310
adopted under division (C) of this section, the board may deduct 50311
the excess amount of money from the amount of money required to be 50312
deposited in succeeding fiscal years. 50313

(2) Notwithstanding division (A) of this section, in any year 50314
a district is in fiscal emergency status as declared pursuant to 50315
section 3316.03 of the Revised Code, the district may deposit an 50316
amount less than required by division (A) of this section, or make 50317
no deposit, into the district textbook and instructional materials 50318
fund for that year. 50319

(3) Notwithstanding division (A) of this section, in any 50320
fiscal year that a school district is either in fiscal watch 50321
status, as declared pursuant to section 3316.03 of the Revised 50322
Code, or in fiscal caution status, as declared pursuant to section 50323
3316.031 of the Revised Code, the district may apply to the 50324
superintendent of public instruction for a waiver from the 50325
requirements of division (A) of this section, under which the 50326
district may be permitted to deposit an amount less than required 50327
by that division or permitted to make no deposit into the district 50328
textbook and instructional materials fund for that year. The 50329
superintendent may grant a waiver under division (B)(3) of this 50330
section if the district demonstrates to the satisfaction of the 50331
superintendent that compliance with division (A) of this section 50332
that year will create an undue financial hardship on the district. 50333

(4) Notwithstanding division (A) of this section, not more 50334
often than one fiscal year in every three consecutive fiscal 50335
years, any school district that does not satisfy the conditions 50336

for the exemption described in division (B)(2) of this section or 50337
the conditions to apply for the waiver described in division 50338
(B)(3) of this section may apply to the superintendent of public 50339
instruction for a waiver from the requirements of division (A) of 50340
this section, under which the district may be permitted to deposit 50341
an amount less than required by that division or permitted to make 50342
no deposit into the district textbook and instructional materials 50343
fund for that year. The superintendent may grant a waiver under 50344
division (B)(4) of this section if the district demonstrates to 50345
the satisfaction of the superintendent that compliance with 50346
division (A) of this section that year will necessitate the 50347
reduction or elimination of a program currently offered by the 50348
district that is critical to the academic success of students of 50349
the district and that no reasonable alternatives exist for 50350
spending reductions in other areas of operation within the 50351
district that negate the necessity of the reduction or elimination 50352
of that program. 50353

(C) The state superintendent of public instruction and the 50354
auditor of state jointly shall adopt rules in accordance with 50355
Chapter 119. of the Revised Code defining what constitutes 50356
textbooks, instructional software, and instructional materials, 50357
supplies, and equipment for which money in a school district's 50358
textbook and instructional materials fund may be used. The auditor 50359
of state also may designate a percentage, other than three per 50360
cent, of the formula amount multiplied by the district's student 50361
population that must be deposited into the fund. 50362

(D) Notwithstanding division (A) of this section, a district 50363
board of education in any fiscal year may appropriate money in the 50364
district textbook and instructional materials fund for purposes 50365
other than those permitted by that division if both of the 50366
following occur during that fiscal year: 50367

(1) All of the following certify to the district board in 50368

writing that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district:

(a) The district superintendent;

(b) ~~In districts required to have a business advisory council,~~ a A person designated by vote of the district's business advisory council;

(c) If the district teachers are represented by an exclusive bargaining representative for purposes of Chapter 4117. of the Revised Code, the president of that organization or the president's designee.

(2) The district board adopts, by unanimous vote of all members of the board, a resolution stating that the district has sufficient textbooks, instructional software, and instructional materials, supplies, and equipment to ensure a thorough and efficient education within the district.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into on or after November 21, 1997.

(F) As used in this section and in section 3315.18 of the Revised Code, "student population" means the average, daily, full-time-equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.

Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the ~~state board~~ chancellor of the Ohio board of regents pursuant to section ~~3319.23~~ 3333.048 of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in that school district.

The district board shall adopt rules establishing eligibility criteria, application procedures, procedures for review of applications, loan amounts, interest, repayment schedules, conditions under which principal and interest obligations incurred under the program will be forgiven, and any other matter incidental to the operation of the program.

The board may contract with a private, nonprofit foundation, one or more institutions of higher education, or other educational agencies to administer the program.

The receipt of a loan under this section does not affect a 50430
student's eligibility for assistance, or the amount of such 50431
assistance, granted under section 3315.33, 3333.12, 3333.122, 50432
3333.22, 3333.26, ~~3333.27~~, 5910.04, or 5919.34 of the Revised 50433
Code, but the board's rules may provide for taking such assistance 50434
into consideration when determining a student's eligibility for a 50435
loan under this section. 50436

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 50437
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 50438
subject to the approval of the superintendent of public 50439
instruction, a school district that is in a state of fiscal watch 50440
declared under section 3316.03 of the Revised Code may restructure 50441
or refinance loans obtained or in the process of being obtained 50442
under section 3313.483 of the Revised Code if all of the following 50443
requirements are met: 50444

(1) The operating deficit certified for the school district 50445
for the current or preceding fiscal year under section 3313.483 of 50446
the Revised Code exceeds fifteen per cent of the district's 50447
general revenue fund for the fiscal year preceding the year for 50448
which the certification of the operating deficit is made. 50449

(2) The school district voters have, during the period of the 50450
fiscal watch, approved the levy of a tax under section 718.09, 50451
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 50452
not a renewal or replacement levy, or a levy under section 50453
5705.199 of the Revised Code, and that will provide new operating 50454
revenue. 50455

(3) The board of education of the school district has adopted 50456
or amended the financial plan required by section 3316.04 of the 50457
Revised Code to reflect the restructured or refinanced loans, and 50458
sets forth the means by which the district will bring projected 50459
operating revenues and expenditures, and projected debt service 50460

obligations, into balance for the life of any such loan. 50461

(B) Subject to the approval of the superintendent of public 50462
instruction, the school district may issue securities to evidence 50463
the restructuring or refinancing authorized by this section. Such 50464
securities may extend the original period for repayment not to 50465
exceed ten years, and may alter the frequency and amount of 50466
repayments, interest or other financing charges, and other terms 50467
or agreements under which the loans were originally contracted, 50468
provided the loans received under sections 3313.483 of the Revised 50469
Code are repaid from funds the district would otherwise receive 50470
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised 50471
Code, as required under division (E)(3) of section 3313.483 of the 50472
Revised Code. Securities issued for the purpose of restructuring 50473
or refinancing under this section shall be repaid in equal 50474
payments and at equal intervals over the term of the debt and are 50475
not eligible to be included in any subsequent proposal to 50476
restructure or refinance. 50477

(C) Unless the district is declared to be in a state of 50478
fiscal emergency under division (D) of section 3316.04 of the 50479
Revised Code, a school district shall remain in a state of fiscal 50480
watch for the duration of the repayment period of any loan 50481
restructured or refinanced under this section. 50482

Sec. 3316.06. (A) Within one hundred twenty days after the 50483
first meeting of a school district financial planning and 50484
supervision commission, the commission shall adopt a financial 50485
recovery plan regarding the school district for which the 50486
commission was created. During the formulation of the plan, the 50487
commission shall seek appropriate input from the school district 50488
board and from the community. This plan shall contain the 50489
following: 50490

(1) Actions to be taken to: 50491

(a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code; 50492
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(b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits; 50495
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(c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the textbook and instructional materials fund established pursuant to section 3315.17 of the Revised Code and the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven; 50497
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(d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any; 50502
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(e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts; 50507
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(f) Avoid any fiscal emergency condition in the future; 50510

(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally. 50511
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(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers 50514
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related to personnel, curriculum, and legal issues in order to 50523
successfully implement the actions described in division (A)(1) of 50524
this section. 50525

(3) The target dates for the commencement, progress upon, and 50526
completion of the actions enumerated in division (A)(1) of this 50527
section and a reasonable period of time expected to be required to 50528
implement the plan. The commission shall prepare a reasonable time 50529
schedule for progress toward and achievement of the requirements 50530
for the plan, and the plan shall be consistent with that time 50531
schedule. 50532

(4) The amount and purpose of any issue of debt obligations 50533
that will be issued, together with assurances that any such debt 50534
obligations that will be issued will not exceed debt limits 50535
supported by appropriate certifications by the fiscal officer of 50536
the school district and the county auditor. Debt obligations 50537
issued pursuant to section 133.301 of the Revised Code shall 50538
include assurances that such debt shall be in an amount not to 50539
exceed the amount certified under division (B) of such section. If 50540
the commission considers it necessary in order to maintain or 50541
improve educational opportunities of pupils in the school 50542
district, the plan may include a proposal to restructure or 50543
refinance outstanding debt obligations incurred by the board under 50544
section 3313.483 of the Revised Code contingent upon the approval, 50545
during the period of the fiscal emergency, by district voters of a 50546
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 50547
5748.02, or 5748.08 of the Revised Code that is not a renewal or 50548
replacement levy, or a levy under section 5705.199 of the Revised 50549
Code, and that will provide new operating revenue. Notwithstanding 50550
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 50551
the Revised Code, following the required approval of the district 50552
voters and with the approval of the commission, the school 50553
district may issue securities to evidence the restructuring or 50554

refinancing. Those securities may extend the original period for 50555
repayment, not to exceed ten years, and may alter the frequency 50556
and amount of repayments, interest or other financing charges, and 50557
other terms of agreements under which the debt originally was 50558
contracted, at the discretion of the commission, provided that any 50559
loans received pursuant to section 3313.483 of the Revised Code 50560
shall be paid from funds the district would otherwise receive 50561
under ~~sections 3317.022 to 3317.025~~ Chapter 3306. of the Revised 50562
Code, as required under division (E)(3) of section 3313.483 of the 50563
Revised Code. The securities issued for the purpose of 50564
restructuring or refinancing the debt shall be repaid in equal 50565
payments and at equal intervals over the term of the debt and are 50566
not eligible to be included in any subsequent proposal for the 50567
purpose of restructuring or refinancing debt under this section. 50568

(B) Any financial recovery plan may be amended subsequent to 50569
its adoption. Each financial recovery plan shall be updated 50570
annually. 50571

(C) Each school district financial planning and supervision 50572
commission shall submit the financial recovery plan it adopts or 50573
updates under this section to the state superintendent of public 50574
instruction for approval immediately following its adoption or 50575
updating. The state superintendent shall evaluate the plan and 50576
either approve or disapprove it within thirty calendar days from 50577
the date of its submission. If the plan is disapproved, the state 50578
superintendent shall recommend modifications that will render it 50579
acceptable. No financial planning and supervision commission shall 50580
implement a financial recovery plan that is adopted or updated on 50581
or after April 10, 2001, unless the state superintendent has 50582
approved it. 50583

Sec. 3316.20. (A)(1) The school district solvency assistance 50584
fund is hereby created in the state treasury, to consist of such 50585

amounts designated for the purposes of the fund by the general 50586
assembly. The fund shall be used to provide assistance and grants 50587
to school districts to enable them to remain solvent and to pay 50588
~~unforseeable~~ unforeseeable expenses of a temporary or emergency 50589
nature that they are unable to pay from existing resources. 50590

(2) There is hereby created within the fund an account known 50591
as the school district shared resource account, which shall 50592
consist of money appropriated to it by the general assembly. The 50593
money in the account shall be used solely for solvency assistance 50594
to school districts that have been declared under division (B) of 50595
section 3316.03 of the Revised Code to be in a state of fiscal 50596
emergency. 50597

(3) There is hereby created within the fund an account known 50598
as the catastrophic expenditures account, which shall consist of 50599
money appropriated to the account by the general assembly plus all 50600
investment earnings of the fund. Money in the account shall be 50601
used solely for the following: 50602

(a) Solvency assistance to school districts that have been 50603
declared under division (B) of section 3316.03 of the Revised Code 50604
to be in a state of fiscal emergency, in the event that all money 50605
in the shared resource account is utilized for solvency 50606
assistance; 50607

(b) Grants to school districts under division (C) of this 50608
section. 50609

(B) Solvency assistance payments under division (A)(2) or 50610
(3)(a) of this section shall be made from the fund by the 50611
superintendent of public instruction in accordance with rules 50612
adopted by the director of budget and management, after consulting 50613
with the superintendent, specifying approval criteria and 50614
procedures necessary for administering the fund. 50615

The fund shall be reimbursed for any solvency assistance 50616

amounts paid under division (A)(2) or (3)(a) of this section not 50617
later than the end of the second fiscal year following the fiscal 50618
year in which the solvency assistance payment was made. If not 50619
made directly by the school district, such reimbursement shall be 50620
made by the director of budget and management from the amounts the 50621
school district would otherwise receive pursuant to ~~sections~~ 50622
~~3317.022 to 3317.025~~ Chapter 3306. of the Revised Code, or from 50623
any other funds appropriated for the district by the general 50624
assembly. Reimbursements shall be credited to the respective 50625
account from which the solvency assistance paid to the district 50626
was deducted. 50627

(C) The superintendent of public instruction may make 50628
recommendations, and the controlling board may grant money from 50629
the catastrophic expenditures account to any school district that 50630
suffers an unforeseen catastrophic event that severely depletes 50631
the district's financial resources. The superintendent shall make 50632
recommendations for the grants in accordance with rules adopted by 50633
the director of budget and management, after consulting with the 50634
superintendent. A school district shall not be required to repay 50635
any grant awarded to the district under this division, unless the 50636
district receives money from this state or a third party, 50637
including an agency of the government of the United States, 50638
specifically for the purpose of compensating the district for 50639
revenue lost or expenses incurred as a result of the unforeseen 50640
catastrophic event. If a school district receives a grant from the 50641
catastrophic expenditures account on the basis of the same 50642
circumstances for which an adjustment or recomputation is 50643
authorized under section 3317.025, 3317.026, 3317.027, 3317.028, 50644
3317.0210, or 3317.0211 of the Revised Code, the department of 50645
education shall reduce the adjustment or recomputation by an 50646
amount not to exceed the total amount of the grant, and an amount 50647
equal to the reduction shall be transferred, from the funding 50648
source from which the adjustment or recomputation would be paid, 50649

to the catastrophic expenditures account. Any adjustment or 50650
recomputation under such sections that is in excess of the total 50651
amount of the grant shall be paid to the school district. 50652

Sec. 3317.01. As used in this section and section 3317.011 of 50653
the Revised Code, "school district," unless otherwise specified, 50654
means any city, local, exempted village, joint vocational, or 50655
cooperative education school district and any educational service 50656
center. 50657

This chapter shall be administered by the state board of 50658
education. The superintendent of public instruction shall 50659
calculate the amounts payable to each school district and shall 50660
certify the amounts payable to each eligible district to the 50661
treasurer of the district as provided by this chapter. As soon as 50662
possible after such amounts are calculated, the superintendent 50663
shall certify to the treasurer of each school district the 50664
district's adjusted charge-off increase, as defined in section 50665
5705.211 of the Revised Code. No moneys shall be distributed 50666
pursuant to this chapter without the approval of the controlling 50667
board. 50668

The state board of education shall, in accordance with 50669
appropriations made by the general assembly, meet the financial 50670
obligations of this chapter. 50671

~~Annually, the department of education shall calculate and 50672
report to each school district the district's total state and 50673
local funds for providing an adequate basic education to the 50674
district's nondisabled students, utilizing the determination in 50675
section 3317.012 of the Revised Code. In addition, the department 50676
shall calculate and report separately for each school district the 50677
district's total state and local funds for providing an adequate 50678
education for its students with disabilities, utilizing the 50679
determinations in both sections 3317.012 and 3317.013 of the 50680~~

~~Revised Code.~~ 50681

~~Not later than the thirty first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.~~ 50682
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Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed ~~at least monthly~~ periodically to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district. 50690
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~~The total amounts paid each month shall constitute, as nearly as possible, one twelfth of the total amount payable for the entire year.~~ 50703
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~~Until fiscal year 2007, payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to~~ 50706
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~~reflect enrollment increases when such are at least three per cent.~~ 50713
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~~Beginning in fiscal year 2007, payments shall be calculated to reflect the biannual reporting of average daily membership. In fiscal year 2007 and in each fiscal year thereafter, annualized periodic payments for each school district shall be based on the district's final student counts verified by the superintendent of public instruction based on reports under section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, as follows:~~ 50715
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~~the sum of one half of the number of students verified and adjusted for the first full week in October plus one half of the average of the numbers verified and adjusted for the first full week in October and for the first full week in February~~ 50723
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Except as otherwise provided, payments under this chapter shall be made only to those school districts in which: 50728
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(A) The school district, except for any educational service center and any joint vocational or cooperative education school district, levies for current operating expenses at least twenty mills. Levies for joint vocational or cooperative education school districts or county school financing districts, limited to or to the extent apportioned to current expenses, shall be included in this qualification requirement. School district income tax levies under Chapter 5748. of the Revised Code, limited to or to the extent apportioned to current operating expenses, shall be included in this qualification requirement to the extent determined by the tax commissioner under division (D) of section 3317.021 of the Revised Code. 50730
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(B) The ~~school~~ learning year next preceding the fiscal year for which such payments are authorized meets the requirement of section 3313.48 or 3313.481 of the Revised Code, with regard to 50742
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the minimum number of days or hours school must be open for 50745
instruction with pupils in attendance, for individualized 50746
parent-teacher conference and reporting periods, and for 50747
professional meetings of teachers. ~~This requirement shall be~~ 50748
~~waived by the~~ The superintendent of public instruction ~~if shall~~ 50749
waive a number of days on which it had been necessary for a school 50750
to be closed because of disease epidemic, hazardous weather 50751
conditions, inoperability of school buses or other equipment 50752
necessary to the school's operation, damage to a school building, 50753
or other temporary circumstances due to utility failure rendering 50754
the school building unfit for school use, ~~provided that for those~~ 50755
~~school districts operating pursuant to section 3313.48 of the~~ 50756
~~Revised Code the number of days the school was actually open for~~ 50757
~~instruction with pupils in attendance and for individualized~~ 50758
~~parent teacher conference and reporting periods is not less than~~ 50759
~~one hundred seventy five, or for those school districts operating~~ 50760
~~on a trimester plan the number of days the school was actually~~ 50761
~~open for instruction with pupils in attendance not less than~~ 50762
~~seventy nine days in any trimester, for those school districts~~ 50763
~~operating on a quarterly plan the number of days the school was~~ 50764
~~actually open for instruction with pupils in attendance not less~~ 50765
~~than fifty nine days in any quarter, or for those school districts~~ 50766
~~operating on a pentamester plan the number of days the school was~~ 50767
~~actually open for instruction with pupils in attendance not less~~ 50768
~~than forty four days in any pentamester, as follows:~~ 50769

(1) In determining eligibility for payments under this 50770
chapter for fiscal years prior to fiscal year 2011, up to five 50771
days for the preceding learning year; 50772

(2) In determining eligibility for payments under this 50773
chapter for fiscal year 2011, up to three days for the 2009-2010 50774
learning year; 50775

(3) In determining eligibility for payments under this 50776

chapter for fiscal year 2012 and thereafter, up to one day for the 50777
preceding learning year. 50778

The state board shall adopt standards for the superintendent 50779
to apply in determining the waiver of days or hours for schools 50780
operating under section 3313.481 of the Revised Code. 50781

A school district shall not be considered to have failed to 50782
comply with this division or section 3313.481 of the Revised Code 50783
because schools were open for instruction but either twelfth grade 50784
students were excused from attendance for up to three days or only 50785
a portion of the kindergarten students were in attendance for up 50786
to three days in order to allow for the gradual orientation to 50787
school of such students. 50788

The superintendent of public instruction shall waive the 50789
requirements of this section with reference to the minimum number 50790
of days or hours school must be in session with pupils in 50791
attendance for the ~~school~~ learning year succeeding the ~~school~~ 50792
learning year in which a board of education initiates a plan of 50793
operation pursuant to section 3313.481 of the Revised Code. The 50794
minimum requirements of this section shall again be applicable to 50795
such a district beginning with the ~~school~~ learning year commencing 50796
the second July succeeding the initiation of one such plan, and 50797
for each school year thereafter. 50798

A school district shall not be considered to have failed to 50799
comply with this division or section 3313.48 or 3313.481 of the 50800
Revised Code because schools were open for instruction but the 50801
length of the regularly scheduled ~~school~~ learning day, for any 50802
number of days during the ~~school~~ learning year, was reduced by not 50803
more than two hours due to hazardous weather conditions. 50804

(C) The school district has on file, and is paying in 50805
accordance with, a teachers' salary schedule which complies with 50806
section 3317.13 of the Revised Code. 50807

A board of education or governing board of an educational service center which has not conformed with other law and the rules pursuant thereto, shall not participate in the distribution of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.011. On or before the ~~third Wednesday~~ last day of each month, the department of education shall certify to the director of budget and management for payment, for each county:

(A)(1) That portion of the allocation of money under sections 3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, and 3317.19 of the Revised Code that is required to be paid in that month to each school district located wholly within the county subsequent to the deductions described in division (A)(2) of this section; and

(2) The amounts deducted from such allocation under sections 3307.31 and 3309.51 of the Revised Code for payment directly to the school employees and state teachers retirement systems under such sections.

(B) If the district is located in more than one county, an apportionment of the amounts that would otherwise be certified under division (A) of this section. The amounts apportioned to the county shall equal the amounts certified under division (A) of this section times the percentage of the district's resident pupils who reside both in the district and in the county, based on the average daily membership reported under division (A) of section 3317.03 of the Revised Code in October of the prior fiscal year.

Sec. 3317.018. (A) The department of education shall make no calculations or payments under Chapter 3317. of the Revised Code for any fiscal year after fiscal year 2009 except as prescribed in this section. 50839
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(B) School districts shall report student enrollment data as prescribed by section 3317.03 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code. 50843
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(C) The tax commissioner shall report data regarding tax valuation and receipts for school districts as prescribed by sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of section 3317.02 of the Revised Code, which data the department shall use to make payments under Chapters 3306. and 3317. of the Revised Code. 50847
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(D) Unless otherwise specified by another provision of law, in addition to the payments prescribed by Chapter 3306. of the Revised Code, the department shall continue to make payments to or adjustments for school districts in fiscal years after fiscal year 2009 under the following provisions of Chapter 3317. of the Revised Code: 50854
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(1) The catastrophic cost reimbursement under division (C)(3) of section 3317.022 of the Revised Code. No other payments shall be made under that section. 50860
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(2) All payments or adjustments under section 3317.023 of the Revised Code, except no payments or adjustments shall be made under divisions (B), (C), and (D) of that section. 50863
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(3) All payments or adjustments under section 3317.024 of the Revised Code, except no payments or adjustments shall be made under divisions (F), (L), and (N) of that section. 50866
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<u>(4) All payments and adjustments under sections 3317.025, 3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the Revised Code;</u>	50869
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<u>(5) Payments under section 3317.04 of the Revised Code;</u>	50872
<u>(6) Unit payments under sections 3317.05, 3317.051, 3317.052, and 3317.053 of the Revised Code, except that no units for gifted funding are authorized after fiscal year 2009.</u>	50873
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<u>(7) Payments under sections 3317.06, 3317.063, and 3317.064 of the Revised Code;</u>	50876
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<u>(8) Payments under section 3317.07 of the Revised Code;</u>	50878
<u>(9) Payments to educational service centers under section 3317.11 of the Revised Code;</u>	50879
	50880
<u>(10) The catastrophic cost reimbursement under division (E) of section 3317.16 of the Revised Code and excess cost reimbursements under division (G) of that section. No other payments shall be made under that section;</u>	50881
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<u>(11) Payments under section 3317.17 of the Revised Code;</u>	50885
<u>(12) Adjustments under section 3317.18 of the Revised Code;</u>	50886
<u>(13) Payments to cooperative education school districts under section 3317.19 of the Revised Code;</u>	50887
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<u>(14) Payments to county MR/DD boards under section 3317.20 of the Revised Code;</u>	50889
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<u>(15) Payments to state institutions for weighted special education funding under section 3317.201 of the Revised Code.</u>	50891
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<u>(E) Sections 3317.016 and 3317.017 shall not apply to fiscal years after fiscal year 2009.</u>	50893
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<u>(F) This section does not affect the provisions of sections 3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15,</u>	50895
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3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised Code. 50898
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Sec. 3317.02. As used in this chapter: 50900

(A) Unless otherwise specified, "school district" means city, 50901
local, and exempted village school districts. 50902

(B) "Formula amount" means ~~the base cost for the fiscal year~~ 50903
~~specified in division (B)(4) of section 3317.012 of the Revised~~ 50904
~~Code \$5,841, for fiscal year 2010, and \$5,952, for fiscal year~~ 50905
~~2011.~~ 50906

(C) "FTE basis" means a count of students based on full-time 50907
equivalency, in accordance with rules adopted by the department of 50908
education pursuant to section 3317.03 of the Revised Code. In 50909
adopting its rules under this division, the department shall 50910
provide for counting any student in category one, two, three, 50911
four, five, or six special education ADM or in category one or two 50912
vocational education ADM in the same proportion the student is 50913
counted in formula ADM. 50914

(D) "Formula ADM" means, for a city, local, or exempted 50915
village school district, the final number verified by the 50916
superintendent of public instruction, based on the number reported 50917
pursuant to division (A) of section 3317.03 of the Revised Code, 50918
~~as adjusted, if so ordered, under division (K) of that section~~ 50919
~~"formula ADM" as defined in section 3306.02 of the Revised Code.~~ 50920
"Formula ADM" means, for a joint vocational school district, the 50921
final number verified by the superintendent of public instruction, 50922
based on the number reported pursuant to division (D) of section 50923
3317.03 of the Revised Code, as adjusted, if so ordered, under 50924
division (K) of that section. ~~Beginning in fiscal year 2007, for~~ 50925
~~payments in which formula ADM is a factor, the formula ADM for~~ 50926
~~each school district for the fiscal year is the sum of one-half of~~ 50927
~~the number verified and adjusted for October of that fiscal year~~ 50928

~~plus one half of the average of the numbers verified and adjusted~~ 50929
~~for October and February of that fiscal year. For purposes of the~~ 50930
~~calculation of payments to or adjustments for a city, exempted~~ 50931
~~village, local, or joint vocational school district under this~~ 50932
~~chapter or under Chapter 3306. of the Revised Code, calculations~~ 50933
~~required under Chapter 3318. of the Revised Code, or adjustments~~ 50934
~~required under Chapter 3365. of the Revised Code, the department~~ 50935
~~of education shall use the district's formula ADM as reported and~~ 50936
~~verified under section 3317.03 of the Revised Code for the~~ 50937
~~previous fiscal year, unless the district's formula ADM as so~~ 50938
~~reported and verified for the current fiscal year is at least two~~ 50939
~~per cent greater than the formula ADM reported for the previous~~ 50940
~~fiscal year, in which case the department shall use the district's~~ 50941
~~formula ADM for the current fiscal year.~~ 50942

(E) "Three-year average formula ADM" means the average of 50944
formula ADMs for the preceding three fiscal years. 50945

(F)(1) "Category one special education ADM" means the average 50946
daily membership of children with disabilities receiving special 50947
education services for the disability specified in division 50948
~~(A)(D)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 50949
reported under division (B)(5) or (D)(2)(b) of section 3317.03 of 50950
the Revised Code. ~~Beginning in fiscal year 2007, the district's~~ 50951
~~category one special education ADM for a fiscal year is the sum of~~ 50952
~~one half of the number reported for October of that fiscal year~~ 50953
~~plus one half of the average of the numbers reported for October~~ 50954
~~and February of that fiscal year.~~ 50955

(2) "Category two special education ADM" means the average 50956
daily membership of children with disabilities receiving special 50957
education services for those disabilities specified in division 50958
~~(B)(D)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and 50959
reported under division (B)(6) or (D)(2)(c) of section 3317.03 of 50960

~~the Revised Code. Beginning in fiscal year 2007, the district's category two special education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~

(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division ~~(C)(D)(3)~~ of section ~~3317.013~~ 3306.02 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category three special education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~

(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (D)~~(4)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category four special education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~

(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division ~~(E)(D)(5)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. ~~Beginning in fiscal year 2007, the district's category five special education ADM for a fiscal year is the sum of one half of~~

~~the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year.~~ 50993
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(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division ~~(F)(D)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category six special education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year. 50996
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(7) "Category one vocational education ADM" means the average daily membership of students receiving vocational education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category one vocational education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year. 51006
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(8) "Category two vocational education ADM" means the average daily membership of students receiving vocational education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category two vocational education ADM for a fiscal year is the sum of one half of the number reported for October of that fiscal year plus one half of the average of the numbers reported for October and February of that fiscal year. 51015
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(G) "Preschool child with a disability" means a child with a 51024

disability, as defined in section 3323.01 of the Revised Code, who 51025
is at least age three but is not of compulsory school age, as 51026
defined in section 3321.01 of the Revised Code, and who is not 51027
currently enrolled in kindergarten. 51028

(H) "County MR/DD board" means a county board of mental 51029
retardation and developmental disabilities. 51030

(I) "Recognized valuation" means the amount calculated for a 51031
school district pursuant to section 3317.015 of the Revised Code. 51032

(J) "Transportation ADM" means the number of children 51033
reported under division (B)(13) of section 3317.03 of the Revised 51034
Code. 51035

(K) "Average efficient transportation use cost per student" 51036
means a statistical representation of transportation costs as 51037
calculated under division (D)(2) of section 3317.022 of the 51038
Revised Code. 51039

(L) "Taxes charged and payable" means the taxes charged and 51040
payable against real and public utility property after making the 51041
reduction required by section 319.301 of the Revised Code, plus 51042
the taxes levied against tangible personal property. 51043

(M) "Total taxable value" means the sum of the amounts 51044
certified for a city, local, exempted village, or joint vocational 51045
school district under divisions (A)(1) and (2) of section 3317.021 51046
of the Revised Code. 51047

(N) "Tax exempt value" of a school district means the amount 51048
certified for a school district under division (A)(4) of section 51049
3317.021 of the Revised Code. 51050

(O) "Potential value" of a school district means the 51051
recognized valuation of a school district plus the tax exempt 51052
value of the district. 51053

(P) "District median income" means the median Ohio adjusted 51054

gross income certified for a school district. On or before the 51055
first day of July of each year, the tax commissioner shall certify 51056
to the department of education and the office of budget and 51057
management for each city, exempted village, and local school 51058
district the median Ohio adjusted gross income of the residents of 51059
the school district determined on the basis of tax returns filed 51060
for the second preceding tax year by the residents of the 51061
district. 51062

(Q) "Statewide median income" means the median district 51063
median income of all city, exempted village, and local school 51064
districts in the state. 51065

(R) "Income factor" for a city, exempted village, or local 51066
school district means the quotient obtained by dividing that 51067
district's median income by the statewide median income. 51068

(S) "Medically fragile child" means a child to whom all of 51069
the following apply: 51070

(1) The child requires the services of a doctor of medicine 51071
or osteopathic medicine at least once a week due to the 51072
instability of the child's medical condition. 51073

(2) The child requires the services of a registered nurse on 51074
a daily basis. 51075

(3) The child is at risk of institutionalization in a 51076
hospital, skilled nursing facility, or intermediate care facility 51077
for the mentally retarded. 51078

(T) A child may be identified as having an "other health 51079
impairment-major" if the child's condition meets the definition of 51080
"other health impaired" established in rules adopted by the state 51081
board of education prior to July 1, 2001, and if either of the 51082
following apply: 51083

(1) The child is identified as having a medical condition 51084

that is among those listed by the superintendent of public 51085
instruction as conditions where a substantial majority of cases 51086
fall within the definition of "medically fragile child." The 51087
superintendent of public instruction shall issue an initial list 51088
no later than September 1, 2001. 51089

(2) The child is determined by the superintendent of public 51090
instruction to be a medically fragile child. A school district 51091
superintendent may petition the superintendent of public 51092
instruction for a determination that a child is a medically 51093
fragile child. 51094

(U) A child may be identified as having an "other health 51095
impairment-minor" if the child's condition meets the definition of 51096
"other health impaired" established in rules adopted by the state 51097
board of education prior to July 1, 2001, but the child's 51098
condition does not meet either of the conditions specified in 51099
division (T)(1) or (2) of this section. 51100

(V) "State education aid" has the same meaning as in section 51101
5751.20 of the Revised Code. 51102

(W) "Property exemption value" means zero in fiscal year 51103
2006, and in fiscal year 2007 and each fiscal year thereafter, the 51104
amount certified for a school district under divisions (A)(6) and 51105
(7) of section 3317.021 of the Revised Code. 51106

(X) "Internet- or computer-based community school" has the 51107
same meaning as in section 3314.02 of the Revised Code. 51108

(Y) "State share percentage" has the same meaning as in 51109
section 3306.02 of the Revised Code. 51110

Sec. 3317.021. ~~(A)~~ The information certified under this 51111
section shall be used to calculate payments under this chapter and 51112
Chapter 3306. of the Revised Code. 51113

(A) On or before the first day of June of each year, the tax 51114

commissioner shall certify to the department of education and the 51115
office of budget and management the information described in 51116
divisions (A)(1) to ~~(8)~~(7) of this section for each city, exempted 51117
village, and local school district, and the information required 51118
by divisions (A)(1) and (2) of this section for each joint 51119
vocational school district, and it shall be used, along with the 51120
information certified under division (B) of this section, in 51121
making the computations for the district under ~~sections 3317.022,~~ 51122
~~3317.0216, and 3317.0217 or section 3317.16~~ this chapter and 51123
Chapter 3306. of the Revised Code. 51124

(1) The taxable value of real and public utility real 51125
property in the school district subject to taxation in the 51126
preceding tax year, by class and by county of location. 51127

(2) The taxable value of tangible personal property, 51128
including public utility personal property, subject to taxation by 51129
the district for the preceding tax year. 51130

(3)(a) The total property tax rate and total taxes charged 51131
and payable for the current expenses for the preceding tax year 51132
and the total property tax rate and the total taxes charged and 51133
payable to a joint vocational district for the preceding tax year 51134
that are limited to or to the extent apportioned to current 51135
expenses. 51136

(b) The portion of the amount of taxes charged and payable 51137
reported for each city, local, and exempted village school 51138
district under division (A)(3)(a) of this section attributable to 51139
a joint vocational school district. 51140

(4) ~~The~~ For fiscal years prior to fiscal year 2010, the value 51141
of all real and public utility real property in the school 51142
district exempted from taxation minus both of the following: 51143

(a) The value of real and public utility real property in the 51144
district owned by the United States government and used 51145

exclusively for a public purpose; 51146

(b) The value of real and public utility real property in the 51147
district exempted from taxation under Chapter 725. or 1728. or 51148
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 51149
5709.73, or 5709.78 of the Revised Code. 51150

The tax commissioner need not report information prescribed 51151
by division (A)(4) of this section for fiscal years after fiscal 51152
year 2009. 51153

(5) The total federal adjusted gross income of the residents 51154
of the school district, based on tax returns filed by the 51155
residents of the district, for the most recent year for which this 51156
information is available. 51157

(6) The sum of the school district compensation value as 51158
indicated on the list of exempted property for the preceding tax 51159
year under section 5713.08 of the Revised Code as if such property 51160
had been assessed for taxation that year and the other 51161
compensation value for the school district, minus the amounts 51162
described in divisions (A)(6)(c) to (i) of this section. The 51163
portion of school district compensation value or other 51164
compensation value attributable to an incentive district exemption 51165
may be subtracted only once even if that incentive district 51166
satisfies more than one of the criteria in divisions (A)(6)(c) to 51167
(i) of this section. 51168

(a) "School district compensation value" means the aggregate 51169
value of real property in the school district exempted from 51170
taxation pursuant to an ordinance or resolution adopted under 51171
division (C) of section 5709.40, division (C) of section 5709.73, 51172
or division (B) of section 5709.78 of the Revised Code to the 51173
extent that the exempted value results in the charging of payments 51174
in lieu of taxes required to be paid to the school district under 51175
division (D)(1) or (2) of section 5709.40, division (D) of section 51176

5709.73, or division (C) of section 5709.78 of the Revised Code. 51177

(b) "Other compensation value" means the quotient that 51178
results from dividing (i) the dollar value of compensation 51179
received by the school district during the preceding tax year 51180
pursuant to division (B), (C), or (D) of section 5709.82 of the 51181
Revised Code and the amounts received pursuant to an agreement as 51182
specified in division (D)(2) of section 5709.40, division (D) of 51183
section 5709.73, or division (C) of section 5709.78 of the Revised 51184
Code to the extent those amounts were not previously reported or 51185
included in division (A)(6)(a) of this section, and so that any 51186
such amount is reported only once under division (A)(6)(b) of this 51187
section, in relation to exemptions from taxation granted pursuant 51188
to an ordinance or resolution adopted under division (C) of 51189
section 5709.40, division (C) of section 5709.73, or division (B) 51190
of section 5709.78 of the Revised Code, by (ii) the real property 51191
tax rate in effect for the preceding tax year for 51192
nonresidential/agricultural real property after making the 51193
reductions required by section 319.301 of the Revised Code. 51194

(c) The portion of school district compensation value or 51195
other compensation value that was exempted from taxation pursuant 51196
to such an ordinance or resolution for the preceding tax year, if 51197
the ordinance or resolution is adopted prior to January 1, 2006, 51198
and the legislative authority or board of township trustees or 51199
county commissioners, prior to January 1, 2006, executes a 51200
contract or agreement with a developer, whether for-profit or 51201
not-for-profit, with respect to the development of a project 51202
undertaken or to be undertaken and identified in the ordinance or 51203
resolution, and upon which parcels such project is being, or will 51204
be, undertaken; 51205

(d) The portion of school district compensation value that 51206
was exempted from taxation for the preceding tax year and for 51207
which payments in lieu of taxes for the preceding tax year were 51208

provided to the school district under division (D)(1) of section 51209
5709.40 of the Revised Code. 51210

(e) The portion of school district compensation value that 51211
was exempted from taxation for the preceding tax year pursuant to 51212
such an ordinance or resolution, if and to the extent that, on or 51213
before April 1, 2006, the fiscal officer of the municipal 51214
corporation that adopted the ordinance, or of the township or 51215
county that adopted the resolution, certifies and provides 51216
appropriate supporting documentation to the tax commissioner and 51217
the director of development that, based on hold-harmless 51218
provisions in any agreement between the school district and the 51219
legislative authority of the municipal corporation, board of 51220
township trustees, or board of county commissioners that was 51221
entered into on or before June 1, 2005, the ability or obligation 51222
of the municipal corporation, township, or county to repay bonds, 51223
notes, or other financial obligations issued or entered into prior 51224
to January 1, 2006, will be impaired, including obligations to or 51225
of any other body corporate and politic with whom the legislative 51226
authority of the municipal corporation or board of township 51227
trustees or county commissioners has entered into an agreement 51228
pertaining to the use of service payments derived from the 51229
improvements exempted; 51230

(f) The portion of school district compensation value that 51231
was exempted from taxation for the preceding tax year pursuant to 51232
such an ordinance or resolution, if the ordinance or resolution is 51233
adopted prior to January 1, 2006, in a municipal corporation with 51234
a population that exceeds one hundred thousand, as shown by the 51235
most recent federal decennial census, that includes a major 51236
employment center and that is adjacent to historically distressed 51237
neighborhoods, if the legislative authority of the municipal 51238
corporation that exempted the property prepares an economic 51239
analysis that demonstrates that all taxes generated within the 51240

incentive district accruing to the state by reason of improvements 51241
constructed within the district during its existence exceed the 51242
amount the state pays the school district under section 3317.022 51243
of the Revised Code attributable to such property exemption from 51244
the school district's recognized valuation. The analysis shall be 51245
submitted to and approved by the department of development prior 51246
to January 1, 2006, and the department shall not unreasonably 51247
withhold approval. 51248

(g) The portion of school district compensation value that 51249
was exempted from taxation for the preceding tax year under such 51250
an ordinance or resolution, if the ordinance or resolution is 51251
adopted prior to January 1, 2006, and if service payments have 51252
been pledged to be used for mixed-use riverfront entertainment 51253
development in any county with a population that exceeds six 51254
hundred thousand, as shown by the most recent federal decennial 51255
census; 51256

(h) The portion of school district compensation value that 51257
was exempted from taxation for the preceding tax year under such 51258
an ordinance or resolution, if, prior to January 1, 2006, the 51259
legislative authority of a municipal corporation, board of 51260
township trustees, or board of county commissioners has pledged 51261
service payments for a designated transportation capacity project 51262
approved by the transportation review advisory council under 51263
Chapter 5512. of the Revised Code; 51264

(i) The portion of school district compensation value that 51265
was exempted from taxation for the preceding tax year under such 51266
an ordinance or resolution if the legislative authority of a 51267
municipal corporation, board of township trustees, or board of 51268
county commissioners have, by January 1, 2006, pledged proceeds 51269
for designated transportation improvement projects that involve 51270
federal funds for which the proceeds are used to meet a local 51271
share match requirement for such funding. 51272

As used in division (A)(6) of this section, "project" has the same meaning as in section 5709.40 of the Revised Code.

(7) The aggregate value of real property in the school district for which an exemption from taxation is granted by an ordinance or resolution adopted on or after January 1, 2006, under Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised Code, as indicated on the list of exempted property for the preceding tax year under section 5713.08 of the Revised Code and as if such property had been assessed for taxation that year, minus the product determined by multiplying (a) the aggregate value of the real property in the school district exempted from taxation for the preceding tax year under any of the chapters or sections specified in this division, by (b) a fraction, the numerator of which is the difference between (i) the amount of anticipated revenue such school district would have received for the preceding tax year if the real property exempted from taxation had not been exempted from taxation and (ii) the aggregate amount of payments in lieu of taxes on the exempt real property for the preceding tax year and other compensation received for the preceding tax year by the school district pursuant to any agreements entered into on or after January 1, 2006, under section 5709.82 of the Revised Code between the school district and the legislative authority of a political subdivision that acted under the authority of a chapter or statute specified in this division, that were entered into in relation to such exemption, and the denominator of which is the amount of anticipated revenue such school district would have received in the preceding fiscal year if the real property exempted from taxation had not been exempted.

~~(8) For each school district receiving payments under division (B) or (C) of section 3317.0216 of the Revised Code during the current fiscal year, as included on the most recent~~

~~list of such districts sent to the tax commissioner under division 51305
(F) of that section, the following: 51306~~

~~(a) The portion of the total amount of taxes charged and 51307
payable for current expenses certified under division (A)(3)(a) of 51308
this section that is attributable to each new levy approved and 51309
charged in the preceding tax year and the respective tax rate of 51310
each of those new levies: 51311~~

~~(b) The portion of the total taxes collected for current 51312
expenses under a school district income tax adopted pursuant to 51313
section 5748.03 or 5748.08 of the Revised Code, as certified under 51314
division (A)(2) of section 3317.08 of the Revised Code, that is 51315
attributable to each new school district income tax first 51316
effective in the current taxable year or in the preceding taxable 51317
year. 51318~~

(B) On or before the first day of May each year, the tax 51319
commissioner shall certify to the department of education and the 51320
office of budget and management the total taxable real property 51321
value of railroads and, separately, the total taxable tangible 51322
personal property value of all public utilities for the preceding 51323
tax year, by school district and by county of location. 51324

(C) If a public utility has properly and timely filed a 51325
petition for reassessment under section 5727.47 of the Revised 51326
Code with respect to an assessment issued under section 5727.23 of 51327
the Revised Code affecting taxable property apportioned by the tax 51328
commissioner to a school district, the taxable value of public 51329
utility tangible personal property included in the certification 51330
under divisions (A)(2) and (B) of this section for the school 51331
district shall include only the amount of taxable value on the 51332
basis of which the public utility paid tax for the preceding year 51333
as provided in division (B)(1) or (2) of section 5727.47 of the 51334
Revised Code. 51335

(D) If on the basis of the information certified under 51336
division (A) of this section, the department determines that any 51337
district fails in any year to meet the qualification requirement 51338
specified in division (A)(1) of section 3306.01 and division (A) 51339
of section 3317.01 of the Revised Code, the department shall 51340
immediately request the tax commissioner to determine the extent 51341
to which any school district income tax levied by the district 51342
under Chapter 5748. of the Revised Code shall be included in 51343
meeting that requirement. Within five days of receiving such a 51344
request from the department, the tax commissioner shall make the 51345
determination required by this division and report the quotient 51346
obtained under division (D)(3) of this section to the department 51347
and the office of budget and management. This quotient represents 51348
the number of mills that the department shall include in 51349
determining whether the district meets the qualification 51350
requirement of division (A)(1) of section 3306.01 and division (A) 51351
of section 3317.01 of the Revised Code. 51352

The tax commissioner shall make the determination required by 51353
this division as follows: 51354

(1) Multiply one mill times the total taxable value of the 51355
district as determined in divisions (A)(1) and (2) of this 51356
section; 51357

(2) Estimate the total amount of tax liability for the 51358
current tax year under taxes levied by Chapter 5748. of the 51359
Revised Code that are apportioned to current operating expenses of 51360
the district, excluding any income tax receipts allocated for the 51361
project cost, debt service, or maintenance set-aside associated 51362
with a state-assisted classroom facilities project as authorized 51363
by section 3318.052 of the Revised Code; 51364

(3) Divide the amount estimated under division (D)(2) of this 51365
section by the product obtained under division (D)(1) of this 51366
section. 51367

(E)(1) On or before June 1, 2006, and the first day of April 51368
of each year thereafter, the director of development shall report 51369
to the department of education, the tax commissioner, and the 51370
director of budget and management the total amounts of payments 51371
received by each city, local, exempted village, or joint 51372
vocational school district for the preceding tax year pursuant to 51373
division (D) of section 5709.40, division (D) of section 5709.73, 51374
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 51375
or (D) of section 5709.82 of the Revised Code in relation to 51376
exemptions from taxation granted pursuant to an ordinance adopted 51377
by the legislative authority of a municipal corporation under 51378
division (C) of section 5709.40 of the Revised Code, or a 51379
resolution adopted by a board of township trustees or board of 51380
county commissioners under division (C) of section 5709.73 or 51381
division (B) of section 5709.78 of the Revised Code, respectively. 51382
On or before April 1, 2006, and the first day of March of each 51383
year thereafter, the treasurer of each city, local, exempted 51384
village, or joint vocational school district that has entered into 51385
such an agreement shall report to the director of development the 51386
total amounts of such payments the district received for the 51387
preceding tax year as provided in this section. The state board of 51388
education, in accordance with sections 3319.31 and 3319.311 of the 51389
Revised Code, may suspend or revoke the license of a treasurer 51390
found to have willfully reported erroneous, inaccurate, or 51391
incomplete data under this division. 51392

(2) On or before April 1, 2007, and the first day of April of 51393
each year thereafter, the director of development shall report to 51394
the department of education, the tax commissioner, and the 51395
director of budget and management the total amounts of payments 51396
received by each city, local, exempted village, or joint 51397
vocational school district for the preceding tax year pursuant to 51398
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 51399
in relation to exemptions from taxation granted pursuant to 51400

ordinances or resolutions adopted on or after January 1, 2006, 51401
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 51402
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 51403
Revised Code. On or before March 1, 2007, and the first day of 51404
March of each year thereafter, the treasurer of each city, local, 51405
exempted village, or joint vocational school district that has 51406
entered into such an agreement shall report to the director of 51407
development the total amounts of such payments the district 51408
received for the preceding tax year as provided by this section. 51409
The state board of education, in accordance with sections 3319.31 51410
and 3319.311 of the Revised Code, may suspend or revoke the 51411
license of a treasurer found to have willfully reported erroneous, 51412
inaccurate, or incomplete data under this division. 51413

Sec. 3317.022. (A)(1) The department of education shall 51414
compute and distribute state base cost funding to each eligible 51415
school district for the fiscal year, using the information 51416
obtained under section 3317.021 of the Revised Code in the 51417
calendar year in which the fiscal year begins, according to the 51418
following formula: 51419

{[the formula amount X (formula ADM + 51420
preschool scholarship ADM)] + 51421
the sum of the base funding supplements 51422
prescribed in divisions (C)(1) to (4) 51423
of section 3317.012 of the Revised Code} - 51424
[.023 x (the sum of recognized valuation 51425
and property exemption value)] + 51426
the amounts calculated for the district under 51427
sections 3317.029 and 3317.0217 of the Revised Code 51428

If the difference obtained is a negative number, the 51429
district's computation shall be zero. 51430

(2)(a) For each school district for which the tax exempt 51431

value of the district equals or exceeds twenty-five per cent of 51432
the potential value of the district, the department of education 51433
shall calculate the difference between the district's tax exempt 51434
value and twenty-five per cent of the district's potential value. 51435

(b) For each school district to which division (A)(2)(a) of 51436
this section applies, the department shall adjust the recognized 51437
valuation used in the calculation under division (A)(1) of this 51438
section by subtracting from it the amount calculated under 51439
division (A)(2)(a) of this section. 51440

(B) As used in this section: 51441

(1) The "total special education weight" for a district means 51442
the sum of the following amounts: 51443

(a) The district's category one special education ADM 51444
multiplied by the multiple specified in division (A) of section 51445
3317.013 of the Revised Code; 51446

(b) The district's category two special education ADM 51447
multiplied by the multiple specified in division (B) of section 51448
3317.013 of the Revised Code; 51449

(c) The district's category three special education ADM 51450
multiplied by the multiple specified in division (C) of section 51451
3317.013 of the Revised Code; 51452

(d) The district's category four special education ADM 51453
multiplied by the multiple specified in division (D) of section 51454
3317.013 of the Revised Code; 51455

(e) The district's category five special education ADM 51456
multiplied by the multiple specified in division (E) of section 51457
3317.013 of the Revised Code; 51458

(f) The district's category six special education ADM 51459
multiplied by the multiple specified in division (F) of section 51460
3317.013 of the Revised Code. 51461

~~(2) "State share percentage" means the percentage calculated for a district as follows:~~ 51462
51463

~~(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.~~ 51464
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~~(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:~~ 51469
51470
51471

~~(the formula amount X formula ADM) +~~ 51472
~~the sum of the base funding supplements~~ 51473
~~prescribed in divisions (C)(1) to (4)~~ 51474
~~of section 3317.012 of the Revised Code +~~ 51475
~~the sum of the amounts calculated for the district under~~ 51476
~~sections 3317.029 and 3317.0217 of the Revised Code~~ 51477

~~The resultant number is the district's state share percentage.~~ 51478
51479

~~(3) "Related services" includes:~~ 51480

~~(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;~~ 51481
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51489

~~(b) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;~~ 51490
51491
51492

(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	51493 51494 51495
(d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	51496 51497
(e) Any other related service needed by children with disabilities in accordance with their individualized education programs.	51498 51499 51500
(4) (3) The "total vocational education weight" for a district means the sum of the following amounts:	51501 51502
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	51503 51504 51505
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	51506 51507 51508
(5) (4) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	51509 51510 51511
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	51512 51513 51514 51515
The district's state share percentage X	51516
the formula amount for the year for which	51517
the aid is calculated X the district's	51518
total special education weight	51519
(2) The attributed local share of special education and related services additional weighted costs equals:	51520 51521
(1 - the district's state share percentage) X the district's	51522

total special education weight X the formula amount 51523

(3)(a) The department shall compute and pay in accordance 51524
with this division additional state aid to school districts for 51525
students in categories two through six special education ADM. If a 51526
district's costs for the fiscal year for a student in its 51527
categories two through six special education ADM exceed the 51528
threshold catastrophic cost for serving the student, the district 51529
may submit to the superintendent of public instruction 51530
documentation, as prescribed by the superintendent, of all its 51531
costs for that student. Upon submission of documentation for a 51532
student of the type and in the manner prescribed, the department 51533
shall pay to the district an amount equal to the sum of the 51534
following: 51535

(i) One-half of the district's costs for the student in 51536
excess of the threshold catastrophic cost; 51537

(ii) The product of one-half of the district's costs for the 51538
student in excess of the threshold catastrophic cost multiplied by 51539
the district's state share percentage. 51540

(b) For purposes of division (C)(3)(a) of this section, the 51541
threshold catastrophic cost for serving a student equals: 51542

(i) For a student in the school district's category two, 51543
three, four, or five special education ADM, twenty-seven thousand 51544
three hundred seventy-five dollars ~~in fiscal years 2008 and 2009;~~ 51545

(ii) For a student in the district's category six special 51546
education ADM, thirty-two thousand eight hundred fifty dollars ~~in~~ 51547
~~fiscal years 2008 and 2009.~~ 51548

(c) The district shall only report under division (C)(3)(a) 51549
of this section, and the department shall only pay for, the costs 51550
of educational expenses and the related services provided to the 51551
student in accordance with the student's individualized education 51552
program. Any legal fees, court costs, or other costs associated 51553

with any cause of action relating to the student may not be 51554
included in the amount. 51555

(4)(a) As used in this division, the "personnel allowance" 51556
means thirty thousand dollars in fiscal years 2008 and 2009. 51557

(b) For the provision of speech language pathology services 51558
to students, including students who do not have individualized 51559
education programs prepared for them under Chapter 3323. of the 51560
Revised Code, and for no other purpose, the department of 51561
education shall pay each school district an amount calculated 51562
under the following formula: 51563

(formula ADM divided by 2000) X 51564

the personnel allowance X 51565

the state share percentage 51566

(5) In any fiscal year, a school district shall spend for 51567
purposes that the department designates as approved for special 51568
education and related services expenses at least the amount 51569
calculated as follows: 51570

(formula amount X the sum of categories 51571

one through six special education ADM) + 51572

(total special education weight X formula amount) 51573

The purposes approved by the department for special education 51574
expenses shall include, but shall not be limited to, 51575
identification of children with disabilities, compliance with 51576
state rules governing the education of children with disabilities 51577
and prescribing the continuum of program options for children with 51578
disabilities, provision of speech language pathology services, and 51579
the portion of the school district's overall administrative and 51580
overhead costs that are attributable to the district's special 51581
education student population. 51582

The scholarships deducted from the school district's account 51583
under section 3310.41 of the Revised Code shall be considered to 51584

be an approved special education and related services expense for 51585
the purpose of the school district's compliance with division 51586
(C)(5) of this section. 51587

The department shall require school districts to report data 51588
annually to allow for monitoring compliance with division (C)(5) 51589
of this section. The department shall annually report to the 51590
governor and the general assembly the amount of money spent by 51591
each school district for special education and related services. 51592

(6) In any fiscal year, a school district shall spend for the 51593
provision of speech language pathology services not less than the 51594
sum of the amount calculated under division (C)(1) of this section 51595
for the students in the district's category one special education 51596
ADM and the amount calculated under division (C)(4) of this 51597
section. 51598

(D)(1) As used in this division: 51599

(a) "Daily bus miles per student" equals the number of bus 51600
miles traveled per day, divided by transportation base. 51601

(b) "Transportation base" equals total student count as 51602
defined in section 3301.011 of the Revised Code, minus the number 51603
of students enrolled in units for preschool children with 51604
disabilities, plus the number of nonpublic school students 51605
included in transportation ADM. 51606

(c) "Transported student percentage" equals transportation 51607
ADM divided by transportation base. 51608

(d) "Transportation cost per student" equals total operating 51609
costs for board-owned or contractor-operated school buses divided 51610
by transportation base. 51611

(2) Analysis of student transportation cost data has resulted 51612
in a finding that an average efficient transportation use cost per 51613
student can be calculated by means of a regression formula that 51614

has as its two independent variables the number of daily bus miles 51615
per student and the transported student percentage. For fiscal 51616
year 1998 transportation cost data, the average efficient 51617
transportation use cost per student is expressed as follows: 51618
$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 51619$$
$$(116.25573 \times \text{transported student percentage}) 51620$$

The department of education shall annually determine the 51621
average efficient transportation use cost per student in 51622
accordance with the principles stated in division (D)(2) of this 51623
section, updating the intercept and regression coefficients of the 51624
regression formula modeled in this division, based on an annual 51625
statewide analysis of each school district's daily bus miles per 51626
student, transported student percentage, and transportation cost 51627
per student data. The department shall conduct the annual update 51628
using data, including daily bus miles per student, transported 51629
student percentage, and transportation cost per student data, from 51630
the prior fiscal year. The department shall notify the office of 51631
budget and management of such update by the fifteenth day of 51632
February of each year. 51633

(3) In addition to funds paid under divisions (A), (C), and 51634
(E) of this section, each district with a transported student 51635
percentage greater than zero shall receive a payment equal to a 51636
percentage of the product of the district's transportation base 51637
from the prior fiscal year times the annually updated average 51638
efficient transportation use cost per student, times an inflation 51639
factor of two and eight-tenths per cent to account for the 51640
one-year difference between the data used in updating the formula 51641
and calculating the payment and the year in which the payment is 51642
made. The percentage shall be the following percentage of that 51643
product specified for the corresponding fiscal year: 51644

FISCAL YEAR	PERCENTAGE	
2000	52.5%	51645 51646

2001	55%	51647
2002	57.5%	51648
2003 and thereafter	The greater of 60% or the district's state share percentage	51649

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

$$\begin{aligned} & (\text{per rough mile subsidy} \times \text{total rough road miles}) \\ & \quad \times \text{density multiplier} \end{aligned}$$

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of

the mileage of state, municipal, county, and township roads that 51675
is rated by the department of transportation as type A, B, C, E2, 51676
or F in the county in which the school district is located or, if 51677
the district is located in more than one county, the county to 51678
which it is assigned for purposes of determining its 51679
cost-of-doing-business factor. 51680

(iii) "Statewide rough road percentage" means the percentage 51681
of the statewide total mileage of state, municipal, county, and 51682
township roads that is rated as type A, B, C, E2, or F by the 51683
department of transportation. 51684

(b) "Total rough road miles" means a school district's total 51685
bus miles traveled in one year times its county rough road 51686
percentage. 51687

(c) "Density multiplier" means a figure calculated in 51688
accordance with the following formula: 51689

$$1 - \left[\frac{\text{minimum student density} - \text{district student}}{\text{minimum student density} - \text{statewide student density}} \right]$$

51690
51691
51692

(i) "Minimum student density" means the lowest district 51693
student density in the state. 51694

(ii) "District student density" means a school district's 51695
transportation base divided by the number of square miles in the 51696
district. 51697

(iii) "Statewide student density" means the sum of the 51698
transportation bases for all school districts divided by the sum 51699
of the square miles in all school districts. 51700

(6) In addition to funds paid under divisions (D)(2) to (5) 51701
of this section, each district shall receive in accordance with 51702
rules adopted by the state board of education a payment for 51703
students transported by means other than board-owned or 51704
contractor-operated buses and whose transportation is not funded 51705

under division (G) of section 3317.024 of the Revised Code. The 51706
rules shall include provisions for school district reporting of 51707
such students. 51708

(E)(1) The department shall compute and distribute state 51709
vocational education additional weighted costs funds to each 51710
school district in accordance with the following formula: 51711

state share percentage X 51712
the formula amount X 51713
total vocational education weight 51714

In any fiscal year, a school district receiving funds under 51715
division (E)(1) of this section shall spend those funds only for 51716
the purposes that the department designates as approved for 51717
vocational education expenses. Vocational educational expenses 51718
approved by the department shall include only expenses connected 51719
to the delivery of career-technical programming to 51720
career-technical students. The department shall require the school 51721
district to report data annually so that the department may 51722
monitor the district's compliance with the requirements regarding 51723
the manner in which funding received under division (E)(1) of this 51724
section may be spent. 51725

(2) The department shall compute for each school district 51726
state funds for vocational education associated services in 51727
accordance with the following formula: 51728

state share percentage X .05 X the formula amount X 51729
the sum of categories one and two vocational education ADM 51730

In any fiscal year, a school district receiving funds under 51731
division (E)(2) of this section, or through a transfer of funds 51732
pursuant to division (L) of section 3317.023 of the Revised Code, 51733
shall spend those funds only for the purposes that the department 51734
designates as approved for vocational education associated 51735
services expenses, which may include such purposes as 51736
apprenticeship coordinators, coordinators for other vocational 51737

education services, vocational evaluation, and other purposes 51738
designated by the department. The department may deny payment 51739
under division (E)(2) of this section to any district that the 51740
department determines is not operating those services or is using 51741
funds paid under division (E)(2) of this section, or through a 51742
transfer of funds pursuant to division (L) of section 3317.023 of 51743
the Revised Code, for other purposes. 51744

(F) The actual local share in any fiscal year for the 51745
combination of special education and related services additional 51746
weighted costs funding calculated under division (C)(1) of this 51747
section, transportation funding calculated under divisions (D)(2) 51748
and (3) of this section, and vocational education and associated 51749
services additional weighted costs funding calculated under 51750
divisions (E)(1) and (2) of this section shall not exceed for any 51751
school district the product of three and three-tenths mills times 51752
the district's recognized valuation. The department annually shall 51753
pay each school district as an excess cost supplement any amount 51754
by which the sum of the district's attributed local shares for 51755
that funding exceeds that product. For purposes of calculating the 51756
excess cost supplement: 51757

(1) The attributed local share for special education and 51758
related services additional weighted costs funding is the amount 51759
specified in division (C)(2) of this section. 51760

(2) The attributed local share of transportation funding 51761
equals the difference of the total amount calculated for the 51762
district using the formula developed under division (D)(2) of this 51763
section minus the actual amount paid to the district after 51764
applying the percentage specified in division (D)(3) of this 51765
section. 51766

(3) The attributed local share of vocational education and 51767
associated services additional weighted costs funding is the 51768
amount determined as follows: 51769

(1 - state share percentage) X 51770
[(total vocational education weight X 51771
the formula amount) + the payment under 51772
division (E)(2) of this section] 51773

Sec. 3317.023. (A) ~~Notwithstanding section 3317.022 of the~~ 51774
~~Revised Code, the~~ The amounts required to be paid to a district 51775
under this chapter and Chapter 3306. of the Revised Code shall be 51776
adjusted by the amount of the computations made under divisions 51777
(B) to (N) of this section. The department of education shall not 51778
make payments or adjustments under divisions (B), (C), and (D) of 51779
this section for any fiscal year after fiscal year 2009. 51780

As used in this section: 51781

(1) "Classroom teacher" means a licensed employee who 51782
provides direct instruction to pupils, excluding teachers funded 51783
from money paid to the district from federal sources; educational 51784
service personnel; and vocational and special education teachers. 51785

(2) "Educational service personnel" shall not include such 51786
specialists funded from money paid to the district from federal 51787
sources or assigned full-time to vocational or special education 51788
students and classes and may only include those persons employed 51789
in the eight specialist areas in a pattern approved by the 51790
department of education under guidelines established by the state 51791
board of education. 51792

(3) "Annual salary" means the annual base salary stated in 51793
the state minimum salary schedule for the performance of the 51794
teacher's regular teaching duties that the teacher earns for 51795
services rendered for the first full week of October of the fiscal 51796
year for which the adjustment is made under division (C) of this 51797
section. It shall not include any salary payments for supplemental 51798
teachers contracts. 51799

(4) "Regular student population" means the formula ADM plus 51800

the number of students reported as enrolled in the district 51801
pursuant to division (A)(1) of section 3313.981 of the Revised 51802
Code; minus the number of students reported under division (A)(2) 51803
of section 3317.03 of the Revised Code; minus the FTE of students 51804
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 51805
of that section who are enrolled in a vocational education class 51806
or receiving special education; and minus twenty per cent of the 51807
students enrolled concurrently in a joint vocational school 51808
district. 51809

~~(5) "State share percentage" has the same meaning as in 51810
section 3317.022 of the Revised Code. 51811~~

~~(6) "VEPD" means a school district or group of school 51812
districts designated by the department of education as being 51813
responsible for the planning for and provision of vocational 51814
education services to students within the district or group. 51815~~

~~(7)(6) "Lead district" means a school district, including a 51816
joint vocational school district, designated by the department as 51817
a VEPD, or designated to provide primary vocational education 51818
leadership within a VEPD composed of a group of districts. 51819~~

(B) If the district employs less than one full-time 51820
equivalent classroom teacher for each twenty-five pupils in the 51821
regular student population in any school district, deduct the sum 51822
of the amounts obtained from the following computations: 51823

(1) Divide the number of the district's full-time equivalent 51824
classroom teachers employed by one twenty-fifth; 51825

(2) Subtract the quotient in (1) from the district's regular 51826
student population; 51827

(3) Multiply the difference in (2) by seven hundred fifty-two 51828
dollars. 51829

(C) If a positive amount, add one-half of the amount obtained 51830

by multiplying the number of full-time equivalent classroom 51831
teachers by: 51832

(1) The mean annual salary of all full-time equivalent 51833
classroom teachers employed by the district at their respective 51834
training and experience levels minus; 51835

(2) The mean annual salary of all such teachers at their 51836
respective levels in all school districts receiving payments under 51837
this section. 51838

The number of full-time equivalent classroom teachers used in 51839
this computation shall not exceed one twenty-fifth of the 51840
district's regular student population. In calculating the 51841
district's mean salary under this division, those full-time 51842
equivalent classroom teachers with the highest training level 51843
shall be counted first, those with the next highest training level 51844
second, and so on, in descending order. Within the respective 51845
training levels, teachers with the highest years of service shall 51846
be counted first, the next highest years of service second, and so 51847
on, in descending order. 51848

(D) This division does not apply to a school district that 51849
has entered into an agreement under division (A) of section 51850
3313.42 of the Revised Code. Deduct the amount obtained from the 51851
following computations if the district employs fewer than five 51852
full-time equivalent educational service personnel, including 51853
elementary school art, music, and physical education teachers, 51854
counselors, librarians, visiting teachers, school social workers, 51855
and school nurses for each one thousand pupils in the regular 51856
student population: 51857

(1) Divide the number of full-time equivalent educational 51858
service personnel employed by the district by five 51859
one-thousandths; 51860

(2) Subtract the quotient in (1) from the district's regular 51861

student population; 51862

(3) Multiply the difference in (2) by ninety-four dollars. 51863

(E) If a local school district, or a city or exempted village 51864
school district to which a governing board of an educational 51865
service center provides services pursuant to section 3313.843 of 51866
the Revised Code, deduct the amount of the payment required for 51867
the reimbursement of the governing board under section 3317.11 of 51868
the Revised Code. 51869

(F)(1) If the district is required to pay to or entitled to 51870
receive tuition from another school district under division (C)(2) 51871
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 51872
or if the superintendent of public instruction is required to 51873
determine the correct amount of tuition and make a deduction or 51874
credit under section 3317.08 of the Revised Code, deduct and 51875
credit such amounts as provided in division (J) of section 3313.64 51876
or section 3317.08 of the Revised Code. 51877

(2) For each child for whom the district is responsible for 51878
tuition or payment under division (A)(1) of section 3317.082 or 51879
section 3323.091 of the Revised Code, deduct the amount of tuition 51880
or payment for which the district is responsible. 51881

(G) If the district has been certified by the superintendent 51882
of public instruction under section 3313.90 of the Revised Code as 51883
not in compliance with the requirements of that section, deduct an 51884
amount equal to ten per cent of the amount computed for the 51885
district under ~~section 3317.022~~ Chapter 3306. of the Revised Code. 51886

(H) If the district has received a loan from a commercial 51887
lending institution for which payments are made by the 51888
superintendent of public instruction pursuant to division (E)(3) 51889
of section 3313.483 of the Revised Code, deduct an amount equal to 51890
such payments. 51891

(I)(1) If the district is a party to an agreement entered 51892

into under division (D), (E), or (F) of section 3311.06 or 51893
division (B) of section 3311.24 of the Revised Code and is 51894
obligated to make payments to another district under such an 51895
agreement, deduct an amount equal to such payments if the district 51896
school board notifies the department in writing that it wishes to 51897
have such payments deducted. 51898

(2) If the district is entitled to receive payments from 51899
another district that has notified the department to deduct such 51900
payments under division (I)(1) of this section, add the amount of 51901
such payments. 51902

(J) If the district is required to pay an amount of funds to 51903
a cooperative education district pursuant to a provision described 51904
by division (B)(4) of section 3311.52 or division (B)(8) of 51905
section 3311.521 of the Revised Code, deduct such amounts as 51906
provided under that provision and credit those amounts to the 51907
cooperative education district for payment to the district under 51908
division (B)(1) of section 3317.19 of the Revised Code. 51909

(K)(1) If a district is educating a student entitled to 51910
attend school in another district pursuant to a shared education 51911
contract, compact, or cooperative education agreement other than 51912
an agreement entered into pursuant to section 3313.842 of the 51913
Revised Code, credit to that educating district on an FTE basis 51914
both of the following: 51915

(a) An amount equal to the ~~sum of the~~ formula amount ~~plus the~~ 51916
~~per pupil amount of the base funding supplements specified in~~ 51917
~~divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 51918

(b) An amount equal to the current formula amount times the 51919
state share percentage times any multiple applicable to the 51920
student pursuant to section ~~3317.013 or 3317.014~~ 3306.11 of the 51921
Revised Code. 51922

(2) Deduct any amount credited pursuant to division (K)(1) of 51923

this section from amounts paid to the school district in which the 51924
student is entitled to attend school pursuant to section 3313.64 51925
or 3313.65 of the Revised Code. 51926

(3) If the district is required by a shared education 51927
contract, compact, or cooperative education agreement to make 51928
payments to an educational service center, deduct the amounts from 51929
payments to the district and add them to the amounts paid to the 51930
service center pursuant to section 3317.11 of the Revised Code. 51931

(L)(1) If a district, including a joint vocational school 51932
district, is a lead district of a VEPD, credit to that district 51933
the amounts calculated for all the school districts within that 51934
VEPD pursuant to division (E)(2) of section 3317.022 of the 51935
Revised Code. 51936

(2) Deduct from each appropriate district that is not a lead 51937
district, the amount attributable to that district that is 51938
credited to a lead district under division (L)(1) of this section. 51939

(M) If the department pays a joint vocational school district 51940
under division (G)(4) of section 3317.16 of the Revised Code for 51941
excess costs of providing special education and related services 51942
to a student with a disability, as calculated under division 51943
(G)(2) of that section, the department shall deduct the amount of 51944
that payment from the city, local, or exempted village school 51945
district that is responsible as specified in that section for the 51946
excess costs. 51947

(N)(1) If the district reports an amount of excess cost for 51948
special education services for a child under division (C) of 51949
section 3323.14 of the Revised Code, the department shall pay that 51950
amount to the district. 51951

(2) If the district reports an amount of excess cost for 51952
special education services for a child under division (C) of 51953
section 3323.14 of the Revised Code, the department shall deduct 51954

that amount from the district of residence of that child. 51955

~~Sec. 3317.024. In addition to the moneys paid to eligible 51956
school districts pursuant to section 3317.022 of the Revised Code, 51957
moneys appropriated for the education programs in divisions (A) to 51958
(I), (K), (L), and (N) of this section shall be distributed to 51959
school districts meeting the requirements of section 3317.01 of 51960
the Revised Code; in the case of divisions (G) and (L) of this 51961
section, to educational service centers as provided in section 51962
3317.11 of the Revised Code; in the case of divisions (D) and (J) 51963
of this section, to county MR/DD boards; in the case of division 51964
(N) of this section, to joint vocational school districts; in the 51965
case of division (H) of this section, to cooperative education 51966
school districts; and in the case of division (M) of this section, 51967
to the institutions defined under section 3317.082 of the Revised 51968
Code providing elementary or secondary education programs to 51969
children other than children receiving special education under 51970
section 3323.091 of the Revised Code. The following shall be 51971
distributed monthly, quarterly, or annually as may be determined 51972
by the state board of education, except that the department of 51973
education shall not make payments under divisions (F), (L), and
(N) of this section for any fiscal year after fiscal year 2009: 51975~~

(A) An amount for each island school district and each joint 51976
state school district for the operation of each high school and 51977
each elementary school maintained within such district and for 51978
capital improvements for such schools. Such amounts shall be 51979
determined on the basis of standards adopted by the state board of 51980
education. 51981

(B) An amount for each school district operating classes for 51982
children of migrant workers who are unable to be in attendance in 51983
an Ohio school during the entire regular school year. The amounts 51984
shall be determined on the basis of standards adopted by the state 51985

board of education, except that payment shall be made only for 51986
subjects regularly offered by the school district providing the 51987
classes. 51988

(C) An amount for each school district with guidance, 51989
testing, and counseling programs approved by the state board of 51990
education. The amount shall be determined on the basis of 51991
standards adopted by the state board of education. 51992

(D) An amount for the emergency purchase of school buses as 51993
provided for in section 3317.07 of the Revised Code; 51994

(E) An amount for each school district required to pay 51995
tuition for a child in an institution maintained by the department 51996
of youth services pursuant to section 3317.082 of the Revised 51997
Code, provided the child was not included in the calculation of 51998
the district's average daily membership for the preceding school 51999
year. 52000

(F) An amount for adult basic literacy education for each 52001
district participating in programs approved by the state board of 52002
education. The amount shall be determined on the basis of 52003
standards adopted by the state board of education. 52004

(G) An amount for the approved cost of transporting eligible 52005
pupils with disabilities attending a special education program 52006
approved by the department of education whom it is impossible or 52007
impractical to transport by regular school bus in the course of 52008
regular route transportation provided by the district or service 52009
center. No district or service center is eligible to receive a 52010
payment under this division for the cost of transporting any pupil 52011
whom it transports by regular school bus and who is included in 52012
the district's transportation ADM. The state board of education 52013
shall establish standards and guidelines for use by the department 52014
of education in determining the approved cost of such 52015
transportation for each district or service center. 52016

(H) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation. The amounts shall be determined on the basis of rules adopted by the state board of education.

(I) An amount to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district. The amount shall equal the amount appropriated for the implementation of section 3317.06 of the Revised Code divided by the average daily membership in grades kindergarten through twelve in nonpublic elementary and high schools within the state as determined during the first full week in October of each school year.

(J) An amount for each county MR/DD board, distributed on the basis of standards adopted by the state board of education, for the approved cost of transportation required for children attending special education programs operated by the county MR/DD board under section 3323.09 of the Revised Code;

(K) An amount for each school district that establishes a mentor teacher program that complies with rules of the state board of education. No school district shall be required to establish or maintain such a program in any year unless sufficient funds are appropriated to cover the district's total costs for the program.

(L) An amount to each school district or educational service center for the total number of gifted units approved pursuant to section 3317.05 of the Revised Code. The amount for each such unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior

to July 1, 2001, plus fifteen per cent of that minimum salary 52049
amount, plus two thousand six hundred seventy-eight dollars. 52050

(M) An amount to each institution defined under section 52051
3317.082 of the Revised Code providing elementary or secondary 52052
education to children other than children receiving special 52053
education under section 3323.091 of the Revised Code. This amount 52054
for any institution in any fiscal year shall equal the total of 52055
all tuition amounts required to be paid to the institution under 52056
division (A)(1) of section 3317.082 of the Revised Code. 52057

(N) A grant to each school district and joint vocational 52058
school district that operates a "graduation, reality, and 52059
dual-role skills" (GRADS) program for pregnant and parenting 52060
students that is approved by the department. The amount of the 52061
payment shall be the district's state share percentage, as defined 52062
in section 3317.022 or 3317.16 of the Revised Code, times the 52063
GRADS personnel allowance times the full-time-equivalent number of 52064
GRADS teachers approved by the department. The GRADS personnel 52065
allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 52066
program shall include instruction on adoption as an option for 52067
unintended pregnancies. 52068

The state board of education or any other board of education 52069
or governing board may provide for any resident of a district or 52070
educational service center territory any educational service for 52071
which funds are made available to the board by the United States 52072
under the authority of public law, whether such funds come 52073
directly or indirectly from the United States or any agency or 52074
department thereof or through the state or any agency, department, 52075
or political subdivision thereof. 52076

Sec. 3317.025. On or before the first day of June of each 52077
year, the tax commissioner shall certify the following information 52078
to the department of education and the office of budget and 52079

management, for each school district in which the value of the 52080
property described under division (A) of this section exceeds one 52081
per cent of the taxable value of all real and tangible personal 52082
property in the district or in which is located tangible personal 52083
property designed for use or used in strip mining operations, 52084
whose taxable value exceeds five million dollars, and the taxes 52085
upon which the district is precluded from collecting by virtue of 52086
legal proceedings to determine the value of such property: 52087

(A) The total taxable value of all property in the district 52088
owned by a public utility or railroad that has filed a petition 52089
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 52090
(1898), 11 U.S.C. 205, as amended, and all tangible personal 52091
property in the district designed for use or used in strip mining 52092
operations whose taxable value exceeds five million dollars upon 52093
which have not been paid in full on or before the first day of 52094
April of that calendar year all real and tangible personal 52095
property taxes levied for the preceding calendar year and which 52096
the district was precluded from collecting by virtue of 52097
proceedings under section 205 of said act or by virtue of legal 52098
proceedings to determine the tax liability of such strip mining 52099
equipment; 52100

(B) The percentage of the total operating taxes charged and 52101
payable for school district purposes levied against such valuation 52102
for the preceding calendar year that have not been paid by such 52103
date; 52104

(C) The product obtained by multiplying the value certified 52105
under division (A) of this section by the percentage certified 52106
under division (B) of this section. If the value certified under 52107
division (A) of this section includes taxable property owned by a 52108
public utility or railroad that has filed a petition for 52109
reorganization under the bankruptcy act, the amount used in making 52110
the calculation under this division shall be reduced by one per 52111

cent of the total value of all real and tangible personal property 52112
in the district or the value of the utility's or railroad's 52113
property, whichever is less. 52114

Upon receipt of the certification, the department shall 52115
recompute the payments required under ~~section 3317.022~~ Chapter 52116
3306. of the Revised Code in the manner the payments would have 52117
been computed if: 52118

(1) The amount certified under division (C) of this section 52119
was not subject to taxation by the district and was not included 52120
in the certification made under division (A)(1), (A)(2), or (D) of 52121
section 3317.021 of the Revised Code. 52122

(2) The amount of taxes charged and payable and unpaid and 52123
used to make the computation under division (B) of this section 52124
had not been levied and had not been used in the computation 52125
required by division (B) of section 3317.021 of the Revised Code. 52126
The department shall pay the district that amount in the ensuing 52127
fiscal year in lieu of the amounts computed under ~~section 3317.022~~ 52128
Chapter 3306. of the Revised Code. 52129

If a school district received a grant from the catastrophic 52130
expenditures account pursuant to division (C) of section 3316.20 52131
of the Revised Code on the basis of the same circumstances for 52132
which a recomputation is made under this section, the amount of 52133
the recomputation shall be reduced and transferred in accordance 52134
with division (C) of section 3316.20 of the Revised Code. 52135

Sec. 3317.0210. (A) As used in this section: 52136

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 52137
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 52138

(2) "Chapter 11 corporation" means a corporation, company, or 52139
other business organization that has filed a petition for 52140
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 52141

Stat. 2626, 11 U.S.C. 1101, as amended. 52142

(3) "Uncollectable taxes" means property taxes payable in a 52143
calendar year by a Chapter 11 corporation on its property that a 52144
school district is precluded from collecting by virtue of 52145
proceedings under the Bankruptcy Reform Act. 52146

(4) "Basic state aid" means the state aid calculated for a 52147
school district under ~~section 3317.022~~ Chapter 3306. of the 52148
Revised Code. 52149

(5) "Effective value" means the amount obtained by 52150
multiplying the total taxable value certified in a calendar year 52151
under section 3317.021 of the Revised Code by a fraction, the 52152
numerator of which is the total taxes charged and payable in that 52153
calendar year exclusive of the uncollectable taxes payable in that 52154
year, and the denominator of which is the total taxes charged and 52155
payable in that year. 52156

(6) "Total taxes charged and payable" has the same meaning 52157
given "taxes charged and payable" in section 3317.02 of the 52158
Revised Code. 52159

(B)(1) Between the first day of January and the first day of 52160
February of any year, a school district shall notify the 52161
department of education if it has uncollectable taxes payable in 52162
the preceding calendar year from one Chapter 11 corporation. 52163

(2) The department shall verify whether the district has such 52164
uncollectable taxes from such a corporation, and if the district 52165
does, shall immediately request the tax commissioner to certify 52166
the district's total taxes charged and payable in the preceding 52167
calendar year, and the tax commissioner shall certify that 52168
information to the department within thirty days after receiving 52169
the request. For the purposes of this section, taxes are payable 52170
in the calendar year that includes the day prescribed by law for 52171
their payment, including any lawful extension thereof. 52172

(C) Upon receiving the certification from the tax commissioner, the department shall determine whether the amount of uncollectable taxes from the corporation equals at least one per cent of the total taxes charged and payable as certified by the tax commissioner. If it does, the department shall compute the district's effective value and shall recompute the basic state aid payable to the district for the current fiscal year using the effective value in lieu of the total taxable value used to compute the basic state aid for the current fiscal year. The difference between the basic state aid amount originally computed for the district for the current fiscal year and the recomputed amount shall be paid to the district from the lottery profits education fund before the end of the current fiscal year.

(D) Except as provided in division (E) of this section, amounts received by a school district under division (C) of this section shall be repaid to the department of education in any future year to the extent the district receives payments of uncollectable taxes in such future year. The district shall notify the department of any amount owed under this division.

(E) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this section, the amount of the recomputation shall be reduced and transferred in accordance with division (C) of section 3316.20 of the Revised Code.

Sec. 3317.0211. (A) As used in this section:

(1) "Port authority" means any port authority as defined in section 4582.01 or 4582.21 of the Revised Code.

(2) "Real property" includes public utility real property and "personal property" includes public utility personal property.

(3) "Uncollected taxes" means property taxes charged and payable against the property of a port authority for a tax year that a school district has not collected.

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(4) "Basic state aid" means the state aid calculated for a school district under ~~section 3317.022~~ Chapter 3306. of the Revised Code.

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(5) "Effective value" means the sum of the effective residential/agricultural real property value, the effective nonresidential/agricultural real property value, and the effective personal value.

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(6) "Effective residential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of residential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the residential/agricultural real property subject to taxation in the district, exclusive of the uncollected taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the residential/agricultural real property subject to taxation in the district.

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(7) "Effective nonresidential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of nonresidential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district, exclusive of the uncollected taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district.

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(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollected taxes for that year on that property, and the denominator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district.

(9) "Nonresidential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district for that year under division (B)(2)(a) of this section, and "residential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district under division (B)(2)(b) of this section.

(10) "Taxes charged and payable against real property" means the taxes charged and payable against that property after making the reduction required by section 319.301 of the Revised Code.

(11) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the Revised Code.

(B)(1) By the first day of August of any calendar year, a school district shall notify the department of education if it has any uncollected taxes from one port authority for the second preceding tax year whose taxes charged and payable represent at least one-half of one per cent of the district's total taxes charged and payable for that tax year.

(2) The department shall verify whether the district has such uncollected taxes by the first day of September, and if the district does, shall immediately request the county auditor of each county in which the school district has territory to certify

the following information concerning the district's property 52267
values and taxes for the second preceding tax year, and each such 52268
auditor shall certify that information to the department within 52269
thirty days of receiving the request: 52270

(a) The value of the property subject to taxation in the 52271
district that was classified as nonresidential/agricultural real 52272
property pursuant to section 5713.041 of the Revised Code, and the 52273
taxes charged and payable on that property; and 52274

(b) The value of the property subject to taxation in the 52275
district that was classified as residential/agricultural real 52276
property under section 5713.041 of the Revised Code. 52277

(C) By the fifteenth day of November, the department shall 52278
compute the district's effective nonresidential/agricultural real 52279
property value, effective residential/agricultural real property 52280
value, effective personal value, and effective value, and shall 52281
determine whether the school district's effective value for the 52282
second preceding tax year is at least one per cent less than its 52283
total value for that year certified under divisions (A)(1) and (2) 52284
of section 3317.021 of the Revised Code. If it is, the department 52285
shall recompute the basic state aid payable to the district for 52286
the immediately preceding fiscal year using the effective value in 52287
lieu of the amounts previously certified under section 3317.021 of 52288
the Revised Code. The difference between the original basic state 52289
aid amount computed for the district for the preceding fiscal year 52290
and the recomputed amount shall be paid to the district from the 52291
lottery profits education fund before the end of the current 52292
fiscal year. 52293

(D) Except as provided in division (E) of this section, 52294
amounts received by a school district under division (C) of this 52295
section shall be repaid to the department of education in any 52296
future year to the extent the district receives payments of 52297
uncollectable taxes in such future year. The department shall 52298

notify a district of any amount owed under this division. 52299

(E) If a school district received a grant from the 52300
catastrophic expenditures account pursuant to division (C) of 52301
section 3316.20 of the Revised Code on the basis of the same 52302
circumstances for which a recomputation is made under this 52303
section, the amount of the recomputation shall be reduced and 52304
transferred in accordance with division (C) of section 3316.20 of 52305
the Revised Code. 52306

Sec. 3317.0216. (A) As used in this section: 52307

(1) "Total taxes charged and payable for current expenses" 52308
means the sum of ~~the~~: 52309

(a) The taxes charged and payable as certified under division 52310
(A)(3)(a) of section 3317.021 of the Revised Code less any amounts 52311
reported under division (A)(3)(b) of that section, ~~and the~~; plus 52312

(b) The tax distribution for the preceding year under any 52313
school district income tax levied by the district pursuant to 52314
Chapter 5748. of the Revised Code to the extent the revenue from 52315
the income tax is allocated or apportioned to current expenses, 52316
excluding the amount allocated or apportioned for the project 52317
cost, debt service, or maintenance set-aside associated with a 52318
state-assisted classroom facilities project as authorized by 52319
section 3318.052 of the Revised Code. 52320

(2) "Charge-off amount" means two and three-tenths per cent 52321
multiplied by (the sum of recognized valuation and property 52322
exemption value). 52323

(3) Until fiscal year 2003, the "actual local share of 52324
special education, transportation, and vocational education 52325
funding" for any school district means the sum of the district's 52326
attributed local shares described in divisions (F)(1) to (3) of 52327
section 3317.022 of the Revised Code. Beginning in fiscal year 52328

2003, the "actual local share of special education,
transportation, and vocational education funding" means that sum
minus the amount of any excess cost supplement payment calculated
for the district under division (F) of section 3317.022 of the
Revised Code.

(B) Upon receiving the certifications under section 3317.021
of the Revised Code, the department of education shall determine
for each city, local, and exempted village school district whether
the district's charge-off amount is greater than the district's
total taxes charged and payable for current expenses, and if the
charge-off amount is greater, shall pay the district the amount of
the difference. A payment shall not be made to any school district
for which the computation under division (A) of section 3317.022
of the Revised Code equals zero.

(C)(1) If a district's charge-off amount is equal to or
greater than its total taxes charged and payable for current
expenses, the department shall, in addition to the payment
required under division (B) of this section, pay the district the
amount of its actual local share of special education,
transportation, and vocational education funding.

(2) If a district's charge-off amount is less than its total
taxes charged and payable for current expenses, the department
shall pay the district any amount by which its actual local share
of special education, transportation, and vocational education
funding exceeds its total taxes charged and payable for current
expenses minus its charge-off amount.

(D) If a school district that received a payment under
division (B) or (C) of this section in the prior fiscal year is
ineligible for payment under those divisions in the current fiscal
year, the department shall determine if the ineligibility is the
result of a property tax or income tax levy approved by the
district's voters to take effect in tax year 2005 or thereafter.

If the department determines that is the case, and calculates that the levy causing the ineligibility exceeded by at least one mill the equivalent millage of the prior year's payment under divisions (B) and (C) of this section, the department shall make a payment to the district for the first three years that the district loses eligibility for payment under divisions (B) and (C) of this section, as follows:

(1) In the first year of ineligibility, the department shall pay the district seventy-five per cent of the amount it last paid the district under divisions (B) and (C) of this section.

(2) In the second year of ineligibility, the department shall pay the district fifty per cent of the amount it last paid the district under those divisions.

(3) In the third year of ineligibility, the department shall pay the district twenty-five per cent of the amount it last paid the district under those divisions.

(E) A district that receives payment under division (D) of this section and subsequently qualifies for payment under division (B) or (C) of this section is ineligible for future payments under division (D) of this section.

(F) To enable the department of education to make the determinations and to calculate payments under division (D) of this section, on March 30, 2006, and on or before the first day of March of each year thereafter, the department shall send to the tax commissioner a list of school districts receiving payments under division (B) or (C) of this section for the current fiscal year. On or before the first day of the following June, the tax commissioner shall certify to the department of education for those school districts the information required by division (A)(8) of section 3317.021 of the Revised Code.

~~Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one half student under this section. The information certified and verified under this section shall be used to calculate payments under this chapter and Chapter 3306. of the Revised Code.~~

(A) The superintendent of each city, local, and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the average daily membership of students receiving services from schools under the superintendent's supervision, and the numbers of other students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code the superintendent is required to report under this section, so that the department of education can calculate the district's formula ADM. ~~Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February.~~ If a school under the superintendent's supervision is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (A)(2) of section 3306.01 and the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the ~~formula ADM~~ average daily membership for that school for that week and specify an alternate week for certifying the ~~formula ADM~~ average daily membership of that school.

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The ~~formula ADM shall consist of the~~ average daily membership
during such week shall consist of the sum of the following:

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(1) On an FTE basis, the number of students in grades
kindergarten through twelve receiving any educational services
from the district, except that the following categories of
students shall not be included in the determination:

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(a) Students enrolled in adult education classes;

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(b) ~~Adjacent or other district students enrolled in the
district under an open enrollment policy pursuant to section
3313.98 of the Revised Code;~~

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~~(c)~~ Students receiving services in the district pursuant to a
compact, cooperative education agreement, or a contract, but who
are entitled to attend school in another district pursuant to
section 3313.64 or 3313.65 of the Revised Code;

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~~(d)~~(c) Students for whom tuition is payable pursuant to
sections 3317.081 and 3323.141 of the Revised Code;

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~~(e)~~(d) Students receiving services in the district through a
scholarship awarded under section 3310.41 of the Revised Code.

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(2) On an FTE basis, ~~except as provided in division (A)(2)(h)
of this section,~~ the number of students entitled to attend school
in the district pursuant to section 3313.64 or 3313.65 of the
Revised Code, but receiving educational services in grades
kindergarten through twelve from one or more of the following
entities:

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(a) ~~A community school pursuant to Chapter 3314. of the
Revised Code, including any participation in a college pursuant to
Chapter 3365. of the Revised Code while enrolled in such community
school;~~

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~~(b)~~ An alternative school pursuant to sections 3313.974 to

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3313.979 of the Revised Code as described in division (I)(2)(a) or 52453
(b) of this section; 52454

~~(e)(b)~~ A college pursuant to Chapter 3365. of the Revised 52455
Code, except when the student is enrolled in the college while 52456
also enrolled in a ~~community school pursuant to Chapter 3314. or a~~ 52457
science, technology, engineering, and mathematics school 52458
~~established under Chapter 3326. that is governed as provided in~~ 52459
section 3326.51 of the Revised Code; 52460

~~(d)~~ An adjacent or other school district under an open 52461
enrollment policy adopted pursuant to ~~section 3313.98 of the~~ 52462
~~Revised Code;~~ 52463

~~(e)(c)~~ An educational service center or cooperative education 52464
district; 52465

~~(f)(d)~~ Another school district under a cooperative education 52466
agreement, compact, or contract; 52467

~~(g)(e)~~ A chartered nonpublic school with a scholarship paid 52468
under section 3310.08 of the Revised Code; 52469

~~(h)(f)~~ An alternative public provider or a registered private 52470
provider with a scholarship awarded under section 3310.41 of the 52471
Revised Code. ~~Each such scholarship student who is enrolled in~~ 52472
~~kindergarten shall be counted as one full-time equivalent student.~~ 52473
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As used in this section, "alternative public provider" and 52475
"registered private provider" have the same meanings as in section 52476
3310.41 of the Revised Code. 52477

~~(i)(g)~~ A science, technology, engineering, and mathematics 52478
school ~~established under Chapter 3326. that is governed as~~ 52479
provided in section 3326.51 of the Revised Code, including any 52480
participation in a college pursuant to Chapter 3365. of the 52481
Revised Code while enrolled in the school. 52482

(3) ~~Twenty per cent of the~~ The number of students enrolled in 52483
a joint vocational school district ~~or under a vocational education~~ 52484
~~compact~~, excluding any students entitled to attend school in the 52485
district under section 3313.64 or 3313.65 of the Revised Code who 52486
are enrolled in another school district through an open enrollment 52487
policy ~~as reported under division (A)(2)(d) of this section~~ and 52488
then enroll in a joint vocational school district or under a 52489
vocational education compact; 52490

(4) The number of children with disabilities, other than 52491
preschool children with disabilities, entitled to attend school in 52492
the district pursuant to section 3313.64 or 3313.65 of the Revised 52493
Code who are placed by the district with a county MR/DD board, 52494
minus the number of such children placed with a county MR/DD board 52495
in fiscal year 1998. If this calculation produces a negative 52496
number, the number reported under division (A)(4) of this section 52497
shall be zero. 52498

~~(5) Beginning in fiscal year 2007, in the case of the report~~ 52499
~~submitted for the first full week in February, or the alternative~~ 52500
~~week if specified by the superintendent of public instruction, the~~ 52501
~~number of students reported under division (A)(1) or (2) of this~~ 52502
~~section for the first full week of the preceding October but who~~ 52503
~~since that week have received high school diplomas.~~ 52504

(B) To enable the department of education to obtain the data 52505
needed to complete the calculation of payments pursuant to this 52506
chapter and Chapter 3306. of the Revised Code, in addition to the 52507
~~formula ADM~~ average daily membership, each superintendent shall 52508
report separately the following student counts for the same week 52509
for which ~~formula ADM~~ average daily membership is certified: 52510

(1) The total average daily membership in regular learning 52511
day classes included in the report under division (A)(1) or (2) of 52512
this section for each of the individual grades kindergarten, ~~and~~ 52513
~~each of grades one~~ through twelve in schools under the 52514

superintendent's supervision;	52515
(2) The number of all preschool children with disabilities enrolled as of the first day of December in classes in the district that are eligible for approval under division (B) of section 3317.05 of the Revised Code and the number of those classes, which shall be reported not later than the fifteenth day of December, in accordance with rules adopted under that section;	52516 52517 52518 52519 52520 52521
(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	52522 52523 52524
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	52525 52526 52527
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. that is governed as provided in <u>section 3326.51</u> of the Revised Code;	52528 52529 52530 52531 52532 52533
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	52534 52535
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	52536 52537 52538 52539 52540 52541
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	52542 52543 52544 52545

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	52546 52547
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	52548 52549 52550
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	52551 52552 52553
(i) Participating in a program operated by a county MR/DD board or a state institution;	52554 52555
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. that is <u>governed as provided in section 3326.51</u> of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	52556 52557 52558 52559 52560
(4) The number of pupils enrolled in joint vocational schools;	52561 52562
(5) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A)(D)(1) of section 3317.013 <u>3306.02</u> of the Revised Code;	52563 52564 52565 52566 52567
(6) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B)(D)(2) of section 3317.013 <u>3306.02</u> of the Revised Code;	52568 52569 52570 52571 52572
(7) The average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three	52573 52574 52575

disabilities described in division (C) (D)(3) of section 3317.013	52576
<u>3306.02</u> of the Revised Code;	52577
(8) The average daily membership of children with	52578
disabilities reported under division (A)(1) or (2) of this section	52579
receiving special education services for category four	52580
disabilities described in division (D)(4) of section 3317.013	52581
<u>3306.02</u> of the Revised Code;	52582
(9) The average daily membership of children with	52583
disabilities reported under division (A)(1) or (2) of this section	52584
receiving special education services for the category five	52585
disabilities described in division (E) (D)(5) of section 3317.013	52586
<u>3306.02</u> of the Revised Code;	52587
(10) The combined average daily membership of children with	52588
disabilities reported under division (A)(1) or (2) and under	52589
division (B)(3)(h) of this section receiving special education	52590
services for category six disabilities described in division	52591
(F) (D)(6) of section 3317.013 <u>3306.02</u> of the Revised Code,	52592
including children attending a special education program operated	52593
by an alternative public provider or a registered private provider	52594
with a scholarship awarded under section 3310.41 of the Revised	52595
Code;	52596
(11) The average daily membership of pupils reported under	52597
division (A)(1) or (2) of this section enrolled in category one	52598
vocational education programs or classes, described in division	52599
(A) of section 3317.014 of the Revised Code, operated by the	52600
school district or by another district, other than a joint	52601
vocational school district, or by an educational service center,	52602
excluding any student reported under division (B)(3)(e) of this	52603
section as enrolled in an internet- or computer-based community	52604
school, notwithstanding division (C) of section 3317.02 of the	52605
Revised Code and division (C)(3) of this section;	52606

(12) The average daily membership of pupils reported under 52607
division (A)(1) or (2) of this section enrolled in category two 52608
vocational education programs or services, described in division 52609
(B) of section 3317.014 of the Revised Code, operated by the 52610
school district or another school district, other than a joint 52611
vocational school district, or by an educational service center, 52612
excluding any student reported under division (B)(3)(e) of this 52613
section as enrolled in an internet- or computer-based community 52614
school, notwithstanding division (C) of section 3317.02 of the 52615
Revised Code and division (C)(3) of this section; 52616

Beginning with fiscal year 2010, vocational education ADM 52617
shall not be used to calculate a district's funding but shall be 52618
reported under divisions (B)(11) and (12) of this section for 52619
statistical purposes. 52620

(13) The average number of children transported by the school 52621
district on board-owned or contractor-owned and -operated buses, 52622
reported in accordance with rules adopted by the department of 52623
education; 52624

(14)(a) The number of children, other than preschool children 52625
with disabilities, the district placed with a county MR/DD board 52626
in fiscal year 1998; 52627

(b) The number of children with disabilities, other than 52628
preschool children with disabilities, placed with a county MR/DD 52629
board in the current fiscal year to receive special education 52630
services for the category one disability described in division 52631
~~(A)(D)(1)~~ of section ~~3317.013~~ 3306.02 of the Revised Code; 52632

(c) The number of children with disabilities, other than 52633
preschool children with disabilities, placed with a county MR/DD 52634
board in the current fiscal year to receive special education 52635
services for category two disabilities described in division 52636
~~(B)(D)(2)~~ of section ~~3317.013~~ 3306.02 of the Revised Code; 52637

(d) The number of children with disabilities, other than 52638
preschool children with disabilities, placed with a county MR/DD 52639
board in the current fiscal year to receive special education 52640
services for category three disabilities described in division 52641
~~(C)~~(D)(3) of section ~~3317.013~~ 3306.02 of the Revised Code; 52642

(e) The number of children with disabilities, other than 52643
preschool children with disabilities, placed with a county MR/DD 52644
board in the current fiscal year to receive special education 52645
services for category four disabilities described in division 52646
(D)(4) of section ~~3317.013~~ 3306.02 of the Revised Code; 52647

(f) The number of children with disabilities, other than 52648
preschool children with disabilities, placed with a county MR/DD 52649
board in the current fiscal year to receive special education 52650
services for the category five disabilities described in division 52651
~~(E)~~(D)(5) of section ~~3317.013~~ 3306.02 of the Revised Code; 52652

(g) The number of children with disabilities, other than 52653
preschool children with disabilities, placed with a county MR/DD 52654
board in the current fiscal year to receive special education 52655
services for category six disabilities described in division 52656
~~(F)~~(D)(6) of section ~~3317.013~~ 3306.02 of the Revised Code. 52657

(15) For the students reported under division (A)(1) of this 52658
section, the identity of the school district in which the student 52659
is entitled to attend school under section 3313.64 or 3313.65 of 52660
the Revised Code, by name of district or by a district identifying 52661
code or both, as required by the department for purposes of this 52662
division. 52663

(C)(1) ~~Except as otherwise provided in this section for 52664~~
~~kindergarten students, the~~ The average daily membership in 52665
divisions (B)(1) to (12) of this section shall be based upon the 52666
number of full-time equivalent students. The state board of 52667
education shall adopt rules defining full-time equivalent students 52668

and for determining the average daily membership therefrom for the 52669
purposes of divisions (A), (B), and (D) of this section. Each 52670
student enrolled in kindergarten shall be counted as one full-time 52671
equivalent student regardless of whether the student is enrolled 52672
in a part-day or all-day kindergarten class. 52673

(2) A student enrolled in ~~a community school established~~ 52674
~~under Chapter 3314. or a science, technology, engineering, and~~ 52675
~~mathematics school established under Chapter 3326. that is~~ 52676
governed as provided in section 3326.51 of the Revised Code shall 52677
be counted in the formula ADM and, if applicable, the category 52678
one, two, three, four, five, or six special education ADM of the 52679
school district in which the student is entitled to attend school 52680
under section 3313.64 or 3313.65 of the Revised Code for the same 52681
proportion of the school year that the student is counted in the 52682
enrollment of ~~the community school or~~ the science, technology, 52683
engineering, and mathematics school for purposes of section 52684
~~3314.08 or~~ 3326.33 of the Revised Code. Notwithstanding the number 52685
of students reported pursuant to division (B)(3)~~(d), (e), or~~ (j) 52686
of this section, the department may adjust the formula ADM of a 52687
school district to account for students entitled to attend school 52688
in the district under section 3313.64 or 3313.65 of the Revised 52689
Code who are enrolled in ~~a community school or~~ such a science, 52690
technology, engineering, and mathematics school for only a portion 52691
of the school year. 52692
52693

(3) No child shall be counted as more than a total of one 52694
child in the sum of the average daily memberships of a school 52695
district under division (A), divisions (B)(1) to (12), or division 52696
(D) of this section, except as follows: 52697

(a) A child with a disability described in division (D) of 52698
section ~~3317.013~~ 3306.02 of the Revised Code may be counted both 52699
in formula ADM and in category one, two, three, four, five, or six 52700

special education ADM and, if applicable, in category one or two 52701
vocational education ADM. As provided in division (C) of section 52702
3317.02 of the Revised Code, such a child shall be counted in 52703
category one, two, three, four, five, or six special education ADM 52704
in the same proportion that the child is counted in formula ADM. 52705
52706

(b) A child enrolled in vocational education programs or 52707
classes described in section 3317.014 of the Revised Code may be 52708
counted both in formula ADM and category one or two vocational 52709
education ADM and, if applicable, in category one, two, three, 52710
four, five, or six special education ADM. Such a child shall be 52711
counted in category one or two vocational education ADM in the 52712
same proportion as the percentage of time that the child spends in 52713
the vocational education programs or classes. 52714

(4) Based on the information reported under this section, the 52715
department of education shall determine the total student count, 52716
as defined in section 3301.011 of the Revised Code, for each 52717
school district. 52718

(D)(1) The superintendent of each joint vocational school 52719
district shall certify to the superintendent of public instruction 52720
on or before the fifteenth day of October in each year for the 52721
first full school week in October the formula ADM, for purposes of 52722
section 3318.42 of the Revised Code and for any other purpose 52723
prescribed by law for which "formula ADM" of the joint vocational 52724
district is a factor. Beginning in fiscal year 2007, each 52725
superintendent also shall certify to the state superintendent the 52726
formula ADM for the first full week in February. If a school 52727
operated by the joint vocational school district is closed for one 52728
or more days during that week due to hazardous weather conditions 52729
or other circumstances described in the first paragraph of 52730
division (A)(2) of section 3306.01 or the first paragraph of 52731
division (B) of section 3317.01 of the Revised Code, the 52732

superintendent may apply to the superintendent of public 52733
instruction for a waiver, under which the superintendent of public 52734
instruction may exempt the district superintendent from certifying 52735
the formula ADM for that school for that week and specify an 52736
alternate week for certifying the formula ADM of that school. 52737
52738

The formula ADM, except as otherwise provided in this 52739
division, shall consist of the average daily membership during 52740
such week, on an FTE basis, of the number of students receiving 52741
any educational services from the district, including students 52742
enrolled in a community school established under Chapter 3314. or 52743
a science, technology, engineering, and mathematics school 52744
established under Chapter 3326. of the Revised Code who are 52745
attending the joint vocational district under an agreement between 52746
the district board of education and the governing authority of the 52747
community school or the governing body of the science, technology, 52748
engineering, and mathematics school and are entitled to attend 52749
school in a city, local, or exempted village school district whose 52750
territory is part of the territory of the joint vocational 52751
district. ~~Beginning in fiscal year 2007, in the case of the report~~ 52752
~~submitted for the first week in February, or the alternative week~~ 52753
~~if specified by the superintendent of public instruction, the~~ 52754
~~superintendent of the joint vocational school district may include~~ 52755
~~the number of students reported under division (D)(1) of this~~ 52756
~~section for the first full week of the preceding October but who~~ 52757
~~since that week have received high school diplomas.~~ 52758

The following categories of students shall not be included in 52760
the determination made under division (D)(1) of this section: 52761

- (a) Students enrolled in adult education classes; 52762
- (b) ~~Adjacent or other district joint vocational students~~ 52763
~~enrolled in the district under an open enrollment policy pursuant~~ 52764

to section 3313.98 of the Revised Code;	52765
(e) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	52766 52767 52768 52769 52770
(d) (c) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	52771 52772
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in In addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified:	52773 52774 52775 52776 52777 52778 52779
(a) Students enrolled in each <u>individual</u> grade included in the joint vocational district schools;	52780 52781
(b) Children with disabilities receiving special education services for the category one disability described in division (A)(C) (D)(1) of section 3317.013 <u>3306.02</u> of the Revised Code;	52782 52783 52784
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) (D)(2) of section 3317.013 <u>3306.02</u> of the Revised Code;	52785 52786 52787
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) (D)(3) of section 3317.013 <u>3306.02</u> of the Revised Code;	52788 52789 52790
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) <u>(4)</u> of section 3317.013 <u>3306.02</u> of the Revised Code;	52791 52792 52793
(f) Children with disabilities receiving special education	52794

services for the category five disabilities described in division 52795
~~(E)~~(D)(5) of section ~~3317.013~~ 3306.02 of the Revised Code; 52796

(g) Children with disabilities receiving special education 52797
services for category six disabilities described in division 52798
~~(F)~~(D)(6) of section ~~3317.013~~ 3306.02 of the Revised Code; 52799

(h) Students receiving category one vocational education 52800
services, described in division (A) of section 3317.014 of the 52801
Revised Code; 52802

(i) Students receiving category two vocational education 52803
services, described in division (B) of section 3317.014 of the 52804
Revised Code. 52805

The superintendent of each joint vocational school district 52806
shall also indicate the city, local, or exempted village school 52807
district in which each joint vocational district pupil is entitled 52808
to attend school pursuant to section 3313.64 or 3313.65 of the 52809
Revised Code. 52810

(E) In each school of each city, local, exempted village, 52811
joint vocational, and cooperative education school district there 52812
shall be maintained a record of school membership, which record 52813
shall accurately show, for each day the school is in session, the 52814
actual membership enrolled in regular day classes. For the purpose 52815
of determining average daily membership, the membership figure of 52816
any school shall not include any pupils except those pupils 52817
described by division (A) of this section. The record of 52818
membership for each school shall be maintained in such manner that 52819
no pupil shall be counted as in membership prior to the actual 52820
date of entry in the school and also in such manner that where for 52821
any cause a pupil permanently withdraws from the school that pupil 52822
shall not be counted as in membership from and after the date of 52823
such withdrawal. There shall not be included in the membership of 52824
any school any of the following: 52825

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	52826 52827
(2) Any pupil who is not a resident of the state;	52828
(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests <u>assessments</u> were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests <u>assessments</u> required by that section and was not excused pursuant to division (C)(1) or (3) of that section;	52829 52830 52831 52832 52833 52834
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.	52835 52836 52837 52838 52839 52840 52841
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.	52842 52843 52844 52845 52846
Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test <u>an assessment</u> required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test <u>assessment</u> to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	52847 52848 52849 52850 52851 52852 52853 52854 52855
Except as provided in divisions (B)(2) and (F) of this	52856

section, the average daily membership figure of any local, city, 52857
exempted village, or joint vocational school district shall be 52858
determined by dividing the figure representing the sum of the 52859
number of pupils enrolled during each day the school of attendance 52860
is actually open for instruction during the week for which the 52861
~~formula ADM~~ average daily membership is being certified by the 52862
total number of days the school was actually open for instruction 52863
during that week. For purposes of state funding, "enrolled" 52864
persons are only those pupils who are attending school, those who 52865
have attended school during the current school year and are absent 52866
for authorized reasons, and those children with disabilities 52867
currently receiving home instruction. 52868

The average daily membership figure of any cooperative 52869
education school district shall be determined in accordance with 52870
rules adopted by the state board of education. 52871

(F)(1) If the formula ADM for the first full school week in 52872
February is at least three per cent greater than that certified 52873
for the first full school week in the preceding October, the 52874
superintendent of schools of any city, exempted village, or joint 52875
vocational school district or educational service center shall 52876
certify such increase to the superintendent of public instruction. 52877
Such certification shall be submitted no later than the fifteenth 52878
day of February. For the balance of the fiscal year, beginning 52879
with the February payments, the superintendent of public 52880
instruction shall use the increased formula ADM in calculating or 52881
recalculating the amounts to be allocated in accordance with 52882
section 3317.022 or 3317.16 of the Revised Code. In no event shall 52883
the superintendent use an increased membership certified to the 52884
superintendent after the fifteenth day of February. Division 52885
(F)(1) of this section does not apply after fiscal year 2006. 52886

(2) If on the first school day of April the total number of 52888

classes or units for preschool children with disabilities that are 52889
eligible for approval under division (B) of section 3317.05 of the 52890
Revised Code exceeds the number of units that have been approved 52891
for the year under that division, the superintendent of schools of 52892
any city, exempted village, or cooperative education school 52893
district or educational service center shall make the 52894
certifications required by this section for that day. If the 52895
department determines additional units can be approved for the 52896
fiscal year within any limitations set forth in the acts 52897
appropriating moneys for the funding of such units, the department 52898
shall approve additional units for the fiscal year on the basis of 52899
such average daily membership. For each unit so approved, the 52900
department shall pay an amount computed in the manner prescribed 52901
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 52902
Code. 52903

(3) If a student attending ~~a community school under Chapter~~ 52904
~~3314. or a science, technology, engineering, and mathematics~~ 52905
~~school established under Chapter 3326. that is governed as~~ 52906
provided in section 3326.51 of the Revised Code is not included in 52907
the formula ADM certified for the school district in which the 52908
student is entitled to attend school under section 3313.64 or 52909
3313.65 of the Revised Code, the department of education shall 52910
adjust the formula ADM of that school district to include the 52911
student in accordance with division (C)(2) of this section, and 52912
shall recalculate the school district's payments under this 52913
chapter and Chapter 3306. of the Revised Code for the entire 52914
fiscal year on the basis of that adjusted formula ADM. This 52915
requirement applies regardless of whether the student was 52916
enrolled, as defined in division (E) of this section, in ~~the~~ 52917
~~community school or~~ the science, technology, engineering, and 52918
mathematics school during the week for which the formula ADM is 52919
being certified. 52920

(4) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.08 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter and Chapter 3306. of the Revised Code for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the chartered nonpublic school, the school district, or a community school during the week for which the formula ADM is being certified.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions ~~(A) to (F)~~ (D)(1) to (6) of section ~~3317.013~~ 3306.02 of the Revised Code;

(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average

daily membership in those units, in the manner prescribed by the 52953
superintendent of public instruction. 52954

(2) The superintendent of each county MR/DD board that 52955
maintains special education classes under section 3317.20 of the 52956
Revised Code or units approved pursuant to section 3317.05 of the 52957
Revised Code shall do both of the following: 52958

(a) Certify to the state board, in the manner prescribed by 52959
the board, the average daily membership in classes under section 52960
3317.20 of the Revised Code for each school district that has 52961
placed children in the classes; 52962

(b) Certify to the state board, in the manner prescribed by 52963
the board, the number of all preschool children with disabilities 52964
enrolled as of the first day of December in classes eligible for 52965
approval under division (B) of section 3317.05 of the Revised 52966
Code, and the number of those classes. 52967

(3)(a) If on the first school day of April the number of 52968
classes or units maintained for preschool children with 52969
disabilities by the county MR/DD board that are eligible for 52970
approval under division (B) of section 3317.05 of the Revised Code 52971
is greater than the number of units approved for the year under 52972
that division, the superintendent shall make the certification 52973
required by this section for that day. 52974

(b) If the department determines that additional classes or 52975
units can be approved for the fiscal year within any limitations 52976
set forth in the acts appropriating moneys for the funding of the 52977
classes and units described in division (G)(3)(a) of this section, 52978
the department shall approve and fund additional units for the 52979
fiscal year on the basis of such average daily membership. For 52980
each unit so approved, the department shall pay an amount computed 52981
in the manner prescribed in sections 3317.052 and 3317.053 of the 52982
Revised Code. 52983

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

(J) The superintendent of each cooperative education school 53015
district shall certify to the superintendent of public 53016
instruction, in a manner prescribed by the state board of 53017
education, the applicable average daily memberships for all 53018
students in the cooperative education district, also indicating 53019
the city, local, or exempted village district where each pupil is 53020
entitled to attend school under section 3313.64 or 3313.65 of the 53021
Revised Code. 53022

(K) If the superintendent of public instruction determines 53023
that a component of the ~~formula-ADM~~ average daily membership 53024
certified or reported by a district superintendent, or other 53025
reporting entity, is not correct, the superintendent of public 53026
instruction may order that the formula ADM used for the purposes 53027
of payments under any section of Title XXXIII of the Revised Code 53028
be adjusted in the amount of the error. 53029

Sec. 3317.031. A membership record shall be kept by grade 53030
level in each city, local, exempted village, joint vocational, and 53031
cooperative education school district and such a record shall be 53032
kept by grade level in each educational service center that 53033
provides academic instruction to pupils, classes for pupils with 53034
disabilities, or any other direct instructional services to 53035
pupils. Such membership record shall show the following 53036
information for each pupil enrolled: Name, date of birth, name of 53037
parent, date entered school, date withdrawn from school, days 53038
present, days absent, and the number of days school was open for 53039
instruction while the pupil was enrolled. At the end of the school 53040
year this membership record shall show the total days present, the 53041
total days absent, and the total days due for all pupils in each 53042
grade. Such membership record shall show the pupils that are 53043
transported to and from school and it shall also show the pupils 53044
that are transported living within one mile of the school 53045
attended. This membership record shall also show any other 53046

information prescribed by the state board of education. 53047

This membership record shall be kept intact for at least five 53048
years and shall be made available to the state board of education 53049
or its representative in making an audit of the average daily 53050
membership or the transportation of the district or educational 53051
service center. The membership records of local school districts 53052
shall be filed at the close of each school year in the office of 53053
the educational service center superintendent. 53054

The state board of education may withhold any money due any 53055
school district or educational service center under ~~sections~~ 53056
~~3317.022 to 3317.0211, 3317.11, 3317.16, 3317.17, or 3317.19~~ this 53057
chapter and Chapter 3306. of the Revised Code until it has 53058
satisfactory evidence that the board of education or educational 53059
service center governing board has fully complied with all of the 53060
provisions of this section. 53061

Nothing in this section shall require any person to release, 53062
or to permit access to, public school records in violation of 53063
section 3319.321 of the Revised Code. 53064

Sec. 3317.04. The amount paid to school districts in each 53065
fiscal year under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 53066
Code shall not be less than the following: 53067

(A) In the case of a district created under section 3311.26 53068
or 3311.37 of the Revised Code, the amount paid shall not be less, 53069
in any of the three succeeding fiscal years following the 53070
creation, than the sum of the amounts allocated under ~~Chapter~~ 53071
Chapters 3306. and 3317. of the Revised Code to the districts 53072
separately in the year of the creation. 53073

(B) In the case of a school district which is transferred to 53074
another school district or districts, pursuant to section 3311.22, 53075
3311.231, or 3311.38 of the Revised Code, the amount paid to the 53076

district accepting the transferred territory shall not be less, in 53077
any of the three succeeding fiscal years following the transfer, 53078
than the sum of the amounts allocated under ~~Chapter~~ Chapters 3306. 53079
and 3317. of the Revised Code to the districts separately in the 53080
year of the consummation of the transfer. 53081

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, 53082
and 3311.38 of the Revised Code, the minimum guarantees prescribed 53083
by divisions (A) and (B) of this section shall not affect the 53084
amount of aid received by a school district for more than three 53085
consecutive years. 53086

Sec. 3317.05. (A) For the purpose of calculating payments 53087
under sections 3317.052 and 3317.053 of the Revised Code, the 53088
department of education shall determine for each institution, by 53089
the last day of January of each year and based on information 53090
certified under section 3317.03 of the Revised Code, the number of 53091
vocational education units or fractions of units approved by the 53092
department on the basis of standards and rules adopted by the 53093
state board of education. As used in this division, "institution" 53094
means an institution operated by a department specified in section 53095
3323.091 of the Revised Code and that provides vocational 53096
education programs under the supervision of the division of 53097
vocational education of the department that meet the standards and 53098
rules for these programs, including licensure of professional 53099
staff involved in the programs, as established by the state board. 53100
53101

(B) For the purpose of calculating payments under sections 53102
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 53103
department shall determine, based on information certified under 53104
section 3317.03 of the Revised Code, the following by the last day 53105
of January of each year for each educational service center, for 53106
each school district, including each cooperative education school 53107

district, for each institution eligible for payment under section 53108
3323.091 of the Revised Code, and for each county MR/DD board: the 53109
number of classes operated by the school district, service center, 53110
institution, or county MR/DD board for preschool children with 53111
disabilities, or fraction thereof, including in the case of a 53112
district or service center that is a funding agent, classes taught 53113
by a licensed teacher employed by that district or service center 53114
under section 3313.841 of the Revised Code, approved annually by 53115
the department on the basis of standards and rules adopted by the 53116
state board. 53117

(C) For the purpose of calculating payments under sections 53118
3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the 53119
department shall determine, based on information certified under 53120
section 3317.03 of the Revised Code, the following by the last day 53121
of January of each year for each school district, including each 53122
cooperative education school district, for each institution 53123
eligible for payment under section 3323.091 of the Revised Code, 53124
and for each county MR/DD board: the number of units for related 53125
services, as defined in section 3323.01 of the Revised Code, for 53126
preschool children with disabilities approved annually by the 53127
department on the basis of standards and rules adopted by the 53128
state board. 53129

(D) All of the arithmetical calculations made under this 53130
section shall be carried to the second decimal place. The total 53131
number of units for school districts, service centers, and 53132
institutions approved annually under this section shall not exceed 53133
the number of units included in the estimate of cost for these 53134
units and appropriations made for them by the general assembly. 53135

In the case of units for preschool children with disabilities 53136
described in division (B) of this section, the department shall 53137
approve only preschool units for children who are under age six on 53138
the thirtieth day of September of the academic year, or on the 53139

first day of August of the academic year if the school district in 53140
which the child is enrolled has adopted a resolution under 53141
division (A)(3) of section 3321.01 of the Revised Code, but not 53142
less than age three on the first day of December of the academic 53143
year, except that such a unit may include one or more children who 53144
are under age three or are age six or over on the applicable date, 53145
as reported under division (B)(2) or (G)(2)(b) of section 3317.03 53146
of the Revised Code, if such children have been admitted to the 53147
unit pursuant to rules of the state board. The number of units for 53148
county MR/DD boards and institutions eligible for payment under 53149
section 3323.091 of the Revised Code approved under this section 53150
shall not exceed the number that can be funded with appropriations 53151
made for such purposes by the general assembly. 53152

No unit shall be approved under divisions (B) and (C) of this 53154
section unless a plan has been submitted and approved under 53155
Chapter 3323. of the Revised Code. 53156

~~(E) The department shall approve units or fractions thereof 53157
for gifted children on the basis of standards and rules adopted by 53158
the state board. 53159~~

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 53160
3317.11 of the Revised Code, a unit funded pursuant to ~~division~~ 53161
~~(L) of section 3317.024 or~~ division (A)(2) of section 3317.052 of 53162
the Revised Code shall not be approved for state funding in one 53163
school district, including any cooperative education school 53164
district or any educational service center, to the extent that 53165
such unit provides programs in or services to another district 53166
which receives payment pursuant to section 3317.04 of the Revised 53167
Code. 53168

(2) Any city, local, exempted village, or cooperative 53169
education school district or any educational service center may 53170

combine partial unit eligibility for programs for preschool 53171
children with disabilities pursuant to section 3317.05 of the 53172
Revised Code, and such combined partial units may be approved for 53173
state funding in one school district or service center. 53174

(B) After units have been initially approved for any fiscal 53175
year under section 3317.05 of the Revised Code, no unit shall be 53176
subsequently transferred from a school district or educational 53177
service center to another city, exempted village, local, or 53178
cooperative education school district or educational service 53179
center or to an institution or county MR/DD board solely for the 53180
purpose of reducing the financial obligations of the school 53181
district in a fiscal year it receives payment pursuant to section 53182
3317.04 of the Revised Code. 53183

Sec. 3317.053. (A) As used in this section: 53184

(1) ~~"State share percentage" has the same meaning as in~~ 53185
~~section 3317.022 of the Revised Code.~~ 53186

~~(2)~~ "Dollar amount" means the amount shown in the following 53187
table for the corresponding type of unit: 53188

TYPE OF UNIT	DOLLAR AMOUNT	
Division (B) of section 3317.05		53189
of the Revised Code	\$8,334	53190
Division (C) of that section	\$3,234	53191
Division (E) of that section	\$5,550	53192

~~(3)~~(2) "Average unit amount" means the amount shown in the 53194
following table for the corresponding type of unit: 53195

TYPE OF UNIT	AVERAGE UNIT AMOUNT	
Division (B) of section 3317.05		53196
of the Revised Code	\$7,799	53197
Division (C) of that section	\$2,966	53198
Division (E) of that section	\$5,251	53199

(B) In the case of each unit described in division (B) ~~or~~ or 53201
(C) ~~or (E)~~ of section 3317.05 of the Revised Code and allocated 53202
to a city, local, or exempted village school district, the 53203
department of education, in addition to the amounts specified in 53204
~~division (L) of section 3317.024 and~~ sections 3317.052 and 3317.19 53205
of the Revised Code, shall pay a supplemental unit allowance equal 53206
to the sum of the following amounts: 53207

(1) An amount equal to 50% of the average unit amount for the 53208
unit; 53209

(2) An amount equal to the percentage of the dollar amount 53210
for the unit that equals the district's state share percentage. 53211

If, prior to the fifteenth day of May of a fiscal year, a 53212
school district's aid ~~computed under section 3317.022 of the~~ 53213
~~Revised Code~~ is recomputed pursuant to section 3317.027 or 53214
3317.028 of the Revised Code, the department shall also recompute 53215
the district's entitlement to payment under this section utilizing 53216
a new state share percentage. Such new state share percentage 53217
shall be determined using the district's recomputed basic aid 53218
amount pursuant to section 3317.027 or 3317.028 of the Revised 53219
Code. During the last six months of the fiscal year, the 53220
department shall pay the district a sum equal to one-half of the 53221
recomputed payment in lieu of one-half the payment otherwise 53222
calculated under this section. 53223

(C)(1) In the case of each unit allocated to an institution 53224
pursuant to division (A) of section 3317.05 of the Revised Code, 53225
the department, in addition to the amount specified in section 53226
3317.052 of the Revised Code, shall pay a supplemental unit 53227
allowance of \$7,227. 53228

(2) In the case of each unit described in division (B) of 53229
section 3317.05 of the Revised Code that is allocated to any 53230
entity other than a city, exempted village, or local school 53231

district, the department, in addition to the amount specified in 53232
section 3317.052 of the Revised Code, shall pay a supplemental 53233
unit allowance of \$7,799. 53234

(3) In the case of each unit described in division (C) of 53235
section 3317.05 of the Revised Code and allocated to any entity 53236
other than a city, exempted village, or local school district, the 53237
department, in addition to the amounts specified in section 53238
3317.052 of the Revised Code, shall pay a supplemental unit 53239
allowance of \$2,966. 53240

~~(4) In the case of each unit described in division (E) of 53241
section 3317.05 of the Revised Code and allocated to an 53242
educational service center, the department, in addition to the 53243
amounts specified in division (L) of section 3317.024 of the 53244
Revised Code, shall pay a supplemental unit allowance of \$5,251. 53245~~

Sec. 3317.061. The superintendent of each school district, 53246
including each cooperative education and joint vocational school 53247
district and the superintendent of each educational service 53248
center, shall, on forms prescribed and furnished by the state 53249
board of education, certify to the state board of education, on or 53250
before the fifteenth day of October of each year, the name of each 53251
licensed employee employed, on an annual salary, in each school 53252
under such superintendent's supervision during the first full 53253
school week of said month of October, the number of years of 53254
recognized college training such licensed employee has completed, 53255
the college degrees from a recognized college earned by such 53256
licensed employee, the type of teaching license held by such 53257
licensed employee, the number of months such licensed employee is 53258
employed in the school district, the annual salary of such 53259
licensed employee, and such other information as the state board 53260
of education may request. For the purposes of ~~Chapter~~ Chapters 53261
3306. and 3317. of the Revised Code, a licensed employee is any 53262

employee in a position that requires a license issued pursuant to 53263
sections 3319.22 to 3319.31 of the Revised Code. 53264

Pursuant to standards adopted by the state board of 53265
education, experience of vocational teachers in trade and industry 53266
shall be recognized by such board for the purpose of complying 53267
with the requirements of recognized college training provided by 53268
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 53269

Sec. 3317.063. The superintendent of public instruction, in 53270
accordance with rules adopted by the department of education, 53271
shall annually reimburse each chartered nonpublic school for the 53272
actual mandated service administrative and clerical costs incurred 53273
by such school during the preceding school year in preparing, 53274
maintaining, and filing reports, forms, and records, and in 53275
providing such other administrative and clerical services that are 53276
not an integral part of the teaching process as may be required by 53277
state law or rule or by requirements duly promulgated by city, 53278
exempted village, or local school districts. The mandated service 53279
costs reimbursed pursuant to this section shall include, but are 53280
not limited to, the preparation, filing and maintenance of forms, 53281
reports, or records and other clerical and administrative services 53282
relating to state chartering or approval of the nonpublic school, 53283
pupil attendance, pupil health and health testing, transportation 53284
of pupils, federally funded education programs, pupil appraisal, 53285
pupil progress, educator licensure, unemployment and workers' 53286
compensation, transfer of pupils, and such other education related 53287
data which are now or hereafter shall be required of such 53288
nonpublic school by state law or rule, or by requirements of the 53289
state department of education, other state agencies, or city, 53290
exempted village, or local school districts. 53291

The reimbursement required by this section shall be for 53292
school years beginning on or after July 1, 1981. 53293

Each nonpublic school which seeks reimbursement pursuant to 53294
this section shall submit to the superintendent of public 53295
instruction an application together with such additional reports 53296
and documents as the department of education may require. Such 53297
application, reports, and documents shall contain such information 53298
as the department of education may prescribe in order to carry out 53299
the purposes of this section. No payment shall be made until the 53300
superintendent of public instruction has approved such 53301
application. 53302

Each nonpublic school which applies for reimbursement 53303
pursuant to this section shall maintain a separate account or 53304
system of accounts for the expenses incurred in rendering the 53305
required services for which reimbursement is sought. Such accounts 53306
shall contain such information as is required by the department of 53307
education and shall be maintained in accordance with rules adopted 53308
by the department of education. 53309

Reimbursement payments to a nonpublic school pursuant to this 53310
section shall not exceed an amount for each school year equal to 53311
three hundred twenty-five dollars per pupil enrolled in that 53312
nonpublic school. 53313

The superintendent of public instruction may, from time to 53314
time, examine any and all accounts and records of a nonpublic 53315
school which have been maintained pursuant to this section in 53316
support of an application for reimbursement, for the purpose of 53317
determining the costs to such school of rendering the services for 53318
which reimbursement is sought. If after such audit it is 53319
determined that any school has received funds in excess of the 53320
actual cost of providing such services, said school shall 53321
immediately reimburse the state in such excess amount. 53322

Any payments made to chartered nonpublic schools under this 53323
section may be disbursed without submission to and approval of the 53324
controlling board. 53325

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code that are disbursed to the district during the fiscal year, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education and the office of budget and management for each city, local, and exempted village school district that levies a school district income tax.

(B) For any preschool child with a disability not included in a unit approved under division (B) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all preschool children with disabilities not included in units approved under division (B) of section 3317.05 of the Revised Code;

(2) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, determine the amount of such operating expenses that was paid from any state funds received under this chapter;

(3) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, divide the difference between the amount determined under division (B)(1) of this section and the amount determined under division (B)(2) of this section by the total number of preschool children with disabilities not included in units approved under division (B) of section 3317.05 of the Revised Code who received that type of service;

(4) Determine the sum of the quotients obtained under division (B)(3) of this section for all types of special education services provided to the child for whom tuition is being calculated.

The state board of education shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.

If any child for whom a tuition charge is computed under this section for any school year is enrolled in a district for only part of that school year, the amount of the district's tuition charge for the child for the school year shall be computed in proportion to the number of school days the child is enrolled in the district during the school year.

Except as otherwise provided in division (J) of section 53388
3313.64 of the Revised Code, whenever a district admits a child to 53389
its schools for whom tuition computed in accordance with this 53390
section is an obligation of another school district, the amount of 53391
the tuition shall be certified by the treasurer of the board of 53392
education of the district of attendance, to the board of education 53393
of the district required to pay tuition for its approval and 53394
payment. If agreement as to the amount payable or the district 53395
required to pay the tuition cannot be reached, or the board of 53396
education of the district required to pay the tuition refuses to 53397
pay that amount, the board of education of the district of 53398
attendance shall notify the superintendent of public instruction. 53399
The superintendent shall determine the correct amount and the 53400
district required to pay the tuition and shall deduct that amount, 53401
if any, under division (G) of section 3317.023 of the Revised 53402
Code, from the district required to pay the tuition and add that 53403
amount to the amount allocated to the district attended under such 53404
division. The superintendent of public instruction shall send to 53405
the district required to pay the tuition an itemized statement 53406
showing such deductions at the time of such deduction. 53407

When a political subdivision owns and operates an airport, 53408
welfare, or correctional institution or other project or facility 53409
outside its corporate limits, the territory within which the 53410
facility is located is exempt from taxation by the school district 53411
within which such territory is located, and there are school age 53412
children residing within such territory, the political subdivision 53413
owning such tax exempt territory shall pay tuition to the district 53414
in which such children attend school. The tuition for these 53415
children shall be computed as provided for in this section. 53416

Sec. 3317.081. (A) Tuition shall be computed in accordance 53417
with this section if: 53418

(1) The tuition is required by division (C)(3)(b) of section 53419
3313.64 of the Revised Code; or 53420

(2) Neither the child nor the child's parent resides in this 53421
state and tuition is required by section 3327.06 of the Revised 53422
Code. 53423

(B) Tuition computed in accordance with this section shall 53424
equal the attendance district's tuition rate computed under 53425
section 3317.08 of the Revised Code plus the amount that district 53426
would have received for the child pursuant to Chapter 3306. and 53427
sections ~~3317.022~~, 3317.023~~7~~, and 3317.025 to 3317.0211 of the 53428
Revised Code during the school year had the attendance district 53429
been authorized to count the child in its formula ADM for that 53430
school year under section 3317.03 of the Revised Code. 53431

Sec. 3317.082. As used in this section, "institution" means a 53432
residential facility that receives and cares for children 53433
maintained by the department of youth services and that operates a 53434
school chartered by the state board of education under section 53435
3301.16 of the Revised Code. 53436

(A) On or before the thirty-first day of each January and 53437
July, the superintendent of each institution that during the 53438
six-month period immediately preceding each January or July 53439
provided an elementary or secondary education for any child, other 53440
than a child receiving special education under section 3323.091 of 53441
the Revised Code, shall prepare and submit to the department of 53442
education, a statement for each such child indicating the child's 53443
name, any school district responsible to pay tuition for the child 53444
as determined by the superintendent in accordance with division 53445
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 53446
period of time during that six-month period that the child 53447
received an elementary or secondary education. If any school 53448
district is responsible to pay tuition for any such child, the 53449

department of education, no later than the immediately succeeding 53450
last day of February or August, as applicable, shall calculate the 53451
amount of the tuition of the district under section 3317.08 of the 53452
Revised Code for the period of time indicated on the statement and 53453
do one of the following: 53454

(1) If the tuition amount is equal to or less than the amount 53455
of state basic aid funds payable to the district under ~~sections~~ 53456
~~3317.022 and Chapter 3306. and section~~ 3317.023 of the Revised 53457
Code, pay to the institution submitting the statement an amount 53458
equal to the tuition amount, as provided under division (M) of 53459
section 3317.024 of the Revised Code, and deduct the tuition 53460
amount from the state basic aid funds payable to the district, as 53461
provided under division (F)(2) of section 3317.023 of the Revised 53462
Code; 53463

(2) If the tuition amount is greater than the amount of state 53464
basic aid funds payable to the district under ~~sections 3317.022~~ 53465
~~and Chapter 3306. and section~~ 3317.023 of the Revised Code, 53466
require the district to pay to the institution submitting the 53467
statement an amount equal to the tuition amount. 53468

(B) In the case of any disagreement about the school district 53469
responsible to pay tuition for a child pursuant to this section, 53470
the superintendent of public instruction shall make the 53471
determination in any such case in accordance with division (C)(2) 53472
or (3) of section 3313.64 of the Revised Code. 53473

Sec. 3317.12. Any board of education participating in funds 53474
distributed under ~~Chapter~~ Chapters 3306. and 3317. of the Revised 53475
Code shall annually adopt a salary schedule for nonteaching school 53476
employees based upon training, experience, and qualifications with 53477
initial salaries no less than the salaries in effect on October 53478
13, 1967. Each board of education shall prepare and may amend from 53479
time to time, specifications descriptive of duties, 53480

responsibilities, requirements, and desirable qualifications of 53481
the classifications of employees required to perform the duties 53482
specified in the salary schedule. All nonteaching school employees 53483
are to be notified of the position classification to which they 53484
are assigned and the salary for the classification. The 53485
compensation of all employees working for a particular school 53486
board shall be uniform for like positions except as compensation 53487
would be affected by salary increments based upon length of 53488
service. 53489

On the fifteenth day of October each year the salary schedule 53490
and the list of job classifications and salaries in effect on that 53491
date shall be filed by each board of education with the 53492
superintendent of public instruction. If such salary schedule and 53493
classification plan is not filed the superintendent of public 53494
instruction shall order the board to file such schedules 53495
forthwith. If this condition is not corrected within ten days 53496
after receipt of the order from the superintendent of public 53497
instruction, no money shall be distributed to the district under 53498
~~Chapter~~ Chapters 3306. and 3317. of the Revised Code until the 53499
superintendent has satisfactory evidence of the board of 53500
education's full compliance with such order. 53501

Sec. 3317.16. (A) As used in this section: 53502

(1) ~~"State share percentage" means the percentage calculated~~ 53503
~~for a joint vocational school district as follows:~~ 53504

~~(a) Calculate the state base cost funding amount for the~~ 53505
~~district under division (B) of this section. If the district would~~ 53506
~~not receive any base cost funding for that year under that~~ 53507
~~division, the district's state share percentage is zero.~~ 53508

~~(b) If the district would receive base cost funding under~~ 53509
~~that division, divide that base cost amount by an amount equal to~~ 53510
~~the following:~~ 53511

~~the formula amount X~~ 53512
~~formula ADM~~ 53513

~~The resultant number is the district's state share percentage.~~ 53514
53515

~~(2)~~ The "total special education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in ~~division (B)(1)~~ of section 3317.022 of the Revised Code. 53516
53517
53518
53519

~~(3)~~(2) The "total vocational education weight" for a joint vocational school district shall be calculated in the same manner as prescribed in ~~division (B)(4)~~ of section 3317.022 of the Revised Code. 53520
53521
53522
53523

~~(4)~~(3) The "total recognized valuation" of a joint vocational school district shall be determined by adding the recognized valuations of all its constituent school districts that were subject to the joint vocational school district's tax levies for both the current and preceding tax years. 53524
53525
53526
53527
53528

~~(5)~~(4) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 53529
53530
53531

~~(6)~~(5) "Community school" means a community school established under Chapter 3314. of the Revised Code. 53532
53533

(B) The department of education shall compute and distribute state base cost funding to each joint vocational school district for the fiscal year in accordance with the following formula: 53534
53535
53536
(formula amount X formula ADM) - 53537
(.0005 X total recognized valuation) 53538

If the difference obtained under this division is a negative number, the district's computation shall be zero. 53539
53540

(C)(1) The department shall compute and distribute state 53541

vocational education additional weighted costs funds to each joint 53542
vocational school district in accordance with the following 53543
formula: 53544

state share percentage X formula amount X 53545

total vocational education weight 53546

In each fiscal year, a joint vocational school district 53547
receiving funds under division (C)(1) of this section shall spend 53548
those funds only for the purposes the department designates as 53549
approved for vocational education expenses. Vocational educational 53550
expenses approved by the department shall include only expenses 53551
connected to the delivery of career-technical programming to 53552
career-technical students. The department shall require the joint 53553
vocational school district to report data annually so that the 53554
department may monitor the district's compliance with the 53555
requirements regarding the manner in which funding received under 53556
division (C)(1) of this section may be spent. 53557

(2) The department shall compute for each joint vocational 53558
school district state funds for vocational education associated 53559
services costs in accordance with the following formula: 53560

state share percentage X .05 X 53561

the formula amount X the sum of 53562

categories one and two vocational 53563

education ADM 53564

In any fiscal year, a joint vocational school district 53565
receiving funds under division (C)(2) of this section, or through 53566
a transfer of funds pursuant to division (L) of section 3317.023 53567
of the Revised Code, shall spend those funds only for the purposes 53568
that the department designates as approved for vocational 53569
education associated services expenses, which may include such 53570
purposes as apprenticeship coordinators, coordinators for other 53571
vocational education services, vocational evaluation, and other 53572
purposes designated by the department. The department may deny 53573

payment under division (C)(2) of this section to any district that 53574
the department determines is not operating those services or is 53575
using funds paid under division (C)(2) of this section, or through 53576
a transfer of funds pursuant to division (L) of section 3317.023 53577
of the Revised Code, for other purposes. 53578

(D)(1) The department shall compute and distribute state 53579
special education and related services additional weighted costs 53580
funds to each joint vocational school district in accordance with 53581
the following formula: 53582

state share percentage X formula amount X 53583
total special education weight 53584

(2)(a) As used in this division, the "personnel allowance" 53585
means thirty thousand dollars in fiscal years 2008 and 2009. 53586

(b) For the provision of speech language pathology services 53587
to students, including students who do not have individualized 53588
education programs prepared for them under Chapter 3323. of the 53589
Revised Code, and for no other purpose, the department shall pay 53590
each joint vocational school district an amount calculated under 53591
the following formula: 53592

(formula ADM divided by 2000) X the personnel 53593
allowance X state share percentage 53594

(3) In any fiscal year, a joint vocational school district 53595
shall spend for purposes that the department designates as 53596
approved for special education and related services expenses at 53597
least the amount calculated as follows: 53598

(formula amount X 53599
the sum of categories one through 53600
six special education ADM) + 53601
(total special education weight X 53602
formula amount) 53603

The purposes approved by the department for special education 53604

expenses shall include, but shall not be limited to, compliance 53605
with state rules governing the education of children with 53606
disabilities, providing services identified in a student's 53607
individualized education program as defined in section 3323.01 of 53608
the Revised Code, provision of speech language pathology services, 53609
and the portion of the district's overall administrative and 53610
overhead costs that are attributable to the district's special 53611
education student population. 53612

The department shall require joint vocational school 53613
districts to report data annually to allow for monitoring 53614
compliance with division (D)(3) of this section. The department 53615
shall annually report to the governor and the general assembly the 53616
amount of money spent by each joint vocational school district for 53617
special education and related services. 53618

(4) In any fiscal year, a joint vocational school district 53619
shall spend for the provision of speech language pathology 53620
services not less than the sum of the amount calculated under 53621
division (D)(1) of this section for the students in the district's 53622
category one special education ADM and the amount calculated under 53623
division (D)(2) of this section. 53624

(E)(1) If a joint vocational school district's costs for a 53625
fiscal year for a student in its categories two through six 53626
special education ADM exceed the threshold catastrophic cost for 53627
serving the student, as specified in division (C)(3)(b) of section 53628
3317.022 of the Revised Code, the district may submit to the 53629
superintendent of public instruction documentation, as prescribed 53630
by the superintendent, of all of its costs for that student. Upon 53631
submission of documentation for a student of the type and in the 53632
manner prescribed, the department shall pay to the district an 53633
amount equal to the sum of the following: 53634

(a) One-half of the district's costs for the student in 53635
excess of the threshold catastrophic cost; 53636

(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.

(2) The district shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(F) Each fiscal year, the department shall pay each joint vocational school district an amount for adult technical and vocational education and specialized consultants.

(G)(1) A joint vocational school district's local share of special education and related services additional weighted costs equals:

$$\begin{aligned} & (1 - \text{state share percentage}) \times && 53653 \\ & \text{Total special education weight} \times && 53654 \\ & \text{the formula amount} && 53655 \end{aligned}$$

(2) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education

and related services to the student:	53668
(a) The formula amount;	53669
(b) The product of the formula amount times the applicable multiple specified in section 3317.013 <u>3306.11</u> of the Revised Code;	53670 53671 53672
(c) Any funds paid under division (E) of this section for the student;	53673 53674
(d) Any other funds received by the joint vocational school district under this chapter to provide special education and related services to the student, not including the amount calculated under division (G)(2) of this section.	53675 53676 53677 53678
(3) The board of education of the joint vocational school district may report the excess costs calculated under division (G)(2) of this section to the department of education.	53679 53680 53681
(4) If the board of education of the joint vocational school district reports excess costs under division (G)(3) of this section, the department shall pay the amount of excess cost calculated under division (G)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (G)(4)(a) or (b) of this section, as applicable:	53682 53683 53684 53685 53686 53687 53688
(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.	53689 53690 53691 53692
(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.	53693 53694 53695 53696
Sec. 3317.18. (A) As used in this section, the terms "Chapter	53697

133. securities," "credit enhancement facilities," "debt charges," 53698
"general obligation," "legislation," "public obligations," and 53699
"securities" have the same meanings as in section 133.01 of the 53700
Revised Code. 53701

(B) The board of education of any school district authorizing 53702
the issuance of securities under section 133.10, 133.301, or 53703
3313.372 of the Revised Code or general obligation Chapter 133. 53704
securities may adopt legislation requesting the state department 53705
of education to approve, and enter into an agreement with the 53706
school district and the primary paying agent or fiscal agent for 53707
such securities providing for, the withholding and deposit of 53708
funds, otherwise due the district under ~~Chapter~~ Chapters 3306. and 53709
3317. of the Revised Code, for the payment of debt service charges 53710
on such securities. 53711

The board of education shall deliver to the state department 53712
a copy of such resolution and any additional pertinent information 53713
the state department may require. 53714

The department of education and the office of budget and 53715
management shall evaluate each request received from a school 53716
district under this section and the department, with the advice 53717
and consent of the director of budget and management, shall 53718
approve or deny each request based on all of the following: 53719

(1) Whether approval of the request will enhance the 53720
marketability of the securities for which the request is made; 53721

(2) Any other pertinent factors or limitations established in 53722
rules made under division (I) of this section, including: 53723

(a) Current and projected obligations of funds due to the 53724
requesting school district under ~~Chapter~~ Chapters 3306. and 3317. 53725
of the Revised Code including obligations of those funds to public 53726
obligations or relevant credit enhancement facilities under this 53727
section, Chapter 133. and section 3313.483 of the Revised Code, 53728

and under any other similar provisions of law; 53729

(b) Whether the department of education or the office of 53730
budget and management has any reason to believe the requesting 53731
school district will be unable to pay when due the debt charges on 53732
the securities for which the request is made. 53733

The department may require a school district to establish 53734
schedules for the payment of all debt charges that take into 53735
account the amount and timing of anticipated distributions of 53736
funds to the district under Chapter 3317. of the Revised Code. 53737

(C) If the department approves the request of a school 53738
district to withhold and deposit funds pursuant to this section, 53739
the department shall enter into a written agreement with the 53740
district and the primary paying agent or fiscal agent for the 53741
securities which shall provide for the withholding of funds 53742
pursuant to this section for the payment of debt charges on those 53743
securities, and may include both of the following: 53744

(1) Provisions for certification by the district to the 53745
department, at a time prior to any date for the payment of 53746
applicable debt charges, whether the district is able to pay those 53747
debt charges when due; 53748

(2) Requirements that the district deposit amounts for the 53749
payment of debt charges on the securities with the primary paying 53750
agent or fiscal agent for the securities prior to the date on 53751
which those debt charge payments are due to the owners or holders 53752
of the securities. 53753

(D) Whenever a district notifies the department of education 53754
that it will be unable to pay debt charges when they are due, 53755
subject to the withholding provisions of this section, or whenever 53756
the applicable paying agent or fiscal agent notifies the 53757
department that it has not timely received from a school district 53758
the full amount needed for the payment when due of those debt 53759

charges to the holders or owners of such securities, the 53760
department shall immediately contact the school district and the 53761
paying agent or fiscal agent to confirm or determine whether the 53762
district is unable to make the required payment by the date on 53763
which it is due. 53764

Upon demand of the treasurer of state while holding a school 53765
district obligation purchased under division (G)(1) of section 53766
135.143 of the Revised Code, the state department of education, 53767
without a request of the school district, shall withhold and 53768
deposit funds pursuant to this section for payment of debt service 53769
charges on that obligation. 53770

If the department confirms or determines that the district 53771
will be unable to make such payment and payment will not be made 53772
pursuant to a credit enhancement facility, the department shall 53773
promptly pay to the applicable primary paying agent or fiscal 53774
agent the lesser of the amount due for debt charges or the amount 53775
due the district for the remainder of the fiscal year under 53776
Chapter 3317. of the Revised Code. If this amount is insufficient 53777
to pay the total amount then due the agent for the payment of debt 53778
charges, the department shall pay to the agent each fiscal year 53779
thereafter, and until the full amount due the agent for unpaid 53780
debt charges is paid in full, the lesser of the remaining amount 53781
due the agent for debt charges or the amount due the district for 53782
the fiscal year under Chapter 3317. of the Revised Code. 53783

(E) The state department may make any payments under this 53784
division by direct deposit of funds by electronic transfer. 53785

Any amount received by a paying agent or fiscal agent under 53786
this section shall be applied only to the payment of debt charges 53787
on the securities of the school district subject to this section 53788
or to the reimbursement to the provider of a credit enhancement 53789
facility that has paid such debt charges. 53790

(F) To the extent a school district whose securities are 53791
subject to this section is unable to pay applicable debt charges 53792
because of the failure to collect property taxes levied for the 53793
payment of those debt charges, the district may transfer to or 53794
deposit into any fund that would have received payments under 53795
~~Chapter 3306.~~ or 3317. of the Revised Code that were withheld 53796
under this section any such delinquent property taxes when later 53797
collected, provided that transfer or deposit shall be limited to 53798
the amounts withheld from that fund under this section. 53799

(G) The department may make payments under this section to 53800
paying agents or fiscal agents only from and to the extent that 53801
money is appropriated by the general assembly for Chapter 3317. of 53802
the Revised Code or for the purposes of this section. No 53803
securities of a school district to which this section is made 53804
applicable constitute an obligation or a debt or a pledge of the 53805
faith, credit, or taxing power of the state, and the holders or 53806
owners of such securities have no right to have taxes levied or 53807
appropriations made by the general assembly for the payment of 53808
debt charges on those securities, and those securities, if the 53809
department requires, shall contain a statement to that effect. The 53810
agreement for or the actual withholding and payment of moneys 53811
under this section does not constitute the assumption by the state 53812
of any debt of a school district. 53813

(H) In the case of securities subject to the withholding 53814
provisions of this section, the issuing board of education shall 53815
appoint a paying agent or fiscal agent who is not an officer or 53816
employee of the school district. 53817

(I) The department of education, with the advice of the 53818
office of budget and management, may adopt reasonable rules not 53819
inconsistent with this section for the implementation of this 53820
section and division (B) of section 133.25 of the Revised Code as 53821
it relates to the withholding and depositing of payments under 53822

~~Chapter~~ Chapters 3306. and 3317. of the Revised Code to secure 53823
payment of debt charges on school district securities. Those rules 53824
shall include criteria for the evaluation and approval or denial 53825
of school district requests for withholding under this section and 53826
limits on the obligation for the purpose of paying debt charges or 53827
reimbursing credit enhancement facilities of funds otherwise to be 53828
paid to school districts under Chapter 3317. of the Revised Code. 53829

(J) The authority granted by this section is in addition to 53830
and not a limitation on any other authorizations granted by or 53831
pursuant to law for the same or similar purposes. 53832

Sec. 3317.20. This section does not apply to preschool 53833
children with disabilities. 53834

(A) As used in this section: 53835

(1) "Applicable weight" means the multiple specified in 53836
section ~~3317.013~~ 3306.11 of the Revised Code for a disability 53837
described in that section. 53838

(2) "Child's school district" means the school district in 53839
which a child is entitled to attend school pursuant to section 53840
3313.64 or 3313.65 of the Revised Code. 53841

~~(3) "State share percentage" means the state share percentage 53842
of the child's school district as defined in section 3317.022 of 53843
the Revised Code. 53844~~

(B) Except as provided in division (C) of this section, the 53845
department shall annually pay each county MR/DD board for each 53846
child with a disability, other than a preschool child with a 53847
disability, for whom the county MR/DD board provides special 53848
education and related services an amount equal to the formula 53849
amount + (state share percentage X formula amount X the applicable 53850
weight). 53851

(C) If any school district places with a county MR/DD board 53852

more children with disabilities than it had placed with a county MR/DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter and Chapter 3306. of the Revised Code, and pay to the county MR/DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.

(D) The department shall calculate for each county MR/DD board receiving payments under divisions (B) and (C) of this section the following amounts:

(1) The amount received by the county MR/DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;

(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.

If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county MR/DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.

(E) Each county MR/DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county MR/DD board provides special education and related services and the child's school district.

(F)(1) For the purpose of verifying the accuracy of the 53884
payments under this section, the department may request from 53885
either of the following entities the data verification code 53886
assigned under division (D)(2) of section 3301.0714 of the Revised 53887
Code to any child who is placed with a county MR/DD board: 53888

(a) The child's school district; 53889

(b) The independent contractor engaged to create and maintain 53890
data verification codes. 53891

(2) Upon a request by the department under division (F)(1) of 53892
this section for the data verification code of a child, the 53893
child's school district shall submit that code to the department 53894
in the manner specified by the department. If the child has not 53895
been assigned a code, the district shall assign a code to that 53896
child and submit the code to the department by a date specified by 53897
the department. If the district does not assign a code to the 53898
child by the specified date, the department shall assign a code to 53899
the child. 53900

The department annually shall submit to each school district 53901
the name and data verification code of each child residing in the 53902
district for whom the department has assigned a code under this 53903
division. 53904

(3) The department shall not release any data verification 53905
code that it receives under division (F) of this section to any 53906
person except as provided by law. 53907

(G) Any document relative to special education and related 53908
services provided by a county MR/DD board that the department 53909
holds in its files that contains both a student's name or other 53910
personally identifiable information and the student's data 53911
verification code shall not be a public record under section 53912
149.43 of the Revised Code. 53913

Sec. 3317.201. This section does not apply to preschool 53914
children with disabilities. 53915

(A) As used in this section, the "total special education 53916
weight" for an institution means the sum of the following amounts: 53917

(1) The number of children reported by the institution under 53918
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53919
receiving services for a disability described in division 53920
~~(A)~~(D)(1) of section ~~3317.013~~ 3306.02 of the Revised Code 53921
multiplied by the multiple specified in that division; 53922

(2) The number of children reported by the institution under 53923
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53924
receiving services for a disability described in division 53925
~~(B)~~(D)(2) of section ~~3317.013~~ 3306.02 of the Revised Code 53926
multiplied by the multiple specified in that division; 53927

(3) The number of children reported by the institution under 53928
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53929
receiving services for a disability described in division 53930
~~(C)~~(D)(3) of section ~~3317.013~~ 3306.02 of the Revised Code 53931
multiplied by the multiple specified in that division; 53932

(4) The number of children reported by the institution under 53933
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53934
receiving services for a disability described in division (D)(4) 53935
of section ~~3317.013~~ 3306.02 of the Revised Code multiplied by the 53936
multiple specified in that division; 53937

(5) The number of children reported by the institution under 53938
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53939
receiving services for a disability described in division 53940
~~(E)~~(D)(5) of section ~~3317.013~~ 3306.02 of the Revised Code 53941
multiplied by the multiple specified in that division; 53942

(6) The number of children reported by the institution under 53943

division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53944
receiving services for a disability described in division 53945
~~(F)(D)(6)~~ of section ~~3317.013~~ 3306.02 of the Revised Code 53946
multiplied by the multiple specified in that division. 53947

(B) For each fiscal year, the department of education shall 53948
pay each state institution required to provide special education 53949
services under division (A) of section 3323.091 of the Revised 53950
Code an amount equal to the greater of: 53951

(1) The formula amount times the institution's total special 53952
education weight; 53953

(2) The aggregate amount of special education and related 53954
services unit funding the institution received for all children 53955
with disabilities other than preschool children with disabilities 53956
in fiscal year 2005 under sections 3317.052 and 3317.053 of the 53957
Revised Code, as those sections existed prior to June 30, 2005. 53958

Sec. 3318.011. For purposes of providing assistance under 53959
sections 3318.01 to 3318.20 of the Revised Code, the department of 53960
education shall annually do all of the following: 53961

(A) Calculate the adjusted valuation per pupil of each city, 53962
local, and exempted village school district according to the 53963
following formula: 53964

The district's valuation per pupil - 53965

[\$30,000 X (1 - the district's income factor)]. 53966

For purposes of this calculation: 53967

~~(1)(a) Except for a district with an open enrollment net gain~~ 53968
~~that is ten per cent or more of its formula ADM as provided in~~ 53969
~~division (A)(1)(b) of this section, "valuation per pupil" for a~~ 53970
district means its average taxable value, divided by its formula 53971
ADM for the previous fiscal year. ~~"Valuation per pupil,"~~ 53972

(b) For calculations in which the formula ADM reported for 53973

fiscal year 2009 or earlier is a factor, for a district with an 53974
open enrollment net gain that is ten per cent or more of its 53975
formula ADM, "valuation per pupil" means its average taxable 53976
value, divided by the sum of its formula ADM for the previous 53977
fiscal year plus its open enrollment net gain for the previous 53978
fiscal year. 53979

Consideration of net open enrollment gain is not added to the 53980
calculation of valuation per pupil for calculations in which the 53981
formula ADM is reported for a fiscal year after fiscal year 2009, 53982
to account for the fact that beginning with the report of formula 53983
ADM in October 2009 open enrollment students are counted in the 53984
formula ADM of the school districts in which they are enrolled. 53985

(2) "Average taxable value" means the average of the amounts 53986
certified for a district in the second, third, and fourth 53987
preceding fiscal years under divisions (A)(1) and (2) of section 53988
3317.021 of the Revised Code. 53989

(3) "Entitled to attend school" means entitled to attend 53990
school in a city, local, or exempted village school district under 53991
section 3313.64 or 3313.65 of the Revised Code. 53992

(4) "Formula ADM" and "income factor" have the same meanings 53993
as in section 3317.02 of the Revised Code. 53994

(5) "Native student" has the same meaning as in section 53995
3313.98 of the Revised Code. 53996

(6) "Open enrollment net gain" for a district means (a) the 53997
number of the students entitled to attend school in another 53998
district but who are enrolled in the schools of the district under 53999
its open enrollment policy minus (b) the number of the district's 54000
native students who are enrolled in the schools of another 54001
district under the other district's open enrollment policy, both 54002
numbers as certified to the department under section 3313.981 of 54003
the Revised Code. If the difference is a negative number, the 54004

district's "open enrollment net gain" is zero. 54005

(7) "Open enrollment policy" means an interdistrict open 54006
enrollment policy adopted under section 3313.98 of the Revised 54007
Code. 54008

(B) Calculate for each district the three-year average of the 54009
adjusted valuations per pupil calculated for the district for the 54010
current and two preceding fiscal years; 54011

(C) Rank all such districts in order of adjusted valuation 54012
per pupil from the district with the lowest three-year average 54013
adjusted valuation per pupil to the district with the highest 54014
three-year average adjusted valuation per pupil; 54015

(D) Divide such ranking into percentiles with the first 54016
percentile containing the one per cent of school districts having 54017
the lowest three-year average adjusted valuations per pupil and 54018
the one-hundredth percentile containing the one per cent of school 54019
districts having the highest three-year average adjusted 54020
valuations per pupil; 54021

(E) Determine the school districts that have three-year 54022
average adjusted valuations per pupil that are greater than the 54023
median three-year average adjusted valuation per pupil for all 54024
school districts in the state; 54025

(F) On or before the first day of September, certify the 54026
information described in divisions (A) to (E) of this section to 54027
the Ohio school facilities commission. 54028

Sec. 3318.051. (A) Any city, exempted village, or local 54029
school district that commences a project under sections 3318.01 to 54030
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 54031
after ~~the effective date of this section~~ September 5, 2006, need 54032
not levy the tax otherwise required under division (B) of section 54033
3318.05 of the Revised Code, if the district board of education 54034

adopts a resolution petitioning the Ohio school facilities 54035
commission to approve the transfer of money in accordance with 54036
this section and the commission approves that transfer. If so 54037
approved, the commission and the district board shall enter into 54038
an agreement under which the board, in each of twenty-three 54039
consecutive years beginning in the year in which the board and the 54040
commission enter into the project agreement under section 3318.08 54041
of the Revised Code, shall transfer into the maintenance fund 54042
required by division (D) of section 3318.05 of the Revised Code 54043
not less than an amount equal to one-half mill for each dollar of 54044
the district's valuation unless and until the agreement to make 54045
those transfers is rescinded by the district board pursuant to 54046
division (F) of this section. 54047

(B) On the first day of July each year, or on an alternative 54048
date prescribed by the commission, the district treasurer shall 54049
certify to the commission and the auditor of state that the amount 54050
required for the year has been transferred. The auditor of state 54051
shall include verification of the transfer as part of any audit of 54052
the district under section 117.11 of the Revised Code. If the 54053
auditor of state finds that less than the required amount has been 54054
deposited into a district's maintenance fund, the auditor of state 54055
shall notify the district board of education in writing of that 54056
fact and require the board to deposit into the fund, within ninety 54057
days after the date of the notice, the amount by which the fund is 54058
deficient for the year. If the district board fails to demonstrate 54059
to the auditor of state's satisfaction that the board has made the 54060
deposit required in the notice, the auditor of state shall notify 54061
the department of education. At that time, the department shall 54062
withhold an amount equal to ten per cent of the district's funds 54063
calculated for the current fiscal year under ~~Chapter~~ Chapters 54064
3306. and 3317. of the Revised Code until the auditor of state 54065
notifies the department that the auditor of state is satisfied 54066
that the board has made the required transfer. 54067

(C) Money transferred to the maintenance fund shall be used 54068
for the maintenance of the facilities acquired under the 54069
district's project. 54070

(D) The transfers to the maintenance fund under this section 54071
does not affect a district's obligation to establish and maintain 54072
a capital and maintenance fund under section 3315.18 of the 54073
Revised Code. 54074

(E) Any decision by the commission to approve or not approve 54075
the transfer of money under this section is final and not subject 54076
to appeal. The commission shall not be responsible for errors or 54077
miscalculations made in deciding whether to approve a petition to 54078
make transfers under this section. 54079

(F) If the district board determines that it no longer can 54080
continue making the transfers agreed to under this section, the 54081
board may rescind the agreement only so long as the electors of 54082
the district have approved, in accordance with section 3318.063 of 54083
the Revised Code, the levy of a tax for the maintenance of the 54084
classroom facilities acquired under the district's project and 54085
that levy continues to be collected as approved by the electors. 54086
That levy shall be for a number of years that is equal to the 54087
difference between twenty-three years and the number of years that 54088
the district made transfers under this section and shall be at the 54089
rate of not less than one-half mill for each dollar of the 54090
district's valuation. The district board shall continue to make 54091
the transfers agreed to under this section until that levy has 54092
been approved by the electors. 54093

Sec. 3318.061. This section applies only to school districts 54094
eligible to receive additional assistance under division (B)(2) of 54095
section 3318.04 of the Revised Code ~~and to big eight districts~~ 54096
~~segmenting projects under section 3318.38 of the Revised Code.~~ 54097

The board of education of a school district in which a tax 54098

described by division (B) of section 3318.05 and levied under 54099
section 3318.06 of the Revised Code is in effect, may adopt a 54100
resolution by vote of a majority of its members to extend the term 54101
of that tax beyond the expiration of that tax as originally 54102
approved under that section. The school district board may include 54103
in the resolution a proposal to extend the term of that tax at the 54104
rate of not less than one-half mill for each dollar of valuation 54105
for a period of twenty-three years from the year in which the 54106
school district board and the Ohio school facilities commission 54107
enter into an agreement under division (B)(2) of section 3318.04 54108
of the Revised Code or in the following year, as specified in the 54109
resolution ~~or, as applicable in the case of a district segmenting~~ 54110
~~a project under section 3318.38 of the Revised Code, from the year~~ 54111
~~in which the last segment is undertaken.~~ Such a resolution may be 54112
adopted at any time before such an agreement is entered into and 54113
before the tax levied pursuant to section 3318.06 of the Revised 54114
Code expires. If the resolution is combined with a resolution to 54115
issue bonds to pay the school district's portion of the basic 54116
project cost, it shall conform with the requirements of divisions 54117
(A)(1), (2), and (3) of section 3318.06 of the Revised Code, 54118
except that the resolution also shall state that the tax levy 54119
proposed in the resolution is an extension of an existing tax 54120
levied under that section. A resolution proposing an extension 54121
adopted under this section does not take effect until it is 54122
approved by a majority of electors voting in favor of the 54123
resolution at a general, primary, or special election as provided 54124
in this section. 54125

A tax levy extended under this section is subject to the same 54126
terms and limitations to which the original tax levied under 54127
section 3318.06 of the Revised Code is subject under that section, 54128
except the term of the extension shall be as specified in this 54129
section. 54130

The school district board shall certify a copy of the 54131
 resolution adopted under this section to the proper county board 54132
 of elections not later than seventy-five days before the date set 54133
 in the resolution as the date of the election at which the 54134
 question will be submitted to electors. The notice of the election 54135
 shall conform with the requirements of division (A)(3) of section 54136
 3318.06 of the Revised Code, except that the notice also shall 54137
 state that the maintenance tax levy is an extension of an existing 54138
 tax levy. 54139

The form of the ballot shall be as follows: 54140

"Shall the existing tax levied to pay the cost of maintaining 54141
 classroom facilities constructed with the proceeds of the 54142
 previously issued bonds at the rate of (here insert the 54143
 number of mills, which shall not be less than one-half mill) mills 54144
 per dollar of tax valuation, be extended until (here 54145
 insert the year that is twenty-three years after the year in which 54146
 the district and commission will enter into an agreement under 54147
 division (B)(2) of section 3318.04 of the Revised Code or the 54148
 following year)? 54149

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	

54150
 54151
 " 54152

Section 3318.07 of the Revised Code applies to ballot 54154
 questions under this section. 54155

Sec. 3318.08. Except in the case of a joint vocational school 54156
 district that receives assistance under sections 3318.40 to 54157
 3318.45 of the Revised Code, if the requisite favorable vote on 54158
 the election is obtained, or if the school district board has 54159
 resolved to apply the proceeds of a property tax levy or the 54160

proceeds of an income tax, or a combination of proceeds from such 54161
taxes, as authorized in section 3318.052 of the Revised Code, the 54162
Ohio school facilities commission, upon certification to it of 54163
either the results of the election or the resolution under section 54164
3318.052 of the Revised Code, shall enter into a written agreement 54165
with the school district board for the construction and sale of 54166
the project. In the case of a joint vocational school district 54167
that receives assistance under sections 3318.40 to 3318.45 of the 54168
Revised Code, if the school district board of education and the 54169
school district electors have satisfied the conditions prescribed 54170
in division (D)(1) of section 3318.41 of the Revised Code, the 54171
commission shall enter into an agreement with the school district 54172
board for the construction and sale of the project. In either 54173
case, the agreement shall include, but need not be limited to, the 54174
following provisions: 54175

(A) The sale and issuance of bonds or notes in anticipation 54176
thereof, as soon as practicable after the execution of the 54177
agreement, in an amount equal to the school district's portion of 54178
the basic project cost, including any securities authorized under 54179
division (J) of section 133.06 of the Revised Code and dedicated 54180
by the school district board to payment of the district's portion 54181
of the basic project cost of the project; provided, that if at 54182
that time the county treasurer of each county in which the school 54183
district is located has not commenced the collection of taxes on 54184
the general duplicate of real and public utility property for the 54185
year in which the controlling board approved the project, the 54186
school district board shall authorize the issuance of a first 54187
installment of bond anticipation notes in an amount specified by 54188
the agreement, which amount shall not exceed an amount necessary 54189
to raise the net bonded indebtedness of the school district as of 54190
the date of the controlling board's approval to within five 54191
thousand dollars of the required level of indebtedness for the 54192
preceding year. In the event that a first installment of bond 54193

anticipation notes is issued, the school district board shall, as 54194
soon as practicable after the county treasurer of each county in 54195
which the school district is located has commenced the collection 54196
of taxes on the general duplicate of real and public utility 54197
property for the year in which the controlling board approved the 54198
project, authorize the issuance of a second and final installment 54199
of bond anticipation notes or a first and final issue of bonds. 54200

The combined value of the first and second installment of 54201
bond anticipation notes or the value of the first and final issue 54202
of bonds shall be equal to the school district's portion of the 54203
basic project cost. The proceeds of any such bonds shall be used 54204
first to retire any bond anticipation notes. Otherwise, the 54205
proceeds of such bonds and of any bond anticipation notes, except 54206
the premium and accrued interest thereon, shall be deposited in 54207
the school district's project construction fund. In determining 54208
the amount of net bonded indebtedness for the purpose of fixing 54209
the amount of an issue of either bonds or bond anticipation notes, 54210
gross indebtedness shall be reduced by moneys in the bond 54211
retirement fund only to the extent of the moneys therein on the 54212
first day of the year preceding the year in which the controlling 54213
board approved the project. Should there be a decrease in the tax 54214
valuation of the school district so that the amount of 54215
indebtedness that can be incurred on the tax duplicates for the 54216
year in which the controlling board approved the project is less 54217
than the amount of the first installment of bond anticipation 54218
notes, there shall be paid from the school district's project 54219
construction fund to the school district's bond retirement fund to 54220
be applied against such notes an amount sufficient to cause the 54221
net bonded indebtedness of the school district, as of the first 54222
day of the year following the year in which the controlling board 54223
approved the project, to be within five thousand dollars of the 54224
required level of indebtedness for the year in which the 54225
controlling board approved the project. The maximum amount of 54226

indebtedness to be incurred by any school district board as its 54227
share of the cost of the project is either an amount that will 54228
cause its net bonded indebtedness, as of the first day of the year 54229
following the year in which the controlling board approved the 54230
project, to be within five thousand dollars of the required level 54231
of indebtedness, or an amount equal to the required percentage of 54232
the basic project costs, whichever is greater. All bonds and bond 54233
anticipation notes shall be issued in accordance with Chapter 133. 54234
of the Revised Code, and notes may be renewed as provided in 54235
section 133.22 of the Revised Code. 54236

(B) The transfer of such funds of the school district board 54237
available for the project, together with the proceeds of the sale 54238
of the bonds or notes, except premium, accrued interest, and 54239
interest included in the amount of the issue, to the school 54240
district's project construction fund; 54241

(C) For all school districts except joint vocational school 54242
districts that receive assistance under sections 3318.40 to 54243
3318.45 of the Revised Code, the following provisions as 54244
applicable: 54245

(1) If section 3318.052 of the Revised Code applies, the 54246
earmarking of the proceeds of a tax levied under section 5705.21 54247
of the Revised Code for general permanent improvements or under 54248
section 5705.218 of the Revised Code for the purpose of permanent 54249
improvements, or the proceeds of a school district income tax 54250
levied under Chapter 5748. of the Revised Code, or the proceeds 54251
from a combination of those two taxes, in an amount to pay all or 54252
part of the service charges on bonds issued to pay the school 54253
district portion of the project and an amount equivalent to all or 54254
part of the tax required under division (B) of section 3318.05 of 54255
the Revised Code; 54256

(2) If section 3318.052 of the Revised Code does not apply, 54257
one of the following: 54258

(a) The levy of the tax authorized at the election for the 54259
payment of maintenance costs, as specified in division (B) of 54260
section 3318.05 of the Revised Code; 54261

(b) If the school district electors have approved a 54262
continuing tax for general permanent improvements under section 54263
5705.21 of the Revised Code and that tax can be used for 54264
maintenance, the earmarking of an amount of the proceeds from such 54265
tax for maintenance of classroom facilities as specified in 54266
division (B) of section 3318.05 of the Revised Code; 54267

(c) If, in lieu of the tax otherwise required under division 54268
(B) of section 3318.05 of the Revised Code, the commission has 54269
approved the transfer of money to the maintenance fund in 54270
accordance with section 3318.051 of the Revised Code, a 54271
requirement that the district board comply with the provisions 54272
prescribed under that section. The district board may rescind the 54273
provision prescribed under division (C)(2)(c) of this section only 54274
so long as the electors of the district have approved, in 54275
accordance with section 3318.063 of the Revised Code, the levy of 54276
a tax for the maintenance of the classroom facilities acquired 54277
under the district's project and that levy continues to be 54278
collected as approved by the electors. 54279

(D) For joint vocational school districts that receive 54280
assistance under sections 3318.40 to 3318.45 of the Revised Code, 54281
provision for deposit of school district moneys dedicated to 54282
maintenance of the classroom facilities acquired under those 54283
sections as prescribed in section 3318.43 of the Revised Code; 54284

(E) Dedication of any local donated contribution as provided 54285
for under section 3318.084 of the Revised Code, including a 54286
schedule for depositing such moneys applied as an offset of the 54287
district's obligation to levy the tax described in division (B) of 54288
section 3318.05 of the Revised Code as required under division 54289
(D)(2) of section 3318.084 of the Revised Code; 54290

(F) Ownership of or interest in the project during the period 54291
of construction, which shall be divided between the commission and 54292
the school district board in proportion to their respective 54293
contributions to the school district's project construction fund; 54294

(G) Maintenance of the state's interest in the project until 54295
any obligations issued for the project under section 3318.26 of 54296
the Revised Code are no longer outstanding; 54297

(H) The insurance of the project by the school district from 54298
the time there is an insurable interest therein and so long as the 54299
state retains any ownership or interest in the project pursuant to 54300
division (F) of this section, in such amounts and against such 54301
risks as the commission shall require; provided, that the cost of 54302
any required insurance until the project is completed shall be a 54303
part of the basic project cost; 54304

(I) The certification by the director of budget and 54305
management that funds are available and have been set aside to 54306
meet the state's share of the basic project cost as approved by 54307
the controlling board pursuant to either section 3318.04 or 54308
division (B)(1) of section 3318.41 of the Revised Code; 54309

(J) Authorization of the school district board to advertise 54310
for and receive construction bids for the project, for and on 54311
behalf of the commission, and to award contracts in the name of 54312
the state subject to approval by the commission; 54313

(K) Provisions for the disbursement of moneys from the school 54314
district's project account upon issuance by the commission or the 54315
commission's designated representative of vouchers for work done 54316
to be certified to the commission by the treasurer of the school 54317
district board; 54318

(L) Disposal of any balance left in the school district's 54319
project construction fund upon completion of the project; 54320

(M) Limitations upon use of the project or any part of it so 54321

long as any obligations issued to finance the project under 54322
section 3318.26 of the Revised Code are outstanding; 54323

(N) Provision for vesting the state's interest in the project 54324
to the school district board when the obligations issued to 54325
finance the project under section 3318.26 of the Revised Code are 54326
outstanding; 54327

(O) Provision for deposit of an executed copy of the 54328
agreement in the office of the commission; 54329

(P) Provision for termination of the contract and release of 54330
the funds encumbered at the time of the conditional approval, if 54331
the proceeds of the sale of the bonds of the school district board 54332
are not paid into the school district's project construction fund 54333
and if bids for the construction of the project have not been 54334
taken within such period after the execution of the agreement as 54335
may be fixed by the commission; 54336

(Q) Provision for the school district to maintain the project 54337
in accordance with a plan approved by the commission; 54338

(R)(1) For all school districts except a district undertaking 54339
a project under section 3318.38 of the Revised Code or a joint 54340
vocational school district undertaking a project under sections 54341
3318.40 to 3318.45 of the Revised Code, provision that all state 54342
funds reserved and encumbered to pay the state share of the cost 54343
of the project pursuant to section 3318.03 of the Revised Code be 54344
spent on the construction or acquisition of the project prior to 54345
the expenditure of any funds provided by the school district to 54346
pay for its share of the project cost, unless the school district 54347
certifies to the commission that expenditure by the school 54348
district is necessary to maintain the tax-exempt status of notes 54349
or bonds issued by the school district to pay for its share of the 54350
project cost or to comply with applicable temporary investment 54351
periods or spending exceptions to rebate as provided for under 54352

federal law in regard to those notes or bonds, in which cases, the 54353
school district may commit to spend, or spend, a portion of the 54354
funds it provides; 54355

(2) For a school district undertaking a project under section 54356
3318.38 of the Revised Code or a joint vocational school district 54357
undertaking a project under sections 3318.40 to 3318.45 of the 54358
Revised Code, provision that the state funds reserved and 54359
encumbered and the funds provided by the school district to pay 54360
the basic project cost of any segment of the project, or of the 54361
entire project if it is not divided into segments, be spent on the 54362
construction and acquisition of the project simultaneously in 54363
proportion to the state's and the school district's respective 54364
shares of that basic project cost as determined under section 54365
3318.032 of the Revised Code or, if the district is a joint 54366
vocational school district, under section 3318.42 of the Revised 54367
Code. 54368

(S) A provision stipulating that the commission may prohibit 54369
the district from proceeding with any project if the commission 54370
determines that the site is not suitable for construction 54371
purposes. The commission may perform soil tests in its 54372
determination of whether a site is appropriate for construction 54373
purposes. 54374

(T) A provision stipulating that, unless otherwise authorized 54375
by the commission, any contingency reserve portion of the 54376
construction budget prescribed by the commission shall be used 54377
only to pay costs resulting from unforeseen job conditions, to 54378
comply with rulings regarding building and other codes, to pay 54379
costs related to design clarifications or corrections to contract 54380
documents, and to pay the costs of settlements or judgments 54381
related to the project as provided under section 3318.086 of the 54382
Revised Code. 54383

~~(U) Provision stipulating that for continued release of 54384~~

~~project funds the school district board shall comply with section 54385
3313.41 of the Revised Code throughout the project and shall 54386
notify the department of education and the Ohio community school 54387
association when the board plans to dispose of facilities by sale 54388
under that section; 54389~~

~~(V) Provision that the commission shall not approve a 54390
contract for demolition of a facility until the school district 54391
board has complied with section 3313.41 of the Revised Code 54392
relative to that facility, unless demolition of that facility is 54393
to clear a site for construction of a replacement facility 54394
included in the district's project. 54395~~

Sec. 3318.312. After the superintendent of public instruction 54396
adopts rules under section 3306.25 of the Revised Code 54397
establishing expenditure and reporting standards for operating 54398
funds paid under Chapter 3306. of the Revised Code, the Ohio 54399
school facilities commission shall conduct a study of demands upon 54400
and other issues related to existing classroom facilities that may 54401
arise due to new operating requirements. The commission shall 54402
report its findings to the governor and general assembly, in 54403
accordance with section 101.68 of the Revised Code. 54404

Sec. 3318.36. (A)(1) As used in this section: 54405

(a) "Ohio school facilities commission," "classroom 54406
facilities," "school district," "school district board," "net 54407
bonded indebtedness," "required percentage of the basic project 54408
costs," "basic project cost," "valuation," and "percentile" have 54409
the same meanings as in section 3318.01 of the Revised Code. 54410

(b) "Required level of indebtedness" means five per cent of 54411
the school district's valuation for the year preceding the year in 54412
which the commission and school district enter into an agreement 54413
under division (B) of this section, plus [two one-hundredths of 54414

one per cent multiplied by (the percentile in which the district ranks minus one)].

(c) "Local resources" means any moneys generated in any manner permitted for a school district board to raise the school district portion of a project undertaken with assistance under sections 3318.01 to 3318.20 of the Revised Code.

(2) For purposes of determining ~~either~~ the required level of indebtedness, ~~as defined in division (A)(1)(b) of this section, or~~ the required percentage of the basic project costs, under division (C)(1) of this section, and priority for assistance under sections 3318.01 to 3318.20 of the Revised Code, the percentile ranking of a school district with which the commission has entered into an agreement under this section between the first day of July and the thirty-first day of August in each fiscal year is the percentile ranking calculated for that district for the immediately preceding fiscal year, and the percentile ranking of a school district with which the commission has entered into such agreement between the first day of September and the thirtieth day of June in each fiscal year is the percentile ranking calculated for that district for the current fiscal year.

(B)(1) There is hereby established the school building assistance expedited local partnership program. Under the program, the Ohio school facilities commission may enter into an agreement with the school district board of any school district under which the school district board may proceed with the new construction or major repairs of a part of the school district's classroom facilities needs, as determined under sections 3318.01 to 3318.20 of the Revised Code, through the expenditure of local resources prior to the school district's eligibility for state assistance under those ~~sections 3318.01 to 3318.20 of the Revised Code~~ and may apply that expenditure toward meeting the school district's portion of the basic project cost of the total of the school

district's classroom facilities needs, as determined under 54447
sections 3318.01 to 3318.20 of the Revised Code and as 54448
recalculated under division (E) of this section, that are eligible 54449
for state assistance under sections 3318.01 to 3318.20 of the 54450
Revised Code when the school district becomes eligible for ~~such~~ 54451
~~state~~ that assistance. Any school district that is reasonably 54452
expected to receive assistance under sections 3318.01 to 3318.20 54453
of the Revised Code within two fiscal years from the date the 54454
school district adopts its resolution under division (B) of this 54455
section shall not be eligible to participate in the program 54456
established under this section. 54457

(2) To participate in the program, a school district board 54458
shall first adopt a resolution certifying to the commission the 54459
board's intent to participate in the program. 54460

The resolution shall specify the approximate date that the 54461
board intends to seek elector approval of any bond or tax measures 54462
or to apply other local resources to use to pay the cost of 54463
classroom facilities to be constructed under this section. The 54464
resolution may specify the application of local resources or 54465
elector-approved bond or tax measures after the resolution is 54466
adopted by the board, and in such case the board may proceed with 54467
a discrete portion of its project under this section as soon as 54468
the commission and the controlling board have approved the basic 54469
project cost of the district's classroom facilities needs as 54470
specified in division (D) of this section. The board shall submit 54471
its resolution to the commission not later than ten days after the 54472
date the resolution is adopted by the board. 54473

The commission shall not consider any resolution that is 54474
submitted pursuant to division (B)(2) of this section, as amended 54475
by this amendment, sooner than September 14, 2000. 54476

(3) For purposes of determining when a district that enters 54477
into an agreement under this section becomes eligible for 54478

assistance under sections 3318.01 to 3318.20 of the Revised Code, 54479
the commission shall use the district's percentile ranking 54480
determined at the time the district entered into the agreement 54481
under this section, as prescribed by division (A)(2) of this 54482
section. 54483

(4) Any project under this section shall comply with section 54484
3318.03 of the Revised Code and with any specifications for plans 54485
and materials for classroom facilities adopted by the commission 54486
under section 3318.04 of the Revised Code. 54487

~~(4)~~(5) If a school district that enters into an agreement 54488
under this section has not begun a project applying local 54489
resources as provided for under that agreement at the time the 54490
district is notified by the commission that it is eligible to 54491
receive state assistance under sections 3318.01 to 3318.20 of the 54492
Revised Code, all assessment and agreement documents entered into 54493
under this section are void. 54494

~~(5)~~(6) Only construction of or repairs to classroom 54495
facilities that have been approved by the commission and have been 54496
therefore included as part of a district's basic project cost 54497
qualify for application of local resources under this section. 54498

(C) Based on the results of ~~the~~ on-site visits and assessment 54499
~~conducted under division (B)(2) of this section,~~ the commission 54500
shall determine the basic project cost of the school district's 54501
classroom facilities needs. The commission shall determine the 54502
school district's portion of such basic project cost, which shall 54503
be the greater of: 54504

(1) The required percentage of the basic project costs, 54505
determined based on the school district's percentile ranking; 54506

(2) An amount necessary to raise the school district's net 54507
bonded indebtedness, as of the fiscal year the commission and the 54508
school district enter into the agreement under division (B) of 54509

this section, to within five thousand dollars of the required 54510
level of indebtedness. 54511

(D)(1) When the commission determines the basic project cost 54512
of the classroom facilities needs of a school district and the 54513
school district's portion of that basic project cost under 54514
division (C) of this section, the project shall be conditionally 54515
approved. Such conditional approval shall be submitted to the 54516
controlling board for approval thereof. The controlling board 54517
shall forthwith approve or reject the commission's determination, 54518
conditional approval, and the amount of the state's portion of the 54519
basic project cost; however, no state funds shall be encumbered 54520
under this section. Upon approval by the controlling board, the 54521
school district board may identify a discrete part of its 54522
classroom facilities needs, which shall include only new 54523
construction of or additions or major repairs to a particular 54524
building, to address with local resources. Upon identifying a part 54525
of the school district's basic project cost to address with local 54526
resources, the school district board may allocate any available 54527
school district moneys to pay the cost of that identified part, 54528
including the proceeds of an issuance of bonds if approved by the 54529
electors of the school district. 54530

All local resources utilized under this division shall first 54531
be deposited in the project construction account required under 54532
section 3318.08 of the Revised Code. 54533

(2) Unless the school district board exercises its option 54534
under division (D)(3) of this section, for a school district to 54535
qualify for participation in the program authorized under this 54536
section, one of the following conditions shall be satisfied: 54537

(a) The electors of the school district by a majority vote 54538
shall approve the levy of taxes outside the ten-mill limitation 54539
for a period of twenty-three years at the rate of not less than 54540
one-half mill for each dollar of valuation to be used to pay the 54541

cost of maintaining the classroom facilities included in the basic 54542
project cost as determined by the commission. The form of the 54543
ballot to be used to submit the question whether to approve the 54544
tax required under this division to the electors of the school 54545
district shall be the form for an additional levy of taxes 54546
prescribed in section 3318.361 of the Revised Code, which may be 54547
combined in a single ballot question with the questions prescribed 54548
under section 5705.218 of the Revised Code. 54549

(b) As authorized under division (C) of section 3318.05 of 54550
the Revised Code, the school district board shall earmark from the 54551
proceeds of a permanent improvement tax levied under section 54552
5705.21 of the Revised Code, an amount equivalent to the 54553
additional tax otherwise required under division (D)(2)(a) of this 54554
section for the maintenance of the classroom facilities included 54555
in the basic project cost as determined by the commission. 54556

(c) As authorized under section 3318.051 of the Revised Code, 54557
the school district board shall, if approved by the commission, 54558
annually transfer into the maintenance fund required under section 54559
3318.05 of the Revised Code the amount prescribed in section 54560
3318.051 of the Revised Code in lieu of the tax otherwise required 54561
under division (D)(2)(a) of this section for the maintenance of 54562
the classroom facilities included in the basic project cost as 54563
determined by the commission. 54564

(d) If the school district board has rescinded the agreement 54565
to make transfers under section 3318.051 of the Revised Code, as 54566
provided under division (F) of that section, the electors of the 54567
school district, in accordance with section 3318.063 of the 54568
Revised Code, first shall approve the levy of taxes outside the 54569
ten-mill limitation for the period specified in that section at a 54570
rate of not less than one-half mill for each dollar of valuation. 54571

(e) The school district board shall apply the proceeds of a 54572
tax to leverage bonds as authorized under section 3318.052 of the 54573

Revised Code or dedicate a local donated contribution in the 54574
manner described in division (B) of section 3318.084 of the 54575
Revised Code in an amount equivalent to the additional tax 54576
otherwise required under division (D)(2)(a) of this section for 54577
the maintenance of the classroom facilities included in the basic 54578
project cost as determined by the commission. 54579

(3) A school district board may opt to delay taking any of 54580
the actions described in division (D)(2) of this section until 54581
~~such time as~~ the school district becomes eligible for state 54582
assistance under sections 3318.01 to 3318.20 of the Revised Code. 54583
In order to exercise this option, the board shall certify to the 54584
commission a resolution indicating the board's intent to do so 54585
prior to entering into an agreement under division (B) of this 54586
section. 54587

(4) If pursuant to division (D)(3) of this section a district 54588
board opts to delay levying an additional tax until the district 54589
becomes eligible for state assistance, it shall submit the 54590
question of levying that tax to the district electors as follows: 54591

(a) In accordance with section 3318.06 of the Revised Code if 54592
it will also be necessary pursuant to division (E) of this section 54593
to submit a proposal for approval of a bond issue; 54594

(b) In accordance with section 3318.361 of the Revised Code 54595
if it is not necessary to also submit a proposal for approval of a 54596
bond issue pursuant to division (E) of this section. 54597

(5) No state assistance under sections 3318.01 to 3318.20 of 54598
the Revised Code shall be released until a school district board 54599
that adopts and certifies a resolution under division (D) of this 54600
section also demonstrates to the satisfaction of the commission 54601
compliance with the provisions of division (D)(2) of this section. 54602

Any amount required for maintenance under division (D)(2) of 54603
this section shall be deposited into a separate fund as specified 54604

in division (B) of section 3318.05 of the Revised Code. 54605

(E)(1) If the school district becomes eligible for state 54606
assistance under sections 3318.01 to 3318.20 of the Revised Code 54607
based on its percentile ranking ~~as determined~~ under division 54608
(B)(3) of this section, the commission shall conduct a new 54609
assessment of the school district's classroom facilities needs and 54610
shall recalculate the basic project cost based on this new 54611
assessment. The basic project cost recalculated under this 54612
division shall include the amount of expenditures made by the 54613
school district board under division (D)(1) of this section. The 54614
commission shall then recalculate the school district's portion of 54615
the new basic project cost, which shall be the percentage of the 54616
original basic project cost assigned to the school district as its 54617
portion under division (C) of this section. The commission shall 54618
deduct the expenditure of school district moneys made under 54619
division (D)(1) of this section from the school district's portion 54620
of the basic project cost as recalculated under this division. If 54621
the amount of school district resources applied by the school 54622
district board to the school district's portion of the basic 54623
project cost under this section is less than the total amount of 54624
such portion as recalculated under this division, the school 54625
district board by a majority vote of all of its members shall, if 54626
it desires to seek state assistance under sections 3318.01 to 54627
3318.20 of the Revised Code, adopt a resolution as specified in 54628
section 3318.06 of the Revised Code to submit to the electors of 54629
the school district the question of approval of a bond issue in 54630
order to pay any additional amount of school district portion 54631
required for state assistance. Any tax levy approved under 54632
division (D) of this section satisfies the requirements to levy 54633
the additional tax under section 3318.06 of the Revised Code. 54634

54635

(2) If the amount of school district resources applied by the 54636

school district board to the school district's portion of the 54637
basic project cost under this section is more than the total 54638
amount of such portion as recalculated under this division, within 54639
one year after the school district's portion is recalculated under 54640
division (E)(1) of this section the commission may grant to the 54641
school district the difference between the two calculated 54642
portions, but at no time shall the commission expend any state 54643
funds on a project in an amount greater than the state's portion 54644
of the basic project cost as recalculated under this division. 54645

Any reimbursement under this division shall be only for local 54646
resources the school district has applied toward construction cost 54647
expenditures for the classroom facilities approved by the 54648
commission, which shall not include any financing costs associated 54649
with that construction. 54650

The school district board shall use any moneys reimbursed to 54651
the district under this division to pay off any debt service the 54652
district owes for classroom facilities constructed under its 54653
project under this section before such moneys are applied to any 54654
other purpose. However, the district board first may deposit 54655
moneys reimbursed under this division into the district's general 54656
fund or a permanent improvement fund to replace local resources 54657
the district withdrew from those funds, as long as, and to the 54658
extent that, those local resources were used by the district for 54659
constructing classroom facilities included in the district's basic 54660
project cost. 54661

Sec. 3318.38. (A) As used in this section, "big-eight school 54662
district" has the same meaning as in section 3314.02 of the 54663
Revised Code. 54664

(B) There is hereby established the accelerated urban school 54665
building assistance program. Under the program, notwithstanding 54666
section 3318.02 of the Revised Code, any big-eight school district 54667

that has not been approved to receive assistance under sections 54668
3318.01 to 3318.20 of the Revised Code by July 1, 2002, may 54669
beginning on that date apply for approval of and be approved for 54670
such assistance. Except as otherwise provided in this section, any 54671
project approved and undertaken pursuant to this section shall 54672
comply with all provisions of sections 3318.01 to 3318.20 of the 54673
Revised Code. 54674

The Ohio school facilities commission shall provide 54675
assistance to any big-eight school district eligible for 54676
assistance under this section in the following manner: 54677

(1) Notwithstanding section 3318.02 of the Revised Code: 54678

(a) Not later than June 30, 2002, the commission shall 54679
conduct an on-site visit and shall assess the classroom facilities 54680
needs of each big-eight school district eligible for assistance 54681
under this section; 54682

(b) Beginning July 1, 2002, any big-eight school district 54683
eligible for assistance under this section may apply to the 54684
commission for conditional approval of its project as determined 54685
by the assessment conducted under division (B)(1)(a) of this 54686
section. The commission may conditionally approve that project and 54687
submit it to the controlling board for approval pursuant to 54688
section 3318.04 of the Revised Code. 54689

(2) If the controlling board approves the project of a 54690
big-eight school district eligible for assistance under this 54691
section, the commission and the school district shall enter into 54692
an agreement as prescribed in section 3318.08 of the Revised Code. 54693
Any agreement executed pursuant to this division shall include any 54694
applicable segmentation provisions as approved by the commission 54695
under division (B)(3) of this section. 54696

(3) Notwithstanding any provision to the contrary in sections 54697
3318.05, 3318.06, and 3318.08 of the Revised Code, a big-eight 54698

school district eligible for assistance under this section may 54699
with the approval of the commission opt to divide the project as 54700
approved under division (B)(1)(b) of this section into discrete 54701
segments to be completed sequentially. Any project divided into 54702
segments shall comply with all other provisions of sections 54703
3318.05, 3318.06, and 3318.08 of the Revised Code except as 54704
otherwise specified in this division. 54705

If a project is divided into segments under this division: 54706

(a) The school district need raise only the amount equal to 54707
its proportionate share, as determined under section 3318.032 of 54708
the Revised Code, of each segment at any one time and may seek 54709
voter approval of each segment separately; 54710

(b) The state's proportionate share, as determined under 54711
section 3318.032 of the Revised Code, of only the segment which 54712
has been approved by the school district electors or for which the 54713
district has applied a local donated contribution under section 54714
3318.084 of the Revised Code shall be encumbered in accordance 54715
with section 3318.11 of the Revised Code. Encumbrance of 54716
additional amounts to cover the state's proportionate share of 54717
later segments shall be approved separately as they are approved 54718
by the school district electors or as the district applies a local 54719
donated contribution to the segments under section 3318.084 of the 54720
Revised Code. 54721

~~(c) If it is necessary to levy the additional tax for 54722
maintenance under division (B) of section 3318.05 of the Revised 54723
Code with respect to any segment of the project, the district may 54724
utilize the provisions of section 3318.061 of the Revised Code to 54725
ensure that the maintenance tax extends for twenty three years 54726
after the last segment of the project is undertaken. The school 54727
district's maintenance levy requirement, as defined in section 54728
3318.18 of the Revised Code, shall run for twenty-three years from 54729
the date the first segment is undertaken. 54730~~

(4) For any project under this section, the state funds reserved and encumbered and the funds provided by the school district to pay the basic project cost of any segment of the project, or of the entire project if it is not divided into segments, shall be spent on the construction and acquisition of the project simultaneously in proportion to the state's and the school district's respective shares of that basic project cost as determined under section 3318.032 of the Revised Code.

Sec. 3318.44. (A) A joint vocational school district board of education may generate the school district's portion of the basic project cost of its project under sections 3318.40 to 3318.45 of the Revised Code using any combination of the following means if lawfully employed for the acquisition of classroom facilities:

(1) The issuance of securities in accordance with Chapter 133. and section 3311.20 of the Revised Code;

(2) Local donated contributions as authorized under section 3318.084 of the Revised Code;

(3) A levy for permanent improvements under section 3311.21 or 5705.21 of the Revised Code;

(4) Bonds issued pursuant to division (B) of this section.

(B) By resolution adopted by a majority of all its members, a school district board, in order to pay all or part of the school district's portion of its basic project cost, may apply the proceeds of a tax levied under section 5705.21 of the Revised Code for general permanent improvements if the proceeds of that levy lawfully may be used for general construction, renovation, repair, or maintenance of classroom facilities to leverage pay debt charges on and financing costs related to bonds adequate issued to pay all or part of the school district portion of the basic project cost of the school district's project under sections

3318.40 to 3318.45 of the Revised Code or to generate an amount 54761
equivalent to all or part of the amount required under section 54762
3318.43 of the Revised Code to be used for maintenance of 54763
classroom facilities acquired under the project. Bonds issued 54764
under this division shall be Chapter 133. securities, and may be 54765
issued as general obligation securities, but the issuance of the 54766
bonds shall not be subject to a vote of the electors of the school 54767
district as long as the tax proceeds earmarked for payment of the 54768
service debt charges on the bonds may lawfully be used for that 54769
purpose. Such bonds shall not be included in the calculation of 54770
net indebtedness under section 133.06 of the Revised Code if the 54771
resolution authorizing their issuance includes covenants to 54772
appropriate annually, from lawfully available proceeds of a 54773
property tax levied under section 5705.21 of the Revised Code, and 54774
to continue to levy that tax in amounts necessary to pay the debt 54775
charges on and financing costs related to the bonds as they become 54776
due. No property tax levied under section 5705.21 of the Revised 54777
Code that is pledged, or that the school district has covenanted 54778
to levy, collect, and appropriate annually to pay the debt charges 54779
on and financing costs related to the bonds under this section may 54780
be repealed while those bonds are outstanding. If such a tax is 54781
reduced by electors of the district or by the board of education 54782
while the bonds are outstanding, the board of education shall 54783
continue to levy and collect the tax under the authority of the 54784
original election authorizing the tax at a rate in each year that 54785
the board reasonably estimates will produce an amount in that year 54786
equal to the debt charges on the bonds in that year. 54787

No state moneys shall be released for a project to which this 54788
division applies until the proceeds of any bonds issued under this 54789
division that are dedicated for payment of the school district's 54790
portion of the basic project cost are first deposited into the 54791
school district's project construction fund. 54792

(C) A school district board of education may adopt a resolution proposing that any of the following questions be combined with a question specified in section 3318.45 of the Revised Code:

(1) A bond issue question under section 133.18 of the Revised Code;

(2) A tax levy question under section 3311.21 of the Revised Code;

(3) A tax levy question under section 5705.21 of the Revised Code.

Any question described in divisions (C)(1) to (3) of this section that is combined with a question proposed under section 3318.45 of the Revised Code shall be for the purpose of either paying for any permanent improvement, as defined in section 133.01 of the Revised Code, or generating operating revenue specifically for the facilities acquired under the school district's project under Chapter 3318. of the Revised Code or for both to the extent such purposes are permitted by the sections of law under which each is proposed.

(D) The board of education of a joint vocational school district that receives assistance under this section may enter into an agreement for joint issuance of bonds as provided for in section 3318.085 of the Revised Code.

Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop, in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training ~~for persons employed by any school district or~~

~~service center to work in an elementary school as a nurse,~~ 54823
~~teacher, counselor, school psychologist, or administrator in the~~ 54824
~~prevention of child abuse, violence, and substance abuse and the~~ 54825
~~promotion of positive youth development.~~ Each person employed by 54826
any school district or service center to work in ~~an elementary a~~ 54827
school as a nurse, teacher, counselor, school psychologist, or 54828
administrator shall complete at least four hours of the in-service 54829
training ~~in the prevention of child abuse, violence, and substance~~ 54830
~~abuse and the promotion of positive youth development~~ within two 54831
years of commencing employment with the district or center, and 54832
every five years thereafter. A person who is employed by any 54833
school district or service center to work in an elementary school 54834
as a nurse, teacher, counselor, school psychologist, or 54835
administrator on ~~the effective date of this amendment~~ March 30, 54836
2007, shall complete at least four hours of the in-service 54837
training ~~required by this section within two years of the~~ 54838
~~effective date of this amendment~~ not later than March 30, 2009, 54839
and every five years thereafter. A person who is employed by any 54840
school district or service center to work in a middle or high 54841
school as a nurse, teacher, counselor, school psychologist, or 54842
administrator on the effective date of this amendment shall 54843
complete at least four hours of the in-service training not later 54844
than two years after the effective date of this amendment and 54845
every five years thereafter. 54846

(B) Each board shall incorporate training in school safety 54847
and violence prevention into the in-service training required by 54848
division (A) of this section. For this purpose, the board shall 54849
adopt or adapt the curriculum developed by the department or shall 54850
develop its own curriculum in consultation with public or private 54851
agencies or persons involved in school safety and violence 54852
prevention programs. 54853

Sec. 3319.08. (A) The board of education of each city, 54854

exempted village, local, and joint vocational school district and 54855
the governing board of each educational service center shall enter 54856
into written contracts for the employment and reemployment of all 54857
teachers. Contracts for the employment of teachers shall be of two 54858
types, limited contracts and continuing contracts. The board of 54859
each ~~such~~ school district or service center that authorizes 54860
compensation in addition to the base salary stated in the 54861
teachers' salary schedule for the performance of duties by a 54862
teacher that are in addition to the teacher's regular teaching 54863
duties, shall enter into a supplemental written contract with each 54864
teacher who is to perform additional duties. Such supplemental 54865
written contracts shall be limited contracts. Such written 54866
contracts and supplemental written contracts shall set forth the 54867
teacher's duties and shall specify the salaries and compensation 54868
to be paid for regular teaching duties and additional teaching 54869
duties, respectively, either or both of which may be increased but 54870
not diminished during the term for which the contract is made, 54871
except as provided in section 3319.12 of the Revised Code. 54872

If a board adopts a motion or resolution to employ a teacher 54873
under a limited or continuing contract and the teacher accepts 54874
such employment, the failure of such parties to execute a written 54875
contract shall not void such employment contract. 54876

(B) Teachers must be paid for all time lost when the schools 54877
in which they are employed are closed due to an epidemic or other 54878
public calamity, and for time lost due to illness or otherwise for 54879
not less than five days annually as authorized by regulations 54880
which each board shall adopt. 54881

~~Contracts for the employment of teachers shall be of two~~ 54882
~~types, limited contracts and continuing contracts.~~ 54883

~~(A)~~(C) A limited contract is: 54884

(1) For a superintendent, a contract for such term as 54885

authorized by section 3319.01 of the Revised Code;	54886
(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code;	54887 54888 54889
(3) For all other teachers, a contract for a term not to exceed five years.	54890 54891
(B) (D) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following:	54892 54893 54894 54895 54896
(1) Any teacher holding a professional, permanent, or life teacher's certificate;	54897 54898
(2) Any teacher holding a professional educator license who <u>meets the following conditions:</u>	54899 54900
<u>(a) The teacher was initially issued a teacher's certificate or educator license prior to January 1, 2011.</u>	54901 54902
<u>(b) The teacher holds a professional educator license issued under section 3319.22 or 3319.222 or former section 3319.22 of the Revised Code or a senior professional educator license or lead professional educator license issued under section 3319.22 of the Revised Code.</u>	54903 54904 54905 54906 54907
<u>(c) The teacher</u> has completed the applicable one of the following:	54908 54909
(a) (i) If the teacher did not hold a masters <u>master's</u> degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education	54910 54911 54912 54913 54914 54915

shall adopt; 54916

~~(b)~~(ii) If the teacher held a ~~masters~~ master's degree at the 54917
time of initially receiving a teacher's certificate under former 54918
law or an educator license, six semester hours of graduate 54919
coursework in the area of licensure or in an area related to the 54920
teaching field since the initial issuance of such certificate or 54921
license, as specified in rules which the state board ~~of education~~ 54922
shall adopt. 54923

~~This~~ (3) Any teacher who meets the following conditions: 54924

(a) The teacher never held a teacher's certificate and was 54925
initially issued an educator license on or after January 1, 2011. 54926

(b) The teacher holds a professional educator license, senior 54927
professional educator license, or lead professional educator 54928
license issued under section 3319.22 of the Revised Code. 54929

(c) The teacher has held an educator license for at least 54930
five years. 54931

(d) The teacher has completed the applicable one of the 54932
following: 54933

(i) If the teacher did not hold a master's degree at the time 54934
of initially receiving an educator license, thirty semester hours 54935
of coursework in the area of licensure or in an area related to 54936
the teaching field since the initial issuance of that license, as 54937
specified in rules which the state board shall adopt; 54938

(ii) If the teacher held a master's degree at the time of 54939
initially receiving an educator license, six semester hours of 54940
graduate coursework in the area of licensure or in an area related 54941
to the teaching field since the initial issuance of that license, 54942
as specified in rules which the state board shall adopt. 54943

(E) Division (D) of this section applies only to continuing 54944
contracts entered into ~~on or after August 18, 1969~~ the effective 54945

date of this amendment. Nothing in that division shall be 54946
construed to void or otherwise affect a continuing contract 54947
entered into prior to that date. 54948

Notwithstanding any provision to the contrary in Chapter 54949
4117. of the Revised Code, the requirements of division (D)(3) of 54950
this section prevail over any conflicting provisions of a 54951
collective bargaining agreement entered into on or after the 54952
effective date of this amendment. 54953

(F) Wherever the term "educator license" is used in this 54954
section without reference to a specific type of educator license, 54955
the term does not include an educator license for substitute 54956
teaching issued under section 3319.226 of the Revised Code. 54957

Sec. 3319.081. Except as otherwise provided in division (G) 54958
of this section, in all school districts wherein the provisions of 54959
Chapter 124. of the Revised Code do not apply, the following 54960
employment contract system shall control for employees whose 54961
contracts of employment are not otherwise provided by law: 54962

(A) Newly hired regular nonteaching school employees, 54963
including regular hourly rate and per diem employees, shall enter 54964
into written contracts for their employment which shall be for a 54965
period of not more than one year. If such employees are rehired, 54966
their subsequent contract shall be for a period of two years. 54967

(B) After the termination of the two-year contract provided 54968
in division (A) of this section, if the contract of a nonteaching 54969
employee is renewed, the employee shall be continued in 54970
employment, and the salary provided in the contract may be 54971
increased but not reduced unless such reduction is a part of a 54972
uniform plan affecting the nonteaching employees of the entire 54973
district. 54974

(C) The contracts as provided for in this section may be 54975

terminated by a majority vote of the board of education. Except as 54976
provided in ~~sections 3319.0810 and~~ section 3319.172 of the Revised 54977
Code, the contracts may be terminated only for violation of 54978
written rules and regulations as set forth by the board of 54979
education or for incompetency, inefficiency, dishonesty, 54980
drunkenness, immoral conduct, insubordination, discourteous 54981
treatment of the public, neglect of duty, or any other acts of 54982
misfeasance, malfeasance, or nonfeasance. In addition to the right 54983
of the board of education to terminate the contract of an 54984
employee, the board may suspend an employee for a definite period 54985
of time or demote the employee for the reasons set forth in this 54986
division. The action of the board of education terminating the 54987
contract of an employee or suspending or demoting the employee 54988
shall be served upon the employee by certified mail. Within ten 54989
days following the receipt of such notice by the employee, the 54990
employee may file an appeal, in writing, with the court of common 54991
pleas of the county in which such school board is situated. After 54992
hearing the appeal the common pleas court may affirm, disaffirm, 54993
or modify the action of the school board. 54994

A violation of division (A)(7) of section 2907.03 of the 54995
Revised Code is grounds for termination of employment of a 54996
nonteaching employee under this division. 54997

(D) All employees who have been employed by a school district 54998
where the provisions of Chapter 124. of the Revised Code do not 54999
apply, for a period of at least three years on November 24, 1967, 55000
shall hold continuing contracts of employment pursuant to this 55001
section. 55002

(E) Any nonteaching school employee may terminate the 55003
nonteaching school employee's contract of employment thirty days 55004
subsequent to the filing of a written notice of such termination 55005
with the treasurer of the board. 55006

(F) A person hired exclusively for the purpose of replacing a 55007

nonteaching school employee while such employee is on leave of 55008
absence granted under section 3319.13 of the Revised Code is not a 55009
regular nonteaching school employee under this section. 55010

(G) All nonteaching employees employed pursuant to this 55011
section and Chapter 124. of the Revised Code shall be paid for all 55012
time lost when the schools in which they are employed are closed 55013
owing to an epidemic or other public calamity. Nothing in this 55014
division shall be construed as requiring payment in excess of an 55015
employee's regular wage rate or salary for any time worked while 55016
the school in which the employee is employed is officially closed 55017
for the reasons set forth in this division. 55018

Sec. 3319.088. As used in this section, "educational 55019
assistant" means any nonteaching employee in a school district who 55020
directly assists a teacher as defined in section 3319.09 of the 55021
Revised Code, by performing duties for which a license issued 55022
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 55023
required. 55024

(A) The state board of education shall issue educational aide 55025
permits and educational paraprofessional licenses for educational 55026
assistants and shall adopt rules for the issuance and renewal of 55027
such permits and licenses which shall be consistent with the 55028
provisions of this section. Educational aide permits and 55029
educational paraprofessional licenses may be of several types and 55030
the rules shall prescribe the minimum qualifications of education, 55031
health, and character for the service to be authorized under each 55032
type. The prescribed minimum qualifications may require special 55033
training or educational courses designed to qualify a person to 55034
perform effectively the duties authorized under an educational 55035
aide permit or educational paraprofessional license. 55036

(B)(1) Any application for a permit or license, or a renewal 55037
or duplicate of a permit or license, under this section shall be 55038

accompanied by the payment of a fee in the amount established 55039
under division (A) of section 3319.51 of the Revised Code. Any 55040
fees received under this division shall be paid into the state 55041
treasury to the credit of the state board of education licensure 55042
fund established under division (B) of section 3319.51 of the 55043
Revised Code. 55044

(2) Any person applying for or holding a permit or license 55045
pursuant to this section is subject to sections 3123.41 to 3123.50 55046
of the Revised Code and any applicable rules adopted under section 55047
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 55048
the Revised Code. 55049

(C) Educational assistants shall at all times while in the 55050
performance of their duties be under the supervision and direction 55051
of a teacher as defined in section 3319.09 of the Revised Code. 55052
Educational assistants may assist a teacher to whom assigned in 55053
the supervision of pupils, in assisting with instructional tasks, 55054
and in the performance of duties which, in the judgment of the 55055
teacher to whom the assistant is assigned, may be performed by a 55056
person not licensed pursuant to sections 3319.22 to 3319.30 of the 55057
Revised Code and for which a teaching license, issued pursuant to 55058
sections 3319.22 to 3319.30 of the Revised Code is not required. 55059
The duties of an educational assistant shall not include the 55060
assignment of grades to pupils. The duties of an educational 55061
~~assistants~~ assistant need not be performed in the physical 55062
presence of the teacher to whom assigned, but the activity of an 55063
educational assistant shall at all times be under the direction of 55064
the teacher to whom assigned. The assignment of an educational 55065
assistant need not be limited to assisting a single teacher. In 55066
the event an educational assistant is assigned to assist more than 55067
one teacher the assignments shall be clearly delineated and so 55068
arranged that the educational assistant shall never be subject to 55069
simultaneous supervision or direction by more than one teacher. 55070

Educational assistants assigned to supervise children shall, 55071
when the teacher to whom assigned is not physically present, 55072
maintain the degree of control and discipline ~~which~~ that would be 55073
maintained by the teacher, ~~but an educational assistant may not~~ 55074
~~render corporal punishment.~~ 55075

~~Except when expressly permitted solely for the purposes of~~ 55076
~~section 3317.029 of the Revised Code, educational~~ Educational 55077
assistants may not be used in place of classroom teachers or other 55078
employees and any payment of compensation by boards of education 55079
to educational assistants for such services is prohibited. The 55080
ratio between the number of licensed teachers and the pupils in a 55081
school district may not be decreased by utilization of educational 55082
assistants and no grouping, or other organization of pupils, for 55083
utilization of educational assistants shall be established which 55084
is inconsistent with sound educational practices and procedures. A 55085
school district may employ up to one full time equivalent 55086
educational assistant for each six full time equivalent licensed 55087
employees of the district. Educational assistants shall not be 55088
counted as licensed employees for purposes of state support in the 55089
school foundation program and no grouping or regrouping of pupils 55090
with educational assistants may be counted as a class or unit for 55091
school foundation program purposes. Neither special courses 55092
required by the regulations of the state board of education, 55093
prescribing minimum qualifications of education for an educational 55094
assistant, nor years of service as an educational assistant shall 55095
be counted in any way toward qualifying for a teacher license, for 55096
a teacher contract of any type, or for determining placement on a 55097
salary schedule in a school district as a teacher. 55098

(D) Educational assistants employed by a board of education 55100
shall have all rights, benefits, and legal protection available to 55101
other nonteaching employees in the school district, except that 55102

provisions of Chapter 124. of the Revised Code shall not apply to 55103
any person employed as an educational assistant, and shall be 55104
members of the school employees retirement system. Educational 55105
assistants shall be compensated according to a salary plan adopted 55106
annually by the board. 55107

Except as provided in this section nonteaching employees 55108
shall not serve as educational assistants without first obtaining 55109
an appropriate educational aide permit or educational 55110
paraprofessional license from the state board of education. A 55111
nonteaching employee who is the holder of a valid educational aide 55112
permit or educational paraprofessional license shall neither 55113
render nor be required to render services inconsistent with the 55114
type of services authorized by the permit or license held. No 55115
person shall receive compensation from a board of education for 55116
services rendered as an educational assistant in violation of this 55117
provision. 55118

Nonteaching employees whose functions are solely 55119
secretarial-clerical and who do not perform any other duties as 55120
educational assistants, even though they assist a teacher and work 55121
under the direction of a teacher shall not be required to hold a 55122
permit or license issued pursuant to this section. Students 55123
preparing to become licensed teachers or educational assistants 55124
shall not be required to hold an educational aide permit or 55125
paraprofessional license for such periods of time as such students 55126
are assigned, as part of their training program, to work with a 55127
teacher in a school district. Such students shall not be 55128
compensated for such services. 55129

Following the determination of the assignment and general job 55130
description of an educational assistant and subject to supervision 55131
by the teacher's immediate administrative officer, a teacher to 55132
whom an educational assistant is assigned shall make all final 55133
determinations of the duties to be assigned to such assistant. 55134

Teachers shall not be required to hold a license designated for 55135
being a supervisor or administrator in order to perform the 55136
necessary supervision of educational assistants. 55137

(E) No person who is, or who has been employed as an 55138
educational assistant shall divulge, except to the teacher to whom 55139
assigned, or the administrator of the school in the absence of the 55140
teacher to whom assigned, or when required to testify in a court 55141
or proceedings, any personal information concerning any pupil in 55142
the school district which was obtained or obtainable by the 55143
educational assistant while so employed. Violation of this 55144
provision is grounds for disciplinary action or dismissal, or 55145
both. 55146

Sec. 3319.11. (A) As used in this section: 55147

(1) "Evaluation procedures" means the procedures adopted 55148
pursuant to division (B) of section 3319.111 of the Revised Code. 55149

(2) "Limited contract" means a limited contract, as described 55150
in section 3319.08 of the Revised Code, that a school district 55151
board of education or governing board of an educational service 55152
center enters into with a teacher who is not eligible for 55153
continuing service status. 55154

(3) "Extended limited contract" means a limited contract, as 55155
described in section 3319.08 of the Revised Code, that a board of 55156
education or governing board enters into with a teacher who is 55157
eligible for continuing service status. 55158

(B) Teachers eligible for continuing service status in any 55159
city, exempted village, local, or joint vocational school district 55160
or educational service center shall be those teachers qualified as 55161
described in division ~~(B)(1) or (2)~~(D) of section 3319.08 of the 55162
Revised Code, who within the last five years have taught for at 55163
least three years in the district or center, and those teachers 55164

who, having attained continuing contract status elsewhere, have 55165
served two years in the district or center, but the board, upon 55166
the recommendation of the superintendent, may at the time of 55167
employment or at any time within such two-year period, declare any 55168
of the latter teachers eligible. 55169

(1) Upon the recommendation of the superintendent that a 55170
teacher eligible for continuing service status be reemployed, a 55171
continuing contract shall be entered into between the board and 55172
the teacher unless the board by a three-fourths vote of its full 55173
membership rejects the recommendation of the superintendent. If 55174
the board rejects by a three-fourths vote of its full membership 55175
the recommendation of the superintendent that a teacher eligible 55176
for continuing service status be reemployed and the superintendent 55177
makes no recommendation to the board pursuant to division (C) of 55178
this section, the board may declare its intention not to reemploy 55179
the teacher by giving the teacher written notice on or before the 55180
thirtieth day of April of its intention not to reemploy the 55181
teacher. If evaluation procedures have not been complied with 55182
pursuant to division (A) of section 3319.111 of the Revised Code 55183
or the board does not give the teacher written notice on or before 55184
the thirtieth day of April of its intention not to reemploy the 55185
teacher, the teacher is deemed reemployed under an extended 55186
limited contract for a term not to exceed one year at the same 55187
salary plus any increment provided by the salary schedule. The 55188
teacher is presumed to have accepted employment under the extended 55189
limited contract for a term not to exceed one year unless such 55190
teacher notifies the board in writing to the contrary on or before 55191
the first day of June, and an extended limited contract for a term 55192
not to exceed one year shall be executed accordingly. Upon any 55193
subsequent reemployment of the teacher only a continuing contract 55194
may be entered into. 55195

(2) If the superintendent recommends that a teacher eligible 55196

for continuing service status not be reemployed, the board may 55197
declare its intention not to reemploy the teacher by giving the 55198
teacher written notice on or before the thirtieth day of April of 55199
its intention not to reemploy the teacher. If evaluation 55200
procedures have not been complied with pursuant to division (A) of 55201
section 3319.111 of the Revised Code or the board does not give 55202
the teacher written notice on or before the thirtieth day of April 55203
of its intention not to reemploy the teacher, the teacher is 55204
deemed reemployed under an extended limited contract for a term 55205
not to exceed one year at the same salary plus any increment 55206
provided by the salary schedule. The teacher is presumed to have 55207
accepted employment under the extended limited contract for a term 55208
not to exceed one year unless such teacher notifies the board in 55209
writing to the contrary on or before the first day of June, and an 55210
extended limited contract for a term not to exceed one year shall 55211
be executed accordingly. Upon any subsequent reemployment of a 55212
teacher only a continuing contract may be entered into. 55213

(3) Any teacher receiving written notice of the intention of 55214
a board not to reemploy such teacher pursuant to this division is 55215
entitled to the hearing provisions of division (G) of this 55216
section. 55217

(C)(1) If a board rejects the recommendation of the 55218
superintendent for reemployment of a teacher pursuant to division 55219
(B)(1) of this section, the superintendent may recommend 55220
reemployment of the teacher, if continuing service status has not 55221
previously been attained elsewhere, under an extended limited 55222
contract for a term not to exceed two years, provided that written 55223
notice of the superintendent's intention to make such 55224
recommendation has been given to the teacher with reasons directed 55225
at the professional improvement of the teacher on or before the 55226
thirtieth day of April. Upon subsequent reemployment of the 55227
teacher only a continuing contract may be entered into. 55228

(2) If a board of education takes affirmative action on a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years but the board does not give the teacher written notice of its affirmative action on the superintendent's recommendation of an extended limited contract on or before the thirtieth day of April, the teacher is deemed reemployed under a continuing contract at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under such continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed accordingly.

(3) A board shall not reject a superintendent's recommendation, made pursuant to division (C)(1) of this section, of an extended limited contract for a term not to exceed two years except by a three-fourths vote of its full membership. If a board rejects by a three-fourths vote of its full membership the recommendation of the superintendent of an extended limited contract for a term not to exceed two years, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or if the board does not give the teacher written notice on or before the thirtieth day of April of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the first day of June, and an

extended limited contract for a term not to exceed one year shall 55262
be executed accordingly. Upon any subsequent reemployment of the 55263
teacher only a continuing contract may be entered into. 55264

Any teacher receiving written notice of the intention of a 55265
board not to reemploy such teacher pursuant to this division is 55266
entitled to the hearing provisions of division (G) of this 55267
section. 55268

(D) A teacher eligible for continuing contract status 55269
employed under an extended limited contract pursuant to division 55270
(B) or (C) of this section, is, at the expiration of such extended 55271
limited contract, deemed reemployed under a continuing contract at 55272
the same salary plus any increment granted by the salary schedule, 55273
unless evaluation procedures have been complied with pursuant to 55274
division (A) of section 3319.111 of the Revised Code and the 55275
employing board, acting on the superintendent's recommendation 55276
that the teacher not be reemployed, gives the teacher written 55277
notice on or before the thirtieth day of April of its intention 55278
not to reemploy such teacher. A teacher who does not have 55279
evaluation procedures applied in compliance with division (A) of 55280
section 3319.111 of the Revised Code or who does not receive 55281
notice on or before the thirtieth day of April of the intention of 55282
the board not to reemploy such teacher is presumed to have 55283
accepted employment under a continuing contract unless such 55284
teacher notifies the board in writing to the contrary on or before 55285
the first day of June, and a continuing contract shall be executed 55286
accordingly. 55287

Any teacher receiving a written notice of the intention of a 55288
board not to reemploy such teacher pursuant to this division is 55289
entitled to the hearing provisions of division (G) of this 55290
section. 55291

(E) A limited contract may be entered into by each board with 55292
each teacher who has not been in the employ of the board for at 55293

least three years and shall be entered into, regardless of length 55294
of previous employment, with each teacher employed by the board 55295
who ~~holds a provisional, temporary, or associate license, or who~~ 55296
~~holds a professional license and~~ is not eligible to be considered 55297
for a continuing contract. 55298

Any teacher employed under a limited contract, and not 55299
eligible to be considered for a continuing contract, is, at the 55300
expiration of such limited contract, considered reemployed under 55301
the provisions of this division at the same salary plus any 55302
increment provided by the salary schedule unless evaluation 55303
procedures have been complied with pursuant to division (A) of 55304
section 3319.111 of the Revised Code and the employing board, 55305
acting upon the superintendent's written recommendation that the 55306
teacher not be reemployed, gives such teacher written notice of 55307
its intention not to reemploy such teacher on or before the 55308
thirtieth day of April. A teacher who does not have evaluation 55309
procedures applied in compliance with division (A) of section 55310
3319.111 of the Revised Code or who does not receive notice of the 55311
intention of the board not to reemploy such teacher on or before 55312
the thirtieth day of April is presumed to have accepted such 55313
employment unless such teacher notifies the board in writing to 55314
the contrary on or before the first day of June, and a written 55315
contract for the succeeding school year shall be executed 55316
accordingly. 55317

Any teacher receiving a written notice of the intention of a 55318
board not to reemploy such teacher pursuant to this division is 55319
entitled to the hearing provisions of division (G) of this 55320
section. 55321

(F) The failure of a superintendent to make a recommendation 55322
to the board under any of the conditions set forth in divisions 55323
(B) to (E) of this section, or the failure of the board to give 55324
such teacher a written notice pursuant to divisions (C) to (E) of 55325

this section shall not prejudice or prevent a teacher from being 55326
deemed reemployed under either a limited or continuing contract as 55327
the case may be under the provisions of this section. A failure of 55328
the parties to execute a written contract shall not void any 55329
automatic reemployment provisions of this section. 55330

(G)(1) Any teacher receiving written notice of the intention 55331
of a board of education not to reemploy such teacher pursuant to 55332
division (B), (C)(3), (D), or (E) of this section may, within ten 55333
days of the date of receipt of the notice, file with the treasurer 55334
of the board a written demand for a written statement describing 55335
the circumstances that led to the board's intention not to 55336
reemploy the teacher. 55337

(2) The treasurer of a board, on behalf of the board, shall, 55338
within ten days of the date of receipt of a written demand for a 55339
written statement pursuant to division (G)(1) of this section, 55340
provide to the teacher a written statement describing the 55341
circumstances that led to the board's intention not to reemploy 55342
the teacher. 55343

(3) Any teacher receiving a written statement describing the 55344
circumstances that led to the board's intention not to reemploy 55345
the teacher pursuant to division (G)(2) of this section may, 55346
within five days of the date of receipt of the statement, file 55347
with the treasurer of the board a written demand for a hearing 55348
before the board pursuant to divisions (G)(4) to (6) of this 55349
section. 55350

(4) The treasurer of a board, on behalf of the board, shall, 55351
within ten days of the date of receipt of a written demand for a 55352
hearing pursuant to division (G)(3) of this section, provide to 55353
the teacher a written notice setting forth the time, date, and 55354
place of the hearing. The board shall schedule and conclude the 55355
hearing within forty days of the date on which the treasurer of 55356
the board receives a written demand for a hearing pursuant to 55357

division (G)(3) of this section. 55358

(5) Any hearing conducted pursuant to this division shall be 55359
conducted by a majority of the members of the board. The hearing 55360
shall be held in executive session of the board unless the board 55361
and the teacher agree to hold the hearing in public. The 55362
superintendent, assistant superintendent, the teacher, and any 55363
person designated by either party to take a record of the hearing 55364
may be present at the hearing. The board may be represented by 55365
counsel and the teacher may be represented by counsel or a 55366
designee. A record of the hearing may be taken by either party at 55367
the expense of the party taking the record. 55368

(6) Within ten days of the conclusion of a hearing conducted 55369
pursuant to this division, the board shall issue to the teacher a 55370
written decision containing an order affirming the intention of 55371
the board not to reemploy the teacher reported in the notice given 55372
to the teacher pursuant to division (B), (C)(3), (D), or (E) of 55373
this section or an order vacating the intention not to reemploy 55374
and expunging any record of the intention, notice of the 55375
intention, and the hearing conducted pursuant to this division. 55376

(7) A teacher may appeal an order affirming the intention of 55377
the board not to reemploy the teacher to the court of common pleas 55378
of the county in which the largest portion of the territory of the 55379
school district or service center is located, within thirty days 55380
of the date on which the teacher receives the written decision, on 55381
the grounds that the board has not complied with this section 55382
~~3319.11~~ or section 3319.111 of the Revised Code. 55383

Notwithstanding section 2506.04 of the Revised Code, the 55384
court in an appeal under this division is limited to the 55385
determination of procedural errors and to ordering the correction 55386
of procedural errors and shall have no jurisdiction to order a 55387
board to reemploy a teacher, except that the court may order a 55388
board to reemploy a teacher in compliance with the requirements of 55389

division (B), (C)(3), (D), or (E) of this section when the court 55390
determines that evaluation procedures have not been complied with 55391
pursuant to division (A) of section 3319.111 of the Revised Code 55392
or the board has not given the teacher written notice on or before 55393
the thirtieth day of April of its intention not to reemploy the 55394
teacher pursuant to division (B), (C)(3), (D), or (E) of this 55395
section. Otherwise, the determination whether to reemploy or not 55396
reemploy a teacher is solely a board's determination and not a 55397
proper subject of judicial review and, except as provided in this 55398
division, no decision of a board whether to reemploy or not 55399
reemploy a teacher shall be invalidated by the court on any basis, 55400
including that the decision was not warranted by the results of 55401
any evaluation or was not warranted by any statement given 55402
pursuant to division (G)(2) of this section. 55403

No appeal of an order of a board may be made except as 55404
specified in this division. 55405

(H)(1) In giving a teacher any notice required by division 55406
(B), (C), (D), or (E) of this section, the board or the 55407
superintendent shall do either of the following: 55408

(a) Deliver the notice by personal service upon the teacher; 55409

(b) Deliver the notice by certified mail, return receipt 55410
requested, addressed to the teacher at the teacher's place of 55411
employment and deliver a copy of the notice by certified mail, 55412
return receipt requested, addressed to the teacher at the 55413
teacher's place of residence. 55414

(2) In giving a board any notice required by division (B), 55415
(C), (D), or (E) of this section, the teacher shall do either of 55416
the following: 55417

(a) Deliver the notice by personal delivery to the office of 55418
the superintendent during regular business hours; 55419

(b) Deliver the notice by certified mail, return receipt 55420

requested, addressed to the office of the superintendent and 55421
deliver a copy of the notice by certified mail, return receipt 55422
requested, addressed to the president of the board at the 55423
president's place of residence. 55424

(3) When any notice and copy of the notice are mailed 55425
pursuant to division (H)(1)(b) or (2)(b) of this section, the 55426
notice or copy of the notice with the earlier date of receipt 55427
shall constitute the notice for the purposes of division (B), (C), 55428
(D), or (E) of this section. 55429

(I) The provisions of this section shall not apply to any 55430
supplemental written contracts entered into pursuant to section 55431
3319.08 of the Revised Code. 55432

Sec. 3319.151. (A) No person shall reveal to any student any 55433
specific question that the person knows is part of ~~a test~~ an 55434
assessment to be administered under section 3301.0711 of the 55435
Revised Code or in any other way assist a pupil to cheat on such a 55436
~~test~~ an assessment. 55437

(B) On a finding by the state board of education, after 55438
investigation, that a school employee who holds a license issued 55439
under sections 3319.22 to 3319.31 of the Revised Code has violated 55440
division (A) of this section, the license of such teacher shall be 55441
suspended for one year. Prior to commencing an investigation, the 55442
board shall give the teacher notice of the allegation and an 55443
opportunity to respond and present a defense. 55444

(C)(1) Violation of division (A) of this section is grounds 55445
for termination of employment of a nonteaching employee under 55446
division (C) of section 3319.081 or section 124.34 of the Revised 55447
Code. 55448

(2) Violation of division (A) of this section is grounds for 55449
termination of a teacher contract under section 3319.16 of the 55450

Revised Code. 55451

Sec. 3319.16. The contract of any teacher employed by the 55452
board of education of any city, exempted village, local, county, 55453
or joint vocational school district may not be terminated except 55454
~~for gross inefficiency or immorality; for willful and persistent~~ 55455
~~violations of reasonable regulations of the board of education; or~~ 55456
for ~~other~~ good and just cause. ~~Before~~ Notwithstanding any 55457
provision to the contrary in Chapter 4117. of the Revised Code, 55458
the provisions of this section relating to the grounds for 55459
termination of the contract of a teacher prevail over any 55460
conflicting provisions of a collective bargaining agreement 55461
entered into after the effective date of this amendment. 55462

Before terminating any contract, the employing board shall 55463
furnish the teacher a written notice signed by its treasurer of 55464
its intention to consider the termination of ~~his~~ the teacher's 55465
contract with full specification of the grounds for such 55466
consideration. The board shall not proceed with formal action to 55467
terminate the contract until after the tenth day after receipt of 55468
the notice by the teacher. Within ten days after receipt of the 55469
notice from the treasurer of the board, the teacher may file with 55470
the treasurer a written demand for a hearing before the board or 55471
before a referee, and the board shall set a time for the hearing 55472
which shall be within thirty days from the date of receipt of the 55473
written demand, and the treasurer shall give the teacher at least 55474
twenty days' notice in writing of the time and place of the 55475
hearing. If a referee is demanded by either the teacher or board, 55476
the treasurer also shall give twenty days' notice to the 55477
superintendent of public instruction. No hearing shall be held 55478
during the summer vacation without the teacher's consent. The 55479
hearing shall be private unless the teacher requests a public 55480
hearing. The hearing shall be conducted by a referee appointed 55481
pursuant to section 3319.161 of the Revised Code, if demanded; 55482

otherwise, it shall be conducted by a majority of the members of 55483
the board and shall be confined to the grounds given for the 55484
termination. The board shall provide for a complete stenographic 55485
record of the proceedings, a copy of the record to be furnished to 55486
the teacher. The board may suspend a teacher pending final action 55487
to terminate ~~his~~ the teacher's contract if, in its judgment, the 55488
character of the charges warrants such action. 55489

Both parties may be present at such hearing, be represented 55490
by counsel, require witnesses to be under oath, cross-examine 55491
witnesses, take a record of the proceedings, and require the 55492
presence of witnesses in their behalf upon subpoena to be issued 55493
by the treasurer of the board. In case of the failure of any 55494
person to comply with a subpoena, a judge of the court of common 55495
pleas of the county in which the person resides, upon application 55496
of any interested party, shall compel attendance of the person by 55497
attachment proceedings as for contempt. Any member of the board or 55498
the referee may administer oaths to witnesses. After a hearing by 55499
a referee, the referee shall file ~~his~~ a report within ten days 55500
after the termination of the hearing. After consideration of the 55501
referee's report, the board, by a majority vote, may accept or 55502
reject the referee's recommendation on the termination of the 55503
teacher's contract. After a hearing by the board, the board, by 55504
majority vote, may enter its determination upon its minutes. Any 55505
order of termination of a contract shall state the grounds for 55506
termination. If the decision, after hearing, is against 55507
termination of the contract, the charges and the record of the 55508
hearing shall be physically expunged from the minutes, and, if the 55509
teacher has suffered any loss of salary by reason of being 55510
suspended, ~~he~~ the teacher shall be paid ~~his~~ the teacher's full 55511
salary for the period of such suspension. 55512

Any teacher affected by an order of termination of contract 55513
may appeal to the court of common pleas of the county in which the 55514

school is located within thirty days after receipt of notice of 55515
the entry of such order. The appeal shall be an original action in 55516
the court and shall be commenced by the filing of a complaint 55517
against the board, in which complaint the facts shall be alleged 55518
upon which the teacher relies for a reversal or modification of 55519
such order of termination of contract. Upon service or waiver of 55520
summons in that appeal, the board immediately shall transmit to 55521
the clerk of the court for filing a transcript of the original 55522
papers filed with the board, a certified copy of the minutes of 55523
the board into which the termination finding was entered, and a 55524
certified transcript of all evidence adduced at the hearing or 55525
hearings before the board or a certified transcript of all 55526
evidence adduced at the hearing or hearings before the referee, 55527
whereupon the cause shall be at issue without further pleading and 55528
shall be advanced and heard without delay. The court shall examine 55529
the transcript and record of the hearing and shall hold such 55530
additional hearings as it considers advisable, at which it may 55531
consider other evidence in addition to the transcript and record. 55532

Upon final hearing, the court shall grant or deny the relief 55533
prayed for in the complaint as may be proper in accordance with 55534
the evidence adduced in the hearing. Such an action is a special 55535
proceeding, and either the teacher or the board may appeal from 55536
the decision of the court of common pleas pursuant to the Rules of 55537
Appellate Procedure and, to the extent not in conflict with those 55538
rules, Chapter 2505. of the Revised Code. 55539

In any court action, the board may utilize the services of 55540
the prosecuting attorney, village solicitor, city director of law, 55541
or other chief legal officer of a municipal corporation as 55542
authorized by section 3313.35 of the Revised Code, or may employ 55543
other legal counsel. 55544

A violation of division (A)(7) of section 2907.03 of the 55545
Revised Code is grounds for termination of a teacher contract 55546

under this section. 55547

Sec. 3319.17. (A) As used in this section, "interdistrict 55548
contract" means any contract or agreement entered into by an 55549
educational service center governing board and another board or 55550
other public entity pursuant to section 3313.17, 3313.841, 55551
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 55552
Revised Code, including any such contract or agreement for the 55553
provision of services funded under division (I) of section 55554
3317.024 of the Revised Code or provided in any unit approved 55555
under section 3317.05 of the Revised Code. 55556

(B) When, for any of the following reasons that apply to any 55557
city, exempted village, local, or joint vocational school district 55558
or any educational service center, the board decides that it will 55559
be necessary to reduce the number of teachers it employs, it may 55560
make a reasonable reduction: 55561

(1) In the case of any district or service center, return to 55562
duty of regular teachers after leaves of absence including leaves 55563
provided pursuant to division (B) of section 3314.10 of the 55564
Revised Code, suspension of schools, or territorial changes 55565
affecting the district or center, ~~or financial reasons;~~ 55566

(2) In the case of any city, exempted village, local, or 55567
joint vocational school district, decreased enrollment of pupils 55568
in the district; 55569

(3) In the case of any governing board of a service center 55570
providing any particular service directly to pupils pursuant to 55571
one or more interdistrict contracts requiring such service, 55572
reduction in the total number of pupils the governing board is 55573
required to provide with the service under all interdistrict 55574
contracts as a result of the termination or nonrenewal of one or 55575
more of these interdistrict contracts; 55576

(4) In the case of any governing board providing any 55577
particular service that it does not provide directly to pupils 55578
pursuant to one or more interdistrict contracts requiring such 55579
service, reduction in the total level of the service the governing 55580
board is required to provide under all interdistrict contracts as 55581
a result of the termination or nonrenewal of one or more of these 55582
interdistrict contracts. 55583

(C) In making any such reduction, any city, exempted village, 55584
local, or joint vocational school board shall proceed to suspend 55585
contracts in accordance with the recommendation of the 55586
superintendent of schools who shall, within each teaching field 55587
affected, give preference first to teachers on continuing 55588
contracts and then to teachers who have greater seniority. In 55589
making any such reduction, any governing board of a service center 55590
shall proceed to suspend contracts in accordance with the 55591
recommendation of the superintendent who shall, within each 55592
teaching field or service area affected, give preference first to 55593
teachers on continuing contracts and then to teachers who have 55594
greater seniority. 55595

On a case-by-case basis, in lieu of suspending a contract in 55596
whole, a board may suspend a contract in part, so that an 55597
individual is required to work a percentage of the time the 55598
employee otherwise is required to work under the contract and 55599
receives a commensurate percentage of the full compensation the 55600
employee otherwise would receive under the contract. 55601

The teachers whose continuing contracts are suspended by any 55602
board pursuant to this section shall have the right of restoration 55603
to continuing service status by that board in the order of 55604
seniority of service in the district or service center if and when 55605
teaching positions become vacant or are created for which any of 55606
such teachers are or become qualified. No teacher whose continuing 55607
contract has been suspended pursuant to this section shall lose 55608

that right of restoration to continuing service status by reason 55609
of having declined recall to a position that is less than 55610
full-time or, if the teacher was not employed full-time just prior 55611
to suspension of the teacher's continuing contract, to a position 55612
requiring a lesser percentage of full-time employment than the 55613
position the teacher last held while employed in the district or 55614
service center. 55615

~~(D) Notwithstanding any provision to the contrary in Chapter 55616
4117. of the Revised Code, the requirements of this section 55617
prevail over any conflicting provisions of agreements between 55618
employee organizations and public employers entered into after 55619
September 29, 2005. 55620~~

Sec. 3319.172. The board of education of each school district 55621
wherein the provisions of Chapter 124. of the Revised Code do not 55622
apply and the governing board of each educational service center 55623
may adopt a resolution ordering reasonable reductions in the 55624
number of nonteaching employees for any of the reasons for which 55625
the board of education or governing board may make reductions in 55626
teaching employees, as set forth in division (B) of section 55627
3319.17 of the Revised Code. 55628

In making any reduction under this section, the board of 55629
education or governing board shall proceed to suspend contracts in 55630
accordance with the recommendation of the superintendent of the 55631
district or service center who shall, within each pay 55632
classification affected, give preference first to employees under 55633
continuing contracts and then to employees on the basis of 55634
seniority. On a case-by-case basis, in lieu of suspending a 55635
contract in whole, a board may suspend a contract in part, so that 55636
an individual is required to work a percentage of the time the 55637
employee otherwise is required to work under the contract and 55638
receives a commensurate percentage of the full compensation the 55639

employee otherwise would receive under the contract. 55640

Any nonteaching employee whose continuing contract is 55641
suspended under this section shall have the right of restoration 55642
to continuing service status by the board of education or 55643
governing board that suspended that contract in order of seniority 55644
of service in the district or service center, if and when a 55645
nonteaching position for which the employee is qualified becomes 55646
vacant or is created. No nonteaching employee whose continuing 55647
contract has been suspended under this section shall lose that 55648
right of restoration to continuing service status by reason of 55649
having declined recall to a position requiring fewer regularly 55650
scheduled hours of work than required by the position the employee 55651
last held while employed in the district or service center. 55652

~~Notwithstanding any provision to the contrary in Chapter 55653
4117. of the Revised Code, the requirements of this section 55654
prevail over any conflicting provisions of agreements between 55655
employee organizations and public employers entered into after the 55656
effective date of this section. 55657~~

Sec. 3319.22. (A)(1) The state board of education shall ~~adopt~~ 55658
~~rules establishing the standards and requirements for obtaining~~ 55659
~~temporary, associate, provisional, and professional~~ issue the 55660
following educator licenses: 55661

(a) A resident educator license, which shall be valid for 55662
four years and shall not be renewable; 55663

(b) A professional educator license, which shall be valid for 55664
five years and shall be renewable; 55665

(c) A senior professional educator license, which shall be 55666
valid for five years and shall be renewable; 55667

(d) A lead professional educator license, which shall be 55668
valid for five years and shall be renewable. 55669

(2) The state board may issue any additional educator licenses of any categories, types, and levels the board elects to provide. However, no educator license shall be required for teaching children two years old or younger. 55670
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+2)(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. 55674
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(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section: 55677
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55679

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program. 55680
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(2) An applicant for a professional educator license shall: 55683

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 55684
55685
55686

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code. 55687
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(3) An applicant for a senior professional educator license shall: 55693
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 55695
55696
55697

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former 55698
55699

<u>section 3319.22 of the Revised Code;</u>	55700
<u>(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.</u>	55701
	55702
	55703
	55704
<u>(4) An applicant for a lead professional educator license shall:</u>	55705
	55706
<u>(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;</u>	55707
	55708
	55709
<u>(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;</u>	55710
	55711
	55712
	55713
<u>(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;</u>	55714
	55715
	55716
<u>(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.</u>	55717
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	55720
	55721
<u>(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.</u>	55722
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	55725
<u>(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the <u>chancellor of the</u> Ohio board of regents, in the manner and to the extent</u>	55726
	55727
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	55729

permitted by state and federal law. 55730

~~(B)~~(E) Any rules the state board of education adopts, amends, 55731
or rescinds for educator licenses under this section, division (D) 55732
of section 3301.07 of the Revised Code, or any other law shall be 55733
adopted, amended, or rescinded under Chapter 119. of the Revised 55734
Code except as follows: 55735

(1) Notwithstanding division (D) of section 119.03 and 55736
division (A)(1) of section 119.04 of the Revised Code, in the case 55737
of the adoption of any rule or the amendment or rescission of any 55738
rule that necessitates institutions' offering ~~teacher~~ preparation 55739
programs for educators and other school personnel that are 55740
approved by the ~~state board of education~~ chancellor of the Ohio
board of regents under section ~~3319.23~~ 3333.048 of the Revised 55741
Code to revise the curriculum of those programs, the effective 55742
date shall not be as prescribed in division (D) of section 119.03 55743
and division (A)(1) of section 119.04 of the Revised Code. 55744
Instead, the effective date of such rules, or the amendment or 55745
rescission of such rules, shall be the date prescribed by section 55746
~~3319.23~~ 3333.048 of the Revised Code. 55747
55748

(2) Notwithstanding the authority to adopt, amend, or rescind 55749
emergency rules in division (F) of section 119.03 of the Revised 55750
Code, this authority shall not apply to the state board of 55751
education with regard to rules for educator licenses. 55752

~~(C)~~(F)(1) The rules adopted under this section establishing 55753
standards requiring additional coursework for the renewal of any 55754
educator license shall require a school district and a chartered 55755
nonpublic school to establish local professional development 55756
committees. In a nonpublic school, the chief administrative 55757
officer shall establish the committees in any manner acceptable to 55758
such officer. The committees established under this division shall 55759
determine whether coursework that a district or chartered 55760
nonpublic school teacher proposes to complete meets the 55761

requirement of the rules. The department of education shall 55762
provide technical assistance and support to committees as the 55763
committees incorporate the professional development standards 55764
adopted by the state board of education pursuant to section 55765
3319.61 of the Revised Code into their review of coursework that 55766
is appropriate for license renewal. The rules shall establish a 55767
procedure by which a teacher may appeal the decision of a local 55768
professional development committee. 55769

(2) In any school district in which there is no exclusive 55770
representative established under Chapter 4117. of the Revised 55771
Code, the professional development committees shall be established 55772
as described in division ~~(C)~~(F)(2) of this section. 55773

Not later than the effective date of the rules adopted under 55774
this section, the board of education of each school district shall 55775
establish the structure for one or more local professional 55776
development committees to be operated by such school district. The 55777
committee structure so established by a district board shall 55778
remain in effect unless within thirty days prior to an anniversary 55779
of the date upon which the current committee structure was 55780
established, the board provides notice to all affected district 55781
employees that the committee structure is to be modified. 55782
Professional development committees may have a district-level or 55783
building-level scope of operations, and may be established with 55784
regard to particular grade or age levels for which an educator 55785
license is designated. 55786

Each professional development committee shall consist of at 55787
least three classroom teachers employed by the district, one 55788
principal employed by the district, and one other employee of the 55789
district appointed by the district superintendent. For committees 55790
with a building-level scope, the teacher and principal members 55791
shall be assigned to that building, and the teacher members shall 55792
be elected by majority vote of the classroom teachers assigned to 55793

that building. For committees with a district-level scope, the 55794
teacher members shall be elected by majority vote of the classroom 55795
teachers of the district, and the principal member shall be 55796
elected by a majority vote of the principals of the district, 55797
unless there are two or fewer principals employed by the district, 55798
in which case the one or two principals employed shall serve on 55799
the committee. If a committee has a particular grade or age level 55800
scope, the teacher members shall be licensed to teach such grade 55801
or age levels, and shall be elected by majority vote of the 55802
classroom teachers holding such a license and the principal shall 55803
be elected by all principals serving in buildings where any such 55804
teachers serve. The district superintendent shall appoint a 55805
replacement to fill any vacancy that occurs on a professional 55806
development committee, except in the case of vacancies among the 55807
elected classroom teacher members, which shall be filled by vote 55808
of the remaining members of the committee so selected. 55809

Terms of office on professional development committees shall 55810
be prescribed by the district board establishing the committees. 55811
The conduct of elections for members of professional development 55812
committees shall be prescribed by the district board establishing 55813
the committees. A professional development committee may include 55814
additional members, except that the majority of members on each 55815
such committee shall be classroom teachers employed by the 55816
district. Any member appointed to fill a vacancy occurring prior 55817
to the expiration date of the term for which a predecessor was 55818
appointed shall hold office as a member for the remainder of that 55819
term. 55820

The initial meeting of any professional development 55821
committee, upon election and appointment of all committee members, 55822
shall be called by a member designated by the district 55823
superintendent. At this initial meeting, the committee shall 55824
select a chairperson and such other officers the committee deems 55825

necessary, and shall adopt rules for the conduct of its meetings. 55826
Thereafter, the committee shall meet at the call of the 55827
chairperson or upon the filing of a petition with the district 55828
superintendent signed by a majority of the committee members 55829
calling for the committee to meet. 55830

(3) In the case of a school district in which an exclusive 55831
representative has been established pursuant to Chapter 4117. of 55832
the Revised Code, professional development committees shall be 55833
established in accordance with any collective bargaining agreement 55834
in effect in the district that includes provisions for such 55835
committees. 55836

If the collective bargaining agreement does not specify a 55837
different method for the selection of teacher members of the 55838
committees, the exclusive representative of the district's 55839
teachers shall select the teacher members. 55840

If the collective bargaining agreement does not specify a 55841
different structure for the committees, the board of education of 55842
the school district shall establish the structure, including the 55843
number of committees and the number of teacher and administrative 55844
members on each committee; the specific administrative members to 55845
be part of each committee; whether the scope of the committees 55846
will be district levels, building levels, or by type of grade or 55847
age levels for which educator licenses are designated; the lengths 55848
of terms for members; the manner of filling vacancies on the 55849
committees; and the frequency and time and place of meetings. 55850
However, in all cases, except as provided in division ~~(C)~~(F)(4) of 55851
this section, there shall be a majority of teacher members of any 55852
professional development committee, there shall be at least five 55853
total members of any professional development committee, and the 55854
exclusive representative shall designate replacement members in 55855
the case of vacancies among teacher members, unless the collective 55856
bargaining agreement specifies a different method of selecting 55857

such replacements. 55858

(4) Whenever an administrator's coursework plan is being 55859
discussed or voted upon, the local professional development 55860
committee shall, at the request of one of its administrative 55861
members, cause a majority of the committee to consist of 55862
administrative members by reducing the number of teacher members 55863
voting on the plan. 55864

~~(D)~~(G)(1) The department of education, educational service 55865
centers, county boards of mental retardation and developmental 55866
disabilities, regional professional development centers, special 55867
education regional resource centers, college and university 55868
departments of education, head start programs, the eTech Ohio 55869
commission, and the Ohio education computer network may establish 55870
local professional development committees to determine whether the 55871
coursework proposed by their employees who are licensed or 55872
certificated under this section or section 3319.222 of the Revised 55873
Code, or under the former version of either section as it existed 55874
prior to the effective date of this amendment, meet the 55875
requirements of the rules adopted under this section. They may 55876
establish local professional development committees on their own 55877
or in collaboration with a school district or other agency having 55878
authority to establish them. 55879

Local professional development committees established by 55880
county boards of mental retardation and developmental disabilities 55881
shall be structured in a manner comparable to the structures 55882
prescribed for school districts in divisions ~~(C)~~(F)(2) and (3) of 55883
this section, as shall the committees established by any other 55884
entity specified in division ~~(D)~~(G)(1) of this section that 55885
provides educational services by employing or contracting for 55886
services of classroom teachers licensed or certificated under this 55887
section or section 3319.222 of the Revised Code, or under the 55888
former version of either section as it existed prior to the 55889

effective date of this amendment. All other entities specified in 55890
division ~~(D)~~(G)(1) of this section shall structure their 55891
committees in accordance with guidelines which shall be issued by 55892
the state board. 55893

(2) Any public agency that is not specified in division 55894
~~(D)~~(G)(1) of this section but provides educational services and 55895
employs or contracts for services of classroom teachers licensed 55896
or certificated under this section or section 3319.222 of the 55897
Revised Code, or under the former version of either section as it 55898
existed prior to the effective date of this amendment, may 55899
establish a local professional development committee, subject to 55900
the approval of the department of education. The committee shall 55901
be structured in accordance with guidelines issued by the state 55902
board. 55903

Sec. 3319.221. (A) The state board of education shall adopt 55904
rules establishing the standards and requirements for obtaining a 55905
school nurse license and a school nurse wellness coordinator 55906
license. At a minimum, the rules shall require that an applicant 55907
for a school nurse license be licensed as a registered nurse under 55908
Chapter 4723. of the Revised Code. 55909

(B) If the state board requires any examinations for 55910
licensure under this section, the department of education shall 55911
provide the examination results received by the department to the 55912
chancellor of the Ohio board of regents, in the manner and to the 55913
extent permitted by state and federal law. 55914

(C) Any rules for licenses described in this section that the 55915
state board adopts, amends, or rescinds under this section, 55916
division (D) of section 3301.07 of the Revised Code, or any other 55917
law shall be adopted, amended, or rescinded under Chapter 119. of 55918
the Revised Code, except that the authority to adopt, amend, or 55919
rescind emergency rules under division (F) of section 119.03 of 55920

the Revised Code shall not apply to the state board with respect 55921
to rules for licenses described in this section. 55922

(D) Any registered nurse employed by a school district in the 55923
capacity of school nurse on January 1, 1973, or any registered 55924
nurse employed by a city or general health district on January 1, 55925
1973, to serve full-time in the capacity of school nurse in one or 55926
more school districts, shall be considered to have fulfilled the 55927
requirements for the issuance of a school nurse license under this 55928
section ~~3319.22~~ of the Revised Code. 55929

Sec. 3319.222. (A) Notwithstanding the amendments to and 55930
repeal of statutes by the act that enacted this section, the state 55931
board of education shall accept applications for new, and renewal 55932
and upgrade of, temporary, associate, provisional, and 55933
professional educator licenses, alternative educator licenses, 55934
one-year conditional teaching permits, and school nurse licenses 55935
through December 31, 2010, and issue them on the basis of the 55936
applications received by that date in accordance with the former 55937
statutes in effect immediately prior to amendment or repeal by the 55938
act that enacted this section. 55939

(B) A permanent teacher's certificate issued under former 55940
sections 3319.22 to 3319.31 of the Revised Code prior to October 55941
29, 1996, or under former section 3319.222 of the Revised Code as 55942
it existed prior to the effective date of this section, shall be 55943
valid for teaching in the subject areas and grades for which the 55944
certificate was issued, except as the certificate is limited, 55945
suspended, or revoked under section 3319.31 of the Revised Code. 55946

(C) The following certificates, permits, or licenses shall be 55947
valid until the certificate, permit, or license expires for 55948
teaching in the subject areas and grades for which the 55949
certificate, permit, or license was issued, except as the 55950
certificate, permit, or license is limited, suspended, or revoked 55951

<u>under section 3319.31 of the Revised Code:</u>	55952
<u>(1) Any professional teacher's certificate issued under former section 3319.222 of the Revised Code, as it existed prior to the effective date of this section;</u>	55953
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	55955
<u>(2) Any temporary, associate, provisional, or professional educator license issued under former section 3319.22 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section;</u>	55956
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<u>(3) Any alternative educator license issued under former section 3319.26 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section;</u>	55960
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	55963
<u>(4) Any one-year conditional teaching permit issued under former section 3319.302 or 3319.304 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section.</u>	55964
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	55967
<u>(D) Any school nurse license issued under former section 3319.22 of the Revised Code, as it existed prior to the effective date of this section, or under division (A) of this section shall be valid until the license expires for employment as a school nurse, except as the license is limited, suspended, or revoked under section 3319.31 of the Revised Code.</u>	55968
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	55973
<u>(E) Nothing in this section shall be construed to prohibit a person from applying to the state board for an educator license issued under section 3319.22 of the Revised Code, a school nurse license or a school nurse wellness coordinator license issued under section 3319.221 of the Revised Code, or an alternative resident educator license issued under section 3319.26 of the Revised Code, as the section exists on and after the effective date of this section.</u>	55974
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<u>(F) On and after the effective date of this section, any</u>	55982

reference in the Revised Code to educator licensing is hereby 55983
deemed to refer also to certification or licensure under divisions 55984
(A) to (D) of this section. 55985

Sec. 3319.223. (A) Not later than January 1, 2011, the 55986
superintendent of public instruction and the chancellor of the 55987
Ohio board of regents jointly shall establish the Ohio teacher 55988
residency program, which shall be a four-year, entry-level program 55989
for classroom teachers. The teacher residency program shall 55990
include at least the following components: 55991

(1) Mentoring by teachers who hold a lead professional 55992
educator license issued under section 3319.22 of the Revised Code; 55993

(2) Counseling to ensure that program participants receive 55994
needed professional development; 55995

(3) Measures of appropriate progression through the program. 55996

(B) The teacher residency program shall be aligned with the 55997
standards for teachers adopted by the state board of education 55998
under section 3319.61 of the Revised Code and best practices 55999
identified by the superintendent of public instruction. 56000

(C) Each person who holds a resident educator license issued 56001
under section 3319.22 of the Revised Code or an alternative 56002
resident educator license issued under section 3319.26 of the 56003
Revised Code shall participate in the teacher residency program. 56004
Successful completion of the program shall be required to qualify 56005
any such person for a professional educator license issued under 56006
section 3319.22 of the Revised Code. 56007

Sec. 3319.234. The teacher quality partnership, a consortium 56008
of teacher preparation programs that have been approved by the 56009
state board of education chancellor of the Ohio board of regents 56010
under section ~~3319.23~~ 3333.048 of the Revised Code, shall study 56011
the relationship of teacher performance on educator licensure 56012

assessments, as adopted by the state board of education under 56013
section 3319.22 of the Revised Code, to teacher effectiveness in 56014
the classroom. Not later than September 1, 2008, the partnership 56015
shall begin submitting annual data reports along with any other 56016
data on teacher effectiveness the partnership determines 56017
appropriate to the governor, the president and minority leader of 56018
the senate, the speaker and minority leader of the house of 56019
representatives, the chairpersons and ranking minority members of 56020
the standing committees of the senate and the house of 56021
representatives that consider education legislation, the 56022
superintendent of public instruction, the state board of 56023
education, the chancellor of the Ohio board of regents, and the 56024
partnership for continued learning. 56025

Sec. 3319.235. (A) The standards for the preparation of 56026
teachers adopted under section ~~3319.23~~ 3333.048 of the Revised 56027
Code shall require any institution that provides a course of study 56028
for the training of teachers to ensure that graduates of such 56029
course of study are skilled at integrating educational technology 56030
in the instruction of children, as evidenced by the graduate 56031
having either demonstrated proficiency in such skills in a manner 56032
prescribed by the department of education or completed a course 56033
that includes training in such skills. 56034

(B) The eTech Ohio commission shall establish model 56035
professional development programs to assist teachers who completed 56036
their teacher preparation prior to the effective date of division 56037
(A) of this section to become skilled at integrating educational 56038
technology in the instruction of children. The commission shall 56039
provide technical assistance to school districts wishing to 56040
establish such programs. 56041

Sec. 3319.24. This section does not apply to any applicant 56042

for an educator license that is designed for persons specializing 56043
in teaching children in kindergarten through twelfth grade, or the 56044
equivalent, in the area of dance, drama, theater, music, visual 56045
arts, or physical education or a specialty area substantially 56046
equivalent to any of these when such applicant will be teaching 56047
children in the specialty area specified in the license. 56048

(A) As used in this section: 56049

(1) "Coursework in the teaching of reading" means coursework 56050
that includes training in a range of instructional strategies for 56051
teaching reading, in the assessment of reading skills, and in the 56052
diagnosis and remediation of reading difficulties; 56053

(2) "Phonics" means the techniques and strategies used to 56054
teach children to match, blend, and translate letters of the 56055
alphabet into the sounds they represent, which techniques and 56056
strategies are systematically integrated and thoroughly practiced 56057
in a developmentally appropriate instructional program to assist 56058
the child in learning to read, write, and spell; 56059

(3) "Course in the teaching of phonics" means a course 56060
providing the background necessary for effectively teaching and 56061
assessing phonics, phonemic awareness, and word recognition, 56062
including, but not limited to, the following topics: 56063

(a) Phonological and morphological underpinnings of English 56064
spellings and the history thereof; 56065

(b) The nature and role of word recognition in proficient 56066
reading; 56067

(c) Methods and rationale for the instruction of phonemic 56068
awareness, decoding, spelling, and the application thereof in 56069
reading and writing; 56070

(d) Methods and rationale for the assessment of phonemic 56071
awareness, decoding, spelling, and the application thereof in 56072

reading and writing; 56073

(e) The relation of deficits in phonemic awareness, decoding, 56074
spelling, and word recognition to reading disabilities; 56075

(4) "Phonemic awareness" means the awareness of sounds that 56076
make up spoken words and the ability to use this awareness of 56077
sounds in reading. 56078

(B) The rules adopted under ~~division (A)~~ of section 3319.22 56079
of the Revised Code shall require an applicant for ~~an initial~~ 56080
~~provisional~~ a resident educator license designated for teaching 56081
children in grades kindergarten through six or the equivalent to 56082
have successfully completed at least six semester hours, or the 56083
equivalent, of coursework in the teaching of reading that includes 56084
at least one separate course of at least three semester hours, or 56085
the equivalent, in the teaching of phonics in the context of 56086
reading, writing, and spelling. In addition, such rules shall 56087
require that such license be granted for a period of not more than 56088
~~two~~ four years, and shall require that the ~~first renewal~~ 56089
subsequent issuance of ~~such a professional educator~~ license be 56090
contingent upon the ~~license holder~~ applicant having completed six 56091
additional semester hours or the equivalent of coursework in the 56092
teaching of reading. The rules shall permit ~~a license holder~~ an 56093
applicant to apply undergraduate coursework in order to meet ~~such~~ 56094
~~renewal~~ this requirement for additional coursework. 56095

Sec. 3319.25. Any teacher performance assessment entity with 56096
which the department of education or the state board of education 56097
contracts or any independent agent with whom such entity, the 56098
department, or the state board contracts to provide services as a 56099
teacher performance assessor, trainer of assessors, or assessment 56100
coordinator is not liable for damages in a civil action concerning 56101
the actions of such entity or agent made in the conduct of a 56102
teacher performance assessment unless those actions were conducted 56103

with malicious purpose, in bad faith, or in a wanton or reckless manner. 56104
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As used in this section, "teacher performance assessment" means an assessment prescribed by the state board of education to measure the classroom performance of a teacher who is a candidate for a ~~professional educator license~~ licensure based on observations conducted by a trained assessor while the teacher is engaged in actual classroom instruction. 56106
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Sec. 3319.26. (A) The state board of education shall adopt rules establishing the standards and requirements for obtaining an alternative resident educator license for teaching in grades ~~seven~~ four to twelve, or the equivalent, in a designated subject area. However, an alternative resident educator license in the area of intervention specialist, as defined by rule of the state board, shall be valid for teaching in grades kindergarten to twelve. 56112
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(B)~~(1)~~ The superintendent of public instruction and the chancellor of the Ohio board of regents jointly shall develop an intensive pedagogical training institute to provide instruction in the principles and practices of teaching for individuals seeking an alternative resident educator license. The instruction shall cover such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology. 56119
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(C) The rules adopted under this section shall require applicants for the alternative resident educator license to satisfy the following conditions prior to issuance of the license: 56127
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~~(a)~~(1) Hold a minimum of a baccalaureate degree; 56131

~~(b)~~(2) Successfully complete ~~three semester hours or the equivalent of college coursework in the developmental~~ 56132
56133

~~characteristics of adolescent youths and three semester hours or~~ 56134
~~the equivalent in teaching methods~~ the pedagogical training 56135
institute described in division (B) of this section; 56136

~~(e)~~(3) Pass an examination in the subject area for which 56137
application is being made. 56138

~~(2)~~(D) An alternative resident educator license shall be 56139
valid for ~~two~~ four years and shall not be renewable. 56140

~~(3)~~(E) The rules shall require the holder of an alternative 56141
resident educator license, as a condition of continuing to hold 56142
the license, to ~~show~~ do all of the following: 56143

(1) Participate in the Ohio teacher residency program 56144
established under section 3319.223 of the Revised Code; 56145

(2) Show satisfactory progress in taking and successfully 56146
completing within ~~two~~ four years at least twelve additional 56147
semester hours, or the equivalent, of college coursework in the 56148
principles and practices of teaching in such topics as student 56149
development and learning, pupil assessment procedures, curriculum 56150
development, classroom management, and teaching methodology; 56151

(3) Take an assessment of professional knowledge in the 56152
second year of teaching under the license. 56153

~~(C)~~(F) The rules shall provide for the granting of a 56154
~~provisional~~ professional educator license to a holder of an 56155
alternative resident educator license upon successfully completing 56156
all of the following: 56157

(1) Two Four years of teaching under the alternative license; 56158

(2) The twelve semester hours, or the equivalent, of the 56159
additional college coursework described in division ~~(B)~~(3)~~(E)~~(2) 56160
of this section; 56161

(3) The assessment of professional knowledge ~~that is required~~ 56162
~~of other applicants for a provisional educator license~~ described 56163

in division (E)(3) of this section. The standards for successfully 56164
completing this assessment and the manner of conducting the 56165
assessment shall be the same as for any other ~~applicant for a~~ 56166
~~provisional educator license~~ individual who is required to take 56167
the assessment pursuant to rules adopted by the state board under 56168
section 3319.22 of the Revised Code. 56169

(4) The Ohio teacher residency program; 56170

(5) All other requirements for a professional educator 56171
license adopted by the state board under section 3319.22 of the 56172
Revised Code. 56173

Sec. 3319.261. An individual who otherwise qualifies for an 56174
alternative resident educator license for employment as an 56175
intervention specialist as authorized under section 3319.26 of the 56176
Revised Code shall be issued such license without successful 56177
completion of the examination specified in division 56178
~~(B)(1)(e)(C)(3)~~ of section 3319.26 of the Revised Code. The 56179
individual to whom the alternative resident educator license is 56180
issued under this section shall be required to successfully 56181
complete that examination prior to issuance of a ~~provisional~~ 56182
professional educator license as provided in division ~~(C)(F)~~ of 56183
section 3319.26 of the Revised Code only after completing the 56184
coursework prescribed in division ~~(B)(3)(E)(2)~~ of that section. 56185

Sec. 3319.28. (A) As used in this section, "STEM school" 56186
means a science, technology, engineering, and mathematics school 56187
established under Chapter 3326. of the Revised Code. 56188

(B) Notwithstanding any other provision of the Revised Code 56189
or any rule adopted by the state board of education to the 56190
contrary, the state board shall issue a two-year provisional 56191
educator license for teaching science, technology, engineering, or 56192
mathematics in grades six through twelve in a STEM school to any 56193

applicant who meets the following conditions:	56194
(1) Holds a bachelor's degree from an accredited institution	56195
of higher education in a field related to the subject area to be	56196
taught;	56197
(2) Has passed an examination prescribed by the state board	56198
in the subject area to be taught.	56199
(C) The holder of a provisional educator license issued under	56200
this section shall complete a structured apprenticeship program	56201
provided by an educational service center or a teacher preparation	56202
program approved under section 3319.23 <u>3333.048</u> of the Revised	56203
Code, in partnership with the STEM school that employs the license	56204
holder. The apprenticeship program shall include the following:	56205
	56206
(1) Mentoring by a teacher or administrator who regularly	56207
observes the license holder's classroom instruction, provides	56208
feedback on the license holder's teaching strategies and classroom	56209
management, and engages the license holder in discussions about	56210
methods for fostering and measuring student learning;	56211
(2) Regularly scheduled seminars or meetings that address the	56212
following topics:	56213
(a) The statewide academic standards adopted by the state	56214
board under section 3301.079 of the Revised Code and the	56215
importance of aligning curriculum with those standards;	56216
(b) The achievement tests <u>assessments</u> prescribed by section	56217
3301.0710 of the Revised Code;	56218
(c) The school district and building accountability system	56219
established under Chapter 3302. of the Revised Code;	56220
(d) Instructional methods and strategies;	56221
(e) Student development;	56222
(f) Assessing student progress and providing remediation and	56223

(A) of this section, to submit two complete sets of fingerprints 56254
and written permission that authorizes the superintendent of 56255
public instruction to forward the fingerprints to the bureau of 56256
criminal identification and investigation pursuant to division (F) 56257
of section 109.57 of the Revised Code and that authorizes that 56258
bureau to forward the fingerprints to the federal bureau of 56259
investigation for purposes of obtaining any criminal records that 56260
the federal bureau maintains on the person: 56261

(1) Any person initially applying for any certificate, 56262
license, or permit described in this chapter or in division (B) of 56263
section 3301.071 or in section 3301.074 of the Revised Code at the 56264
time that application is made; 56265

(2) Any person applying for renewal of any certificate, 56266
license, or permit described in division (A)(1) of this section at 56267
the time that application is made; 56268

(3) Any person who is teaching under a professional teaching 56269
certificate issued under former ~~section 3319.22 or under~~ section 56270
3319.222 of the Revised Code upon a date prescribed by the state 56271
board; 56272

(4) Any person who is teaching under a permanent teaching 56273
certificate issued under former section 3319.22 as it existed 56274
prior to October 29, 1996, or under former section 3319.222 of the 56275
Revised Code upon a date prescribed by the state board and every 56276
five years thereafter. 56277

(B) Except as provided in division (C) of this section, prior 56278
to issuing or renewing any certificate, license, or permit 56279
described in division (A)(1) or (2) of this section and in the 56280
case of a person required to submit fingerprints and written 56281
permission under division (A)(3) or (4) of this section, the state 56282
board or the superintendent of public instruction shall request 56283
the superintendent of the bureau of criminal identification and 56284

investigation to investigate and determine whether the bureau has 56285
any information, gathered pursuant to division (A) of section 56286
109.57 of the Revised Code, pertaining to any person submitting 56287
fingerprints and written permission under this section and to 56288
obtain any criminal records that the federal bureau of 56289
investigation has on the person. 56290

(C) The state board or the superintendent of public 56291
instruction may choose not to request any information required by 56292
division (B) of this section if the person applying for the 56293
issuance or renewal of a certificate, license, or permit described 56294
in division (A)(1) or (2) of this section or the person required 56295
to submit fingerprints and written permission under division 56296
(A)(3) or (4) of this section provides proof that a criminal 56297
records check was conducted on the person as a condition of 56298
employment pursuant to section 3319.39 of the Revised Code within 56299
the immediately preceding year. The state board or the 56300
superintendent of public instruction may accept a certified copy 56301
of records that were issued by the bureau of criminal 56302
identification and investigation and that are presented by a 56303
person applying for the issuance or renewal of a certificate, 56304
license, or permit described in this section in lieu of requesting 56305
that information under division (B) of this section if the records 56306
were issued by the bureau within the immediately preceding year. 56307

(D)(1) If a person described in division (A)(3) or (4) of 56308
this section fails to submit fingerprints and written permission 56309
by the date specified in the applicable division, and the state 56310
board or the superintendent of public instruction does not apply 56311
division (C) of this section to the person, the superintendent 56312
shall prepare a written notice stating that if the person does not 56313
submit the fingerprints and written permission within fifteen days 56314
after the date the notice was mailed, the person's professional or 56315
permanent teaching certificate will be inactivated. The 56316

superintendent shall send the notification by regular mail to the 56317
person's last known residence address or last known place of 56318
employment, as indicated in the department of education's records, 56319
or both. 56320

If the person fails to submit the fingerprints and written 56321
permission within fifteen days after the date the notice was 56322
mailed, the superintendent of public instruction, on behalf of the 56323
state board, shall issue a written order inactivating the person's 56324
professional or permanent teaching certificate. The inactivation 56325
shall remain in effect until the person submits the fingerprints 56326
and written permission. The superintendent shall send the order by 56327
regular mail to the person's last known residence address or last 56328
known place of employment, as indicated in the department's 56329
records, or both. The order shall state the reason for the 56330
inactivation and shall explain that the inactivation remains in 56331
effect until the person complies with division (A) of this 56332
section. 56333

The inactivation of a professional or permanent teaching 56334
certificate under division (D)(1) of this section does not 56335
constitute a suspension or revocation of the certificate by the 56336
state board under section 3319.31 of the Revised Code and the 56337
state board and the superintendent of public instruction need not 56338
provide the person with an opportunity for a hearing with respect 56339
to the inactivation. 56340

(2) If a person whose professional or permanent teaching 56341
certificate has been inactivated under division (D)(1) of this 56342
section submits fingerprints and written permission as required by 56343
division (A) of this section, the superintendent of public 56344
instruction, on behalf of the state board, shall issue a written 56345
order reactivating the certificate. The superintendent shall send 56346
the order to the person by regular mail. 56347

(E) Notwithstanding divisions (A) and (B) of this section, if 56348

a person holds more than one certificate, license, or permit 56349
described in division (A)(1) of this section, the following shall 56350
apply: 56351

(1) If the certificates, licenses, or permits are of 56352
different durations, the person shall be subject to divisions 56353
(A)(2) and (B) of this section only when applying for renewal of 56354
the certificate, license, or permit that is of the longest 56355
duration. Prior to renewing any certificate, license, or permit 56356
with a shorter duration, the state board or the superintendent of 56357
public instruction shall determine whether the department of 56358
education has received any information about the person pursuant 56359
to section 109.5721 of the Revised Code, but the person shall not 56360
be subject to division (A)(2) or (B) of this section as long as 56361
the person's certificate, license, or permit with the longest 56362
duration is valid. 56363

(2) If the certificates, licenses, or permits are of the same 56364
duration but do not expire in the same year, the person shall 56365
designate one of the certificates, licenses, or permits as the 56366
person's primary certificate, license, or permit and shall notify 56367
the department of that designation. The person shall be subject to 56368
divisions (A)(2) and (B) of this section only when applying for 56369
renewal of the person's primary certificate, license, or permit. 56370
Prior to renewing any certificate, license, or permit that is not 56371
the person's primary certificate, license, or permit, the state 56372
board or the superintendent of public instruction shall determine 56373
whether the department has received any information about the 56374
person pursuant to section 109.5721 of the Revised Code, but the 56375
person shall not be subject to division (A)(2) or (B) of this 56376
section as long as the person's primary certificate, license, or 56377
permit is valid. 56378

(3) If the certificates, licenses, or permits are of the same 56379
duration and expire in the same year and the person applies for 56380

renewal of the certificates, licenses, or permits at the same 56381
time, the state board or the superintendent of public instruction 56382
shall request only one criminal records check of the person under 56383
division (B) of this section. 56384

Sec. 3319.303. (A) The state board of education shall adopt 56385
rules establishing standards and requirements for obtaining a 56386
pupil-activity program permit for any individual who does not hold 56387
a valid educator license, certificate, or permit issued by the 56388
state board under section 3319.22, 3319.26, or 3319.27, ~~3319.302,~~ 56389
~~or 3319.304~~ of the Revised Code. The permit issued under this 56390
section shall be valid for coaching, supervising, or directing a 56391
pupil-activity program under section 3313.53 of the Revised Code. 56392
Subject to the provisions of section 3319.31 of the Revised Code, 56393
a permit issued under this section shall be valid for three years 56394
and shall be renewable. 56395

(B) The state board shall adopt rules applicable to 56396
individuals who hold valid educator licenses, certificates, or 56397
permits issued by the state board under section 3319.22, 3319.26, 56398
or 3319.27, ~~3319.302,~~ ~~or 3319.304~~ of the Revised Code setting 56399
forth standards to assure any such individual's competence to 56400
direct, supervise, or coach a pupil-activity program. The rules 56401
adopted under this division shall not be more stringent than the 56402
standards set forth in rules applicable to individuals who do not 56403
hold such licenses, certificates, or permits adopted under 56404
division (A) of this section. 56405

Sec. 3319.36. (A) No treasurer of a board of education or 56406
educational service center shall draw a check for the payment of a 56407
teacher for services until the teacher files with the treasurer 56408
both of the following: 56409

(1) Such reports as are required by the state board of 56410

education, the school district board of education, or the 56411
superintendent of schools; 56412

(2) Except for a teacher who is engaged pursuant to section 56413
3319.301 of the Revised Code, a written statement from the city, 56414
exempted village, or local school district superintendent or the 56415
educational service center superintendent that the teacher has 56416
filed with the treasurer a legal educator license, or true copy of 56417
it, to teach the subjects or grades taught, with the dates of its 56418
validity. The state board of education shall prescribe the record 56419
and administration for such filing of educator licenses in 56420
educational service centers. 56421

(B) Notwithstanding division (A) of this section, the 56422
treasurer may pay either of the following: 56423

(1) Any teacher for services rendered during the first two 56424
months of the teacher's initial employment with the school 56425
district or educational service center, provided such teacher is 56426
the holder of a bachelor's degree or higher and has filed with the 56427
state board of education an application for the issuance of a 56428
~~provisional or professional~~ an educator license described in 56429
division (A)(1) of section 3319.22 of the Revised Code. 56430

(2) Any substitute teacher for services rendered while 56431
conditionally employed under section 3319.101 of the Revised Code. 56432

(C) Upon notice to the treasurer given by the state board of 56433
education or any superintendent having jurisdiction that reports 56434
required of a teacher have not been made, the treasurer shall 56435
withhold the salary of the teacher until the required reports are 56436
completed and furnished. 56437

Sec. 3319.41. (A) ~~(1) Beginning September 1, 1994, and except~~ 56438
~~as provided in division (C) of this section, no~~ No person employed 56439
or engaged as a teacher, principal, administrator, nonlicensed 56440

school employee, or bus driver in a public or chartered nonpublic 56441
school may inflict or cause to be inflicted corporal punishment as 56442
a means of discipline upon a pupil attending such school, ~~unless~~ 56443
~~the board of education of the school district in which the school~~ 56444
~~is located adopts a resolution no later than September 1, 1994, to~~ 56445
~~permit corporal punishment as a means of discipline and does not~~ 56446
~~adopt a resolution prohibiting corporal punishment pursuant to~~ 56447
~~division (B) of this section. No board shall adopt a resolution~~ 56448
~~permitting corporal punishment before receiving and studying the~~ 56449
~~report of the local discipline task force appointed under division~~ 56450
~~(A)(2) of this section.~~ 56451

~~(2) The board of education of each city, local, exempted~~ 56452
~~village, and joint vocational school district that has not adopted~~ 56453
~~a rule prohibiting corporal punishment under section 3313.20 of~~ 56454
~~the Revised Code prior to the effective date of this amendment~~ 56455
~~shall appoint, and any board that has adopted a rule under that~~ 56456
~~section prior to the effective date of this amendment may appoint,~~ 56457
~~no later than April 1, 1994, a local discipline task force to~~ 56458
~~conduct a study of effective discipline measures that are~~ 56459
~~appropriate for that school district. Members of the task force~~ 56460
~~shall include teachers, administrators, nonlicensed school~~ 56461
~~employees, school psychologists, members of the medical~~ 56462
~~profession, pediatricians when available, and representatives of~~ 56463
~~parents' organizations.~~ 56464

~~The task force shall hold meetings regularly. All meetings of~~ 56465
~~the task force shall be open to the public and at least one of the~~ 56466
~~meetings shall be for the purpose of inviting public~~ 56467
~~participation. The board of education shall provide public notice~~ 56468
~~of any public meeting of the task force in newspapers or other~~ 56469
~~periodicals of general circulation in the school district. The~~ 56470
~~task force shall report its findings and recommendations in~~ 56471
~~writing to the board of education no later than July 15, 1994. The~~ 56472

~~task force's written report must be available for inspection by 56473
the public at the board's offices for at least five years after 56474
being submitted to the board. 56475~~

~~(B)(1) At any time after September 1, 1996, the board of 56476
education of any city, local, exempted village, or joint 56477
vocational school district in which corporal punishment is 56478
permitted may adopt a resolution to prohibit corporal punishment. 56479
After the adoption of a resolution prohibiting corporal punishment 56480
pursuant to division (B)(1) of this section, the board of 56481
education of any city, local, exempted village, or joint 56482
vocational school district may adopt a resolution permitting 56483
corporal punishment after complying with division (B)(3) of this 56484
section. 56485~~

~~(2) At any time after September 1, 1998, the board of 56486
education of any city, local, exempted village, or joint 56487
vocational school district that did not adopt a resolution 56488
permitting corporal punishment as a means of discipline pursuant 56489
to division (A)(1) of this section may adopt a resolution 56490
permitting corporal punishment after complying with division 56491
(B)(3) of this section. 56492~~

~~(3)(a) The board of education of each city, local, exempted 56493
village, and joint vocational school district that intends to 56494
adopt a resolution permitting corporal punishment as a means of 56495
discipline pursuant to division (B)(1) or (2) of this section may 56496
adopt that resolution permitting corporal punishment as a means of 56497
discipline only after receiving and studying the report of the 56498
secondary local discipline task force appointed under division 56499
(B)(3)(b) of this section. 56500~~

~~(b) Any board of education described in division (B)(1) or 56501
(2) of this section that intends to adopt a resolution permitting 56502
corporal punishment as a means of discipline shall appoint a 56503
secondary local discipline task force to conduct a study of 56504~~

~~effective discipline measures that are appropriate for that school 56505
district. Membership on the secondary local discipline task force 56506
shall consist of the same types of persons that are required to be 56507
included as members of the local discipline task force pursuant to 56508
division (A)(2) of this section. The secondary local discipline 56509
task force shall follow the same procedures with respect to 56510
holding meetings, the provision of public notice, and the 56511
production and inspection of a written report of findings and 56512
recommendations that are applicable to the local discipline task 56513
force pursuant to division (A)(2) of this section, except that the 56514
secondary local discipline task force is not required to present 56515
its written report to the board of education on a date that is no 56516
later than July 15, 1994. 56517~~

~~(C) The prohibition of corporal punishment by division (A) of 56518
this section or by a resolution adopted under division (B) of this 56519
section does not prohibit the use of reasonable force or restraint 56520
in accordance with division (C) of this section. 56521~~

~~(D) If the board of education of any city, local, exempted 56522
village, or joint vocational school district does not prohibit 56523
corporal punishment on the effective date of this amendment but at 56524
any time after that date corporal punishment will be prohibited in 56525
the district pursuant to division (A)(1) or (B) of this section, 56526
the board shall do both of the following prior to the date on 56527
which the prohibition takes effect: 56528~~

~~(1) Adopt a disciplinary policy for the district that 56529
includes alternative disciplinary measures; 56530~~

~~(2) Consider what in service training, if any, school 56531
district employees might need as part of implementing the policy 56532
adopted under division (D)(1) of this section. 56533~~

~~(E) A person employed or otherwise engaged as a teacher, 56534
principal, or administrator by a board of education permitting 56535~~

~~corporal punishment pursuant to division (A)(1) of this section or 56536
by a nonpublic school, except as otherwise provided by the 56537
governing authority of the nonpublic school, may inflict or cause 56538
to be inflicted reasonable corporal punishment upon a pupil 56539
attending the school to which the person is assigned whenever such 56540
punishment is reasonably necessary in order to preserve discipline 56541
while the student is subject to school authority. 56542~~

~~(F) A board of education of a school district that permits 56543
the use of corporal punishment as a means of discipline pursuant 56544
to a resolution adopted by the board pursuant to division (A)(1) 56545
of this section shall permit as part of its discipline policy the 56546
parents, guardian, or custodian of a child that is attending any 56547
school within the school district to request that corporal 56548
punishment not be used as a means of discipline on that child; 56549
upon the receipt of a request of that nature, shall ensure that an 56550
alternative disciplinary measure is applied with respect to that 56551
child; and shall include a procedure for the exercise of that 56552
option in the resolution adopted pursuant to division (A)(1) of 56553
this section. 56554~~

~~(G) Persons employed or engaged as teachers, principals, or 56555
administrators in a school, whether public or private, and 56556
nonlicensed school employees and school bus drivers may, within 56557
the scope of their employment, use and apply such amount of force 56558
and restraint as is reasonable and necessary to quell a 56559
disturbance threatening physical injury to others, to obtain 56560
possession of weapons or other dangerous objects upon the person 56561
or within the control of the pupil, for the purpose of 56562
self-defense, or for the protection of persons or property. 56563~~

Sec. 3319.51. (A) The state board of education shall annually 56564
establish the amount of the fees required to be paid for any 56565
license, certificate, or permit issued under this chapter or 56566

division (B) of section 3301.071, ~~under sections or section~~ 56567
3301.074, ~~3319.088, 3319.29, 3319.302, and 3319.304, and under~~ 56568
~~division (A) of section 3319.303~~ of the Revised Code. The amount 56569
of these fees shall be such that they, along with any 56570
appropriation made to the fund established under division (B) of 56571
this section, will be sufficient to cover the annual estimated 56572
cost of administering the ~~sections of law listed~~ requirements 56573
described under division (B) of this section. 56574

(B) There is hereby established in the state treasury the 56575
state board of education licensure fund, which shall be used by 56576
the state board of education solely to pay the cost of 56577
administering requirements related to the issuance and renewal of 56578
licenses, certificates, and permits described in this chapter and 56579
sections 3301.071, and 3301.074, ~~3319.088, 3319.22, 3319.29,~~ 56580
~~3319.291, 3319.301, 3319.302, 3319.303, 3319.304, and 3319.31~~ of 56581
the Revised Code. The fund shall consist of the amounts paid into 56582
the fund pursuant to division (B) of section 3301.071, and 56583
sections 3301.074, ~~3319.088,~~ and 3319.29, ~~3319.302, and 3319.304,~~ 56584
~~and division (A) of section 3319.303~~ of the Revised Code and any 56585
appropriations to the fund by the general assembly. 56586

Sec. 3319.56. The department of education shall identify 56587
promising practices in Ohio and throughout the country for 56588
engaging teachers certified by the national board for professional 56589
teaching standards, ~~and other master lead~~ lead teachers, ~~as defined who~~ 56590
meet the criteria adopted by the educator standards board pursuant 56591
to section 3319.61 of the Revised Code, in ways that add value 56592
beyond their own classrooms. Practices identified by the 56593
department as promising may include placing national board 56594
certified and ~~master lead~~ lead teachers in key roles in peer review 56595
programs; having such teachers serve as coaches, mentors, and 56596
trainers for other teachers; or having such teachers develop 56597
curricula or instructional integration strategies. 56598

Once the department has identified promising practices, the 56599
department shall inform all school districts of the practices by 56600
posting such information on the department's world wide web site. 56601

Sec. 3319.57. (A) A grant program is hereby established under 56602
which the department of education shall award grants to assist 56603
certain schools in a city, exempted village, local, or joint 56604
vocational school district in implementing one of the following 56605
innovations: 56606

(1) The use of instructional specialists to mentor and 56607
support classroom teachers; 56608

(2) The use of building managers to supervise the 56609
administrative functions of school operation so that a school 56610
principal can focus on supporting instruction, providing 56611
instructional leadership, and engaging teachers as part of the 56612
instructional leadership team; 56613

(3) The reconfiguration of school leadership structure in a 56614
manner that allows teachers to serve in leadership roles so that 56615
teachers may share the responsibility for making and implementing 56616
school decisions; 56617

(4) The adoption of new models for restructuring the school 56618
day or school year, such as including teacher planning and 56619
collaboration time as part of the school day; 56620

(5) The creation of smaller schools or smaller units within 56621
larger schools for the purpose of facilitating teacher 56622
collaboration to improve and advance the professional practice of 56623
teaching; 56624

(6) The implementation of "grow your own" recruitment 56625
strategies that are designed to assist individuals who show a 56626
commitment to education become licensed teachers, to assist 56627
experienced teachers obtain licensure in subject areas for which 56628

there is need, and to assist teachers in becoming principals; 56629

(7) The provision of better conditions for new teachers, such 56630
as reduced teaching load and reduced class size; 56631

(8) The provision of incentives to attract qualified 56632
mathematics, science, or special education teachers; 56633

(9) The development and implementation of a partnership with 56634
teacher preparation programs at colleges and universities to help 56635
attract teachers qualified to teach in shortage areas; 56636

(10) The implementation of a program to increase the cultural 56637
competency of both new and veteran teachers; 56638

(11) The implementation of a program to increase the subject 56639
matter competency of veteran teachers. 56640

(B) To qualify for a grant to implement one of the 56641
innovations described in division (A) of this section, a school 56642
must meet both of the following criteria: 56643

(1) Be hard to staff, as defined by the department. 56644

(2) Use existing school district funds for the implementation 56645
of the innovation in an amount equal to the grant amount 56646
multiplied by (1 - the district's state share percentage for the 56647
fiscal year in which the grant is awarded). 56648

For purposes of division (B)(2) of this section, "state share 56649
percentage" ~~shall be as calculated under section 3317.022 of the~~ 56650
~~Revised Code, in the case of a city, local, or exempted village~~ 56651
~~school district, or as calculated under section 3317.16~~ has the 56652
same meaning as in section 3306.02 of the Revised Code, ~~in the~~ 56653
~~case of a joint vocational school district.~~ 56654

(C) The amount and number of grants awarded under this 56655
section shall be determined by the department based on any 56656
appropriations made by the general assembly for grants under this 56657
section. 56658

(D) The state board of education shall adopt rules for the 56659
administration of this grant program. 56660

Sec. 3319.60. There is hereby established the educator 56661
standards board. The board shall develop and recommend to the 56662
state board of education standards for entering and continuing in 56663
the ~~teaching and principalship~~ educator professions and standards 56664
for educator professional development. The board membership shall 56665
reflect the diversity of the state in terms of gender, race, 56666
ethnic background, and geographic distribution. 56667

(A) The board shall consist of the following members: 56668

(1) The following eighteen members appointed by the state 56669
board of education ~~within sixty days of the effective date of this~~ 56670
~~section:~~ 56671

~~(1) Eight~~ (a) Ten persons employed as teachers in a school 56672
district. ~~Two~~ Three persons appointed under this division shall be 56673
employed as teachers in a secondary school, two persons shall be 56674
employed as teachers in a middle school, ~~two~~ three persons shall 56675
be employed as teachers in an elementary school, one person shall 56676
be employed as a teacher in a pre-kindergarten classroom, and one 56677
person shall be a teacher who serves on a local professional 56678
development committee pursuant to section 3319.22 of the Revised 56679
Code. At least one person appointed under this division shall hold 56680
a teaching certificate or license issued by the national board for 56681
professional teaching standards. The Ohio education association 56682
shall submit a list of ~~twelve~~ fourteen nominees for these 56683
appointments and the state board shall appoint ~~six~~ seven members 56684
to the educator standards board from that list. The Ohio 56685
federation of teachers shall submit a list of ~~four~~ six nominees 56686
for these appointments and the state board shall appoint ~~two~~ three 56687
members to the educator standards board from that list. If there 56688
is an insufficient number of nominees from both lists to satisfy 56689

the membership requirements of this division, the state board 56690
shall request additional nominees who satisfy those requirements. 56691

56692

~~(2)~~(b) One person employed as a teacher in a chartered, 56693
nonpublic school. Stakeholder groups selected by the state board 56694
shall submit a list of two nominees for this appointment. 56695

~~(3)~~ ~~Four~~ (c) Five persons employed as school administrators 56696
in a school district. Of ~~the four~~ those five persons ~~appointed~~ 56697
~~under this division~~, one person shall be employed as a secondary 56698
school principal, one person shall be employed as a middle school 56699
principal, one person shall be employed as an elementary school 56700
principal, one person shall be employed as a school district 56701
treasurer or business manager, and one person shall be employed as 56702
a school district superintendent. The buckeye association of 56703
school administrators shall submit a list of two nominees for the 56704
school district superintendent, the Ohio association of school 56705
business officials shall submit a list of two nominees for the 56706
school district treasurer or business manager, the Ohio 56707
association of elementary school administrators shall submit a 56708
list of two nominees for the elementary school principal, and the 56709
Ohio association of secondary school administrators shall submit a 56710
list of two nominees for the middle school principal and a list of 56711
two nominees for the secondary school principal. 56712

~~(4)~~(d) One person who is a member of a school district board 56713
of education. The Ohio school boards association shall submit a 56714
list of two nominees for this appointment. 56715

~~(5)~~ ~~Three persons employed by institutions of higher~~ 56716
~~education that offer teacher preparation programs approved under~~ 56717
~~section 3319.23 of the Revised Code. One person appointed under~~ 56718
~~this division shall be employed by an institution of higher~~ 56719
~~education that has a certificate of authorization under Chapter~~ 56720
~~1713. of the Revised Code; one person shall be employed by a state~~ 56721

~~university, as defined in section 3345.011 of the Revised Code, or 56722
a university branch; and one person shall be employed by a state 56723
community college, community college, or technical college. Of the 56724
two persons appointed under this division from an institution of 56725
higher education that has a certificate of authorization under 56726
Chapter 1713. of the Revised Code and from a state university or 56727
university branch, one shall be employed in a college of education 56728
and one shall be employed in a college of arts and sciences. The 56729
chancellor of the Ohio board of regents shall submit two slates of 56730
nominees for these appointments and the state board shall appoint 56731
one slate as members of the educator standards board. 56732~~

~~(6)(e) One person who is a parent of a student currently 56733
enrolled in a school operated by a school district. The Ohio 56734
parent teacher association shall submit a list of two nominees for 56735
this appointment. 56736~~

~~(2) The chancellor of the Ohio board of regents shall appoint 56737
three persons employed by institutions of higher education that 56738
offer educator preparation programs. One person shall be employed 56739
by an institution of higher education that has a certificate of 56740
authorization under Chapter 1713. of the Revised Code; one person 56741
shall be employed by a state university, as defined in section 56742
3345.011 of the Revised Code, or a university branch; and one 56743
person shall be employed by a state community college, community 56744
college, or technical college. Of the two persons appointed from 56745
an institution of higher education that has a certificate of 56746
authorization under Chapter 1713. of the Revised Code and from a 56747
state university or university branch, one shall be employed in a 56748
college of education and one shall be employed in a college of 56749
arts and sciences. 56750~~

~~(3) The superintendent of public instruction or a designee of 56751
the superintendent, the chancellor of the Ohio board of regents or 56752
a designee of the chancellor, and the chairpersons and the ranking 56753~~

minority members of the education committees of the senate and 56754
house of representatives shall serve as nonvoting, ex officio 56755
members. 56756

(B) ~~Initial terms of office for nine members shall be for two~~ 56757
~~years and three years for eight members, beginning on the day all~~ 56758
~~members are appointed to the board. At the first meeting of the~~ 56759
~~board, members shall draw lots to determine the length of the term~~ 56760
~~each member shall serve. Thereafter terms~~ Terms of office shall be 56761
for two years. Each member shall hold office from the date of the 56762
member's appointment until the end of the term for which the 56763
member was appointed. At the first meeting, appointed members 56764
shall select a chairperson and a vice-chairperson. Vacancies on 56765
the board shall be filled in the same manner as ~~the original~~ 56766
prescribed for appointments under division (A) of this section. 56767
Any member appointed to fill a vacancy occurring prior to the 56768
expiration of the term for which the member's predecessor was 56769
appointed shall hold office for the remainder of such term. Any 56770
member shall continue in office subsequent to the expiration date 56771
of the member's term until the member's successor takes office, or 56772
until a period of sixty days has elapsed, whichever occurs first. 56773
The terms of office of members are renewable. 56774

(C) Members shall receive no compensation for their services. 56775

(D) The board shall establish guidelines for its operation. 56776
These guidelines shall require the creation of a standing 56777
subcommittee on higher education, and shall permit the creation of 56778
other standing subcommittees when necessary. The board shall 56779
determine the membership of any subcommittee it creates. The board 56780
may select persons who are not members of the board to participate 56781
in the deliberations of any subcommittee as representatives of 56782
stakeholder groups, but no such person shall vote on any issue 56783
before the subcommittee. 56784

Sec. 3319.61. (A) The educator standards board, in 56785
consultation with the chancellor of the Ohio board of regents, 56786
shall do all of the following: 56787

(1) Develop state standards for teachers and principals that 56788
reflect what teachers and principals are expected to know and be 56789
able to do at all stages of their careers. These standards shall 56790
be aligned with the statewide academic content standards for 56791
students adopted pursuant to section 3301.079 of the Revised Code, 56792
be primarily based on educator performance instead of years of 56793
experience or certain courses completed, and rely on 56794
evidence-based factors. These standards shall also be aligned with 56795
the operating standards adopted under division (D)(3) of section 56796
3301.07 of the Revised Code. 56797

(a) The standards for teachers shall reflect the following 56798
additional criteria: 56799

(i) Alignment with the interstate new teacher assessment and 56800
support consortium standards; 56801

(ii) Differentiation among novice, experienced, and advanced 56802
teachers; 56803

(iii) Reliance on competencies that can be measured; 56804

(iv) Reliance on content knowledge, teaching skills, 56805
discipline-specific teaching methods, and requirements for 56806
professional development; 56807

(v) Alignment with a career-long system of professional 56808
development and evaluation that ensures teachers receive the 56809
support and training needed to achieve the teaching standards as 56810
well as reliable feedback about how well they meet the standards; 56811

(vi) The standards under section 3301.079 of the Revised 56812
Code, including standards on collaborative learning environments 56813
and interdisciplinary, project-based real world learning, 56814

<u>differentiated instruction, and community service learning;</u>	56815
<u>(vii) The Ohio leadership framework.</u>	56816
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	56817 56818
(2) <u>Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.</u>	56819 56820 56821 56822 56823 56824 56825
(3) <u>Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.</u>	56826 56827 56828 56829 56830 56831 56832 56833
(4) <u>Develop standards for the renewal of educator licenses under section <u>sections</u> 3319.22 and 3301.074 of the Revised Code;</u>	56834 56835
(3) (5) <u>Develop standards for educator professional development;</u>	56836 56837
(6) <u>Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies.</u>	56838 56839 56840
<u>The superintendent of public instruction, the chancellor of the Ohio board of regents, or the education standards board itself may request that the educator standards board update, review, or reconsider any standards developed under this section.</u>	56841 56842 56843 56844

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students.

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure ~~that~~ both of the following:

(1) That teachers and principals have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A) ~~(3)~~ (5) of this section shall include ~~standards~~ the following:

(1) Standards for the inclusion of local professional

<u>development committees established under section 3319.22 of the</u>	56876
<u>Revised Code in the planning and design of professional</u>	56877
<u>development;</u>	56878
<u>(2) Standards</u> that address the crucial link between academic	56879
achievement and mental health issues.	56880
(F) The educator standards board shall also perform the	56881
following functions:	56882
(1) Collaborate with colleges and universities that offer	56883
teacher preparation programs approved pursuant to section 3319.23	56884
of the Revised Code to align teacher and principal preparation	56885
courses with the standards developed under division (A) of this	56886
section and with student academic content standards adopted under	56887
section 3301.079 of the Revised Code. The educator standards board	56888
shall study the model developed by the college of food,	56889
agricultural, and environmental sciences and the college of	56890
education of the Ohio state university for aligning teacher	56891
preparation programs in agricultural education with recognized	56892
standards for this purpose.	56893
(2) Monitor compliance with the teacher and principal	56894
standards developed under division (A) of this section and make	56895
recommendations to the state board of education for appropriate	56896
corrective action if such standards are not met;	56897
(3) <u>(2)</u> Research, develop, and recommend policies on the	56898
professions of teaching and school administration;	56899
(4) <u>(3)</u> Recommend policies to close the achievement gap	56900
between students of different subgroups;	56901
(5) <u>(4)</u> Define a "master teacher" in a manner that can be used	56902
uniformly by all school districts;	56903
<u>(5) Adopt criteria that a candidate for a lead professional</u>	56904
<u>educator license under section 3319.22 of the Revised Code who</u>	56905

does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that ~~when defining "master teacher,"~~ the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a ~~master~~ lead teacher. ~~Such~~ The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, attainment of a master's degree in an appropriate subject area, completion of other educational levels beyond a master's degree or other professional development courses, certification by the national board for professional teaching standards, or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a ~~master~~ lead teacher, which shall not be the total number of criteria adopted by the board.

(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.

(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education ~~within one year after the educator standards board first convenes~~ not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting

reconsideration of the recommendations but shall not direct the 56938
content of the recommendations. The educator standards board shall 56939
reconsider its recommendations if the state board of education so 56940
requests, may revise the recommendations, and shall resubmit the 56941
recommendations, whether revised or not, to the state board not 56942
later than two weeks prior to the state board's regular meeting 56943
that next succeeds the meeting at which the state board requested 56944
reconsideration of the initial recommendations. The state board of 56945
education shall review the recommendations as resubmitted by the 56946
educator standards board at the state board's regular meeting that 56947
next succeeds the meeting at which the state board requested 56948
reconsideration of the initial recommendations and may adopt the 56949
standards as resubmitted or, if the resubmitted standards have not 56950
addressed the state board's concerns, the state board may modify 56951
the standards prior to adopting them. The final responsibility to 56952
determine whether to adopt standards as described in division (A) 56953
of this section and the content of those standards, if adopted, 56954
belongs solely to the state board of education. 56955

Sec. 3319.611. The subcommittee on standards for 56956
superintendents of the education standards board is hereby 56957
established. The subcommittee shall consist of the following 56958
members: 56959

(A) The school district superintendent appointed to the 56960
educator standards board under section 3319.60 of the Revised 56961
Code, who shall act as chairperson of the subcommittee; 56962

(B) Three additional school district superintendents 56963
appointed by the state board of education, for terms of two years. 56964
The buckeye association of school administrators shall submit a 56965
list of six nominees for appointments under this section. 56966

(C) Three additional members of the educator standards board, 56967
appointed by the chairperson of the educator standards board; 56968

(D) The superintendent of public instruction and the 56969
chancellor of the Ohio board of regents, or their designees, who 56970
shall serve as nonvoting, ex officio members of the subcommittee. 56971

Members of the subcommittee shall receive no compensation for 56972
their services. The members appointed under divisions (B) and (C) 56973
of this section may be reappointed. 56974

The subcommittee shall assist the educator standards board in 56975
developing the standards for superintendents and with any 56976
additional matters the educator standards board directs the 56977
subcommittee to examine. 56978

Sec. 3319.612. The subcommittee on standards for school 56979
treasurers and business managers of the educator standards board 56980
is hereby established. The subcommittee shall consist of the 56981
following members: 56982

(A) The school district treasurer or business manager 56983
appointed to the educator standards board under section 3319.60 of 56984
the Revised Code, who shall act as chairperson of the 56985
subcommittee; 56986

(B) Three additional school district treasurers or business 56987
managers appointed by the state board of education for terms of 56988
two years. The Ohio association of school business officials shall 56989
submit a list of six nominees for appointments under this section. 56990

(C) Three additional members of the educator standards board, 56991
appointed by the chairperson of the educator standards board; 56992

(D) The superintendent of public instruction and the 56993
chancellor of the Ohio board of regents, or their designees, who 56994
shall serve as nonvoting, ex officio members of the subcommittee. 56995

Members of the subcommittee shall receive no compensation for 56996
their services. The members appointed under divisions (B) and (C) 56997
of this section may be reappointed. 56998

The subcommittee shall assist the educator standards board in developing the standards for school treasurers and business managers and with any additional matters the educator standards board directs the subcommittee to examine. 56999
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Sec. 3319.63. The board of education of a school district that employs any person who is appointed to serve as a member of the educator standards board under division (A)(1)(a) or ~~(3)(c)~~ of section 3319.60, as a member of the subcommittee on standards for superintendents under division (B) or (C) of section 3319.611, or as a member of the subcommittee on standards for school treasurers and business managers under division (B) or (C) of section 3319.612 of the Revised Code shall grant that person paid professional leave for the purpose of attending meetings and conducting official business of the educator standards board and the subcommittees. 57003
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Sec. 3319.70. (A) The school health services advisory council is hereby established. The council shall consist of the following members: 57014
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(1) A registered nurse licensed under Chapter 4723. of the Revised Code who also is licensed as a school nurse pursuant to section 3319.221 or former section 3319.22 of the Revised Code and is a member of the Ohio association of school nurses, appointed by the governor; 57017
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(2) A representative of the board of nursing, appointed by the governor; 57022
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(3) A representative of the department of health who has expertise in school and adolescent health services, appointed by the director of health; 57024
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(4) A representative of the department of education, appointed by the superintendent of public instruction; 57027
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<u>(5) A representative of the chancellor of the Ohio board of regents, appointed by the chancellor;</u>	57029 57030
<u>(6) A representative of a nurse education program, appointed by the chancellor;</u>	57031 57032
<u>(7) A representative of the department of development who has expertise in workforce development, appointed by the director of development;</u>	57033 57034 57035
<u>(8) A representative of the department of job and family services who has expertise in child and adolescent care, appointed by the director of job and family services;</u>	57036 57037 57038
<u>(9) A representative of the public, appointed by the governor.</u>	57039 57040
<u>(B) Initial appointments to the council shall be made within thirty days after the effective date of this section. Members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the same manner as the original appointment. Members shall receive no compensation for their services, except to the extent that service on the council is part of their regular employment duties.</u>	57041 57042 57043 57044 57045 57046 57047
<u>(C) The representative of the department of education shall call the first meeting of the council. At that meeting, the members shall select a chairperson and vice-chairperson. Subsequent meetings of the council shall be held at the call of the chairperson.</u>	57048 57049 57050 57051 57052
<u>Sec. 3319.71.</u> <u>(A) The school health services advisory council shall make recommendations on the following topics:</u>	57053 57054
<u>(1) The content of the course of instruction required to obtain a school nurse license under section 3319.221 of the Revised Code;</u>	57055 57056 57057
<u>(2) The content of the course of instruction required to</u>	57058

obtain a school nurse wellness coordinator license under section 3319.221 of the Revised Code; 57059
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(3) Best practices for the use of school nurses and school nurse wellness coordinators in providing health and wellness programs for students and employees of school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code. 57061
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(B) The council shall issue its initial recommendations not later than March 31, 2010, and may issue subsequent recommendations as it considers necessary. Copies of all recommendations shall be provided to the state board of education, the chancellor of the Ohio board of regents, the board of nursing, and the health care coverage and quality council. 57066
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Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" means either parent unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. If the child is in the legal or permanent custody of a person or government agency, "parent" means that person or government agency. When a child is a resident of a home, as defined in section 3313.64 of the Revised Code, and the child's parent is not a resident of this state, "parent," "guardian," or "other person having charge or care of a child" means the head of the home. 57072
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A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code. A child under six years of age who has been enrolled in kindergarten also shall be considered "of compulsory school age" for the purpose of sections 3321.01 to 3321.13 of the Revised Code unless at any time the child's parent 57084
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or guardian, at the parent's or guardian's discretion and in 57090
consultation with the child's teacher and principal, formally 57091
withdraws the child from kindergarten. The compulsory school age 57092
of a child shall not commence until the beginning of the term of 57093
such schools, or other time in the school year fixed by the rules 57094
of the board of the district in which the child resides. 57095

(2) No child shall be admitted to a kindergarten or a first 57096
grade of a public school in a district in which all children are 57097
admitted to kindergarten and the first grade in August or 57098
September unless the child is five or six years of age, 57099
respectively, by the thirtieth day of September of the year of 57100
admittance, or by the first day of a term or semester other than 57101
one beginning in August or September in school districts granting 57102
admittance at the beginning of such term or semester, except that 57103
in those school districts using or obtaining educationally 57104
accepted standardized testing programs for determining entrance, 57105
as approved by the board of education of such districts, the board 57106
shall admit a child to kindergarten or the first grade who fails 57107
to meet the age requirement, provided the child meets necessary 57108
standards as determined by such standardized testing programs. If 57109
the board of education has not established a standardized testing 57110
program, the board shall designate the necessary standards and a 57111
testing program it will accept for the purpose of admitting a 57112
child to kindergarten or first grade who fails to meet the age 57113
requirement. Each child who will be the proper age for entrance to 57114
kindergarten or first grade by the first day of January of the 57115
school year for which admission is requested shall be so tested 57116
upon the request of the child's parent. 57117

(3) Notwithstanding divisions (A)(2) and (D) of this section, 57118
beginning with the school year that starts in 2001 and continuing 57119
thereafter the board of education of any district may adopt a 57120
resolution establishing the first day of August in lieu of the 57121

thirtieth day of September as the required date by which students 57122
must have attained the age specified in those divisions. 57123

(B) As used in divisions (C) and (D) of this section, 57124
"successfully completed kindergarten" and "successful completion 57125
of kindergarten" mean that the child has completed the 57126
kindergarten requirements at one of the following: 57127

(1) A public or chartered nonpublic school; 57128

(2) A kindergarten class that is both of the following: 57129

(a) Offered by a day-care provider licensed under Chapter 57130
5104. of the Revised Code; 57131

(b) If offered after July 1, 1991, is directly taught by a 57132
teacher who holds one of the following: 57133

(i) A valid educator license issued under section 3319.22 of 57134
the Revised Code; 57135

(ii) A Montessori preprimary credential or age-appropriate 57136
diploma granted by the American Montessori society or the 57137
association Montessori internationale; 57138

(iii) Certification determined under division (G) of this 57139
section to be equivalent to that described in division 57140
(B)(2)(b)(ii) of this section; 57141

(iv) Certification for teachers in nontax-supported schools 57142
pursuant to section 3301.071 of the Revised Code. 57143

(C) Except as provided in division (D) of this section, no 57144
school district shall admit to the first grade any child who has 57145
not successfully completed kindergarten. 57146

(D) Upon request of a parent, the requirement of division (C) 57147
of this section may be waived by the district's pupil personnel 57148
services committee in the case of a child who is at least six 57149
years of age by the thirtieth day of September of the year of 57150
admittance and who demonstrates to the satisfaction of the 57151

committee the possession of the social, emotional, and cognitive 57152
skills necessary for first grade. 57153

The board of education of each city, local, and exempted 57154
village school district shall establish a pupil personnel services 57155
committee. The committee shall be composed of all of the following 57156
to the extent such personnel are either employed by the district 57157
or employed by the governing board of the educational service 57158
center within whose territory the district is located and the 57159
educational service center generally furnishes the services of 57160
such personnel to the district: 57161

(1) The director of pupil personnel services; 57162

(2) An elementary school counselor; 57163

(3) An elementary school principal; 57164

(4) A school psychologist; 57165

(5) A teacher assigned to teach first grade; 57166

(6) A gifted coordinator. 57167

The responsibilities of the pupil personnel services 57168
committee shall be limited to the issuing of waivers allowing 57169
admittance to the first grade without the successful completion of 57170
kindergarten. The committee shall have no other authority except 57171
as specified in this section. 57172

(E) The scheduling of times for kindergarten classes and 57173
length of the school day for kindergarten shall be determined by 57174
the board of education of a city, exempted village, or local 57175
school district, subject to section 3321.05 of the Revised Code. 57176

(F) Any kindergarten class offered by a day-care provider or 57177
school described by division (B)(1) or (B)(2)(a) of this section 57178
shall be developmentally appropriate. 57179

(G) Upon written request of a day-care provider described by 57180
division (B)(2)(a) of this section, the department of education 57181

shall determine whether certification held by a teacher employed 57182
by the provider meets the requirement of division (B)(2)(b)(iii) 57183
of this section and, if so, shall furnish the provider a statement 57184
to that effect. 57185

~~(H) As used in this division, "all day kindergarten" has the 57186
same meaning as in section 3317.029 of the Revised Code. 57187~~

~~(1) Any school district that is not eligible to receive 57188
poverty based assistance for all day kindergarten under division 57189
(D) of section 3317.029 of the Revised Code may charge fees or 57190
tuition for students enrolled in all day kindergarten. If a 57191
district charges fees or tuition for all day kindergarten under 57192
this division, the district shall develop a sliding fee scale 57193
based on family incomes. 57194~~

~~(2) The department of education shall conduct an annual 57195
survey of each school district described in division (H)(1) of 57196
this section to determine the following: 57197~~

~~(a) Whether the district charges fees or tuition for students 57198
enrolled in all day kindergarten; 57199~~

~~(b) The amount of the fees or tuition charged; 57200~~

~~(c)(1) How many of the students for whom tuition is charged 57201
are eligible for free lunches under the "National School Lunch 57202
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 57203
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 57204
amended, and how many of the students for whom tuition is charged 57205
are eligible for reduced price lunches under those acts; 57206~~

~~(d)(2) How many students are enrolled in ~~traditional~~ half-day 57207
kindergarten ~~rather than~~ and how many students are enrolled in 57208
all-day kindergarten, as defined in section 3321.05 of the Revised 57209
Code. 57210~~

Each district shall report to the department, in the manner 57211

prescribed by the department, the information ~~described in~~ 57212
~~divisions (H)(2)(a) to (d) of this section~~ required by this 57213
division. 57214

The department shall issue an annual report on the results of 57215
the survey and shall post the report on its web site. The 57216
department shall issue the first report not later than April 30, 57217
2008, and shall issue a report not later than the thirtieth day of 57218
April each year thereafter. 57219

Sec. 3321.041. (A) As used in this section, "extracurricular 57220
activity" means a pupil activity program that a school or school 57221
district operates and is not included in the school district's 57222
graded course of study, including an interscholastic 57223
extracurricular activity that a school or school district sponsors 57224
or participates in and that has participants from more than one 57225
school or school district. 57226

(B) Beginning in the 2009-2010 school year, if a student 57227
enrolled in a school district is absent from school for the sole 57228
purpose of traveling out of the state to participate in an 57229
enrichment activity approved by the district board of education or 57230
in an extracurricular activity, the district shall count that 57231
absence as an excused absence, up to a maximum of four days per 57232
school year. The district shall require any such student to 57233
complete any classroom assignments that the student misses because 57234
of the absence. 57235

(C) If a student will be absent from school for four or more 57236
consecutive school days for a purpose described in division (B) of 57237
this section, a classroom teacher employed by the school district 57238
shall accompany the student during the travel period to provide 57239
the student with instructional assistance. 57240

Sec. 3321.05. (A) As used in this section, "all-day 57241

kindergarten" means a kindergarten class that is in session five 57242
days per week for not less than the same number of clock hours 57243
each day as for students in grades one through six. 57244

(B) Any school district may operate all-day kindergarten or 57245
extended kindergarten, but ~~no~~ beginning in fiscal year 2011, each 57246
city, local, and exempted village school district shall provide 57247
all-day kindergarten to each student enrolled in kindergarten, 57248
except as specified in divisions (C) and (D) of this section. 57249

(C) The board of education of a school district may apply to 57250
the superintendent of public instruction for a waiver of the 57251
requirement to provide all-day kindergarten for all kindergarten 57252
students. In making the determination to grant or deny the waiver, 57253
the state superintendent may consider space concerns or 57254
alternative delivery approaches used by the school district. 57255

(D) No district shall require any student to attend 57256
kindergarten for more than one-half of the number of clock hours 57257
required each day for ~~traditional kindergarten~~ grades one through 57258
six by the minimum standards adopted under division (D) of section 57259
3301.07 of the Revised Code. Each school district ~~that operates~~ 57260
~~all-day or extended kindergarten~~ shall accommodate kindergarten 57261
students whose parents or guardians elect to enroll them for 57262
one-half of the minimum number of hours required each day for 57263
grades one through six. 57264

(E) A school district may use space in child day-care centers 57265
licensed under Chapter 5104. of the Revised Code to provide 57266
all-day kindergarten under this section. 57267

Sec. 3323.05. The state board of education shall establish 57268
procedures to ensure that children with disabilities and their 57269
parents are guaranteed procedural safeguards under this chapter 57270
with respect to a free appropriate public education. 57271

The procedures shall include, but need not be limited to: 57272

(A) An opportunity for the parents of a child with a 57273
disability to examine all records related to the child and to 57274
participate in meetings with respect to identification, 57275
evaluation, and educational placement of the child, and to obtain 57276
an independent educational evaluation of the child; 57277

(B) Procedures to protect the rights of the child whenever 57278
the parents of the child are not known, an agency after making 57279
reasonable efforts cannot find the parents, or the child is a ward 57280
of the state, including the assignment, ~~in accordance with section~~ 57281
~~3323.051 of the Revised Code,~~ of an individual to act as a 57282
surrogate for the parents; made by the school district or other 57283
educational agency responsible for educating the child or by the 57284
court with jurisdiction over the child's custody. Such assignment 57285
shall be made in accordance with section 3323.051 of the Revised 57286
Code. 57287

(C) Prior written notice to the child's parents of a school 57288
district's proposal or refusal to initiate or change the 57289
identification, evaluation, or educational placement of the child 57290
or the provision of a free appropriate education for the child. 57291
The procedures established under this division shall: 57292

(1) Be designed to ensure that the written prior notice is in 57293
the native language of the parents, unless it clearly is not 57294
feasible to do so. 57295

(2) Specify that the prior written notice shall include: 57296

(a) A description of the action proposed or refused by the 57297
district; 57298

(b) An explanation of why the district proposes or refuses to 57299
take the action and a description of each evaluation procedure, 57300
assessment, record, or report the district used as a basis for the 57301
proposed or refused action; 57302

(c) A statement that the parents of a child with a disability 57303
have protection under the procedural safeguards and, if the notice 57304
is not in regard to an initial referral for evaluation, the means 57305
by which a copy of a description of the procedural safeguards can 57306
be obtained; 57307

(d) Sources for parents to contact to obtain assistance in 57308
understanding the provisions of Part B of the "Individuals with 57309
Disabilities Education Improvement Act of 2004"; 57310

(e) A description of other options considered by the IEP team 57311
and the reason why those options were rejected; 57312

(f) A description of the factors that are relevant to the 57313
agency's proposal or refusal. 57314

(D) An opportunity for the child's parents to present 57315
complaints to the superintendent of the child's school district of 57316
residence with respect to any matter relating to the 57317
identification, evaluation, or educational placement of the child, 57318
or the provision of a free appropriate public education under this 57319
chapter. 57320

Within twenty school days after receipt of a complaint, the 57321
district superintendent or the superintendent's designee, without 57322
undue delay and at a time and place convenient to all parties, 57323
shall review the case, may conduct an administrative review, and 57324
shall notify all parties in writing of the superintendent's or 57325
designee's decision. Where the child is placed in a program 57326
operated by a county MR/DD board or other educational agency, the 57327
superintendent shall consult with the administrator of that county 57328
MR/DD board or agency. 57329

Any party aggrieved by the decision of the district 57330
superintendent or the superintendent's designee may file a 57331
complaint with the state board as provided under division (E) of 57332
this section, request mediation as provided under division (F) of 57333

this section, or present a due process complaint notice and 57334
request for a due process hearing in writing to the superintendent 57335
of the district, with a copy to the state board, as provided under 57336
division (G) of this section. 57337

(E) An opportunity for a party to file a complaint with the 57338
state board of education with respect to the identification, 57339
evaluation, or educational placement of the child, or the 57340
provision of a free appropriate public education to such child. 57341
The department of education shall review and, where appropriate, 57342
investigate the complaint and issue findings. 57343

(F) An opportunity for parents and a school district to 57344
resolve through mediation disputes involving any matter. 57345

(1) The procedures established under this section shall 57346
ensure that the mediation process is voluntary on the part of the 57347
parties, is not used to deny or delay a parent's right to a due 57348
process hearing or to deny any other rights afforded under this 57349
chapter, and is conducted by a qualified and impartial mediator 57350
who is trained in effective mediation techniques. 57351

(2) A school district may establish procedures to offer to 57352
parents and schools that choose not to use the mediation process, 57353
an opportunity to meet, at a time and location convenient to the 57354
parents, with a disinterested party to encourage the use, and 57355
explain the benefits, of the mediation process to the parents. The 57356
disinterested party shall be an individual who is under contract 57357
with a parent training and information center or community parent 57358
resource center in the state or is under contract with an 57359
appropriate alternative dispute resolution entity. 57360

(3) The department shall maintain a list of individuals who 57361
are qualified mediators and knowledgeable in laws and regulations 57362
relating to the provision of special education and related 57363
services. 57364

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section. 57365
57366
57367

(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 57368
57369
57370

(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 57371
57372
57373

(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 57374
57375
57376
57377

(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 57378
57379
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 57382
57383

(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 57384
57385

(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The party presenting the due process complaint and request for a due process hearing shall provide due process complaint notice to the other party and forward a copy of the notice to the state board. The due process complaint notice shall include: 57386
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(a) The name of the child, the address of the residence of the child, or the available contact information in the case of a homeless child, and the name of the school the child is attending;

(b) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem;

(c) A proposed resolution of the problem to the extent known and available to the party at the time.

A party shall not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirement for filing a due process complaint notice.

A due process hearing shall be conducted by an impartial hearing officer in accordance with standards and procedures adopted by the state board. A hearing officer shall not be an employee of the state board or any agency involved in the education or care of the child or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing. A hearing officer shall possess knowledge of, and the ability to understand, the provisions of the "Individuals with Disabilities Education Improvement Act of 2004," federal and state regulations pertaining to that act, and legal interpretations of that act by federal and state courts; possess the knowledge and ability to conduct hearings in accordance with appropriate standard legal practice; and possess the knowledge and ability to render and write decisions in accordance with appropriate standard legal practice. The due process requirements of section 615 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415, apply to due process complaint notices and requests for due process hearings and to due process hearings held under division (G) of this section, including, but not limited to, timelines for requesting hearings, requirements for sufficient complaint notices, resolution sessions, and sufficiency and

hearing decisions. 57428

(2) Discussions that occur during a resolution session shall 57429
be confidential and shall not be used as evidence in any 57430
subsequent due process hearing or civil proceeding. If a 57431
resolution to the dispute is reached at a resolution session, the 57432
parties must execute a legally binding written settlement 57433
agreement which shall state that all discussions that occurred 57434
during the resolution process shall be confidential and shall not 57435
be used as evidence in any subsequent due process hearing or civil 57436
proceeding. 57437

(3) A party to a hearing under division (G) of this section 57438
shall be accorded: 57439

(a) The right to be accompanied and advised by counsel and by 57440
individuals with special knowledge or training with respect to the 57441
problems of children with disabilities; 57442

(b) The right to present evidence and confront, 57443
cross-examine, and compel the attendance of witnesses; 57444

(c) The right to a written or electronic verbatim record of 57445
the hearing; 57446

(d) The right to written findings of fact and decisions, 57447
which findings of fact and decisions shall be made available to 57448
the public consistent with the requirements relating to the 57449
confidentiality of personally identifiable data, information, and 57450
records collected and maintained by state educational agencies and 57451
local educational agencies; and shall be transmitted to the 57452
advisory panel established and maintained by the department for 57453
the purpose of providing policy guidance with respect to special 57454
education and related services for children with disabilities in 57455
the state. 57456

(H) An opportunity for any party aggrieved by the findings 57457
and decision rendered in a hearing under division (G) of this 57458

section to appeal within forty-five days of notification of the 57459
decision to the state board, which shall appoint a state level 57460
officer who shall review the case and issue a final order. The 57461
state level officer shall be appointed and shall review the case 57462
in accordance with standards and procedures adopted by the state 57463
board. 57464

Any party aggrieved by the final order of the state level 57465
officer may appeal the final order, in accordance with Chapter 57466
119. of the Revised Code, within forty-five days after 57467
notification of the order to the court of common pleas of the 57468
county in which the child's school district of residence is 57469
located, or to a district court of the United States within ninety 57470
days after the date of the decision of the state level review 57471
officer, as provided in section 615(i)(2) of the "Individuals with 57472
Disabilities Education Improvement Act of 2004," 20 U.S.C. 57473
1415(i)(2). 57474

Sec. 3323.091. (A) The department of mental health, the 57475
department of mental retardation and developmental disabilities, 57476
the department of youth services, and the department of 57477
rehabilitation and correction shall establish and maintain special 57478
education programs for children with disabilities in institutions 57479
under their jurisdiction according to standards adopted by the 57480
state board of education. 57481

(B) The superintendent of each state institution required to 57482
provide services under division (A) of this section, and each 57483
county MR/DD board, providing special education for preschool 57484
children with disabilities under this chapter may apply to the 57485
state department of education for unit funding, which shall be 57486
paid in accordance with sections 3317.052 and 3317.053 of the 57487
Revised Code. 57488

The superintendent of each state institution required to 57489

provide services under division (A) of this section may apply to 57490
the department of education for special education and related 57491
services weighted funding for children with disabilities other 57492
than preschool children with disabilities, calculated in 57493
accordance with section 3317.201 of the Revised Code. 57494

Each county MR/DD board providing special education for 57495
children with disabilities other than preschool children with 57496
disabilities may apply to the department of education for base 57497
cost and special education and related services weighted funding 57498
calculated in accordance with section 3317.20 of the Revised Code. 57499
57500

(C) In addition to the authorization to apply for state 57501
funding described in division (B) of this section, each state 57502
institution required to provide services under division (A) of 57503
this section is entitled to tuition payments calculated in the 57504
manner described in division (C) of this section. 57505

On or before the thirtieth day of June of each year, the 57506
superintendent of each institution that during the school year 57507
provided special education pursuant to this section shall prepare 57508
a statement for each child with a disability under twenty-two 57509
years of age who has received special education. The statement 57510
shall contain the child's data verification code assigned pursuant 57511
to division (D)(2) of section 3301.0714 of the Revised Code and 57512
the name of the child's school district of residence. Within sixty 57513
days after receipt of such statement, the department of education 57514
shall perform one of the following: 57515

(1) For any child except a preschool child with a disability 57516
described in division (C)(2) of this section, pay to the 57517
institution submitting the statement an amount equal to the 57518
tuition calculated under division (A) of section 3317.08 of the 57519
Revised Code for the period covered by the statement, and deduct 57520
the same from the amount of state funds, if any, payable under 57521

sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code, to the 57522
child's school district of residence or, if the amount of such 57523
state funds is insufficient, require the child's school district 57524
of residence to pay the institution submitting the statement an 57525
amount equal to the amount determined under this division. 57526

(2) For any preschool child with a disability not included in 57527
a unit approved under division (B) of section 3317.05 of the 57528
Revised Code, perform the following: 57529

(a) Pay to the institution submitting the statement an amount 57530
equal to the tuition calculated under division (B) of section 57531
3317.08 of the Revised Code for the period covered by the 57532
statement, except that in calculating the tuition under that 57533
section the operating expenses of the institution submitting the 57534
statement under this section shall be used instead of the 57535
operating expenses of the school district of residence; 57536

(b) Deduct from the amount of state funds, if any, payable 57537
under sections ~~3317.022~~ 3306.13 and 3317.023 of the Revised Code 57538
to the child's school district of residence an amount equal to the 57539
amount paid under division (C)(2)(a) of this section. 57540

Sec. 3323.14. This section does not apply to any preschool 57541
child with a disability except if included in a unit approved 57542
under division (B) of section 3317.05 of the Revised Code. 57543

(A) Where a child who is a school resident of one school 57544
district receives special education from another district and the 57545
per capita cost to the educating district for that child exceeds 57546
the sum of the amount received by the educating district for that 57547
child under division (A) of section 3317.08 of the Revised Code 57548
and the amount received by the district from the state board of 57549
education for that child, then the board of education of the 57550
district of residence shall pay to the board of the school 57551
district that is providing the special education such excess cost 57552

as is determined by using a formula approved by the department of 57553
education and agreed upon in contracts entered into by the boards 57554
of the districts concerned at the time the district providing such 57555
special education accepts the child for enrollment. The department 57556
shall certify the amount of the payments under ~~Chapter~~ Chapters 57557
3306. and 3317. of the Revised Code for such pupils with 57558
disabilities for each school year ending on the thirtieth day of 57559
July. 57560

(B) In the case of a child described in division (A) of this 57561
section who has been placed in a home, as defined in section 57562
3313.64 of the Revised Code, pursuant to the order of a court and 57563
who is not subject to section 3323.141 of the Revised Code, the 57564
district providing the child with special education and related 57565
services may charge to the child's district of residence the 57566
excess cost determined by formula approved by the department, 57567
regardless of whether the district of residence has entered into a 57568
contract with the district providing the services. If the district 57569
providing the services chooses to charge excess costs, the 57570
district may report the amount calculated under this division to 57571
the department. 57572

(C) If a district providing special education for a child 57573
reports an amount for the excess cost of those services, as 57574
authorized and calculated under division (A) or (B) of this 57575
section, the department shall pay that amount of excess cost to 57576
the district providing the services and shall deduct that amount 57577
from the child's district of residence in accordance with division 57578
(N) of section 3317.023 of the Revised Code. 57579

Sec. 3323.142. This section does not apply to any preschool 57580
child with a disability except if included in a unit approved 57581
under division (B) of section 3317.05 of the Revised Code. 57582

As used in this section, "per pupil amount" for a preschool 57583

child with a disability included in such an approved unit means 57584
the amount determined by dividing the amount received for the 57585
classroom unit in which the child has been placed by the number of 57586
children in the unit. For any other child, "per pupil amount" 57587
means the amount paid for the child under section 3317.20 of the 57588
Revised Code. 57589

When a school district places or has placed a child with a 57590
county MR/DD board for special education, but another district is 57591
responsible for tuition under section 3313.64 or 3313.65 of the 57592
Revised Code and the child is not a resident of the territory 57593
served by the county MR/DD board, the board may charge the 57594
district responsible for tuition with the educational costs in 57595
excess of the per pupil amount received by the board under ~~Chapter~~ 57596
Chapters 3306. and 3317. of the Revised Code. The amount of the 57597
excess cost shall be determined by the formula established by rule 57598
of the department of education under section 3323.14 of the 57599
Revised Code, and the payment for such excess cost shall be made 57600
by the school district directly to the county MR/DD board. 57601

A school district board of education and the county MR/DD 57602
board that serves the school district may negotiate and contract, 57603
at or after the time of placement, for payments by the board of 57604
education to the county MR/DD board for additional services 57605
provided to a child placed with the county MR/DD board and whose 57606
individualized education program established pursuant to section 57607
3323.08 of the Revised Code requires additional services that are 57608
not routinely provided children in the county MR/DD board's 57609
program but are necessary to maintain the child's enrollment and 57610
participation in the program. Additional services may include, but 57611
are not limited to, specialized supplies and equipment for the 57612
benefit of the child and instruction, training, or assistance 57613
provided by staff members other than staff members for which 57614
funding is received under Chapter 3306. or 3317. of the Revised 57615

Code. 57616

Sec. 3324.05. (A) Each school district shall submit an annual 57617
report to the department of education specifying the number of 57618
students in each of grades kindergarten through twelfth screened, 57619
the number assessed, and the number identified as gifted in each 57620
category specified in section 3324.03 of the Revised Code. 57621

(B) The department of education shall audit each school 57622
district's identification numbers at least once every three years 57623
and may select any district at random or upon complaint or 57624
suspicion of noncompliance for a further audit to determine 57625
compliance with sections 3324.03 to 3324.06 of the Revised Code. 57626

(C) The department shall provide technical assistance to any 57627
district found in noncompliance under division (B) of this 57628
section. The department may reduce funds received by the district 57629
under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code by any 57630
amount if the district continues to be noncompliant. 57631

Sec. 3325.08. (A) A diploma shall be granted by the 57632
superintendent of the state school for the blind and the 57633
superintendent of the state school for the deaf to any student 57634
enrolled in one of these state schools to whom all of the 57635
following apply: 57636

(1) The student has successfully completed the individualized 57637
education program developed for the student for the student's high 57638
school education pursuant to section 3323.08 of the Revised Code; 57639

(2) Subject to section 3313.614 of the Revised Code, the 57640
student has met the assessment requirements of division (A)(2)(a) 57641
or (b) of this section, as applicable. 57642

(a) If the student entered the ninth grade prior to the date 57643
prescribed by rule of the state board of education under division 57644
(E)(2) of section 3301.0712 of the Revised Code, the student 57645

either: 57646

~~(a)~~(i) Has attained at least the applicable scores designated 57647
under division (B)(1) of section 3301.0710 of the Revised Code on 57648
all the ~~tests~~ assessments prescribed by that division unless 57649
division (L) of section 3313.61 of the Revised Code applies to the 57650
student; 57651

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 57652
in section 3313.615 of the Revised Code. 57653

(b) If the student entered the ninth grade on or after the 57654
date prescribed by rule of the state board under division (E)(2) 57655
of section 3301.0712 of the Revised Code, the student has attained 57656
on the entire assessment system prescribed under division (B)(2) 57657
of section 3301.0710 of the Revised Code at least the required 57658
passing composite score, designated under division (C)(1) of 57659
section 3301.0712 of the Revised Code, except to the extent that 57660
division (L) of section 3313.61 of the Revised Code applies to the 57661
student. 57662

(3) The student is not eligible to receive an honors diploma 57663
granted pursuant to division (B) of this section. 57664

No diploma shall be granted under this division to anyone 57665
except as provided under this division. 57666

(B) In lieu of a diploma granted under division (A) of this 57667
section, the superintendent of the state school for the blind and 57668
the superintendent of the state school for the deaf shall grant an 57669
honors diploma, in the same manner that the boards of education of 57670
school districts grant such diplomas under division (B) of section 57671
3313.61 of the Revised Code, to any student enrolled in one of 57672
these state schools who accomplishes all of the following: 57673
57674

(1) Successfully completes the individualized education 57675
program developed for the student for the student's high school 57676

education pursuant to section 3323.08 of the Revised Code; 57677

(2) Subject to section 3313.614 of the Revised Code, has met 57678
the assessment requirements of division (B)(2)(a) or (b) of this 57679
section, as applicable. 57680

(a) If the student entered the ninth grade prior to the date 57681
prescribed by rule of the state board under division (E)(2) of 57682
section 3301.0712 of the Revised Code, the student either: 57683

~~(a)~~(i) Has attained at least the applicable scores designated 57684
under division (B)(1) of section 3301.0710 of the Revised Code on 57685
all the ~~tests~~ assessments prescribed under that division; 57686

~~(b)~~(ii) Has satisfied the alternative conditions prescribed 57687
in section 3313.615 of the Revised Code. 57688

(b) If the student entered the ninth grade on or after the 57689
date prescribed by rule of the state board under division (E)(2) 57690
of section 3301.0712 of the Revised Code, the student has attained 57691
on the entire assessment system prescribed under division (B)(2) 57692
of section 3301.0710 of the Revised Code at least the required 57693
passing composite score, designated under division (C)(1) of 57694
section 3301.0712 of the Revised Code. 57695

(3) Has met additional criteria for granting an honors 57696
diploma. 57697

These additional criteria shall be the same as those 57698
prescribed by the state board under division (B) of section 57699
3313.61 of the Revised Code for the granting of such diplomas by 57700
school districts. No honors diploma shall be granted to anyone 57701
failing to comply with this division and not more than one honors 57702
diploma shall be granted to any student under this division. 57703

(C) A diploma or honors diploma awarded under this section 57704
shall be signed by the superintendent of public instruction and 57705
the superintendent of the state school for the blind or the 57706

superintendent of the state school for the deaf, as applicable. 57707
Each diploma shall bear the date of its issue and be in such form 57708
as the school superintendent prescribes. 57709

(D) Upon granting a diploma to a student under this section, 57710
the superintendent of the state school in which the student is 57711
enrolled shall provide notice of receipt of the diploma to the 57712
board of education of the school district where the student is 57713
entitled to attend school under section 3313.64 or 3313.65 of the 57714
Revised Code when not residing at the state school for the blind 57715
or the state school for the deaf. The notice shall indicate the 57716
type of diploma granted. 57717

Sec. 3326.11. Each science, technology, engineering, and 57718
mathematics school established under this chapter and its 57719
governing body shall comply with division (A)(9) of section 57720
3313.60 of the Revised Code and sections 9.90, 9.91, 109.65, 57721
121.22, 149.43, 2151.357, 2151.421, 2313.18, 2921.42, 2921.43, 57722
~~3301.0712,~~ 3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 57723
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 57724
3313.50, 3313.536, 3313.605, 3313.607, 3313.608, 3313.6012, 57725
3313.6013, 3313.6014, 3313.61, 3313.611, 3313.614, 3313.615, 57726
3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.666, 57727
3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 57728
3313.716, 3313.718, 3313.80, 3313.801, 3313.82, 3313.821, 57729
3313.822, 3313.96, 3319.073, 3319.21, 3319.32, 3319.321, 3319.35, 57730
3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 3321.041, 3321.13, 57731
3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 57732
4113.52, and 5705.391 and Chapters 102., 117., 1347., 2744., 57733
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 57734
Revised Code as if it were a school district. 57735

57736

Sec. 3326.14. Each science, technology, engineering, and 57737

mathematics school and its governing body shall administer the 57738
~~tests~~ assessments required by sections 3301.0710 ~~and~~ 3301.0711, 57739
and 3301.0712 of the Revised Code, as if it were a school 57740
district, except that, notwithstanding any provision of those 57741
sections to the contrary, any student enrolled in a grade lower 57742
than the tenth grade in a STEM school may take one or more of the 57743
Ohio graduation tests prescribed under division (B)(1) of section 57744
3301.0710 of the Revised Code on any of the dates prescribed ~~in~~ 57745
~~division (C)(3) of that section~~ for that assessment. 57746

57747

Sec. 3326.21. (A) Each science, technology, engineering, and 57748
mathematics school shall have a treasurer who is licensed under 57749
section 3301.074 of the Revised Code. The governing body of the 57750
school and the treasurer shall comply with sections 3301.072, 57751
3313.22 to 3313.32, 3313.51, and 3315.08 of the Revised Code in 57752
the same manner as a school district board of education and a 57753
district treasurer. 57754

(B) Each STEM school shall comply with the financial 57755
reporting standards adopted by the state board of education under 57756
division (B)(2) of section 3301.07 of the Revised Code. Financial 57757
records of each STEM school shall be maintained in the same manner 57758
as are financial records of school districts, pursuant to rules of 57759
the auditor of state. 57760

Sec. 3326.23. The governing body of each science, technology, 57761
engineering, and mathematics school annually shall provide the 57762
following assurances in writing to the department of education not 57763
later than ten business days prior to the opening of the school: 57764

57765

(A) That the school has a plan for providing special 57766
education and related services to students with disabilities and 57767

has demonstrated the capacity to provide those services in 57768
accordance with Chapter 3323. of the Revised Code and federal law; 57769
57770

(B) That the school has a plan and procedures for 57771
administering the achievement ~~tests~~ and diagnostic assessments 57772
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 57773
Revised Code; 57774

(C) That school personnel have the necessary training, 57775
knowledge, and resources to properly use and submit information to 57776
all databases maintained by the department for the collection of 57777
education data, including the education management information 57778
system established under section 3301.0714 of the Revised Code; 57779

(D) That all required information about the school has been 57780
submitted to the Ohio education directory system or any successor 57781
system; 57782

(E) That all classroom teachers are licensed in accordance 57783
with sections 3319.22 to 3319.31 of the Revised Code or are 57784
engaged to teach pursuant to section 3319.301 of the Revised Code; 57785

(F) That the school's treasurer is in compliance with section 57786
3326.21 of the Revised Code; 57787

(G) That the school has complied with sections 3319.39 and 57788
3319.391 of the Revised Code with respect to all employees and 57789
that the school has conducted a criminal records check of each of 57790
its governing body members; 57791

(H) That the school holds all of the following: 57792

(1) Proof of property ownership or a lease for the facilities 57793
used by the school; 57794

(2) A certificate of occupancy; 57795

(3) Liability insurance for the school, as required by 57796
section 3326.11 of the Revised Code; 57797

(4) A satisfactory health and safety inspection;	57798
(5) A satisfactory fire inspection;	57799
(6) A valid food permit, if applicable.	57800
(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	57801 57802 57803
(J) That the school has designated a date it will open for the school year for which the assurances are provided;	57804 57805
(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.	57806 57807 57808
Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the Revised Code:	57809 57810
(A) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a disability described in that section.	57811 57812 57813
(B) "Applicable vocational education weight" means the multiple specified in section 3317.014 of the Revised Code for vocational education programs or classes described in that section.	57814 57815 57816 57817
(C) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.	57818 57819
(D) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	57820 57821
(E) A student is "included in the poverty student count of the student's resident district" if the student's family receives assistance under the Ohio works first program.	57822 57823 57824
(F) (B) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or	57825 57826

3313.65 of the Revised Code.	57827
(G) "State education aid" has the same meaning as in section	57828
5751.20 of the Revised Code.	57829
Sec. 3326.32. Each science, technology, engineering, and	57830
mathematics school shall report to the department of education, in	57831
the form and manner required by the department, all of the	57832
following information:	57833
(A) The total number of students enrolled in the school;	57834
(B) The number of students who are receiving special	57835
education and related services pursuant to an IEP;	57836
(C) For each student reported under division (B) of this	57837
section, which category specified in divisions (A) to (F) <u>(D)(1) to</u>	57838
<u>(6)</u> of section 3317.013 <u>3306.02</u> of the Revised Code applies to the	57839
student;	57840
(D) The full-time equivalent number of students who are	57841
enrolled in vocational education programs or classes described in	57842
each of divisions (A) and (B) of section 3317.014 of the Revised	57843
Code that are provided by the STEM school;	57844
(E) The resident district of each student;	57845
(F) Any additional information the department determines	57846
necessary to make payments under this chapter <u>to the school</u> .	57847
Sec. 3326.33. For each student enrolled in a science,	57848
technology, engineering, and mathematics school established under	57849
this chapter <u>other than a school that is governed as provided in</u>	57850
<u>section 3326.51 of the Revised Code</u> , the department of education	57851
annually shall deduct from the state education aid of a student's	57852
resident school district and, if necessary, from the payment made	57853
to the district under sections 321.24 and 323.156 of the Revised	57854
Code and pay to the school the sum of the following:	57855

~~(A) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.~~ 57856
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~~(B) If the student is receiving special education and related services pursuant to an IEP, the product of the applicable special education weight times the formula amount;~~ 57859
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~~(C) If the student is enrolled in vocational education programs or classes that are described in section 3317.014 of the Revised Code, are provided by the school, and are comparable as determined by the superintendent of public instruction to school district vocational education programs and classes eligible for state weighted funding under section 3317.014 of the Revised Code, the product of the applicable vocational education weight times the formula amount times the percentage of time the student spends in the vocational education programs or classes;~~ 57862
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~~(D) If the student is included in the poverty student count of the student's resident district, the per pupil amount of the district's payment under division (C) of section 3317.029 of the Revised Code;~~ 57871
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~~(E) If the student is identified as limited English proficient and the student's resident district receives a payment for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code, the per pupil amount of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~ 57875
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~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of~~ 57882
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~~the Revised Code;~~ 57887

~~(G) If the student's resident district receives a parity aid 57888
payment under section 3317.0217 of the Revised Code, the per pupil 57889
amount calculated for the district under division (C) or (D) of 57890
that section amount calculated for the school under section 57891
3306.17 of the Revised Code. 57892~~

Sec. 3326.34. If a science, technology, engineering, and 57893
mathematics school established under this chapter, other than a 57894
school that is governed as provided in section 3326.51 of the 57895
Revised Code, incurs costs for a fiscal year for a student 57896
receiving special education and related services pursuant to an 57897
IEP for a disability described in divisions ~~(B)(D)(1)~~ to ~~(F)(6)~~ of 57898
section ~~3317.013~~ 3306.02 of the Revised Code that exceed the 57899
threshold catastrophic cost for serving the student as specified 57900
in division (C)(3)(b) of section 3317.022 of the Revised Code, the 57901
STEM school may submit to the superintendent of public instruction 57902
documentation, as prescribed by the superintendent, of all its 57903
costs for that student. Upon submission of documentation for a 57904
student of the type and in the manner prescribed, the department 57905
of education shall pay to the school an amount equal to the 57906
school's costs for the student in excess of the threshold 57907
catastrophic costs. 57908

The school shall only report under this section, and the 57909
department shall only pay for, the costs of educational expenses 57910
and the related services provided to the student in accordance 57911
with the student's IEP. Any legal fees, court costs, or other 57912
costs associated with any cause of action relating to the student 57913
may not be included in the amount. 57914

Sec. 3326.36. The department of education shall reduce the 57915
amounts paid to a science, technology, engineering, and 57916

mathematics school under section 3326.33 of the Revised Code to 57917
reflect payments made to colleges under division (B) of section 57918
3365.07 of the Revised Code or through alternative funding 57919
agreements entered into under rules adopted under section 3365.12 57920
of the Revised Code. A student shall be considered enrolled in the 57921
school for any portion of the school year the student is attending 57922
a college under Chapter 3365. of the Revised Code. 57923

Sec. 3326.37. The department of education shall not pay to a 57924
science, technology, engineering, and mathematics school any 57925
amount for any of the following: 57926

(A) Any student who has graduated from the twelfth grade of a 57927
public or nonpublic school; 57928

(B) Any student who is not a resident of the state; 57929

(C) Any student who was enrolled in a STEM school during the 57930
previous school year when ~~tests~~ assessments were administered 57931
under section 3301.0711 of the Revised Code but did not take one 57932
or more of the ~~tests~~ assessments required by that section and was 57933
not excused pursuant to division (C)(1) or (3) of that section, 57934
unless the superintendent of public instruction grants the student 57935
a waiver from the requirement to take the ~~test~~ assessment. The 57936
superintendent may grant a waiver only for good cause in 57937
accordance with rules adopted by the state board of education. 57938
57939

(D) Any student who has attained the age of twenty-two years, 57940
except for veterans of the armed services whose attendance was 57941
interrupted before completing the recognized twelve-year course of 57942
the public schools by reason of induction or enlistment in the 57943
armed forces and who apply for enrollment in a STEM school not 57944
later than four years after termination of war or their honorable 57945
discharge. If, however, any such veteran elects to enroll in 57946
special courses organized for veterans for whom tuition is paid 57947

under federal law, or otherwise, the department shall not pay to 57948
the school any amount for that veteran. 57949

Sec. 3326.38. A science, technology, engineering, and 57950
mathematics school may do all of the following: 57951

(A) ~~Apply to the department of education for gifted unit 57952
funding;~~ 57953

~~(B)~~ Apply to any state or federal agency for grants that a 57954
school district or public school may receive under federal or 57955
state law or any appropriations act of the general assembly; 57956

~~(C)~~(B) Apply to any private entity or foundation for 57957
additional funds. 57958

Sec. 3326.51. (A) As used in this section: 57959

(1) "Resident district" has the same meaning as in section 57960
3326.31 of the Revised Code. 57961

(2) "STEM school sponsoring district" means a municipal, 57962
city, local, exempted village, or joint vocational school district 57963
that governs and controls a STEM school pursuant to this section. 57964

(B) Notwithstanding any other provision of this chapter to 57965
the contrary: 57966

(1) If a proposal for a STEM school submitted under section 57967
3326.03 of the Revised Code proposes that the governing body of 57968
the school be the board of education of a municipal, city, local, 57969
exempted village, or joint vocational school district that is one 57970
of the partners submitting the proposal, and the partnership for 57971
continued learning approves that proposal, that school district 57972
board shall govern and control the STEM school as one of the 57973
schools of its district. 57974

(2) The STEM school sponsoring district shall maintain a 57975
separate accounting for the STEM school as a separate and distinct 57976

operational unit within the district's finances. The auditor of 57977
state, in the course of an annual or biennial audit of the school 57978
district serving as the STEM school sponsoring district, shall 57979
audit that school district for compliance with the financing 57980
requirements of this section. 57981

(3) With respect to students enrolled in a STEM school whose 57982
resident district is the STEM school sponsoring district: 57983

~~(a) The department of education shall make no deductions 57984
under section 3326.33 of the Revised Code from the STEM school 57985
sponsoring district's state payments. 57986~~

~~(b) The STEM school sponsoring district shall ensure that it 57987
allocates to the STEM school funds equal to or exceeding the 57988
amount that would be calculated pursuant to division (B) of 57989
section 3313.981 Chapter 3306. of the Revised Code for the 57990
students attending the school whose resident district is the STEM 57991
school sponsoring district. 57992~~

~~(e)(b) The STEM school sponsoring district is responsible for 57993
providing children with disabilities with a free appropriate 57994
public education under Chapter 3323. of the Revised Code. 57995~~

~~(d)(c) The STEM school sponsoring district shall provide 57996
student transportation in accordance with laws and policies 57997
generally applicable to the district. 57998~~

(4) With respect to students enrolled in the STEM school 57999
whose resident district is another school district, ~~the department 58000
shall make no payments or deductions under sections 3326.31 to 58001
3326.49 of the Revised Code. Instead,~~ the students shall be 58002
considered as open enrollment students and ~~the department shall 58003
make payments and deductions in accordance with STEM school 58004
sponsoring district shall include those students in its formula 58005
ADM reported under section 3313.981 3317.03 of the Revised Code. 58006
The STEM school sponsoring district shall allocate the state 58007~~

payments received under Chapter 3306. of the Revised Code that are 58008
attributable to those students to the STEM school. The STEM school 58009
sponsoring district may enter into financial agreements with the 58010
students' resident districts, which agreements may provide 58011
financial support in addition to the funds received ~~from the open~~ 58012
~~enrollment calculation~~ under Chapter 3306. of the Revised Code. 58013
The STEM school sponsoring district shall allocate all such 58014
additional funds to the STEM school. 58015

(5) Where the department is required to make, deny, reduce, 58016
or adjust payments to a STEM school sponsoring district pursuant 58017
to this section, it shall do so in such a manner that the STEM 58018
school sponsoring district may allocate that action to the STEM 58019
school. 58020

(6) A STEM school sponsoring district and its board may 58021
assign its district employees to the STEM school, in which case 58022
section 3326.18 of the Revised Code shall not apply. The district 58023
and board may apply any other resources of the district to the 58024
STEM school in the same manner that it applies district resources 58025
to other district schools. 58026

(7) Provisions of this chapter requiring a STEM school and 58027
its governing body to comply with specified laws as if it were a 58028
school district and in the same manner as a board of education 58029
shall instead require such compliance by the STEM school 58030
sponsoring district and its board of education, respectively, with 58031
respect to the STEM school. Where a STEM school or its governing 58032
body is required to perform a specific duty or permitted to take a 58033
specific action under this chapter, that duty is required to be 58034
performed or that action is permitted to be taken by the STEM 58035
school sponsoring district or its board of education, 58036
respectively, with respect to the STEM school. 58037

(8) No provision of this chapter limits the authority, as 58038
provided otherwise by law, of a school district and its board of 58039

education to levy taxes and issue bonds secured by tax revenues. 58040

(9) The treasurer of the STEM school sponsoring district or, 58041
if the STEM school sponsoring district is a municipal school 58042
district, the chief financial officer of the district, shall have 58043
all of the respective rights, authority, exemptions, and duties 58044
otherwise conferred upon the treasurer or chief financial officer 58045
by the Revised Code. 58046

Sec. 3327.02. (A) After considering each of the following 58047
factors, the board of education of a city, exempted village, or 58048
local school district may determine that it is impractical to 58049
transport a pupil who is eligible for transportation to and from a 58050
school under section 3327.01 of the Revised Code: 58051

(1) The time and distance required to provide the 58052
transportation; 58053

(2) The number of pupils to be transported; 58054

(3) The cost of providing transportation in terms of 58055
equipment, maintenance, personnel, and administration; 58056

(4) Whether similar or equivalent service is provided to 58057
other pupils eligible for transportation; 58058

(5) Whether and to what extent the additional service 58059
unavoidably disrupts current transportation schedules; 58060

(6) Whether other reimbursable types of transportation are 58061
available. 58062

(B)(1) Based on its consideration of the factors established 58063
in division (A) of this section, the board may pass a resolution 58064
declaring the impracticality of transportation. The resolution 58065
shall include each pupil's name and the reason for impracticality. 58066

(2) The board shall report its determination to the state 58067
board of education in a manner determined by the state board. 58068

(3) The board of education of a local school district 58069
additionally shall submit the resolution for concurrence to the 58070
educational service center that contains the local district's 58071
territory. If the educational service center governing board 58072
considers transportation by school conveyance practicable, it 58073
shall so inform the local board and transportation shall be 58074
provided by such local board. If the educational service center 58075
board agrees with the view of the local board, the local board may 58076
offer payment in lieu of transportation as provided in this 58077
section. 58078

(C) After passing the resolution declaring the impracticality 58079
of transportation, the district board shall offer to provide 58080
payment in lieu of transportation by doing the following: 58081

(1) In accordance with guidelines established by the 58082
department of education, informing the pupil's parent, guardian, 58083
or other person in charge of the pupil of both of the following: 58084

(a) The board's resolution; 58085

(b) The right of the pupil's parent, guardian, or other 58086
person in charge of the pupil to accept the offer of payment in 58087
lieu of transportation or to reject the offer and instead request 58088
the department to initiate mediation procedures. 58089

(2) Issuing the pupil's parent, guardian, or other person in 58090
charge of the pupil a contract or other form on which the parent, 58091
guardian, or other person in charge of the pupil is given the 58092
option to accept or reject the board's offer of payment in lieu of 58093
transportation. 58094

(D) If the parent, guardian, or other person in charge of the 58095
pupil accepts the offer of payment in lieu of providing 58096
transportation, the board shall pay the parent, guardian, or other 58097
person in charge of the child an amount that shall be not less 58098
than the amount determined by the department of education as the 58099

minimum for payment in lieu of transportation, and not more than 58100
the amount determined by the department as the average cost of 58101
pupil transportation for the previous school year. Payment may be 58102
prorated if the time period involved is only a part of the school 58103
year. 58104

(E)(1)(a) Upon the request of a parent, guardian, or other 58105
person in charge of the pupil who rejected the payment in lieu of 58106
transportation, the department shall conduct mediation procedures. 58107

(b) If the mediation does not resolve the dispute, the state 58108
board of education shall conduct a hearing in accordance with 58109
Chapter 119. of the Revised Code. The state board may approve the 58110
payment in lieu of transportation or may order the board of 58111
education to provide transportation. The decision of the state 58112
board is binding in subsequent years and on future parties in 58113
interest provided the facts of the determination remain 58114
comparable. 58115

(2) The school district shall provide transportation for the 58116
pupil from the time the parent, guardian, or other person in 58117
charge of the pupil requests mediation until the matter is 58118
resolved under division (E)(1)(a) or (b) of this section. 58119

(F)(1) If the department determines that a school district 58120
board has failed or is failing to provide transportation as 58121
required by division (E)(2) of this section or as ordered by the 58122
state board under division (E)(1)(b) of this section, the 58123
department shall order the school district board to pay to the 58124
pupil's parent, guardian, or other person in charge of the pupil, 58125
an amount equal to the state average daily cost of transportation 58126
as determined by the state board of education for the previous 58127
year. The school district board shall make payments on a schedule 58128
ordered by the department. 58129

(2) If the department subsequently finds that a school 58130

district board is not in compliance with an order issued under 58131
division (F)(1) of this section and the affected pupils are 58132
enrolled in a nonpublic or community school, the department shall 58133
deduct the amount that the board is required to pay under that 58134
order from any payments the department makes to the school 58135
district board under ~~division (D) of section 3317.022~~ 3306.12 of 58136
the Revised Code. The department shall use the moneys so deducted 58137
to make payments to the nonpublic or community school attended by 58138
the pupil. The department shall continue to make the deductions 58139
and payments required under this division until the school 58140
district board either complies with the department's order issued 58141
under division (F)(1) of this section or begins providing 58142
transportation. 58143

(G) A nonpublic or community school that receives payments 58144
from the department under division (F)(2) of this section shall do 58145
either of the following: 58146

(1) Disburse the entire amount of the payments to the parent, 58147
guardian, or other person in control of the pupil affected by the 58148
failure of the school district of residence to provide 58149
transportation; 58150

(2) Use the entire amount of the payments to provide 58151
acceptable transportation for the affected pupil. 58152

Sec. 3327.04. (A) The board of education of any city, 58153
exempted village, or local school district may contract with the 58154
board of another district for the admission or transportation, or 58155
both, of pupils into any school in such other district, on terms 58156
agreed upon by such boards. 58157

(B) The boards of two school districts may enter into a 58158
contract under this section to share the provision of 58159
transportation to a child who resides in one school district and 58160
attends school in the other district. Under such an agreement, one 58161

district may claim the total transportation subsidy available for 58162
such child under ~~division (D) of section 3317.022~~ 3306.12 of the 58163
Revised Code and may agree to pay any portion of such subsidy to 58164
the other district sharing the provision of transportation to that 58165
child. The contract shall delineate the transportation 58166
responsibilities of each district. 58167

A school district that enters into a contract under this 58168
section is not liable for any injury, death, or loss to the person 58169
or property of a student that may occur while the student is being 58170
furnished transportation by the other school district that is a 58171
party to the contract. 58172

(C) Whenever a board not maintaining a high school enters 58173
into an agreement with one or more boards maintaining such school 58174
for the schooling of all its high school pupils, the board making 58175
such agreement is exempt from the payment of tuition at other high 58176
schools of pupils living within three miles of the school 58177
designated in the agreement. In case no such agreement is entered 58178
into, the high school to be attended can be selected by the pupil 58179
holding an eighth grade diploma, and the tuition shall be paid by 58180
the board of the district of school residence. 58181

Sec. 3327.05. (A) Except as provided in division (B) of this 58182
section, no board of education of any school district shall 58183
provide transportation for any pupil who is a school resident of 58184
another school district unless the pupil is enrolled pursuant to 58185
section 3313.98 of the Revised Code or the board of the other 58186
district has given its written consent thereto. If the board of 58187
any school district files with the state board of education a 58188
written complaint that transportation for resident pupils is being 58189
provided by the board of another school district contrary to this 58190
division, the state board of education shall make an investigation 58191
of such complaint. If the state board of education finds that 58192

transportation is being provided contrary to this section, it may 58193
withdraw from state funds due the offending district any part of 58194
the amount that has been approved for transportation pursuant to 58195
~~division (D) of section 3317.022~~ 3306.12 of the Revised Code. 58196

(B) Notwithstanding division (D) of section 3311.19 and 58197
division (D) of section 3311.52 of the Revised Code, this division 58198
does not apply to any joint vocational or cooperative education 58199
school district. 58200

A board of education may provide transportation to and from 58201
the nonpublic school of attendance if both of the following apply: 58202

(1) The parent, guardian, or other person in charge of the 58203
pupil agrees to pay the board for all costs incurred in providing 58204
the transportation that are not reimbursed pursuant to Chapter 58205
3306. or 3317. of the Revised Code; 58206

(2) The pupil's school district of residence does not provide 58207
transportation for public school pupils of the same grade as the 58208
pupil being transported under this division, or that district is 58209
not required under section 3327.01 of the Revised Code to 58210
transport the pupil to and from the nonpublic school because the 58211
direct travel time to the nonpublic school is more than thirty 58212
minutes. 58213

Upon receipt of the request to provide transportation, the 58214
board shall review the request and determine whether the board 58215
will accommodate the request. If the board agrees to transport the 58216
pupil, the board may transport the pupil to and from the nonpublic 58217
school and a collection point in the district, as determined by 58218
the board. If the board transports the pupil, the board may 58219
include the pupil in the district's transportation ADM reported to 58220
the department of education under section 3317.03 of the Revised 58221
Code and, accordingly, may receive a state payment under ~~division~~ 58222
~~(D) of section 3317.022~~ 3306.12 of the Revised Code for 58223

transporting the pupil. 58224

If the board declines to transport the pupil, the board, in a 58225
written communication to the parent, guardian, or other person in 58226
charge of the pupil, shall state the reasons for declining the 58227
request. 58228

Sec. 3329.16. If the superintendent of public instruction 58229
determines that a school district has expended for other purposes 58230
any moneys appropriated by the general assembly for the specific 58231
purpose of purchasing textbooks or other instructional materials, 58232
the superintendent shall notify the school district of this 58233
determination within seven days and shall deduct the amount so 58234
expended from payments otherwise due to the district under Chapter 58235
3306. or 3317. of the Revised Code. 58236

Sec. 3333.04. The chancellor of the Ohio board of regents 58237
shall: 58238

(A) Make studies of state policy in the field of higher 58239
education and formulate a master plan for higher education for the 58240
state, considering the needs of the people, the needs of the 58241
state, and the role of individual public and private institutions 58242
within the state in fulfilling these needs; 58243

(B)(1) Report annually to the governor and the general 58244
assembly on the findings from the chancellor's studies and the 58245
master plan for higher education for the state; 58246

(2) Report at least semiannually to the general assembly and 58247
the governor the enrollment numbers at each state-assisted 58248
institution of higher education. 58249

(C) Approve or disapprove the establishment of new branches 58250
or academic centers of state colleges and universities; 58251

(D) Approve or disapprove the establishment of state 58252

technical colleges or any other state institution of higher education; 58253
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(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel; 58255
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(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it. 58261
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For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the chancellor initially commences to exclude students under this 58277
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division. 58285

The chancellor and state colleges, universities, and other 58286
state-assisted institutions of higher education shall jointly 58287
develop a process for determining which existing graduate or 58288
professional programs constitute unnecessary duplication. 58289

(G) Recommend to the state colleges, universities, and other 58290
state-assisted institutions of higher education programs which 58291
should be added to their present programs; 58292

(H) Conduct studies for the state colleges, universities, and 58293
other state-assisted institutions of higher education to assist 58294
them in making the best and most efficient use of their existing 58295
facilities and personnel; 58296

(I) Make recommendations to the governor and general assembly 58297
concerning the development of state-financed capital plans for 58298
higher education; the establishment of new state colleges, 58299
universities, and other state-assisted institutions of higher 58300
education; and the establishment of new programs at the existing 58301
state colleges, universities, and other institutions of higher 58302
education; 58303

(J) Review the appropriation requests of the public community 58304
colleges and the state colleges and universities and submit to the 58305
office of budget and management and to the chairpersons of the 58306
finance committees of the house of representatives and of the 58307
senate the chancellor's recommendations in regard to the biennial 58308
higher education appropriation for the state, including 58309
appropriations for the individual state colleges and universities 58310
and public community colleges. For the purpose of determining the 58311
amounts of instructional subsidies to be paid to state-assisted 58312
colleges and universities, the chancellor shall define "full-time 58313
equivalent student" by program per academic year. The definition 58314
may take into account the establishment of minimum enrollment 58315

levels in technical education programs below which support 58316
allowances will not be paid. Except as otherwise provided in this 58317
section, the chancellor shall make no change in the definition of 58318
"full-time equivalent student" in effect on November 15, 1981, 58319
which would increase or decrease the number of subsidy-eligible 58320
full-time equivalent students, without first submitting a fiscal 58321
impact statement to the president of the senate, the speaker of 58322
the house of representatives, the legislative service commission, 58323
and the director of budget and management. The chancellor shall 58324
work in close cooperation with the director of budget and 58325
management in this respect and in all other matters concerning the 58326
expenditures of appropriated funds by state colleges, 58327
universities, and other institutions of higher education. 58328

(K) Seek the cooperation and advice of the officers and 58329
trustees of both public and private colleges, universities, and 58330
other institutions of higher education in the state in performing 58331
the chancellor's duties and making the chancellor's plans, 58332
studies, and recommendations; 58333

(L) Appoint advisory committees consisting of persons 58334
associated with public or private secondary schools, members of 58335
the state board of education, or personnel of the state department 58336
of education; 58337

(M) Appoint advisory committees consisting of college and 58338
university personnel, or other persons knowledgeable in the field 58339
of higher education, or both, in order to obtain their advice and 58340
assistance in defining and suggesting solutions for the problems 58341
and needs of higher education in this state; 58342

(N) Approve or disapprove all new degrees and new degree 58343
programs at all state colleges, universities, and other 58344
state-assisted institutions of higher education; 58345

(O) Adopt such rules as are necessary to carry out the 58346

chancellor's duties and responsibilities. The rules shall 58347
prescribe procedures for the chancellor to follow when taking 58348
actions associated with the chancellor's duties and 58349
responsibilities and shall indicate which types of actions are 58350
subject to those procedures. The procedures adopted under this 58351
division shall be in addition to any other procedures prescribed 58352
by law for such actions. However, if any other provision of the 58353
Revised Code or rule adopted by the chancellor prescribes 58354
different procedures for such an action, the procedures adopted 58355
under this division shall not apply to that action to the extent 58356
they conflict with the procedures otherwise prescribed by law. The 58357
procedures adopted under this division shall include at least the 58358
following: 58359

(1) Provision for public notice of the proposed action; 58360

(2) An opportunity for public comment on the proposed action, 58361
which may include a public hearing on the action by the board of 58362
regents; 58363

(3) Methods for parties that may be affected by the proposed 58364
action to submit comments during the public comment period; 58365

(4) Submission of recommendations from the board of regents 58366
regarding the proposed action, at the request of the chancellor; 58367

(5) Written publication of the final action taken by the 58368
chancellor and the chancellor's rationale for the action; 58369

(6) A timeline for the process described in divisions (0)(1) 58370
to (5) of this section. 58371

(P) Establish and submit to the governor and the general 58372
assembly a clear and measurable set of goals and timetables for 58373
their achievement for each program under the chancellor's 58374
supervision that is designed to accomplish any of the following: 58375

(1) Increased access to higher education; 58376

(2) Job training;	58377
(3) Adult literacy;	58378
(4) Research;	58379
(5) Excellence in higher education;	58380
(6) Reduction in the number of graduate programs within the same subject area.	58381 58382
In July of each odd-numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.	58383 58384 58385
(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , and 5910.02 of the Revised Code;	58386 58387 58388 58389
(R) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	58390 58391 58392 58393
(S) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.27 <u>3333.26</u> , 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	58394 58395 58396 58397 58398
(T) Conduct enrollment audits of state-supported institutions of higher education;	58399 58400
(U) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's	58401 58402 58403 58404 58405 58406

fiscal agent, financial officer, and employer. Any funds 58407
appropriated for the consortia shall be distributed to the fiscal 58408
agents for the operation of the consortia. A consortium shall 58409
follow the rules of the college or university that serves as its 58410
fiscal agent. The chancellor may restructure existing consortia, 58411
appointed under this division, in accordance with procedures 58412
adopted under divisions (D)(1) to (6) of this section. 58413

(V) Adopt rules establishing advisory duties and 58414
responsibilities of the board of regents not otherwise prescribed 58415
by law; 58416

(W) Respond to requests for information about higher 58417
education from members of the general assembly and direct staff to 58418
conduct research or analysis as needed for this purpose. 58419

Sec. 3333.048. (A) Not later than one year after the 58420
effective date of this section, the chancellor of the Ohio board 58421
of regents and the superintendent of public instruction jointly 58422
shall do the following: 58423

(1) In accordance with Chapter 119. of the Revised Code, 58424
establish metrics and educator preparation programs for the 58425
preparation of educators and other school personnel and the 58426
institutions of higher education that are engaged in their 58427
preparation. The metrics and educator preparation programs shall 58428
be aligned with the standards and qualifications for educator 58429
licenses adopted by the state board of education under section 58430
3319.22 of the Revised Code and the requirements of the Ohio 58431
teacher residency program established under section 3319.223 of 58432
the Revised Code. The metrics and educator preparation programs 58433
also shall ensure that educators and other school personnel are 58434
adequately prepared to use the value-added progress dimension 58435
prescribed by section 3302.021 of the Revised Code. 58436

(2) Provide for the inspection of institutions of higher 58437

education desiring to prepare educators and other school 58438
personnel. 58439

(B) Not later than one year after the effective date of this 58440
section, the chancellor shall approve institutions of higher 58441
education engaged in the preparation of educators and other school 58442
personnel that maintain satisfactory training procedures and 58443
records of performance, as determined by the chancellor. 58444

(C) If the metrics established under division (A)(1) of this 58445
section require an institution of higher education that prepares 58446
teachers to satisfy the standards of an independent accreditation 58447
organization, the chancellor shall permit each institution to 58448
satisfy the standards of either the national council for 58449
accreditation of teacher education or the teacher education 58450
accreditation council. 58451

(D) The metrics and educator preparation programs established 58452
under division (A)(1) of this section may require an institution 58453
of higher education, as a condition of approval by the chancellor, 58454
to make changes in the curricula of its preparation programs for 58455
educators and other school personnel. 58456

Notwithstanding division (D) of section 119.03 and division 58457
(A)(1) of section 119.04 of the Revised Code, any metrics, 58458
educator preparation programs, rules, and regulations, or any 58459
amendment or rescission of such metrics, educator preparation 58460
programs, rules, and regulations, adopted under this section that 58461
necessitate institutions offering preparation programs for 58462
educators and other school personnel approved by the chancellor to 58463
revise the curricula of those programs shall not be effective for 58464
at least one year after the first day of January next succeeding 58465
the publication of the said change. 58466

Each institution shall allocate money from its existing 58467
appropriations to pay the cost of making the curricular changes. 58468

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license. 58469
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(F) The graduates of institutions of higher education approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code. 58476
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Sec. ~~3319.233~~ 3333.049. ~~The state board of education~~ 58480
~~chancellor of the Ohio board of regents,~~ in collaboration with the 58481
~~Ohio board of regents~~ state board of education, shall issue an 58482
annual report on the quality of institutions approved for the 58483
preparation of teachers pursuant to section ~~3319.23~~ 3333.048 of 58484
the Revised Code. The ~~state board~~ chancellor shall prepare the 58485
report in collaboration with the state board ~~of regents~~ and the 58486
teacher quality partnership and shall use data collected by the 58487
partnership and other educational agencies as the basis for the 58488
information contained in the report. The report shall include at 58489
least the following information: 58490

(A) Identification of best practices in the preparation of 58491
teachers drawn from research conducted by the teacher quality 58492
partnership and other regional and national educational research 58493
efforts; 58494

(B) A plan for implementing best practices in approved 58495
teacher preparation institutions; 58496

(C) The number of graduates of approved teacher preparation 58497
institutions who graduated with a subject area specialty and teach 58498
grades seven through twelve. The number shall be disaggregated 58499

according to the subject areas of mathematics, science, foreign language, special education and related services, and any other subject area determined by the ~~state board~~ chancellor. 58500
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(D) A plan to be implemented by the teacher preparation programs approved by the ~~state board~~ chancellor under section ~~3319.23~~ 3333.048 of the Revised Code for increasing the number of classroom teachers in science, mathematics, and foreign language toward meeting the identified needs for teachers in those subject areas throughout the state but especially in hard-to-staff schools. 58503
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The ~~state board~~ chancellor shall submit the report to the governor, the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, and the ~~chancellor of the~~ state board of regents. 58510
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Sec. 3333.122. (A) ~~As used in this section:~~ 58517

~~(1) "Eligible student" means a student who is:~~ 58518

~~(a) An Ohio resident who first enrolls in an undergraduate program in the 2006-2007 academic year or thereafter;~~ 58519
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~~(b) If the student first enrolled in an undergraduate program in the 2006-2007 or 2007-2008 academic year, the student is enrolled in one of the following:~~ 58521
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~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to~~ 58524
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~~award an associate or bachelor's degree, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Students who attend an institution that holds a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization issued under section 3332.05 of the Revised Code.~~

~~(ii) A technical education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~

~~(c) If the student first enrolled in an undergraduate program after the 2007-2008 academic year, the student is enrolled in one of the following:~~

~~(i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, or is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;~~

~~(ii) An education program of at least two years duration sponsored by a private institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;~~

~~(iii) A nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code and that meets the requirements of Title VI of the Civil Rights Act of 1964.~~ 58561
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~~(2) A student who participated in either the early college high school program administered by the department of education or in the post-secondary enrollment options program pursuant to Chapter 3365. of the Revised Code before the 2006-2007 academic year shall not be excluded from eligibility for a needs based financial aid grant under this section.~~ 58565
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~~(3) The chancellor of the Ohio board of regents shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family contribution" or "EFC," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" shall be defined by rules adopted by the chancellor of the Ohio board of regents for the purpose of those sections.~~ 58571
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~~(B)(1) Only an Ohio resident who meets both of the following is eligible for a grant awarded under this division:~~ 58580
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~~(a) The resident has an expected family contribution of two thousand one hundred ninety or less;~~ 58582
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~~(b) The resident enrolls in an undergraduate program or in a nursing diploma program approved by the board of nursing under division (A)(5) of section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964.~~ 58584
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~~(2) The chancellor shall establish and administer a needs-based financial aid grants program based on the United~~ 58590
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States department of education's method of determining financial 58592
need ~~and may adopt rules to carry out this section.~~ The program 58593
shall be known as the Ohio college opportunity grant program. The 58594
general assembly shall support the needs-based financial aid 58595
program by such sums and in such manner as it may provide, but the 58596
chancellor also may ~~also~~ receive funds from other sources to 58597
support the program. If, for any academic year, the amounts 58598
available for support of the program are inadequate to provide 58599
grants to all eligible students, the chancellor shall do one of 58600
the following: 58601

(a) Give preference in the payment of grants shall be given 58602
in terms of based upon expected family contribution, beginning 58603
with the lowest expected family contribution category and 58604
proceeding upward by category to the highest expected family 58605
contribution category; 58606

(b) Proportionately reduce the amount of each grant to be 58607
awarded for the academic year under division (B) of this section; 58608

(c) Use an alternate formula for such grants that addresses 58609
the shortage of available funds and has been submitted to and 58610
approved by the controlling board. 58611

A (3) The needs-based financial aid grant shall be paid to ~~an~~ 58612
the eligible student through the institution in which the student 58613
is enrolled, except that no needs-based financial aid grant shall 58614
be paid to any person serving a term of imprisonment. Applications 58615
for ~~such~~ the grants shall be made as prescribed by the chancellor, 58616
and such applications may be made in conjunction with and upon the 58617
basis of information provided in conjunction with student 58618
assistance programs funded by agencies of the United States 58619
government or from financial resources of the institution of 58620
higher education. The institution shall certify that the student 58621
applicant meets the requirements set forth in ~~divisions (A)(1)(a)~~ 58622
~~and (b)~~ division (B)(1) of this section. Needs-based financial aid 58623

grants shall be provided to an eligible student only as long as 58624
the student is making appropriate progress toward a nursing 58625
diploma or an associate or bachelor's degree. No student shall be 58626
eligible to receive a grant for more than ten semesters, fifteen 58627
quarters, or the equivalent of five academic years. A grant made 58628
to an eligible student on the basis of less than full-time 58629
enrollment shall be based on the number of credit hours for which 58630
the student is enrolled and shall be computed in accordance with a 58631
formula adopted by rule issued by the chancellor. No student shall 58632
receive more than one grant on the basis of less than full-time 58633
enrollment. 58634

~~A needs-based financial aid grant shall not exceed the total 58635
instructional and general charges of the institution. 58636~~

~~(C) The tables in this division prescribe the maximum grant 58637
amounts covering two semesters, three quarters, or a comparable 58638
portion of one academic year. Grant amounts for additional terms 58639
in the same academic year shall be determined under division (D) 58640
of this section. 58641~~

~~As used in the tables in division (C) of this section: 58642~~

~~(1) "Private institution" means an institution that is 58643
nonprofit and has a certificate of authorization pursuant to 58644
Chapter 1713. of the Revised Code. 58645~~

~~(2) "Career college" means either an institution that holds a 58646
certificate of registration from the state board of career 58647
colleges and schools or a private institution exempt from 58648
regulation under Chapter 3332. of the Revised Code as prescribed 58649
in section 3333.046 of the Revised Code. 58650~~

~~Full-time students shall be eligible to receive awards 58651
according to the following table: 58652~~

~~Full-Time Enrollment 58653~~

~~If the EFC And if the If the If the If the 58654~~

is equal to or greater than:	FEC is no more than:	student attends a public institution, the annual award shall be:	student attends a private institution, the annual award shall be:	student attends a career college, the annual award shall be:	
\$2,101	\$2,190	\$300	\$600	\$480	58655
2,001	2,100	402	798	642	58656
1,901	2,000	498	1,002	798	58657
1,801	1,900	600	1,200	960	58658
1,701	1,800	702	1,398	1,122	58659
1,601	1,700	798	1,602	1,278	58660
1,501	1,600	900	1,800	1,440	58661
1,401	1,500	1,002	1,998	1,602	58662
1,301	1,400	1,098	2,202	1,758	58663
1,201	1,300	1,200	2,400	1,920	58664
1,101	1,200	1,302	2,598	2,082	58665
1,001	1,100	1,398	2,802	2,238	58666
901	1,000	1,500	3,000	2,400	58667
801	900	1,602	3,198	2,562	58668
701	800	1,698	3,402	2,718	58669
601	700	1,800	3,600	2,280	58670
501	600	1,902	3,798	3,042	58671
401	500	1,998	4,002	3,198	58672
301	400	2,100	4,200	3,360	58673
201	300	2,202	4,398	3,522	58674
101	200	2,298	4,602	3,678	58675
1	100	2,400	4,800	3,840	58676
0	0	2,496	4,992	3,996	58677

~~Three quarters time students shall be eligible to receive awards according to the following table:~~ 58678
~~Three Quarters Time Enrollment~~ 58680

If the EFC	And the	If the	If the	If the	58681
is equal	EFC is no	student	student	student	
to or	more than:	attends a	attends a	attends a	
greater		public	private	career	
than:		institution,	institution,	college,	
		the annual	the annual	the annual	
		award	award	award	
		shall be:	shall be:	shall be:	
\$2,101	\$2,190	\$228	\$450	\$360	58682
2,001	2,100	300	600	480	58683
1,901	2,000	372	750	600	58684
1,801	1,900	450	900	720	58685
1,701	1,800	528	1,050	840	58686
1,601	1,700	600	1,200	960	58687
1,501	1,600	678	1,350	1,080	58688
1,401	1,500	750	1,500	1,200	58689
1,301	1,400	822	1,650	1,320	58690
1,201	1,300	900	1,800	1,440	58691
1,101	1,200	978	1,950	1,560	58692
1,001	1,100	1,050	2,100	1,680	58693
901	1,000	1,128	2,250	1,800	58694
801	900	1,200	2,400	1,920	58695
701	800	1,272	2,550	2,040	58696
601	700	1,350	2,700	2,160	58697
501	600	1,428	2,850	2,280	58698
401	500	1,500	3,000	2,400	58699
301	400	1,578	3,150	2,520	58700
201	300	1,650	3,300	2,640	58701
101	200	1,722	3,450	2,760	58702
1	100	1,800	3,600	2,880	58703
0	0	1,872	3,744	3,000	58704
Half-time students shall be eligible to receive awards					58705
according to the following table:					58706

Half Time Enrollment					58707
If the EFC is equal to or greater than:	And if the EFC is no more than:	If the student attends a public institution, the annual award shall be:	If the student attends a private institution, the annual award shall be:	If the student attends a career college, the annual award shall be:	58708
\$2,101	\$2,190	\$150	\$300	\$240	58709
2,001	2,100	204	402	324	58710
1,901	2,000	252	504	402	58711
1,801	1,900	300	600	480	58712
1,701	1,800	354	702	564	58713
1,601	1,700	402	804	642	58714
1,501	1,600	450	900	720	58715
1,401	1,500	504	1,002	804	58716
1,301	1,400	552	1,104	882	58717
1,201	1,300	600	1,200	960	58718
1,101	1,200	654	1,302	1,044	58719
1,001	1,100	702	1,404	1,122	58720
901	1,000	750	1,500	1,200	58721
801	900	804	1,602	1,284	58722
701	800	852	1,704	1,362	58723
601	700	900	1,800	1,440	58724
501	600	954	1,902	1,524	58725
401	500	1,002	2,004	1,602	58726
301	400	1,050	2,100	1,680	58727
201	300	1,104	2,202	1,764	58728
101	200	1,152	2,304	1,842	58729
1	100	1,200	2,400	1,920	58730
0	0	1,248	2,496	1,998	58731
One quarter time students shall be eligible to receive awards					58732

according to the following table:						58733
One-Quarter Time Enrollment						58734
If the EFC	And if the	If the	If the	If the		58735
is equal	EFC is no	student	student	student		
to or	more than:	attends a	attends a	attends a		
greater		public	private	career		
than:		institution,	institution,	college,		
		the annual	the annual	the annual		
		award	award	award		
		shall be:	shall be:	shall be:		
\$2,101	\$2,190	\$78	\$150	\$120		58736
2,001	2,100	102	198	162		58737
1,901	2,000	126	252	198		58738
1,801	1,900	150	300	240		58739
1,701	1,800	174	348	282		58740
1,601	1,700	198	402	318		58741
1,501	1,600	228	450	360		58742
1,401	1,500	252	498	402		58743
1,301	1,400	276	552	438		58744
1,201	1,300	300	600	480		58745
1,101	1,200	324	648	522		58746
1,001	1,100	348	702	558		58747
901	1,000	378	750	600		58748
801	900	402	798	642		58749
701	800	426	852	678		58750
601	700	450	900	720		58751
501	600	474	948	762		58752
401	500	498	1,002	798		58753
301	400	528	1,050	840		58754
201	300	552	1,098	882		58755
101	200	576	1,152	918		58756
1	100	600	1,200	960		58757
0	0	624	1,248	1,002		58758

~~(D)~~(4)(a) Except as provided in division (B)(4)(d) of this section, no grant awarded under division (B) of this section shall exceed the total state cost of attendance. 58759
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(b) Subject to divisions (B)(4)(a), (c), and (d) of this section, the amount of a grant awarded to a student under division (B) of this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the chancellor may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the chancellor may set by rule. 58762
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(c) For a ~~full-time~~ student enrolled in an ~~eligible~~ ~~institution~~ a program described in division (B)(1)(b) of this section for a semester or quarter in addition to the portion of the academic year covered by a grant ~~determined~~ under division ~~(C)~~(B) of this section, the maximum grant amount shall be a percentage of the maximum ~~prescribed~~ specified in the ~~applicable~~ any table of that division established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so ~~prescribed under that division.~~ The maximum grant for a third semester shall be one-half of the maximum amount so ~~prescribed under that division.~~ 58776
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(d) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program 58788
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that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under division (B) of this section may exceed the total state cost of attendance to additionally cover housing costs. 58791
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~~(E)~~(C)(1) The chancellor shall administer and may adopt rules to carry out a block grant program to provide money to support needs-based financial aid grants for Ohio resident students enrolled in nursing or undergraduate programs of nonprofit private institutions in this state holding certificates of authorization pursuant to Chapter 1713. of the Revised Code. The chancellor shall establish by rule and administer a separate block grant program to provide money for such grants to Ohio resident students enrolled in nursing or undergraduate programs of career colleges in this state that hold certificates of registration from the state board of career colleges and schools or are exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code and hold certificates of authorization pursuant to Chapter 1713. of the Revised Code. The former shall be known as the private higher education needs-based financial aid block grant program and the latter, the career college needs-based financial aid block grant program. The general assembly shall support these programs in such sums and in such manner as it may provide, but the chancellor also may receive funds from other sources to support the programs. 58795
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(2) The chancellor by rule shall determine the eligibility of the nonprofit private institutions and career colleges for, the terms and conditions of, and the manner of distributing, grants under each program, as well as determine the needs-based standard that shall apply to grants awarded to students under each program. The rules shall include a requirement that, on the financial aid statement that it shall provide to each student aid recipient, a 58815
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nonprofit private institution or career college receiving a grant 58823
under this division must note that a portion of the student's 58824
award is from the state of Ohio. 58825

(D) No grant shall be made pursuant to division (B) or (C) of 58826
this section to any student in a course of study in theology, 58827
religion, or other field of preparation for a religious profession 58828
unless such course of study leads to an accredited bachelor of 58829
arts, bachelor of science, associate of arts, or associate of 58830
science degree. 58831

~~(F)(E)~~(1) Except as provided in division ~~(F)(E)~~(2) of this 58832
section, no grant shall be made to any student ~~for enrollment~~ 58833
~~during a fiscal year in an~~ under division (B) of this section if 58834
the state institution of higher education under that division has, 58835
and no grant shall be made to a nonprofit private institution or 58836
career college under division (C) of this section if the 58837
institution ~~with~~ or college has, a cohort default rate determined 58838
by the United States secretary of education pursuant to the 58839
"Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 58840
U.S.C.A. 1085, as amended, as of the fifteenth day of June 58841
preceding the fiscal year, equal to or greater than thirty per 58842
cent for each of the preceding two fiscal years. 58843

(2) Division ~~(F)(E)~~(1) of this section does not apply ~~to~~ in 58844
the case of either of the following: 58845

(a) ~~Any student enrolled in an~~ The university institution 58846
~~that under the~~ or college pursuant to federal law appeals its loss 58847
of eligibility for federal financial aid and the United States 58848
secretary of education determines its cohort default rate after 58849
recalculation is lower than the rate specified in division 58850
~~(F)(E)~~(1) of this section or the secretary determines due to 58851
mitigating circumstances that the institution or college may 58852
continue to participate in federal financial aid programs. The 58853
chancellor shall adopt rules requiring ~~institutions~~ any such 58854

appellant to provide information to the chancellor regarding an 58855
appeal ~~to the chancellor~~. 58856

(b) Any student who has previously received a grant ~~under~~ 58857
pursuant to any provision of this section, including prior to the 58858
section's amendment by H.B. 1 of the 128th general assembly, and 58859
who meets all other eligibility requirements ~~of this section~~ for 58860
the respective grant under division (B) or (C) of this section. 58861

(3) The chancellor shall adopt rules for the notification of 58862
all institutions or colleges whose students will be ineligible to 58863
participate in the grant program pursuant to division ~~(F)~~(E)(1) of 58864
this section. 58865

(4) A student's attendance at ~~an~~ any institution or college 58866
whose students ~~lose eligibility~~ are ineligible for grants ~~under~~ 58867
due to division ~~(F)~~(E)(1) of this section shall not affect that 58868
student's eligibility to receive a grant when enrolled in another 58869
institution or college. 58870

~~(G) Institutions of higher education~~ (F)(1) A state 58871
university or state institution of higher education that ~~enroll~~ 58872
enrolls students receiving needs-based financial aid grants under 58873
division (B) of this section shall report to the chancellor all 58874
students who have received such needs-based financial aid grants 58875
but are no longer eligible for all or part of ~~such~~ those grants 58876
and shall refund any moneys due the state within thirty days after 58877
the beginning of the quarter or term immediately following the 58878
quarter or term in which the student was no longer eligible to 58879
receive all or part of the student's grant. There shall be an 58880
interest charge of one per cent per month on all moneys due and 58881
payable after such thirty-day period. The chancellor shall 58882
immediately notify the office of budget and management and the 58883
legislative service commission of all refunds so received. 58884

(2) A nonprofit private institution or career college that 58885

receives a grant under division (C) of this section shall report 58886
to the chancellor all students who have received a portion of that 58887
award and shall report the amount of its award not distributed to 58888
students. That amount shall be deducted from the next such grant 58889
amount received by the institution or college. 58890

Sec. 3333.123. (A) As used in this section: 58891

(1) "The Ohio college opportunity grant program" means the 58892
program established under section 3333.122 of the Revised Code. 58893

(2) "Rules for the Ohio college opportunity grant program" 58894
means the rules authorized in division (S) of section 3333.04 of 58895
the Revised Code for the implementation of the program. 58896

(B) In adopting rules for the Ohio college opportunity grant 58897
program, the chancellor of the Ohio board of regents may include 58898
provisions that give preferential or priority funding to 58899
low-income students who in their primary and secondary school work 58900
participate in or complete rigorous academic coursework, attain 58901
passing scores on the ~~tests~~ assessments prescribed in section 58902
3301.0710 of the Revised Code, or meet other high academic 58903
performance standards determined by the chancellor to reduce the 58904
need for remediation and ensure academic success at the 58905
postsecondary education level. Any such rules shall include a 58906
specification of procedures needed to certify student achievement 58907
of primary and secondary standards as well as the timeline for 58908
implementation of the provisions authorized by this section. 58909

Sec. 3333.16. As used in this section "state institution of 58910
higher education" means an institution of higher education as 58911
defined in section 3345.12 of the Revised Code. 58912

(A) The chancellor of the Ohio board of regents shall do all 58913
of the following: 58914

(1) Establish policies and procedures applicable to all state 58915

institutions of higher education that ensure that students can 58916
begin higher education at any state institution of higher 58917
education and transfer coursework and degrees to any other state 58918
institution of higher education without unnecessary duplication or 58919
institutional barriers. The purpose of this requirement is to 58920
allow students to attain their highest educational aspirations in 58921
the most efficient and effective manner for the students and the 58922
state. These policies and procedures shall require state 58923
institutions of higher education to make changes or modifications, 58924
as needed, to strengthen course content so as to ensure 58925
equivalency for that course at any state institution of higher 58926
education. 58927

(2) Develop and implement a universal course equivalency 58928
classification system for state institutions of higher education 58929
so that the transfer of students and the transfer and articulation 58930
of equivalent courses or specified learning modules or units 58931
completed by students are not inhibited by inconsistent judgment 58932
about the application of transfer credits. Coursework completed 58933
within such a system at one state institution of higher education 58934
and transferred to another institution shall be applied to the 58935
student's degree objective in the same manner as equivalent 58936
coursework completed at the receiving institution. 58937

(3) Develop a system of transfer policies that ensure that 58938
graduates with associate degrees which include completion of 58939
approved transfer modules shall be admitted to a state institution 58940
of higher education, shall be able to compete for admission to 58941
specific programs on the same basis as students native to the 58942
institution, and shall have priority over out-of-state associate 58943
degree graduates and transfer students. To assist a student in 58944
advising and transferring, all state institutions of higher 58945
education shall fully implement the ~~course applicability~~ 58946
information system for advising and transferring selected by, 58947

contracted for, or developed by the chancellor. 58948

(4) Examine the feasibility of developing a transfer 58949
marketing agenda that includes materials and interactive 58950
technology to inform the citizens of Ohio about the availability 58951
of transfer options at state institutions of higher education and 58952
to encourage adults to return to colleges and universities for 58953
additional education; 58954

(5) Study, in consultation with the state board of career 58955
colleges and schools, and in light of existing criteria and any 58956
other criteria developed by the articulation and transfer advisory 58957
council, the feasibility of credit recognition and transferability 58958
to state institutions of higher education for graduates who have 58959
received associate degrees from a career college or school with a 58960
certificate of registration from the state board of career 58961
colleges and schools under Chapter 3332. of the Revised Code. 58962

(B) All provisions of the existing articulation and transfer 58963
policy developed by the Ohio board of regents shall remain in 58964
effect except where amended by this section. 58965

Sec. 3333.28. (A) The chancellor of the Ohio board of regents 58966
shall establish the nurse education assistance program, the 58967
purpose of which shall be to make loans to students enrolled in 58968
prelicensure nurse education programs at institutions approved by 58969
the board of nursing under section 4723.06 of the Revised Code and 58970
postlicensure nurse education programs approved by the chancellor 58971
under section 3333.04 of the Revised Code or offered by an 58972
institution holding a certificate of authorization issued under 58973
Chapter 1713. of the Revised Code. The board of nursing shall 58974
assist the chancellor in administering the program. 58975

(B) There is hereby created in the state treasury the nurse 58976
education assistance fund, which shall consist of all money 58977
transferred to it pursuant to section 4743.05 of the Revised Code. 58978

The fund shall be used by the chancellor for loans made under 58979
division (A) of this section and for expenses of administering the 58980
loan program. 58981

(C) Between July 1, 2005, and January 1, 2012, the chancellor 58982
shall distribute money in the nurse education assistance fund in 58983
the following manner: 58984

(1)(a) Fifty per cent of available funds shall be awarded as 58985
loans to registered nurses enrolled in postlicensure nurse 58986
education programs described in division (A) of this section. To 58987
be eligible for a loan, the applicant shall provide the chancellor 58988
with a letter of intent to practice as a faculty member at a 58989
prelicensure or postlicensure program for nursing in this state 58990
upon completion of the applicant's academic program. 58991

(b) If the borrower of a loan under division (C)(1)(a) of 58992
this section secures employment as a faculty member of an approved 58993
nursing education program in this state within six months 58994
following graduation from an approved nurse education program, the 58995
chancellor may forgive the principal and interest of the student's 58996
loans received under division (C)(1)(a) of this section at a rate 58997
of twenty-five per cent per year, for a maximum of four years, for 58998
each year in which the borrower is so employed. A deferment of the 58999
service obligation, and other conditions regarding the forgiveness 59000
of loans may be granted as provided by the rules adopted under 59001
division (D)(7) of this section. 59002

(c) Loans awarded under division (C)(1)(a) of this section 59003
shall be awarded on the basis of the student's expected family 59004
contribution, with preference given to those applicants with the 59005
lowest expected family contribution. However, the chancellor may 59006
consider other factors the chancellor determines relevant in 59007
ranking the applications. 59008

(d) Each loan awarded to a student under division (C)(1)(a) 59009

of this section shall be not less than five thousand dollars per 59010
year. 59011

(2) Twenty-five per cent of available funds shall be awarded 59012
to students enrolled in prelicensure nurse education programs for 59013
registered nurses, as defined in section 4723.01 of the Revised 59014
Code. 59015

(3) Twenty-five per cent of available funds shall be awarded 59016
to students enrolled in ~~prelicensure professional~~ nurse education 59017
programs ~~for licensed practical nurses, as defined in section~~ 59018
4723.01 of the Revised Code as determined by the chancellor, with 59019
preference given to programs aimed at increasing enrollment in an 59020
area of need. 59021

After January 1, 2012, the chancellor shall determine the 59022
manner in which to distribute loans under this section. 59023

(D) Subject to the requirements specified in division (C) of 59024
this section, the chancellor shall adopt rules in accordance with 59025
Chapter 119. of the Revised Code establishing: 59026

(1) Eligibility criteria for receipt of a loan; 59027

(2) Loan application procedures; 59028

(3) The amounts in which loans may be made and the total 59029
amount that may be loaned to an individual; 59030

(4) The total amount of loans that can be made each year; 59031

(5) The percentage of the money in the fund that must remain 59032
in the fund at all times as a fund balance; 59033

(6) Interest and principal repayment schedules; 59034

(7) Conditions under which a portion of principal and 59035
interest obligations incurred by an individual under the program 59036
will be forgiven; 59037

(8) Ways that the program may be used to encourage 59038

individuals who are members of minority groups to enter the 59039
nursing profession; 59040

(9) Any other matters incidental to the operation of the 59041
program. 59042

(E) The obligation to repay a portion of the principal and 59043
interest on a loan made under this section shall be forgiven if 59044
the recipient of the loan meets the criteria for forgiveness 59045
established by division (C)(1)(b) of this section, in the case of 59046
loans awarded under division (C)(1)(a) of this section, or by the 59047
chancellor under the rule adopted under division (D)(7) of this 59048
section, in the case of other loans awarded under this section. 59049

(F) The receipt of a loan under this section shall not affect 59050
a student's eligibility for assistance, or the amount of that 59051
assistance, granted under section 3333.12, 3333.122, 3333.22, 59052
3333.26, ~~3333.27~~, 5910.03, 5910.032, or 5919.34 of the Revised 59053
Code, but the rules of the chancellor may provide for taking 59054
assistance received under those sections into consideration when 59055
determining a student's eligibility for a loan under this section. 59056

Sec. 3333.35. The state board of education and the chancellor 59057
of the Ohio board of regents shall strive to reduce unnecessary 59058
student remediation costs incurred by colleges and universities in 59059
this state, increase overall access for students to higher 59060
education, enhance the post-secondary enrollment options program 59061
in accordance with Chapter 3365. of the Revised Code, and enhance 59062
the alternative resident educator licensure program in accordance 59063
with section 3319.26 of the Revised Code. 59064

Sec. 3333.38. (A) As used in this section: 59065

(1) "Institution of higher education" includes all of the 59066
following: 59067

(a) A state institution of higher education, as defined in 59068

section 3345.011 of the Revised Code;	59069
(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	59070 59071
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	59072 59073 59074
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	59075 59076 59077
(2) "Student financial assistance supported by state funds" includes assistance granted under sections 3315.33, 3333.12, 3333.122, 3333.21, 3333.26, 3333.27 , 3333.28, 3333.372, <u>3333.391</u> , 5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.	59078 59079 59080 59081 59082 59083 59084 59085 59086 59087
(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:	59088 59089 59090 59091 59092 59093
(1) A violation of section 2917.02 or 2917.03 of the Revised Code;	59094 59095
(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;	59096 59097
(3) A violation of section 2917.13 of the Revised Code that	59098

is a misdemeanor of the fourth or first degree and occurs within 59099
the proximate area where four or more others are acting in a 59100
course of conduct in violation of section 2917.11 of the Revised 59101
Code. 59102

(C) If an individual is convicted of, pleads guilty to, or is 59103
adjudicated a delinquent child for committing a violation of 59104
section 2917.02 or 2917.03 of the Revised Code, and if the 59105
individual is enrolled in a state-supported institution of higher 59106
education, the institution in which the individual is enrolled 59107
shall immediately dismiss the individual. No state-supported 59108
institution of higher education shall admit an individual of that 59109
nature for one academic year after the individual applies for 59110
admission to a state-supported institution of higher education. 59111
This division does not limit or affect the ability of a 59112
state-supported institution of higher education to suspend or 59113
otherwise discipline its students. 59114

Sec. 3333.39. The chancellor of the Ohio board of regents and 59115
the superintendent of public instruction shall establish and 59116
administer the teach Ohio program to promote and encourage 59117
citizens of this state to consider teaching as a profession. The 59118
program shall include all of the following: 59119

(A) A statewide program administered by a nonprofit 59120
corporation that has been in existence for at least fifteen years 59121
with demonstrated results in encouraging high school students from 59122
economically disadvantaged groups to enter the teaching 59123
profession. The chancellor and superintendent jointly shall select 59124
the nonprofit corporation. 59125

(B) The Ohio teaching fellows program established under 59126
sections 3333.391 and 3333.392 of the Revised Code; 59127

(C) The Ohio teacher residency program established under 59128
section 3319.223 of the Revised Code; 59129

<u>(D) Alternative licensure procedures established under</u>	59130
<u>section 3319.26 of the Revised Code;</u>	59131
<u>(E) Any other program as identified by the chancellor and the</u>	59132
<u>superintendent.</u>	59133
<u>Sec. 3333.391.</u> (A) <u>As used in this section and in section</u>	59134
<u>3333.392 of the Revised Code:</u>	59135
<u>(1) "Academic year" shall be as defined by the chancellor of</u>	59136
<u>the Ohio board of regents.</u>	59137
<u>(2) "Hard-to-staff school" and "hard-to-staff subject" shall</u>	59138
<u>be as defined by the department of education.</u>	59139
<u>(3) "Parent" means the parent, guardian, or custodian of a</u>	59140
<u>qualified student.</u>	59141
<u>(4) "Qualified service" means teaching at a qualifying</u>	59142
<u>school.</u>	59143
<u>(5) "Qualifying school" means a hard-to-staff school district</u>	59144
<u>building or a school district building that has a performance</u>	59145
<u>rating of academic watch or academic emergency under section</u>	59146
<u>3302.03 of the Revised Code at the time the recipient becomes</u>	59147
<u>employed by the district.</u>	59148
<u>(B) The chancellor of the Ohio board of regents and the</u>	59149
<u>superintendent of public instruction jointly shall develop and</u>	59150
<u>agree on a plan for the Ohio teaching fellows program to promote</u>	59151
<u>and encourage high school seniors to enter and remain in the</u>	59152
<u>teaching profession. Upon agreement of such a plan, the chancellor</u>	59153
<u>shall establish and administer the program in conjunction with the</u>	59154
<u>superintendent and with the cooperation of teacher training</u>	59155
<u>institutions. Under the program, the chancellor annually shall</u>	59156
<u>provide scholarships to students who commit to teaching in a</u>	59157
<u>qualifying school for a minimum of four years upon graduation from</u>	59158
<u>a teacher training program at a state institution of higher</u>	59159

education or an Ohio nonprofit institution of higher education 59160
that has a certificate of authorization under Chapter 1713. of the 59161
Revised Code. The scholarships shall be for up to four years at 59162
the undergraduate level at an amount determined by the chancellor 59163
based on state appropriations. 59164

(C) The chancellor shall adopt a competitive process for 59165
awarding scholarships under the teaching fellows program, which 59166
shall include minimum grade point average and scores on national 59167
standardized tests for college admission. The process shall also 59168
give additional consideration to all of the following: 59169

(1) A person who has participated in the program described in 59170
division (A) of section 3333.39 of the Revised Code; 59171

(2) A person who plans to specialize in teaching students 59172
with special needs; 59173

(3) A person who plans to teach in the disciplines of 59174
science, technology, engineering, or mathematics. 59175

The chancellor shall require that all applicants to the 59176
teaching fellows program shall file a statement of service status 59177
in compliance with section 3345.32 of the Revised Code, if 59178
applicable, and that all applicants have not been convicted of, 59179
plead guilty to, or adjudicated a delinquent child for any 59180
violation listed in section 3333.38 of the Revised Code. 59181

(D) Teaching fellows shall complete the four-year teaching 59182
commitment within not more than seven years after graduating from 59183
the teacher training program. Failure to fulfill the commitment 59184
shall convert the scholarship into a loan to be repaid under 59185
section 3333.392 of the Revised Code. 59186

(E) The chancellor shall adopt rules in accordance with 59187
Chapter 119. of the Revised Code to administer this section and 59188
section 3333.392 of the Revised Code. 59189

Sec. 3333.392. (A) Each recipient who accepts a scholarship 59190
under the Ohio teaching fellows program created under section 59191
3333.391 of the Revised Code, or the recipient's parent if the 59192
recipient is younger than eighteen years of age, shall sign a 59193
promissory note payable to the state in the event the recipient 59194
does not satisfy the service requirement of division (D) of 59195
section 3333.391 of the Revised Code or the scholarship is 59196
terminated. The amount payable under the note shall be the amount 59197
of total scholarships accepted by the recipient under the program 59198
plus ten per cent interest accrued annually beginning on the first 59199
day of September after graduating from the teacher training 59200
program or immediately after termination of the scholarship. The 59201
period of repayment under the note shall be determined by the 59202
chancellor of the Ohio board of regents. The note shall stipulate 59203
that the obligation to make payments under the note is canceled 59204
following completion of four years of qualified service by the 59205
recipient in accordance with division (D) of section 3333.391 of 59206
the Revised Code, or if the recipient dies, becomes totally and 59207
permanently disabled, or is unable to complete the required 59208
qualified service as a result of a reduction in force at the 59209
recipient's school of employment before the obligation under the 59210
note has been satisfied. 59211

(B) Repayment of the principal amount of the scholarship and 59212
interest accrued shall be deferred while the recipient is enrolled 59213
in an approved teaching program, while the recipient is seeking 59214
employment to fulfill the service obligation, for a period not to 59215
exceed six months, or while the recipient is engaged in qualified 59216
service. 59217

(C) During the seven-year period following the recipient's 59218
graduation from an approved teaching program, the chancellor shall 59219
deduct twenty-five per cent of the outstanding balance that may be 59220
converted to a loan for each year the recipient teaches at a 59221

qualifying school. 59222

(D) The chancellor may terminate the scholarship, in which 59223
case the scholarship shall be converted to a loan to be repaid 59224
under division (A) of this section. 59225

(E) The scholarship shall be deemed terminated upon the 59226
recipient's withdrawal from school or the recipient's failure to 59227
meet the standards of the scholarship as determined by the 59228
chancellor and shall be converted to a loan to be repaid under 59229
division (A) of this section. 59230

(F) The chancellor and the attorney general shall collect 59231
payments on the converted loan in accordance with section 131.02 59232
of the Revised Code. 59233

Sec. 3333.61. The chancellor of the Ohio board of regents 59234
shall establish and administer the Ohio innovation partnership, 59235
which shall consist of the choose Ohio first scholarship program 59236
and the Ohio research scholars program. Under the programs, the 59237
chancellor, subject to approval by the controlling board, shall 59238
make awards to state universities or colleges for programs and 59239
initiatives that recruit students and scientists in the fields of 59240
science, technology, engineering, mathematics, and medicine to 59241
state universities or colleges, in order to enhance regional 59242
educational and economic strengths and meet the needs of the 59243
state's regional economies. Awards may be granted for programs and 59244
initiatives to be implemented by a state university or college 59245
alone or in collaboration with other state institutions of higher 59246
education, nonpublic Ohio universities and colleges, or other 59247
public or private Ohio entities. If the chancellor makes an award 59248
to a program or initiative that is intended to be implemented by a 59249
state university or college in collaboration with other state 59250
institutions of higher education or nonpublic Ohio universities or 59251
colleges, the chancellor may provide that some portion of the 59252

award be received directly by the collaborating universities or 59253
colleges consistent with all terms of the Ohio innovation 59254
partnership. 59255

The choose Ohio first scholarship program shall assign a 59256
number of scholarships to state universities and colleges to 59257
recruit Ohio residents as undergraduate, or as provided in section 59258
3333.66 of the Revised Code graduate, students in the fields of 59259
science, technology, engineering, mathematics, and medicine, or in 59260
science, technology, engineering, mathematics, or medical 59261
education. Choose Ohio first scholarships shall be awarded to each 59262
participating eligible student as a grant to the state university 59263
or college the student is attending and shall be reflected on the 59264
student's tuition bill. Choose Ohio first scholarships are 59265
student-centered grants from the state to students to use to 59266
attend a university or college and are not grants from the state 59267
to universities or colleges. 59268

Notwithstanding any other provision of this section or 59269
sections 3333.62 to 3333.70 of the Revised Code, a nonpublic 59270
four-year Ohio institution of higher education may submit a 59271
proposal for choose Ohio first scholarships ~~if the proposal is to~~ 59272
~~be implemented in collaboration with a state university or college~~ 59273
or Ohio research scholars grants. If the chancellor ~~grants awards~~ 59274
a nonpublic institution ~~an award of~~ scholarships or grants, the 59275
nonpublic institution shall comply with all requirements of this 59276
section, sections 3333.62 to 3333.70 of the Revised Code, and the 59277
rules adopted under this section that apply to state universities 59278
or colleges awarded choose Ohio first scholarships or Ohio 59279
research scholars grants. 59280

The Ohio research scholars program shall award grants to use 59281
in recruiting scientists to the faculties of state universities or 59282
colleges. 59283

The chancellor shall adopt rules in accordance with Chapter 59284

119. of the Revised Code to administer the programs. 59285

Sec. 3333.62. The chancellor of the Ohio board of regents 59286
shall establish a competitive process for making awards under the 59287
choose Ohio first scholarship program and the Ohio research 59288
scholars program. The chancellor, on completion of that process, 59289
shall make a recommendation to the controlling board asking for 59290
approval of each award selected by the chancellor. 59291

Any state university or college may apply for one or more 59292
awards under one or both programs. The state university or college 59293
shall submit a proposal and other documentation required by the 59294
chancellor, in the form and manner prescribed by the chancellor, 59295
for each award it seeks. A proposal may propose an initiative to 59296
be implemented solely by the state university or college or in 59297
collaboration with other state institutions of higher education, 59298
nonpublic Ohio universities or colleges, or other public or 59299
nonpublic Ohio entities. A single proposal may seek an award under 59300
one or both programs. 59301

The chancellor shall determine which proposals will receive 59302
awards each fiscal year, and the amount of each award, on the 59303
basis of the merit of each proposal, which the chancellor, subject 59304
to approval by the controlling board, shall determine based on one 59305
or more of the following criteria: 59306

(A) The quality of the program that is the subject of the 59307
proposal and the extent to which additional resources will enhance 59308
its quality; 59309

(B) The extent to which the proposal is integrated with the 59310
strengths of the regional economy; 59311

(C) The extent to which the proposal is integrated with 59312
centers of research excellence within the private sector; 59313

(D) The amount of other institutional, public, or private 59314

resources, whether monetary or nonmonetary, that the proposal	59315
pledges to leverage;	59316
(E) The extent to which the proposal is collaborative with	59317
other public or nonpublic Ohio institutions of higher education;	59318
(F) The extent to which the proposal is integrated with the	59319
university's or college's mission and does not displace existing	59320
resources already committed to the mission;	59321
(G) The extent to which the proposal facilitates a more	59322
efficient utilization of existing faculty and programs;	59323
(H) The extent to which the proposal meets a statewide	59324
educational need;	59325
(I) The demonstrated productivity or future capacity of the	59326
students or scientists to be recruited;	59327
(J) The extent to which the proposal will create additional	59328
capacity in educational or economic areas of need;	59329
(K) The extent to which the proposal will encourage students	59330
who received degrees in the fields of science, technology,	59331
engineering, mathematics, or medicine from two-year institutions	59332
to transfer to state universities or colleges to pursue	59333
baccalaureate degrees in science, technology, engineering,	59334
mathematics, or medicine;	59335
(L) The extent to which the proposal encourages students	59336
enrolled in state universities to transfer into science,	59337
technology, engineering, mathematics, or medicine programs;	59338
(M) The extent to which the proposal facilitates the	59339
completion of a baccalaureate degree in a cost-effective manner,	59340
for example, by facilitating students' completing two years at a	59341
two-year institution and two years at a state university or	59342
college;	59343
(N) The extent to which the proposal allows attendance at a	59344

state university or college of students who otherwise could not afford to attend;

(O) The extent to which other institutional, public, or private resources pledged to the proposal will be deployed to assist in sustaining students' scholarships over their academic careers;

(P) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;

(Q) The extent to which the proposal ensures that a student who is awarded a scholarship is appropriately qualified and prepared to successfully complete a degree program in science, technology, engineering, mathematics, or medicine or in science, technology, engineering, mathematics, or medical education;

(R) The extent to which the proposal will increase the number of women participating in the choose Ohio first scholarship program.

Sec. 3333.66. (A) ~~In~~ (1) Except as provided in division (A)(2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit

provided to all Ohio residents. 59376

(2) The chancellor of the Ohio board of regents may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to either of the following: 59377
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(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine; 59383
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(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section. 59386
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(B) ~~The chancellor of the Ohio board of regents~~ shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit Ohio residents enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor, subject to approval by the controlling board, shall give at least one of the proposals preference for an award. 59389
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(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year. 59404
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Sec. 3333.73. The chancellor of the Ohio board of regents 59407
shall establish a competitive process for making awards under the 59408
Ohio co-op/internship program. The chancellor, on completion of 59409
that process, shall make a recommendation to the controlling board 59410
asking for approval of each award selected by the chancellor. 59411

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The state institution of higher education shall submit a 59413
proposal and other documentation required by the chancellor, in 59414
the form and manner prescribed by the chancellor, for each award 59415
it seeks. A proposal may propose an initiative to be implemented 59416
solely by the state institution of higher education or in 59417
collaboration with other state institutions of higher education or 59418
nonpublic Ohio universities or colleges. 59419

The chancellor shall determine which proposals will receive 59420
awards each fiscal year, and the amount of each award, on the 59421
basis of the merit of each proposal, which the chancellor, subject 59422
to approval by the controlling board, shall determine based on one 59423
or more of the following criteria: 59424

(A) The extent to which the proposal will keep Ohio students 59425
in Ohio institutions of higher education; 59426

(B) The extent to which the proposal will attract Ohio 59427
residents who left Ohio to attend out-of-state institutions of 59428
higher education to return to Ohio institutions of higher 59429
education; 59430

(C) The extent to which the proposal will increase the number 59431
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 59432

(D) The quality of the program that is the subject of the 59433
proposal and the extent to which additional resources will enhance 59434
its quality; 59435

(E) The extent to which the proposal is integrated with the 59436

strengths of the regional economy;	59437
(F) The extent to which the proposal is aligned with the report submitted by the chancellor pursuant to Section 4 of Sub. H.B. 2 of the 127th general assembly, as amended;	59438 59439 59440
(G) The extent to which the proposal facilitates the development of high quality academic programs with a cooperative education program or a significant internship program at state institutions of higher education;	59441 59442 59443 59444
(H) The extent to which the proposal is integrated with supporting private companies to fill potential job growth;	59445 59446
(I) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, the proposal pledges to leverage that are in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code;	59447 59448 59449 59450
(J) The extent to which the proposal is collaborative with other Ohio institutions of higher education;	59451 59452
(K) The extent to which the proposal is integrated with the institution's mission;	59453 59454
(L) The extent to which the proposal meets a statewide educational need at the undergraduate or graduate level;	59455 59456
(M) The demonstrated productivity or future capacity of the students to be recruited;	59457 59458
(N) The extent to which the proposal will create additional capacity in a high quality academic program with a cooperative education program or significant internship program;	59459 59460 59461
(O) The extent to which the proposal will encourage students who received degrees from two-year institutions to pursue baccalaureate degrees;	59462 59463 59464
(P) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner;	59465 59466

(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;

(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;

(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries;

(T) The extent to which the proposal will increase the number of women participating in cooperative education programs and internship programs.

Sec. 3333.83. (A) A student who is enrolled in a school operated by a school district or in a community school or STEM school may enroll in a course through the clearinghouse only if both of the following conditions are satisfied:

(1) The student's enrollment in the course is approved by the student's school district, community school, or STEM school.

(2) The student's school district, community school, or STEM school agrees to accept for credit the grade assigned by the course provider, if that provider is another school district, community school, or STEM school.

(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the

student's school district, community school, or STEM school shall 59497
transmit the student's name to the course provider. 59498

The course provider may request from the student's school 59499
district, community school, or STEM school other information from 59500
the student's school record. The district or school shall provide 59501
the requested information only in accordance with section 3319.321 59502
of the Revised Code. 59503

(C) The student's school district, community school, or STEM 59504
school shall determine the manner in which and facilities at which 59505
the student shall participate in the course consistent with 59506
specifications for technology and connectivity adopted by the 59507
chancellor of the Ohio board of regents. 59508

(D) A student may withdraw from a course prior to the end of 59509
the course only by a date and in a manner prescribed by the 59510
student's school district, community school, or STEM school. 59511

(E) A student who is enrolled in a school operated by a 59512
school district or in a ~~community school~~ or STEM school that is 59513
governed as provided in section 3326.51 of the Revised Code and 59514
who takes a course through the clearinghouse shall be counted in 59515
the formula ADM of a school district under section 3317.03 of the 59516
Revised Code as if the student were taking the course from the 59517
student's school district, ~~community school~~, or STEM school. 59518
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Sec. 3333.90. (A) As used in this section: 59520

(1) "Allocated state share of instruction" means, for any 59521
fiscal year, the amount of the state share of instruction 59522
appropriated to the Ohio board of regents by the general assembly 59523
that is allocated to a community or technical college or community 59524
or technical college district for such fiscal year. 59525

(2) "Authority" means the Ohio building authority. 59526

<u>(3) "Bond service charges" has the same meaning as in section 152.09 of the Revised Code.</u>	59527 59528
<u>(4) "Chancellor" means the chancellor of the Ohio board of regents.</u>	59529 59530
<u>(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:</u>	59531 59532 59533
<u>(a) A community college as defined in section 3354.01 of the Revised Code;</u>	59534 59535
<u>(b) A technical college as defined in section 3357.01 of the Revised Code;</u>	59536 59537
<u>(c) A state community college as defined in section 3358.01 of the Revised Code.</u>	59538 59539
<u>(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:</u>	59540 59541 59542
<u>(a) A community college district as defined in section 3354.01 of the Revised Code;</u>	59543 59544
<u>(b) A technical college district as defined in section 3357.01 of the Revised Code;</u>	59545 59546
<u>(c) A state community college district as defined in section 3358.01 of the Revised Code.</u>	59547 59548
<u>(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.</u>	59549 59550
<u>(8) "Obligations" has the meaning as in section 152.09 or 3345.12 of the Revised Code, as the context requires.</u>	59551 59552
<u>(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the</u>	59553 59554 59555

Revised Code, or for whose benefit and on whose behalf the 59556
authority proposes to issue obligations under division (G) of 59557
section 152.09 of the Revised Code, may adopt a resolution 59558
requesting the chancellor to enter into an agreement with the 59559
community or technical college district and the primary paying 59560
agent or fiscal agent for such obligations, providing for the 59561
withholding and deposit of funds otherwise due the district or the 59562
community or technical college it operates in respect of its 59563
allocated state share of instruction, for the payment of bond 59564
service charges on such obligations. 59565

The board of trustees shall deliver to the chancellor a copy 59566
of the resolution and any additional pertinent information the 59567
chancellor may require. 59568

The chancellor and the office of budget and management, and 59569
the authority in the case of obligations to be issued by the 59570
authority, shall evaluate each request received from a community 59571
or technical college district under this section. The chancellor, 59572
with the advice and consent of the director of budget and 59573
management and the authority in the case of obligations to be 59574
issued by the authority, shall approve each request if all of the 59575
following conditions are met: 59576

(1) Approval of the request will enhance the marketability of 59577
the obligations for which the request is made; 59578

(2) The chancellor and the office of budget and management, 59579
and the authority in the case of obligations to be issued by the 59580
authority, have no reason to believe the requesting community or 59581
technical college district or the community or technical college 59582
it operates will be unable to pay when due the bond service 59583
charges on the obligations for which the request is made, and bond 59584
service charges on those obligations are therefore not anticipated 59585
to be paid pursuant to this section from the allocated state share 59586
of instruction for purposes of Section 17 of Article VIII, Ohio 59587

<u>Constitution.</u>	59588
<u>(3) Any other pertinent conditions established in rules</u>	59589
<u>adopted under division (H) of this section.</u>	59590
<u>(C) If the chancellor approves the request of a community or</u>	59591
<u>technical college district to withhold and deposit funds pursuant</u>	59592
<u>to this section, the chancellor shall enter into a written</u>	59593
<u>agreement with the district and the primary paying agent or fiscal</u>	59594
<u>agent for the obligations, which agreement shall provide for the</u>	59595
<u>withholding of funds pursuant to this section for the payment of</u>	59596
<u>bond service charges on those obligations. The agreement may also</u>	59597
<u>include both of the following:</u>	59598
<u>(1) Provisions for certification by the district to the</u>	59599
<u>chancellor, prior to the deadline for payment of the applicable</u>	59600
<u>bond service charges, whether the district and the community or</u>	59601
<u>technical college it operates are able to pay those bond service</u>	59602
<u>charges when due;</u>	59603
<u>(2) Requirements that the district or the community or</u>	59604
<u>technical college it operates deposits amounts for the payment of</u>	59605
<u>those bond service charges with the primary paying agent or fiscal</u>	59606
<u>agent for the obligations prior to the date on which the bond</u>	59607
<u>service charges are due to the owners or holders of the</u>	59608
<u>obligations.</u>	59609
<u>(D) Whenever a district or the community or technical college</u>	59610
<u>it operates notifies the chancellor that it will not be able to</u>	59611
<u>pay the bond service charges when they are due, subject to the</u>	59612
<u>withholding provisions of this section, or whenever the applicable</u>	59613
<u>paying agent or fiscal agent notifies the chancellor that it has</u>	59614
<u>not timely received from a district or from the college it</u>	59615
<u>operates the full amount needed for payment of the bond service</u>	59616
<u>charges when due to the holders or owners of such obligations, the</u>	59617
<u>chancellor shall immediately contact the district or college and</u>	59618

the paying agent or fiscal agent to confirm that the district and the college are not able to make the required payment by the date on which it is due. 59619
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If the chancellor confirms that the district and the college are not able to make the payment and the payment will not be made pursuant to a credit enhancement facility, the chancellor shall promptly pay to the applicable primary paying agent or fiscal agent the lesser of the amount due for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or to the college in respect of its allocated state share of instruction. If this amount is insufficient to pay the total amount then due the agent for the payment of bond service charges, the chancellor shall continue to pay to the agent from each periodic distribution thereafter, and until the full amount due the agent for unpaid bond service charges is paid in full, the lesser of the remaining amount due the agent for bond service charges or the amount of the next periodic distribution scheduled to be made to the district or college in respect of its allocated state share of instruction. 59622
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(E) The chancellor may make any payments under this section by direct deposit of funds by electronic transfer. 59638
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Any amount received by a paying agent or fiscal agent under this section shall be applied only to the payment of bond service charges on the obligations of the community or technical college district or community or technical college subject to this section or to the reimbursement of the provider of a credit enhancement facility that has paid the bond service charges. 59640
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(F) The chancellor may make payments under this section to paying agents or fiscal agents during any fiscal biennium of the state only from and to the extent that money is appropriated to the board of regents by the general assembly for distribution during such biennium for the state share of instruction and only 59646
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to the extent that a portion of the state share of instruction has 59651
been allocated to the community or technical college district or 59652
community or technical college. Obligations of the authority or of 59653
a community or technical college district to which this section is 59654
made applicable do not constitute an obligation or a debt or a 59655
pledge of the faith, credit, or taxing power of the state, and the 59656
holders or owners of those obligations have no right to have 59657
excises or taxes levied or appropriations made by the general 59658
assembly for the payment of bond service charges on the 59659
obligations, and the obligations shall contain a statement to that 59660
effect. The agreement for or the actual withholding and payment of 59661
money under this section does not constitute the assumption by the 59662
state of any debt of a community or technical college district or 59663
a community or technical college, and bond service charges on the 59664
related obligations are not anticipated to be paid from the state 59665
general revenue fund for purposes of Section 17 of Article VIII, 59666
Ohio Constitution. 59667

(G) In the case of obligations subject to the withholding 59668
provisions of this section, the issuing community or technical 59669
college district, or the authority in the case of obligations 59670
issued by the authority, shall appoint a paying agent or fiscal 59671
agent who is not an officer or employee of the district or 59672
college. 59673

(H) The chancellor, with the advice and consent of the office 59674
of budget and management, may adopt reasonable rules not 59675
inconsistent with this section for the implementation of this 59676
section to secure payment of bond service charges on obligations 59677
issued by a community or technical college district or by the 59678
authority for the benefit of a community or technical college 59679
district or the community or technical college it operates. Those 59680
rules shall include criteria for the evaluation and approval or 59681
denial of community or technical college district requests for 59682

withholding under this section. 59683

(I) The authority granted by this section is in addition to 59684
and not a limitation on any other authorizations granted by or 59685
pursuant to law for the same or similar purposes. 59686

Sec. 3333.91. (A) As used in this section, "bioscience 59687
sector" includes companies that manufacture medical devices, 59688
biopharmaceutical products, biofuel, or agricultural bioproducts; 59689
health care service companies; health care organizations; and 59690
medical research organizations. 59691

(B) The chancellor of the Ohio board of regents shall provide 59692
grants to entities that satisfy the requirements specified in this 59693
section to provide training for individuals who are not employed 59694
in the field of biotechnology or the bioscience sector and wish to 59695
receive training to be employed in that field or sector. The 59696
chancellor may provide such grants to entities engaged in any 59697
other field in which critical demands exist for certain skills. 59698
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(C) The chancellor may accept applications for training grant 59700
funds awarded pursuant to this section from any of the following 59701
entities: 59702

(1) A municipal corporation that provides any of the training 59703
programs described in division (D) of this section; 59704

(2) An employer, including an intermediary or a training 59705
agent of the employer, that provides any of the training programs 59706
described in division (D) of this section; 59707

(3) Any of the following entities that sponsor multi-company 59708
employee training projects that offer programs described in 59709
division (D) of this section if those projects will address common 59710
training needs identified by employers that elect to participate 59711
in the project offered by the entity: 59712

<u>(a) Business associations;</u>	59713
<u>(b) Strategic business partnerships;</u>	59714
<u>(c) Institutions of secondary or higher education;</u>	59715
<u>(d) Large manufacturers for supplier network companies;</u>	59716
<u>(e) Agencies of the state or of a political subdivision of</u>	59717
<u>the state or grant recipients under the federal "Workforce</u>	59718
<u>Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801, as</u>	59719
<u>amended.</u>	59720
<u>(D) The chancellor may award grants to eligible applicants</u>	59721
<u>described in division (C) of this section if in the application,</u>	59722
<u>the applicant specifies that the money received from the grant</u>	59723
<u>will be used for employee training programs that include, but are</u>	59724
<u>not limited to, any of the following:</u>	59725
<u>(1) Training programs that are in response to new or changing</u>	59726
<u>technology introduced into the workplace;</u>	59727
<u>(2) Job-linked training programs that offer special skills</u>	59728
<u>for career advancement or that are preparatory for, and lead</u>	59729
<u>directly to, a job with definite career potential and long-term</u>	59730
<u>job security;</u>	59731
<u>(3) Training programs that are necessary to implement a total</u>	59732
<u>quality management system, a total quality improvement system, or</u>	59733
<u>both within the workplace;</u>	59734
<u>(4) Training related to learning how to operate new machinery</u>	59735
<u>or equipment;</u>	59736
<u>(5) Training for employees of companies that are expanding</u>	59737
<u>into new markets or expanding exports from this state and that</u>	59738
<u>provide jobs in this state;</u>	59739
<u>(6) Basic training, remedial training, or both of employees</u>	59740
<u>as a prerequisite for other vocational or technical skills</u>	59741
<u>training or as a condition for sustained employment;</u>	59742

(7) Other training activities, training projects, or both, related to the support, development, or evaluation of job training programs, activities, and delivery systems, including training needs assessment and design. 59743
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(E) The chancellor shall use the same competitive process established under section 3333.73 of the Revised Code for making awards under the Ohio co-op/internship program, adapted as necessary, to award training grants under this section. 59747
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(F) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the terms and conditions under which a grant may be awarded under this section and as necessary to implement this section. The chancellor shall include in the rules a requirement that, if an entity that applies for a grant awarded under this section is not an employer, the entity must specify in the entity's application employers that will benefit from the training the entity provides to ensure that the training provided satisfies the needs of employers located in the area where the entity provides the training programs described in division (D) of this section. No grant awarded under this section shall be for an amount that exceeds fifty per cent of the allowable costs of the training programs described in division (D) of this section provided by an entity described in division (C) of this section. Under this section, allowable costs include, but are not limited to, the following costs: 59751
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(1) Administrative costs for tracking, documenting, reporting, and processing training funds or project costs; 59768
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(2) Costs for developing a curriculum; 59770

(3) Wages for instructors and if the individuals receiving training are employed by the employer who offers the program, wages for those individuals; 59771
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<u>(4) Costs incurred for producing training materials,</u>	59774
<u>including scrap product costs;</u>	59775
<u>(5) Trainee travel expenses;</u>	59776
<u>(6) Costs for rent, purchase, or lease of training equipment;</u>	59777
<u>(7) Other usual and customary training costs.</u>	59778
<u>(G) An entity described in division (C) of this section shall</u>	59779
<u>use money received from a grant only for the programs that the</u>	59780
<u>entity specified in the entity's application in accordance with</u>	59781
<u>division (D) of this section. A municipal corporation that</u>	59782
<u>receives a grant under this section may use the money received for</u>	59783
<u>a training program that also is funded pursuant to the federal</u>	59784
<u>"Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801,</u>	59785
<u>as amended.</u>	59786
<u>(H) The chancellor shall adopt rules in accordance with</u>	59787
<u>Chapter 119. of the Revised Code to establish methods and</u>	59788
<u>procedures the chancellor shall use to identify transitional jobs</u>	59789
<u>and to develop and identify training strategies that will enable</u>	59790
<u>individuals who are not employed in the field of biotechnology or</u>	59791
<u>the bioscience sector to be employed in that field or sector.</u>	59792
<u>(I) The chancellor shall require an employee of the board of</u>	59793
<u>regents to conduct at least one on-site visit to monitor the</u>	59794
<u>application of the grant and compliance with this section and any</u>	59795
<u>rules the chancellor adopts pursuant to it, either during the</u>	59796
<u>course of the grant period or within six months after the end of</u>	59797
<u>the grant period. The employee shall verify that the grantee's</u>	59798
<u>financial management system is structured to provide for accurate,</u>	59799
<u>current, and complete disclosure of the financial results of the</u>	59800
<u>grant program in accordance with all provisions, terms, and</u>	59801
<u>conditions contained in the grant contract entered into by the</u>	59802
<u>grantee and the chancellor pursuant to this section and any rules</u>	59803
<u>the chancellor adopts pursuant to it.</u>	59804

Sec. 3334.01. As used in this chapter:	59805
(A) "Aggregate original principal amount" means the aggregate of the initial offering prices to the public of college savings bonds, exclusive of accrued interest, if any. "Aggregate original principal amount" does not mean the aggregate accreted amount payable at maturity or redemption of such bonds.	59806 59807 59808 59809 59810
(B) "Beneficiary" means:	59811
(1) An individual designated by the purchaser under a tuition payment contract or through a scholarship program as the individual on whose behalf tuition units purchased under the contract or awarded through the scholarship program will be applied toward the payment of undergraduate, graduate, or professional tuition; or	59812 59813 59814 59815 59816 59817
(2) An individual designated by the contributor under a variable college savings program contract as the individual whose tuition and other higher education expenses will be paid from a variable college savings program account.	59818 59819 59820 59821
(C) "Capital appreciation bond" means a bond for which the following is true:	59822 59823
(1) The principal amount is less than the amount payable at maturity or early redemption; and	59824 59825
(2) No interest is payable on a current basis.	59826
(D) "Tuition unit" means a credit of the Ohio tuition trust authority purchased under section 3334.09 of the Revised Code. "Tuition unit" includes a tuition credit purchased prior to July 1, 1994.	59827 59828 59829 59830
(E) "College savings bonds" means revenue and other obligations issued on behalf of the state or any agency or issuing authority thereof as a zero-coupon or capital appreciation bond, and designated as college savings bonds as provided in this	59831 59832 59833 59834

chapter. "College savings bond issue" means any issue of bonds of 59835
which any part has been designated as college savings bonds. 59836

(F) "Institution of higher education" means a state 59837
institution of higher education, a private college, university, or 59838
other postsecondary institution located in this state that 59839
possesses a certificate of authorization issued ~~by the Ohio board~~ 59840
~~of regents~~ pursuant to Chapter 1713. of the Revised Code or a 59841
certificate of registration issued by the state board of career 59842
colleges and schools under Chapter 3332. of the Revised Code, or 59843
an accredited college, university, or other postsecondary 59844
institution located outside this state that is accredited by an 59845
accrediting organization or professional association recognized by 59846
the ~~authority~~ chancellor of the Ohio board of regents. To be 59847
considered an institution of higher education, an institution 59848
shall meet the definition of an eligible educational institution 59849
under section 529 of the Internal Revenue Code. 59850

(G) "Issuing authority" means any authority, commission, 59851
body, agency, or individual empowered by the Ohio Constitution or 59852
the Revised Code to issue bonds or any other debt obligation of 59853
the state or any agency or department thereof. "Issuer" means the 59854
issuing authority or, if so designated under division (B) of 59855
section 3334.04 of the Revised Code, the treasurer of state. 59856

(H) "Tuition" means the charges imposed to attend an 59857
institution of higher education as an undergraduate, graduate, or 59858
professional student and all fees required as a condition of 59859
enrollment, as determined by the ~~Ohio tuition trust authority~~ 59860
chancellor. "Tuition" does not include laboratory fees, room and 59861
board, or other similar fees and charges. 59862

(I) "Weighted average tuition" means the tuition cost 59863
resulting from the following calculation: 59864

(1) Add the products of the annual undergraduate tuition 59865

charged to Ohio residents at each four-year state university 59866
multiplied by that institution's total number of undergraduate 59867
fiscal year equated students; and 59868

(2) Divide the gross total of the products from division 59869
(I)(1) of this section by the total number of undergraduate fiscal 59870
year equated students attending four-year state universities. 59871

When making this calculation, the "annual undergraduate 59872
tuition charged to Ohio residents" shall not incorporate any 59873
tuition reductions that vary in amount among individual recipients 59874
and that are awarded to Ohio residents based upon their particular 59875
circumstances, beyond any minimum amount awarded uniformly to all 59876
Ohio residents. In addition, any tuition reductions awarded 59877
uniformly to all Ohio residents shall be incorporated into this 59878
calculation. 59879

(J) "Zero-coupon bond" means a bond which has a stated 59880
interest rate of zero per cent and on which no interest is payable 59881
until the maturity or early redemption of the bond, and is offered 59882
at a substantial discount from its original stated principal 59883
amount. 59884

(K) "State institution of higher education" includes the 59885
state universities listed in section 3345.011 of the Revised Code, 59886
community colleges created pursuant to Chapter 3354. of the 59887
Revised Code, university branches created pursuant to Chapter 59888
3355. of the Revised Code, technical colleges created pursuant to 59889
Chapter 3357. of the Revised Code, state community colleges 59890
created pursuant to Chapter 3358. of the Revised Code, and the 59891
northeastern Ohio universities college of medicine. 59892

(L) "Four-year state university" means those state 59893
universities listed in section 3345.011 of the Revised Code. 59894

(M) "Principal amount" refers to the initial offering price 59895
to the public of an obligation, exclusive of the accrued interest, 59896

if any. "Principal amount" does not refer to the aggregate 59897
accrued amount payable at maturity or redemption of an 59898
obligation. 59899

(N) "Scholarship program" means a program registered with the 59900
~~Ohio tuition trust authority~~ chancellor pursuant to section 59901
3334.17 of the Revised Code. 59902

(O) "Internal Revenue Code" means the "Internal Revenue Code 59903
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended. 59904

(P) "Other higher education expenses" means room and board 59905
and books, supplies, equipment, and nontuition-related fees 59906
associated with the cost of attendance of a beneficiary at an 59907
institution of higher education, but only to the extent that such 59908
expenses meet the definition of "qualified higher education 59909
expenses" under section 529 of the Internal Revenue Code. "Other 59910
higher education expenses" does not include tuition as defined in 59911
division (H) of this section. 59912

(Q) "Purchaser" means the person signing the tuition payment 59913
contract, who controls the account and acquires tuition units for 59914
an account under the terms and conditions of the contract. 59915

(R) "Contributor" means a person who signs a variable college 59916
savings program contract with the ~~Ohio tuition trust authority~~ 59917
chancellor and contributes to and owns the account created under 59918
the contract. 59919

(S) "Contribution" means any payment directly allocated to an 59920
account for the benefit of the designated beneficiary of the 59921
account. 59922

Sec. 3334.02. (A) In order to help make higher education 59923
affordable and accessible to all citizens of Ohio, to maintain 59924
state institutions of higher education by helping to provide a 59925
stable financial base to these institutions, to provide the 59926

citizens of Ohio with financing assistance for higher education 59927
and protection against rising tuition costs, to encourage saving 59928
to enhance the ability of citizens of Ohio to obtain financial 59929
access to institutions of higher education, to encourage 59930
elementary and secondary students in this state to achieve 59931
academic excellence, and to promote a well-educated and 59932
financially secure population to the ultimate benefit of all 59933
citizens of the state of Ohio, there is hereby created the Ohio 59934
college savings program. The program shall consist of the issuance 59935
of college savings bonds and the sale of tuition units. 59936

(B) The provisions of Chapter 1707. of the Revised Code shall 59937
not apply to tuition units or any agreement or transaction related 59938
thereto. 59939

(C) To provide the citizens of Ohio with a choice of 59940
tax-advantaged college savings programs and the opportunity to 59941
participate in more than one type of college savings program at a 59942
time, the chancellor of the Ohio tuition trust authority board of 59943
regents shall establish and administer a variable college savings 59944
program as a qualified state tuition program under section 529 of 59945
the Internal Revenue Code. The program shall allow contributors to 59946
make cash contributions to variable college savings program 59947
accounts created for the purpose of paying future tuition and 59948
other higher education expenses and providing variable rates of 59949
return on contributions. 59950

(D) A person may participate simultaneously in both the Ohio 59951
college savings program and the variable college savings program. 59952

Sec. 3334.03. (A) The chancellor of the Ohio board of regents 59953
shall operate programs under this chapter as a qualified state 59954
tuition program within the meaning of section 529 of the Internal 59955
Revenue Code. The chancellor's exercise of the chancellor's powers 59956
under this chapter shall be and is hereby declared to be an 59957

essential state government function. In exercising powers under 59958
this chapter, the chancellor is subject to all provisions of law 59959
generally applicable to state agencies that do not conflict with 59960
the provisions of this chapter. 59961

(B) The chancellor shall provide the Ohio tuition trust 59962
advisory board with administrative assistance and all necessary 59963
documentation regarding the chancellor's administration of the 59964
programs established under this chapter and the costs of that 59965
administration in order to assist the advisory board in its 59966
preparation of the annual report required under section 3334.031 59967
of the Revised Code and its quarterly meetings. 59968

(C) The chancellor may adopt rules establishing advisory 59969
duties and responsibilities of the advisory board not otherwise 59970
prescribed by law. 59971

Sec. ~~3334.03~~ 3334.031. ~~(A) There is hereby created the Ohio~~ 59972
~~tuition trust authority, which shall have the powers enumerated in~~ 59973
~~this chapter and which shall operate as a qualified state tuition~~ 59974
~~program within the meaning of section 529 of the Internal Revenue~~ 59975
~~Code. The exercise by the authority of its powers shall be and is~~ 59976
~~hereby declared an essential state governmental function. The~~ 59977
~~authority is subject to all provisions of law generally applicable~~ 59978
~~to state agencies which do not conflict with the provisions of~~ 59979
~~this chapter~~ The Ohio tuition trust advisory board is hereby 59980
established to advise the chancellor of the Ohio board of regents 59981
on the chancellor's duties and responsibilities under this chapter 59982
and on other matters established by the chancellor in rules 59983
adopted under section 3334.03 of the Revised Code. 59984

~~(B) The Ohio tuition trust authority~~ advisory board shall 59985
submit to the general assembly, in accordance with division (B) of 59986
section 101.68 of the Revised Code, and to the governor, an annual 59987

report on the chancellor's administration of the programs 59988
established under this chapter. 59989

(C) The advisory board shall consist of eleven members, no 59990
more than six of whom shall be of the same political party. ~~Six~~ 59991
Seven members shall be appointed by the governor with the advice 59992
and consent of the senate as follows: one shall represent state 59993
institutions of higher education, one shall represent private 59994
nonprofit colleges and universities located in Ohio, one shall 59995
have experience in the field of marketing or public relations, one 59996
shall have experience in the field of information systems design 59997
or management, and ~~two~~ three shall have experience in the field of 59998
banking, investment banking, insurance, or law. Four members shall 59999
be appointed by the speaker of the house of representatives and 60000
the president of the senate as follows: the speaker of the house 60001
of representatives shall appoint one member of the house from each 60002
political party and the president of the senate shall appoint one 60003
member of the senate from each political party. ~~The chancellor of~~ 60004
~~the board of regents shall be an ex officio voting member;~~ 60005
~~provided, however, that the chancellor may designate a~~ 60006
~~vice chancellor of the board of regents to serve as the~~ 60007
~~chancellor's representative. The political party of the chancellor~~ 60008
~~shall be deemed the political party of the designee for purposes~~ 60009
~~of determining that no more than six members are of the same~~ 60010
~~political party.~~ 60011

Initial gubernatorial appointees to the ~~authority~~ advisory 60012
board shall serve staggered terms, with two terms expiring on 60013
January 31, 1991, one term expiring on January 31, 1992, and one 60014
term expiring on January 31, 1993. The governor shall appoint two 60015
additional members to the ~~authority~~ advisory board no later than 60016
thirty days after March 30, 1999, and their initial terms shall 60017
expire January 31, 2002. The governor shall appoint an additional 60018
member to the advisory board not later than ninety days after the 60019

effective date of this amendment, and the member's initial term 60020
shall expire January 31, 2013. Thereafter, terms of office for 60021
gubernatorial appointees shall be for four years. The initial 60022
terms of the four legislative members shall expire on January 31, 60023
1991. Thereafter legislative members shall serve two-year terms, 60024
provided that legislative members may continue to serve on the 60025
~~authority~~ advisory board only if they remain members of the 60026
general assembly. Any vacancy on the ~~authority~~ advisory board 60027
shall be filled in the same manner as the original appointment, 60028
except that any person appointed to fill a vacancy shall be 60029
appointed to the remainder of the unexpired term. Any member is 60030
eligible for reappointment. 60031

~~(C)~~(D) Any member may be removed by the appointing authority 60032
for misfeasance, malfeasance, or willful neglect of duty or for 60033
other cause after notice and a public hearing, unless the notice 60034
and hearing are waived in writing by the member. Members shall 60035
serve without compensation but shall receive their reasonable and 60036
necessary expenses incurred in the conduct of authority business. 60037

~~(D)~~(E) The speaker of the house of representatives and the 60038
president of the senate shall each designate a member of the 60039
~~authority~~ advisory board to serve as co-chairpersons. The ~~six~~ 60040
~~seven~~ gubernatorial appointees ~~and the chancellor of the board of~~ 60041
~~regents or the chancellor's designee~~ shall serve as the executive 60042
committee of the ~~authority~~ advisory board, and shall elect an 60043
executive chairperson from among the executive committee members. 60044
The ~~authority~~ advisory board and the executive committee may elect 60045
such other officers as determined by the ~~authority~~ advisory board 60046
or the executive committee respectively. The ~~authority~~ advisory 60047
board shall meet at least ~~annually~~ quarterly at the call of either 60048
co-chairperson and at such other times as either co-chairperson or 60049
the ~~authority~~ advisory board determines necessary. In the absence 60050
of both co-chairpersons, the executive chairperson shall serve as 60051

the presiding officer of the ~~authority advisory board~~. The 60052
executive committee shall meet at the call of the executive 60053
chairperson or as the executive committee determines necessary. 60054
The ~~authority advisory board~~ may delegate to the executive 60055
committee such duties and responsibilities as the ~~authority~~ 60056
~~advisory board~~ determines appropriate, ~~except that the authority~~ 60057
~~may not delegate to the executive committee the final~~ 60058
~~determination of the annual price of a tuition unit, the final~~ 60059
~~designation of bonds as college savings bonds, or the employment~~ 60060
~~of an executive director of the authority~~. Upon such delegation, 60061
the executive committee shall have the authority to act pursuant 60062
to such delegation without further approval or action by the 60063
~~authority advisory board~~. A majority of the ~~authority advisory~~ 60064
~~board~~ shall constitute a quorum of the ~~authority advisory board~~, 60065
and the affirmative vote of a majority of the members present 60066
shall be necessary for any action taken by the ~~authority advisory~~ 60067
~~board~~. A majority of the executive committee shall constitute a 60068
quorum of the executive committee, and the affirmative vote of a 60069
majority of the members present shall be necessary for any action 60070
taken by the executive committee. No vacancy in the membership of 60071
the ~~authority advisory board~~ or the executive committee shall 60072
impair the rights of a quorum to exercise all rights and perform 60073
all duties of the ~~authority advisory board~~ or the executive 60074
committee, respectively. 60075

Sec. 3334.032. Whenever the term "Ohio tuition trust 60076
authority" is used, referred to, or designated in any statute, 60077
rule, contract, grant, or other document, the use, reference, or 60078
designation shall be construed to mean the "chancellor of the Ohio 60079
board of regents." 60080

Sec. 3334.04. (A) Any bonds authorized for issuance by any 60081
issuing authority may, with the approval of the chancellor of the 60082

Ohio ~~tuition trust authority~~ board of regents and at the option 60083
of the issuing authority, be designated as college savings bonds 60084
in accordance with this chapter. Bonds so designated shall be 60085
known as college savings bonds. The issuer shall sell as college 60086
savings bonds as many bonds from such an issue as is practical. 60087

(B) Issuing authorities designating bonds as a college 60088
savings bonds issue, with the approval of the ~~authority~~ 60089
chancellor, may delegate to the treasurer of state the powers and 60090
duties related to the issuance and retirement of the bonds as 60091
provided by law. The financing costs, including the expenses 60092
incurred by the treasurer of ~~the~~ state in performing the powers 60093
and duties, are payable as provided in the bond proceedings from 60094
the bond proceeds, special funds, or other moneys available. 60095

(C) In connection with the authority granted by division (B) 60096
of this section, the issuer, with the approval of the ~~authority~~ 60097
chancellor, may contract for services of financial consultants, 60098
accounting experts, marketing, remarketing, underwriter and 60099
administrative agents, and other consultants and independent 60100
contractors as the issuer determines necessary to carry out such 60101
powers and duties. 60102

(D) Notwithstanding any limitation to the contrary, college 60103
savings bonds may be sold at public or private sale in a manner 60104
which assures, to the extent practicable, the broadest retail 60105
distribution of the bonds to investors residing in the state. 60106

(E) Holders of college savings bonds have all of the rights 60107
and remedies accorded to such holders under the provisions of the 60108
law pursuant to which such bonds are issued, whether or not 60109
issuance of such bonds has been delegated to the treasurer of 60110
state pursuant to division (B) of this section. In addition, the 60111
bond proceedings or other documents pertaining to the bonds may 60112
contain such covenants of the issuer and other matters deemed 60113
advisable by the issuer in consultation with the ~~authority~~ 60114

chancellor, including the terms and conditions for creating and 60115
maintaining sinking funds, reserve funds, and any other special 60116
funds as may be created in the bond proceedings separate and apart 60117
from all other funds and accounts of the state or of the issuing 60118
authority. 60119

(F) In advertising or promoting the sale of college savings 60120
bonds, the issuer and the ~~authority~~ chancellor jointly may 60121
encourage purchasers to apply the value at maturity of college 60122
savings bonds toward the cost of tuition at an institution of 60123
higher education; however, neither the ~~authority~~ chancellor, the 60124
treasurer of state, nor the issuing authority or the issuer shall 60125
provide any guarantee, nor shall any guarantee be inferred, to the 60126
effect that the value at maturity of the bonds held by a person 60127
shall be an amount sufficient to pay for the cost of tuition at 60128
any institution of higher education attended by that person for 60129
such purposes as ~~he~~ the person determines. 60130

Sec. 3334.06. (A) The chancellor of the Ohio ~~tuition trust~~ 60131
~~authority~~ board of regents shall, after consultation with the 60132
issuer, develop a plan for the sale of college savings bonds. The 60133
plan shall include: 60134

(1) An advertising program to inform the public about the 60135
availability of college savings bonds; 60136

(2) The estimated cost of financing and administering the 60137
plan; 60138

(3) A description of the ongoing administrative authority and 60139
responsibility for the plan. 60140

(B) The ~~authority~~ chancellor shall approve the sale of a 60141
college savings bond issue under division (A) of section 3334.04 60142
of the Revised Code only after ~~it~~ the chancellor has determined 60143
that the issuance would comply with section 3334.04 of the Revised 60144

Code. 60145

(C) The ~~authority~~ chancellor shall cooperate with all state 60146
issuing authorities in identifying potential bond issues which may 60147
be appropriate for designation as college savings bonds and shall 60148
encourage those issuing authorities to participate in the Ohio 60149
college savings program. 60150

Sec. 3334.07. (A) The chancellor of the Ohio ~~tuition trust~~ 60151
~~authority~~ board of regents shall develop a plan for the sale of 60152
tuition units. ~~The Ohio board of regents shall cooperate with the~~ 60153
~~authority and provide technical assistance upon request.~~ 60154

(B) Annually, the ~~authority~~ chancellor shall determine the 60155
weighted average tuition of four-year state universities in the 60156
academic year that begins on or after the first day of August of 60157
the current calendar year, and shall establish the price of a 60158
tuition unit in the ensuing sales period. Such price shall be 60159
based on sound actuarial principles, and shall, to the extent 60160
actuarially possible, reasonably approximate one per cent of the 60161
weighted average tuition for that academic year plus the costs of 60162
administering the program that are in excess of general revenue 60163
fund appropriations for administrative costs. The sales period to 60164
which such price applies shall consist of twelve months, and the 60165
~~authority~~ chancellor by rule shall establish the date on which the 60166
sales period begins. If circumstances arise during a sales period 60167
that the ~~authority~~ chancellor determines causes the price of 60168
tuition units to be insufficient to ensure the actuarial soundness 60169
of the Ohio tuition trust fund, the ~~authority~~ chancellor may 60170
adjust the price of tuition units purchased during the remainder 60171
of the sales period. To promote the purchase of tuition units and 60172
in accordance with actuarially sound principles, the ~~authority~~ 60173
chancellor may adjust the sales price as part of incentive 60174
programs, such as discounting for lump sum purchases and 60175

multi-year installment plans at a fixed rate of purchase. 60176

Sec. 3334.08. (A) Subject to division (B) of this section, in 60177
addition to any other powers conferred by this chapter, the 60178
chancellor of the Ohio ~~tuition trust authority~~ board of regents 60179
may do any of the following: 60180

(1) Impose reasonable residency requirements for 60181
beneficiaries of tuition units; 60182

(2) Impose reasonable limits on the number of tuition unit 60183
participants; 60184

(3) Impose and collect administrative fees and charges in 60185
connection with any transaction under this chapter; 60186

(4) Purchase insurance from insurers licensed to do business 60187
in this state providing for coverage against any loss in 60188
connection with ~~the authority's~~ property, assets, or activities or 60189
to further ensure the value of tuition units; 60190

(5) Indemnify or purchase policies of insurance on behalf of 60191
~~members, officers, and~~ employees of the ~~authority~~ chancellor from 60192
insurers licensed to do business in this state providing for 60193
coverage for any liability incurred in connection with any civil 60194
action, demand, or claim against ~~a director, officer, or an~~ 60195
employee by reason of an act or omission by the ~~director, officer,~~ 60196
~~or~~ employee that was not manifestly outside the scope of the 60197
employment or official duties of the ~~director, officer, or~~ 60198
employee or with malicious purpose, in bad faith, or in a wanton 60199
or reckless manner; 60200

(6) Make, execute, and deliver contracts, conveyances, and 60201
other instruments necessary to the exercise and discharge of the 60202
powers and duties of the ~~authority~~ chancellor; 60203

(7) Promote, advertise, and publicize the Ohio college 60204
savings program and the variable college savings program; 60205

(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;

(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code;

(10) Contract for other services, or for goods, needed by the authority chancellor in the conduct of ~~its~~ the chancellor's business under this chapter, including but not limited to credit card services;

~~(11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system.~~

~~(12)~~ Contract with financial consultants, actuaries, auditors, and other consultants as necessary to carry out ~~its~~ the chancellor's responsibilities under this chapter;

~~(13)~~(12) Enter into agreements with any agency of the state or its political subdivisions or with private employers under which an employee may agree to have a designated amount deducted in each payroll period from the wages or salary due the employee for the purpose of purchasing tuition units pursuant to a tuition payment contract or making contributions pursuant to a variable college savings program contract;

~~(14)~~(13) Enter into an agreement with the treasurer of state

under which the treasurer of state will receive, and credit to the 60237
Ohio tuition trust fund or variable college savings program fund, 60238
from any bank or savings and loan association authorized to do 60239
business in this state, amounts that a depositor of the bank or 60240
association authorizes the bank or association to withdraw 60241
periodically from the depositor's account for the purpose of 60242
purchasing tuition units pursuant to a tuition payment contract or 60243
making contributions pursuant to a variable college savings 60244
program contract; 60245

~~(15)~~(14) Solicit and accept gifts, grants, and loans from any 60246
person or governmental agency and participate in any governmental 60247
program; 60248

~~(16)~~(15) Impose limits on the number of units which may be 60249
purchased on behalf of or assigned or awarded to any beneficiary 60250
and on the total amount of contributions that may be made on 60251
behalf of a beneficiary; 60252

~~(17)~~(16) Impose restrictions on the substitution of another 60253
individual for the original beneficiary under the Ohio college 60254
savings program; 60255

~~(18)~~(17) Impose a limit on the age of a beneficiary, above 60256
which tuition units may not be purchased on behalf of that 60257
beneficiary; 60258

~~(19)~~(18) Enter into a cooperative agreement with the 60259
treasurer of state to provide for the direct disbursement of 60260
payments under tuition payment or variable college savings program 60261
contracts; 60262

~~(20)~~(19) Determine the other higher education expenses for 60263
which tuition units or contributions may be used; 60264

~~(21)~~(20) Terminate any tuition payment or variable college 60265
savings program contract if no purchases or contributions are made 60266
for a period of three years or more and there are fewer than a 60267

total of five tuition units or less than a dollar amount set by 60268
rule on account, provided that notice of a possible termination 60269
shall be provided in advance, explaining any options to prevent 60270
termination, and a reasonable amount of time shall be provided 60271
within which to act to prevent a termination; 60272

~~(22)~~(21) Maintain a separate account for each tuition payment 60273
or variable college savings program contract; 60274

~~(23)~~(22) Perform all acts necessary and proper to carry out 60275
the duties and responsibilities of the ~~authority~~ chancellor 60276
pursuant to this chapter. 60277

(B) The ~~authority~~ chancellor shall adopt rules under section 60278
111.15 of the Revised Code for the implementation and 60279
administration of the variable college savings program. The rules 60280
shall provide taxpayers with the maximum tax advantages and 60281
flexibility consistent with section 529 of the Internal Revenue 60282
Code and regulations adopted thereunder with regard to disposition 60283
of contributions and earnings, designation of beneficiaries, and 60284
rollover of account assets to other programs. 60285

(C) Except as otherwise specified in this chapter, the 60286
provisions of Chapters 123., 125., and 4117. of the Revised Code 60287
shall not apply to the ~~authority~~. ~~The department of administrative~~ 60288
~~services shall, upon the request of the authority, act as the~~ 60289
~~authority's agent for the purchase of equipment, supplies,~~ 60290
~~insurance, or services, or the performance of administrative~~ 60291
~~services pursuant to Chapter 125. of the Revised Code~~ chancellor's 60292
exercise of duties and responsibilities under this chapter. 60293

Sec. 3334.09. (A) Except in the case of a scholarship program 60294
established in accordance with section 3334.17 of the Revised 60295
Code, the chancellor of the Ohio ~~tuition trust authority~~ board of 60296
regents may enter into a tuition payment contract with any person 60297
for the purchase of tuition units if either the purchaser or the 60298

beneficiary is a resident of this state at the time the contract 60299
is entered into. A tuition payment contract shall allow any person 60300
to purchase tuition units at the price determined by the ~~authority~~ 60301
chancellor pursuant to section 3334.07 or 3334.12 of the Revised 60302
Code for the year in which the tuition unit is purchased. The 60303
purchaser shall name in the payment contract one specific 60304
individual as the beneficiary for the tuition units. 60305
60306

In accordance with rules of the ~~authority~~ chancellor, units 60307
may be transferred to the credit of another beneficiary and a new 60308
beneficiary may be substituted for the beneficiary originally 60309
named in the contract. 60310

(B) Each tuition unit shall entitle the beneficiary to an 60311
amount equal to one per cent of the weighted average tuition. 60312

(C) Nothing in this chapter or in any tuition payment 60313
contract entered into pursuant to this chapter shall be construed 60314
as a guarantee by the state, the ~~authority~~ chancellor, or any 60315
institution of higher education that a beneficiary will be 60316
admitted to an institution of higher education, or, upon admission 60317
to an institution of higher education, will be permitted to 60318
continue to attend or will receive a degree from an institution of 60319
higher education. Nothing in this chapter or in any tuition 60320
payment contract entered into pursuant to this chapter shall be 60321
considered a guarantee that the beneficiary's cost of tuition at 60322
an institution of higher education other than a state institution 60323
of higher education will be covered in full by the proceeds of the 60324
beneficiary's tuition units. 60325

(D) The following information shall be disclosed in writing 60326
to each purchaser of tuition units and, where appropriate, to each 60327
entity establishing a scholarship program under section 3334.17 of 60328
the Revised Code: 60329

(1) The terms and conditions for the purchase and use of tuition units;	60330 60331
(2) In the case of a contract described by division (A) of this section, any restrictions on the substitution of another individual for the original beneficiary and any restrictions on the transfer of ownership of units in the payment account;	60332 60333 60334 60335
(3) The person or entity entitled to terminate the contract;	60336
(4) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person or entity terminating the contract, or that person's or entity's designee, is entitled upon termination;	60337 60338 60339 60340
(5) The obligation of the authority <u>chancellor</u> to make payments to a beneficiary, or an institution of higher education on behalf of a beneficiary, under division (B) of this section based upon the number of tuition units purchased on behalf of the beneficiary or awarded to the beneficiary pursuant to a scholarship program;	60341 60342 60343 60344 60345 60346
(6) The method by which tuition units shall be applied toward payment of tuition and other higher education expenses if in any academic term the beneficiary is a part-time student;	60347 60348 60349
(7) The period of time during which a beneficiary may receive benefits under the contract;	60350 60351
(8) The terms and conditions under which money may be wholly or partially withdrawn from the program, including, but not limited to, any reasonable charges and fees that may be imposed for withdrawal;	60352 60353 60354 60355
(9) All other rights and obligations of the purchaser and the authority <u>chancellor</u> , including the provisions of division (A) of section 3334.12 of the Revised Code, and any other terms, conditions, and provisions the authority <u>chancellor</u> considers	60356 60357 60358 60359

necessary and appropriate. 60360

(E) A tuition payment contract may provide that the ~~authority~~ 60361
chancellor will pay directly to the institution of higher 60362
education in which a beneficiary is enrolled during a term the 60363
amount represented by the tuition units being used that term. 60364

(F) A tuition payment contract described by division (A) of 60365
this section may provide that if the contract has not been 60366
terminated or units purchased under the contract have not been 60367
applied toward the payment of tuition or other higher education 60368
expenses within a specified period of time, the ~~authority~~ 60369
chancellor may, after making a reasonable effort to locate the 60370
purchaser of the tuition units, the beneficiary, and any person 60371
designated in the contract to act on behalf of the purchaser of 60372
the units or the beneficiary, terminate the contract and retain 60373
the amounts payable under the contract. 60374

(G) If, at any time after tuition units are purchased on 60375
behalf of a beneficiary or awarded to a beneficiary or pursuant to 60376
a scholarship program, the beneficiary becomes a nonresident of 60377
this state, or, if the beneficiary was not a resident of this 60378
state at the time the tuition payment contract was entered into, 60379
the purchaser becomes a nonresident of this state, units purchased 60380
or awarded while the beneficiary was a resident may be applied on 60381
behalf of the beneficiary toward the payment of tuition at an 60382
institution of higher education and other higher education 60383
expenses in the manner specified in division (B) of this section, 60384
except that if the beneficiary enrolls in a state institution of 60385
higher education, the beneficiary shall be responsible for payment 60386
of all nonresident fees charged to out-of-state residents by the 60387
institution in which the beneficiary is enrolled. 60388

Sec. 3334.10. Divisions (A) and (B) of this section do not 60389
apply to scholarship programs established under section 3334.17 of 60390

the Revised Code. 60391

(A) Unless otherwise provided for in the tuition payment 60392
contract, the purchaser may rollover amounts to another qualified 60393
tuition program under section 529 of the Internal Revenue Code or 60394
terminate the contract for any reason by filing written notice 60395
with the chancellor of the Ohio ~~tuition trust authority~~ board of 60396
regents. 60397

(1) If the contract is terminated and the beneficiary is 60398
under eighteen years of age, the ~~authority~~ chancellor shall use 60399
actuarially sound principles to determine the amount of the 60400
refund. 60401

(2) If the contract is terminated because of the death or 60402
permanent disability of the beneficiary, the amount of the refund 60403
shall be equal to the greater of the following: 60404

(a) One per cent of the weighted average tuition in the 60405
academic year the refund is paid, multiplied by the number of 60406
tuition units purchased and not used; 60407

(b) The total purchase price of all tuition units purchased 60408
for the beneficiary and not used. 60409

(3) If all or part of the amount accrued under the contract 60410
is liquidated for a rollover to another qualified tuition program 60411
under section 529 of the Internal Revenue Code, the rollover 60412
amount shall be determined in an actuarially sound manner. 60413

(B) The contributor of a variable college savings program 60414
account may rollover amounts to another qualified tuition program 60415
under section 529 of the Internal Revenue Code or terminate the 60416
account for any reason by filing written notice with the ~~Ohio~~ 60417
~~tuition trust authority~~ chancellor. 60418

The contributor may receive an amount equal to the account 60419
balance, less any applicable administrative fees. 60420

(C) A scholarship program may request a refund of tuition units in the program's account by filing a written request with the ~~authority~~ chancellor. The refund shall be paid to the entity that established the scholarship program or, with that entity's approval, to the ~~authority~~ chancellor if this is authorized by federal tax law. The amount of any refund shall be determined by the ~~authority~~ chancellor and shall meet the requirements for refunds made on account of scholarships under section 529 of the Internal Revenue Code.

(D) The ~~authority~~ chancellor shall maintain a separate account for each variable college savings contract entered into pursuant to division (A) of section 3334.18 of the Revised Code for contributions made on behalf of a beneficiary, showing the name of the beneficiary of that contract and the amount of contributions made pursuant to that contract. Upon request of any beneficiary or contributor, the ~~authority~~ chancellor shall provide a statement indicating, in the case of a beneficiary, the amount of contributions made pursuant to that contract on behalf of the beneficiary, or, in the case of a contributor, contributions made, disbursed, or refunded pursuant to that contract.

Sec. 3334.11. (A) ~~The assets of the Ohio tuition trust~~ ~~authority~~ reserved for payment of the obligations ~~of the authority~~ pursuant to tuition payment contracts shall be placed in a fund, which is hereby created and shall be known as the Ohio tuition trust fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. That portion of payments received by the ~~authority~~ chancellor of the Ohio board of regents or the treasurer of state from persons purchasing tuition units under tuition payment contracts that the ~~authority~~ chancellor determines is actuarially necessary for the payment of obligations ~~of the authority~~ pursuant to tuition payment contracts, all interest and investment income earned by the fund,

and all other receipts of the authority chancellor from any other 60453
source that the authority chancellor determines appropriate, shall 60454
be deposited in the fund. No purchaser or beneficiary of tuition 60455
units shall have any claim against the funds of any state 60456
institution of higher education. All investment fees and other 60457
costs incurred in connection with the exercise of the investment 60458
powers of the authority chancellor pursuant to divisions (D) and 60459
(E) of this section shall be paid from the assets of the fund. 60460

(B) Unless otherwise provided by the authority chancellor, 60461
the assets of the Ohio tuition trust fund shall be expended in the 60462
following order: 60463

(1) To make payments to beneficiaries, or institutions of 60464
higher education on behalf of beneficiaries, under division (B) of 60465
section 3334.09 of the Revised Code; 60466

(2) To make refunds as provided in divisions (A) and (C) of 60467
section 3334.10 of the Revised Code; 60468

(3) To pay the investment fees and other costs of 60469
administering the fund. 60470

(C)(1) Except as may be provided in an agreement under 60471
division (A)~~(19)~~(18) of section 3334.08 of the Revised Code, all 60472
disbursements from the Ohio tuition trust fund shall be made by 60473
the treasurer of state on order of a designee of the authority 60474
chancellor. 60475

(2) The treasurer of state shall deposit any portion of the 60476
Ohio tuition trust fund not needed for immediate use in the same 60477
manner as state funds are deposited. 60478

(D) The authority chancellor is the trustee of the Ohio 60479
tuition trust fund. The authority chancellor shall have full power 60480
to invest the assets of the fund and in exercising this power 60481
shall be subject to the limitations and requirements contained in 60482
divisions (K) to (M) of this section and sections 145.112 and 60483

145.113 of the Revised Code. The evidences of title of all 60484
investments shall be delivered to the treasurer of state or to a 60485
qualified trustee designated by the treasurer of state as provided 60486
in section 135.18 of the Revised Code. Assets of the fund shall be 60487
administered by the ~~authority~~ chancellor in a manner designed to 60488
be actuarially sound so that the assets of the fund will be 60489
sufficient to satisfy the obligations ~~of the authority~~ pursuant to 60490
tuition payment contracts and defray the reasonable expenses of 60491
administering the fund. 60492

(E) ~~The public employees retirement board shall, with the~~ 60493
~~approval of the authority, exercise the investment powers of the~~ 60494
~~authority as set forth~~ The chancellor may contract with any 60495
business, entity, or government agency to carry out the 60496
chancellor's investment powers provided in division (D) of this 60497
section ~~until the authority determines that assumption and~~ 60498
~~exercise by the authority of the investment powers is financially~~ 60499
~~and administratively feasible.~~ The investment powers shall be 60500
exercised by the ~~public employees retirement board~~ contractor in a 60501
manner agreed upon by the ~~authority~~ chancellor that maximizes the 60502
return on investment and minimizes the administrative expenses. 60503

(F)(1) The ~~authority~~ chancellor shall maintain a separate 60504
account for each tuition payment contract entered into pursuant to 60505
division (A) of section 3334.09 of the Revised Code for the 60506
purchase of tuition units on behalf of a beneficiary or 60507
beneficiaries showing the beneficiary or beneficiaries of that 60508
contract and the number of tuition units purchased pursuant to 60509
that contract. Upon request of any beneficiary or person who has 60510
entered into a tuition payment contract, the ~~authority~~ chancellor 60511
shall provide a statement indicating, in the case of a 60512
beneficiary, the number of tuition units purchased on behalf of 60513
the beneficiary, or in the case of a person who has entered into a 60514
tuition payment contract, the number of tuition units purchased, 60515

used, or refunded pursuant to that contract. A beneficiary and 60516
person that have entered into a tuition payment contract each may 60517
file only one request under this division in any year. 60518

(2) The ~~authority~~ chancellor shall maintain an account for 60519
each scholarship program showing the number of tuition units that 60520
have been purchased for or donated to the program and the number 60521
of tuition units that have been used. Upon the request of the 60522
entity that established the scholarship program, the ~~authority~~ 60523
chancellor shall provide a statement indicating these numbers. 60524

(G) In addition to the Ohio tuition trust fund, there is 60525
hereby established a reserve fund that shall be in the custody of 60526
the treasurer of state but shall not be part of the state 60527
treasury, and shall be known as the Ohio tuition trust reserve 60528
fund, and an operating fund that shall be part of the state 60529
treasury, and shall be known as the Ohio tuition trust operating 60530
fund. That portion of payments received by the ~~authority~~ 60531
chancellor or the treasurer of state from persons purchasing 60532
tuition units under tuition payment contracts that the ~~authority~~ 60533
chancellor determines is not actuarially necessary for the payment 60534
of obligations ~~of the authority~~ pursuant to tuition payment 60535
contracts, any interest and investment income earned by the 60536
reserve fund, any administrative charges and fees imposed by the 60537
~~authority~~ chancellor on transactions under this chapter or on 60538
purchasers or beneficiaries of tuition units, and all other 60539
receipts from any other source that the ~~authority~~ chancellor 60540
determines appropriate, shall be deposited in the reserve fund to 60541
pay the operating expenses of the ~~authority~~ chancellor and the 60542
costs of administering the program. The assets of the reserve fund 60543
may be invested in the same manner and subject to the same 60544
limitations set forth in divisions (D), (E), and (K) to (M) of 60545
this section and sections 145.112 and 145.113 of the Revised Code. 60546
All investment fees and other costs incurred in connection with 60547

the exercise of the investment powers shall be paid from the 60548
assets of the reserve fund. Except as otherwise provided for in 60549
this chapter, all operating expenses of the ~~authority~~ chancellor 60550
and costs of administering the program shall be paid from the 60551
operating fund. The treasurer shall, upon request of the ~~authority~~ 60552
chancellor, transfer funds from the reserve fund to the operating 60553
fund as the ~~authority~~ chancellor determines appropriate to pay 60554
those current operating expenses ~~of the authority~~ and costs of 60555
administering the program as the ~~authority~~ chancellor designates. 60556
Any interest or investment income earned on the assets of the 60557
operating fund shall be deposited in the operating fund. 60558

(H) In January of each year the ~~authority~~ chancellor shall 60559
report to each person who received any payments or refunds under 60560
this chapter from the ~~authority~~ chancellor during the preceding 60561
year information relative to the value of the payments or refunds 60562
to assist in determining that person's tax liability. 60563

(I) The ~~authority~~ chancellor shall report to the tax 60564
commissioner any information, and at the times, as the tax 60565
commissioner requires to determine any tax liability that a person 60566
may have incurred during the preceding year as a result of having 60567
received any payments or refunds from the ~~authority~~ chancellor. 60568

(J) All records of the ~~authority~~ chancellor indicating the 60569
identity of purchasers and beneficiaries of tuition units or 60570
college savings bonds, the number of tuition units purchased, 60571
used, or refunded under a tuition payment contract, and the number 60572
of college savings bonds purchased, held, or redeemed are not 60573
public records within the meaning of section 149.43 of the Revised 60574
Code. 60575

(K) The ~~authority~~ chancellor and other fiduciaries shall 60576
discharge their duties with respect to the funds with care, skill, 60577
prudence, and diligence under the circumstances then prevailing 60578
that a prudent person acting in a like capacity and familiar with 60579

such matters would use in the conduct of an enterprise of a like 60580
character and with like aims; and by diversifying the investments 60581
of the assets of the funds so as to minimize the risk of large 60582
losses, unless under the circumstances it is clearly prudent not 60583
to do so. 60584

To facilitate investment of the funds, the ~~authority~~ 60585
chancellor may establish a partnership, trust, limited liability 60586
company, corporation, including a corporation exempt from taxation 60587
under the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 60588
amended, or any other legal entity authorized to transact business 60589
in this state. 60590

(L) In exercising ~~its~~ the chancellor's fiduciary 60591
responsibility with respect to the investment of the assets of the 60592
funds, it shall be the intent of the ~~authority~~ chancellor to give 60593
consideration to investments that enhance the general welfare of 60594
the state and its citizens where the investments offer quality, 60595
return, and safety comparable to other investments currently 60596
available to the ~~authority~~ chancellor. In fulfilling this intent, 60597
equal consideration shall also be given to investments otherwise 60598
qualifying under this section that involve minority owned and 60599
controlled firms and firms owned and controlled by women, either 60600
alone or in joint venture with other firms. 60601

The ~~authority~~ chancellor shall ~~adopt, in regular meeting,~~ 60602
establish policies, objectives, or criteria for the operation of 60603
the investment program that include asset allocation targets and 60604
ranges, risk factors, asset class benchmarks, time horizons, total 60605
return objectives, and performance evaluation guidelines. In 60606
~~adopting~~ establishing policies and criteria for the selection of 60607
agents and investment managers with whom the ~~authority~~ chancellor 60608
may contract for the administration of the assets of the funds, 60609
the ~~authority shall give equal consideration to~~ chancellor may set 60610
aside approximately fifteen per cent of the contracts for minority 60611

owned and controlled firms, firms owned and controlled by women, 60612
and ventures involving minority owned and controlled firms and 60613
firms owned and controlled by women that otherwise meet the 60614
policies and criteria established by the authority chancellor. 60615
~~Amendments and additions to the policies and criteria shall be~~ 60616
~~adopted in regular meeting.~~ The authority chancellor shall publish 60617
~~its~~ the policies, objectives, and criteria under this provision no 60618
less often than annually and shall make copies available to 60619
interested parties. 60620

When reporting on the performance of investments, the 60621
authority chancellor shall comply with the performance 60622
presentation standards established by the association for 60623
investment management and research. 60624

(M) All investments shall be purchased at current market 60625
prices and the evidences of title of the investments shall be 60626
placed in the hands of the treasurer of state, who is hereby 60627
designated as custodian thereof, or in the hands of the treasurer 60628
of state's authorized agent. The treasurer of state or the agent 60629
shall collect the principal, dividends, distributions, and 60630
interest thereon as they become due and payable and place them 60631
when so collected into the custodial funds. 60632

The treasurer of state shall pay for investments purchased by 60633
the authority chancellor on receipt of written or electronic 60634
instructions from the authority chancellor or the authority's 60635
chancellor's designated agent authorizing the purchase and pending 60636
receipt of the evidence of title of the investment by the 60637
treasurer of state or the treasurer of state's authorized agent. 60638
The authority chancellor may sell investments held by the 60639
authority chancellor, and the treasurer of state or the treasurer 60640
of state's authorized agent shall accept payment from the 60641
purchaser and deliver evidence of title of the investment to the 60642
purchaser on receipt of written or electronic instructions from 60643

the ~~authority~~ chancellor or the ~~authority's~~ chancellor's 60644
designated agent authorizing the sale, and pending receipt of the 60645
moneys for the investments. The amount received shall be placed in 60646
the custodial funds. The ~~authority~~ chancellor and the treasurer of 60647
state may enter into agreements to establish procedures for the 60648
purchase and sale of investments under this division and the 60649
custody of the investments. 60650

No purchase or sale of any investment shall be made under 60651
this section except as authorized by the ~~authority~~ chancellor. 60652

Any statement of financial position distributed by the 60653
~~authority~~ chancellor shall include fair value, as of the statement 60654
date, of all investments held by the ~~authority~~ chancellor under 60655
this section. 60656

Sec. 3334.111. (A) As used in this section: 60657

(1) "Minority business enterprise" has the meaning defined in 60658
section 122.71 of the Revised Code. 60659

(2) "Women's business enterprise" means a business, or a 60660
partnership, corporation, limited liability company, or joint 60661
venture of any kind, that is owned and controlled by women who are 60662
United States citizens and residents of this state. 60663

(B) The chancellor of the board of regents shall submit 60664
annually to the governor and to the general assembly (under 60665
section 101.68 of the Revised Code) a report containing the 60666
following information: 60667

(1) The name of each investment manager that is a minority 60668
business enterprise or a women's business enterprise with which 60669
the chancellor contracts; 60670

(2) The amount of assets managed by investment managers that 60671
are minority business enterprises or women's business enterprises, 60672
expressed as a percentage of assets managed by investment managers 60673

with which the chancellor has contracted; 60674

(3) Efforts by the chancellor to increase utilization of 60675
investment managers that are minority business enterprises or 60676
women's business enterprises. 60677

Sec. 3334.12. Notwithstanding anything to the contrary in 60678
sections 3334.07 and 3334.09 of the Revised Code: 60679

(A) Annually, the chancellor of the Ohio ~~tuition trust~~ 60680
~~authority~~ board of regents shall have the actuarial soundness of 60681
the Ohio tuition trust fund evaluated by a nationally recognized 60682
actuary and shall determine whether additional assets are 60683
necessary to defray ~~the obligations of the authority.~~ If, after 60684
the ~~authority~~ chancellor sets the price for tuition units, 60685
circumstances arise that the ~~executive director~~ chancellor 60686
determines necessitate an additional evaluation of the actuarial 60687
soundness of the fund, the ~~executive director~~ chancellor shall 60688
have a nationally recognized actuary conduct the necessary 60689
evaluation. If the assets of the fund are insufficient to ensure 60690
the actuarial soundness of the fund, the ~~authority~~ chancellor 60691
shall adjust the price of subsequent purchases of tuition units to 60692
the extent necessary to help restore the actuarial soundness of 60693
the fund. If, at any time, the adjustment is likely, in the 60694
opinion of the ~~authority~~ chancellor, to diminish the marketability 60695
of tuition units to an extent that the continued sale of the units 60696
likely would not restore the actuarial soundness of the fund and 60697
external economic factors continue to negatively impact the 60698
soundness of the program, the ~~authority~~ chancellor may suspend 60699
sales, either permanently or temporarily, of tuition units. During 60700
any suspension, the ~~authority~~ chancellor shall continue to service 60701
existing college savings program accounts. 60702

(B) Upon termination of the program or liquidation of the 60703
Ohio tuition trust fund, the Ohio tuition trust reserve fund, and 60704

the Ohio tuition trust operating fund, any remaining assets of the 60705
funds after all obligations of the funds have been satisfied 60706
pursuant to division (B) of section 3334.11 of the Revised Code 60707
shall be transferred to the general revenue fund of the state. 60708

(C) The ~~authority~~ chancellor shall prepare and cause to have 60709
audited an annual financial report on all financial activity of 60710
the ~~Ohio tuition trust authority~~ chancellor under this chapter 60711
within ninety days of the end of the fiscal year. The ~~authority~~ 60712
chancellor shall transmit a copy of the audited financial report 60713
to the governor, the president of the senate, the speaker of the 60714
house of representatives, and the minority leaders of the senate 60715
and the house of representatives. Copies of the audited financial 60716
report also shall be made available, upon request, to the persons 60717
entering into contracts with the ~~authority~~ chancellor and to 60718
prospective purchasers of tuition units and prospective 60719
contributors to variable college savings program accounts. 60720

Sec. 3334.16. The general assembly hereby finds that the 60721
prepaid tuition program providing for the sale of tuition ~~credits~~ 60722
units by the chancellor of the Ohio ~~tuition trust authority~~ board 60723
of regents is an official state function, offered through an 60724
agency of this state, which agency receives state appropriations. 60725
Therefore, the ~~authority~~ chancellor is directed by the state of 60726
Ohio to assume ~~it~~ the program is exempt from federal tax 60727
liability. 60728

Sec. 3334.17. (A) The state, any political subdivision of the 60729
state, and any organization that is exempt from federal income 60730
taxation under section 501 (a) and described in section 501 (c)(3) 60731
of the Internal Revenue Code, including the chancellor of the Ohio 60732
~~tuition trust authority~~ board of regents if this is authorized 60733
under federal tax law, may establish a scholarship program to 60734
award scholarships consisting of contributions made to any college 60735

savings program for students. Any scholarship program established 60736
under this section shall be registered with the ~~authority~~ 60737
chancellor. The ~~authority~~ chancellor shall be notified of the name 60738
and address of each scholarship beneficiary under the program, the 60739
amounts awarded, and the institution of higher education in which 60740
the beneficiary is enrolled. Scholarship beneficiaries shall be 60741
selected by the entity establishing the scholarship program, in 60742
accordance with criteria established by the entity. 60743

(B) Any person or governmental entity may purchase tuition 60744
units on behalf of a scholarship program that is or is to be 60745
established in accordance with division (A) of this section at the 60746
same price as is established for the purchase of units for named 60747
beneficiaries pursuant to this chapter. Tuition units shall have 60748
the same value to the beneficiary of a scholarship awarded 60749
pursuant to this section as they would have to any other 60750
beneficiary pursuant to division (B) of section 3334.09 of the 60751
Revised Code. 60752

(C) The entity establishing and maintaining a scholarship 60753
program shall specify whether a scholarship beneficiary may 60754
receive a refund or payment for the amount awarded under the 60755
scholarship program directly from the ~~authority~~ chancellor, or 60756
whether the amount awarded shall be paid by the ~~authority~~ 60757
chancellor only to the institution of higher education in which 60758
the student is enrolled. 60759

(D) If a scholarship beneficiary does not use the amount 60760
awarded within a length of time specified under the scholarship 60761
program, the amount may be awarded to another beneficiary. 60762

Sec. 3334.18. (A) A variable college savings program 60763
established by the chancellor of the Ohio ~~tuition trust~~ authority 60764
board of regents shall include provisions for a contract to be 60765
entered into between a contributor and the ~~authority~~ chancellor 60766

that will authorize the contributor to open an account for a 60767
beneficiary and authorize the contributor to substitute a new 60768
beneficiary for one originally named in the contract, to the 60769
extent permitted by section 529 of the Internal Revenue Code. 60770

(B) The ~~authority~~ chancellor shall provide adequate 60771
safeguards to prevent total contributions to a variable college 60772
savings program account or purchases of tuition units, either 60773
separately or combined, that are made on behalf of a beneficiary 60774
from exceeding the amount necessary to provide for the tuition and 60775
other higher education expenses of the beneficiary, consistent 60776
with the maximum contributions permitted by section 529 of the 60777
Internal Revenue Code. However, in no event shall contributions or 60778
purchases exceed the allowable limit for a qualified tuition 60779
program under section 529 of the Internal Revenue Code. 60780

(C)(1) Participation in the variable college savings program 60781
does not guarantee that contributions and the investment return on 60782
contributions, if any, will be adequate to cover future tuition 60783
and other higher education expenses or that a beneficiary will be 60784
admitted to or permitted to continue to attend an institution of 60785
higher education. 60786

(2) Returns on contributors' investments in the variable 60787
college savings program are not guaranteed by the state and the 60788
contributors to the variable college savings program assume all 60789
investment risk, including the potential loss of principal and 60790
liability for penalties such as those levied for noneducational 60791
withdrawals. 60792

(3) The state shall have no debt or obligation to any 60793
contributor, beneficiary, or any other person as a result of the 60794
establishment of the program, and the state assumes no risk or 60795
liability for funds invested in the variable college savings 60796
program. 60797

(4) Informational materials about the variable college savings program prepared by the ~~authority~~ chancellor or ~~its~~ the chancellor's agents and provided to prospective contributors shall state clearly the information set forth in division (C) of this section.

Sec. 3334.19. (A) The chancellor of the Ohio ~~tuition trust~~ ~~authority~~ board of regents shall adopt an investment plan that sets forth investment policies and guidelines to be utilized in administering the variable college savings program. Except as provided in section 3334.20 of the Revised Code, the ~~authority~~ chancellor shall contract with one or more insurance companies, banks, or other financial institutions to act as its investment agents and to provide such services as the ~~authority~~ chancellor considers appropriate to the investment plan, including:

(1) Purchase, control, and safekeeping of assets;

(2) Record keeping and accounting for individual accounts and for the program as a whole;

(3) Provision of consolidated statements of account.

(B) The ~~authority~~ chancellor or ~~its~~ the chancellor's investment agents shall maintain a separate account for the beneficiary of each contract entered into under the variable college savings program. If a beneficiary has more than one such account, the ~~authority~~ chancellor or ~~its~~ the chancellor's agents shall track total contributions and earnings and provide a consolidated system of account distributions to institutions of higher education.

(C) The ~~authority~~ chancellor or ~~its~~ the chancellor's investment agents may place assets of the program in savings accounts and may purchase fixed or variable life insurance or annuity contracts, securities, evidence of indebtedness, or other

investment products pursuant to the investment plan. 60828

(D) Contributors shall not direct the investment of their 60829
contributions under the investment plan. The ~~authority~~ chancellor 60830
shall impose other limits on contributors' investment discretion 60831
to the extent required under section 529 of the Internal Revenue 60832
Code. 60833

(E) The investment agents with which the ~~authority~~ chancellor 60834
contracts shall discharge their duties with respect to program 60835
funds with the care and diligence that a prudent person familiar 60836
with such matters and with the character and aims of the program 60837
would use. 60838

(F) The assets of the program shall be preserved, invested, 60839
and expended solely for the purposes of this chapter and shall not 60840
be loaned or otherwise transferred or used by the state for any 60841
other purpose. This section shall not be construed to prohibit the 60842
investment agents of the ~~authority~~ chancellor from investing, by 60843
purchase or otherwise, in bonds, notes, or other obligations of 60844
the state or any agency or instrumentality of the state. Unless 60845
otherwise specified by the ~~authority~~ chancellor, assets of the 60846
program shall be expended in the following order of priority: 60847

(1) To make payments on behalf of beneficiaries; 60848

(2) To make refunds upon termination of variable college 60849
savings program contracts; 60850

(3) To pay the ~~authority's~~ chancellor's costs of 60851
administering the program; 60852

(4) To pay or cover any other expenditure or disbursement the 60853
~~authority~~ chancellor determines necessary or appropriate. 60854

(G) Fees, charges, and other costs imposed or collected by 60855
the ~~authority~~ chancellor in connection with the variable college 60856
savings program, including any fees or other payments that the 60857

~~authority~~ chancellor requires an investment agent to pay to the 60858
~~authority~~ chancellor, shall be credited to either the variable 60859
operating fund or the index operating fund at the discretion of 60860
the ~~authority~~ chancellor. These funds are hereby created in the 60861
state treasury. Expenses incurred in the administration of the 60862
variable college savings program, as well as other expenses, 60863
disbursements, or payments the ~~authority~~ chancellor considers 60864
appropriate for the benefit of any college savings programs 60865
administered by the ~~authority~~ chancellor, the state of Ohio and 60866
its citizens, shall be paid from the variable operating fund or 60867
the index operating fund at the discretion of the ~~authority~~ 60868
chancellor. 60869

(H) No records ~~of the authority~~ indicating the identity of 60870
purchasers, contributors, and beneficiaries under the program or 60871
amounts contributed to, earned by, or distributed from program 60872
accounts are public records within the meaning of section 149.43 60873
of the Revised Code. 60874

Sec. 3334.20. (A) As used in this section, "state agency" 60875
means every department, bureau, board, commission, office, or 60876
other organized body established by the constitution or laws of 60877
this state for the exercise of state government. 60878

(B) If a condition arises concerning the investment of funds 60879
received under the variable college savings program and requiring 60880
an interim period for investment of program funds, which condition 60881
is determined pursuant to division (D) of this section, the 60882
chancellor of the Ohio ~~tuition trust authority~~ board of regents 60883
shall choose the treasurer of state, a state agency having 60884
investment authority, or an investment agent under contract with 60885
the ~~authority~~ chancellor to invest program funds pursuant to the 60886
investment plan established under division (A) of section 3334.19 60887
of the Revised Code. The treasurer of state, state agency, or 60888

investment agent chosen by the ~~authority~~ chancellor pursuant to 60889
this division shall be subject to the requirements and conditions 60890
that apply to investment agents specified in section 3334.19 of 60891
the Revised Code. 60892

(C) The ~~authority~~ chancellor shall be the trustee of the 60893
program. During the interim period, the ~~authority~~ chancellor shall 60894
receive and hold all payments, deposits, and contributions, as 60895
well as gifts, bequests, endowments, and federal, state, or local 60896
grants and any funds from any other source, public or private, and 60897
all earnings, until disbursed to pay tuition or other higher 60898
education expenses or refunds pursuant to college savings plans 60899
contracts. The ~~authority~~ chancellor shall keep such funds 60900
segregated from all other assets ~~of the authority~~. 60901

(D) The ~~authority~~ chancellor shall adopt rules under section 60902
111.15 of the Revised Code defining the conditions under which an 60903
interim investment period is required and this section applies. 60904
The rules shall include any condition requiring the termination of 60905
the interim period and the authority to contract with alternative 60906
investment agents pursuant to section 3334.19 of the Revised Code 60907
and any other requirements that apply during the interim 60908
investment period. 60909

(E) When the interim period for investment of program funds 60910
terminates, the investment agents selected pursuant to section 60911
3334.19 of the Revised Code for the investment of program funds 60912
shall have the sole authority to invest program funds pursuant to 60913
the investment plan established under division (A) of that section 60914
and shall be subject to that section. 60915

Sec. 3334.21. The variable college savings program may be 60916
terminated by statute or upon the determination of the chancellor 60917
of the Ohio ~~tuition trust authority~~ board of regents that the 60918
program is not financially feasible. Upon termination, all amounts 60919

held in program accounts shall be returned to account owners, to 60920
the extent possible, and any unclaimed assets in the program shall 60921
be transferred to the unclaimed funds trust fund and disposed of 60922
in accordance with section 169.05 of the Revised Code. 60923

Sec. 3345.011. "State university" means a public institution 60924
of higher education which is a body politic and corporate. Each of 60925
the following institutions of higher education shall be recognized 60926
as a state university: university of Akron, Bowling Green state 60927
university, Central state university, university of Cincinnati, 60928
Cleveland state university, Kent state university, Miami 60929
university, Ohio university, Ohio state university, Shawnee state 60930
university, university of Toledo, Wright state university, and 60931
Youngstown state university. 60932

"State institution of higher education" means any state 60933
university or college as defined in division (A)(1) of section 60934
3345.12 of the Revised Code, community college, state community 60935
college, university branch established under Chapter 3355. of the 60936
Revised Code, or technical college. 60937

"University system of Ohio" means the collective group of all 60938
of the state institutions of higher education. 60939

"Member of the university system of Ohio" means any 60940
individual state institution of higher education. 60941

Sec. 3345.12. (A) As used in this section and sections 60942
3345.07 and 3345.11 of the Revised Code, in other sections of the 60943
Revised Code that make reference to this section unless the 60944
context does not permit, and in related bond proceedings unless 60945
otherwise expressly provided: 60946

(1) "State university or college" means each of the state 60947
universities identified in section 3345.011 of the Revised Code 60948
and the northeastern Ohio universities college of medicine, and 60949

includes its board of trustees. 60950

(2) "Institution of higher education" or "institution" means 60951
a state university or college, or a community college district, 60952
technical college district, university branch district, or state 60953
community college, and includes the applicable board of trustees 60954
or, in the case of a university branch district, any other 60955
managing authority. 60956

(3) "Housing and dining facilities" means buildings, 60957
structures, and other improvements, and equipment, real estate, 60958
and interests in real estate therefor, to be used for or in 60959
connection with dormitories or other living quarters and 60960
accommodations, or related dining halls or other food service and 60961
preparation facilities, for students, members of the faculty, 60962
officers, or employees of the institution of higher education, and 60963
their spouses and families. 60964

(4) "Auxiliary facilities" means buildings, structures, and 60965
other improvements, and equipment, real estate, and interests in 60966
real estate therefor, to be used for or in connection with student 60967
activity or student service facilities, housing and dining 60968
facilities, dining halls, and other food service and preparation 60969
facilities, vehicular parking facilities, bookstores, athletic and 60970
recreational facilities, faculty centers, auditoriums, assembly 60971
and exhibition halls, hospitals, infirmaries and other medical and 60972
health facilities, research, and continuing education facilities. 60973

(5) "Education facilities" means buildings, structures, and 60974
other improvements, and equipment, real estate, and interests in 60975
real estate therefor, to be used for or in connection with, 60976
classrooms or other instructional facilities, libraries, 60977
administrative and office facilities, and other facilities, other 60978
than auxiliary facilities, to be used directly or indirectly for 60979
or in connection with the conduct of the institution of higher 60980
education. 60981

(6) "Facilities" means housing and dining facilities, 60982
auxiliary facilities, or education facilities, and includes any 60983
one, part of, or any combination of such facilities, and further 60984
includes site improvements, utilities, machinery, furnishings, and 60985
any separate or connected buildings, structures, improvements, 60986
sites, open space and green space areas, utilities or equipment to 60987
be used in, or in connection with the operation or maintenance of, 60988
or supplementing or otherwise related to the services or 60989
facilities to be provided by, such facilities. 60990

(7) "Obligations" means bonds or notes or other evidences of 60991
obligation, including interest coupons pertaining thereto, 60992
authorized to be issued under this section or section 3345.07, 60993
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 60994
Code. 60995

(8) "Bond service charges" means principal, including any 60996
mandatory sinking fund or redemption requirements for the 60997
retirement of obligations or assurances, interest, or interest 60998
equivalent and other accreted amounts, and any call premium 60999
required to be paid on obligations or assurances. 61000

(9) "Bond proceedings" means the resolutions, trust 61001
agreement, indenture, and other agreements and credit enhancement 61002
facilities, and amendments and supplements to the foregoing, or 61003
any one or more or combination thereof, authorizing, awarding, or 61004
providing for the terms and conditions applicable to, or providing 61005
for the security or liquidity of, obligations or assurances, and 61006
the provisions contained in those obligations or assurances. 61007

(10) "Costs of facilities" means the costs of acquiring, 61008
constructing, reconstructing, rehabilitating, remodeling, 61009
renovating, enlarging, improving, equipping, or furnishing 61010
facilities, and the financing thereof, including the cost of 61011
clearance and preparation of the site and of any land to be used 61012
in connection with facilities, the cost of any indemnity and 61013

surety bonds and premiums on insurance, all related direct 61014
administrative expenses and allocable portions of direct costs of 61015
the institution of higher education or state agency, cost of 61016
engineering, architectural services, design, plans, specifications 61017
and surveys, estimates of cost, legal fees, fees and expenses of 61018
trustees, depositories, bond registrars, and paying agents for the 61019
obligations, cost of issuance of the obligations and financing 61020
costs and fees and expenses of financial advisers and consultants 61021
in connection therewith, interest on the obligations from the date 61022
thereof to the time when interest is to be covered by available 61023
receipts or other sources other than proceeds of the obligations, 61024
amounts necessary to establish reserves as required by the bond 61025
proceedings, costs of audits, the reimbursements of all moneys 61026
advanced or applied by or borrowed from the institution or others, 61027
from whatever source provided, including any temporary advances 61028
from state appropriations, for the payment of any item or items of 61029
cost of facilities, and all other expenses necessary or incident 61030
to planning or determining feasibility or practicability with 61031
respect to facilities, and such other expenses as may be necessary 61032
or incident to the acquisition, construction, reconstruction, 61033
rehabilitation, remodeling, renovation, enlargement, improvement, 61034
equipment, and furnishing of facilities, the financing thereof and 61035
the placing of them in use and operation, including any one, part 61036
of, or combination of such classes of costs and expenses. 61037

(11) "Available receipts" means all moneys received by the 61038
institution of higher education, including income, revenues, and 61039
receipts from the operation, ownership, or control of facilities 61040
or entrepreneurial projects, grants, gifts, donations, and pledges 61041
and receipts therefrom, receipts from fees and charges, and the 61042
proceeds of the sale of obligations or assurances, including 61043
proceeds of obligations or assurances issued to refund obligations 61044
or assurances previously issued, but excluding any special fee, 61045
and receipts therefrom, charged pursuant to division (D) of 61046

section 154.21 of the Revised Code. 61047

(12) "Credit enhancement facilities" has the meaning given in 61048
division (H) of section 133.01 of the Revised Code. 61049

(13) "Financing costs" has the meaning given in division (K) 61050
of section 133.01 of the Revised Code. 61051

(14) "Interest" or "interest equivalent" has the meaning 61052
given in division (R) of section 133.01 of the Revised Code. 61053

(15) "Assurances" means bonds, notes, or other evidence of 61054
indebtedness, including interest coupons pertaining thereto, 61055
authorized to be issued under section 3345.36 of the Revised Code. 61056

(16) "Entrepreneurial project" has the same meaning as in 61057
section 3345.36 of the Revised Code. 61058

(17) "Costs of entrepreneurial projects" means any costs 61059
related to the establishment or development of entrepreneurial 61060
projects pursuant to a resolution adopted under section 3345.36 of 61061
the Revised Code. 61062

(B) Obligations issued under section 3345.07 or 3345.11 of 61063
the Revised Code by a state university or college shall be 61064
authorized by resolution of its board of trustees. Obligations 61065
issued by any other institution of higher education shall be 61066
authorized by resolution of its board of trustees, or managing 61067
directors in the case of certain university branch districts, as 61068
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 61069
apply to obligations and assurances. Obligations and assurances 61070
may be issued to pay costs of facilities or entrepreneurial 61071
projects even if the institution anticipates the possibility of a 61072
future state appropriation to pay all or a portion of such costs. 61073

(C) Obligations and assurances shall be secured by a pledge 61074
of and lien on all or such part of the available receipts of the 61075
institution of higher education as it provides for in the bond 61076

proceedings, excluding moneys raised by taxation and state 61077
appropriations except as permitted by section 3333.90 of the 61078
Revised Code. Such pledge and lien may be made prior to all other 61079
expenses, claims, or payments, excepting any pledge of such 61080
available receipts previously made to the contrary and except as 61081
provided by any existing restrictions on the use thereof, or such 61082
pledge and lien may be made subordinate to such other expenses, 61083
claims, or payments, as provided in the bond proceedings. 61084
Obligations or assurances may be additionally secured by covenants 61085
of the institution to make, fix, adjust, collect, and apply such 61086
charges, rates, fees, rentals, and other items of available 61087
receipts as will produce pledged available receipts sufficient to 61088
meet bond service charges, reserve, and other requirements 61089
provided for in the bond proceedings. Notwithstanding this and any 61090
other sections of the Revised Code, the holders or owners of the 61091
obligations or assurances shall not be given the right and shall 61092
have no right to have excises or taxes levied by the general 61093
assembly for the payment of bond service charges thereon, and each 61094
such obligation or assurance shall bear on its face a statement to 61095
that effect and to the effect that the right to such payment is 61096
limited to the available receipts and special funds pledged to 61097
such purpose under the bond proceedings. 61098

All pledged available receipts and funds and the proceeds of 61099
obligations or assurances are trust funds and, subject to the 61100
provisions of this section and the applicable bond proceedings, 61101
shall be held, deposited, invested, reinvested, disbursed, 61102
applied, and used to such extent, in such manner, at such times, 61103
and for such purposes, as are provided in the bond proceedings. 61104

(D) The bond proceedings for obligations or assurances shall 61105
provide for the purpose thereof and the principal amount or 61106
maximum principal amount, and provide for or authorize the manner 61107
of determining the principal maturity or maturities, the sale 61108

price including any permitted discount, the interest rate or 61109
rates, which may be a variable rate or rates, or the maximum 61110
interest rate, the date of the obligations or assurances and the 61111
date or dates of payment of interest thereon, their denominations, 61112
the manner of sale thereof, and the establishment within or 61113
without the state of a place or places of payment of bond service 61114
charges. The bond proceedings also shall provide for a pledge of 61115
and lien on available receipts of the institution of higher 61116
education as provided in division (C) of this section, and a 61117
pledge of and lien on such fund or funds provided in the bond 61118
proceedings arising from available receipts, which pledges and 61119
liens may provide for parity with obligations or assurances 61120
theretofore or thereafter issued by the institution. The available 61121
receipts so pledged and thereafter received by the institution and 61122
the funds so pledged are immediately subject to the lien of such 61123
pledge without any physical delivery thereof or further act, and 61124
the lien of any such pledge is valid and binding against all 61125
parties having claims of any kind against the institution, 61126
irrespective of whether such parties have notice thereof, and 61127
shall create a perfected security interest for all purposes of 61128
Chapter 1309. of the Revised Code, without the necessity for 61129
separation or delivery of funds or for the filing or recording of 61130
the bond proceedings by which such pledge is created or any 61131
certificate, statement, or other document with respect thereto; 61132
and the pledge of such available receipts and funds shall be 61133
effective and the money therefrom and thereof may be applied to 61134
the purposes for which pledged without necessity for any act of 61135
appropriation. 61136

(E) The bond proceedings may contain additional provisions 61137
customary or appropriate to the financing or to the obligations or 61138
assurances or to particular obligations and assurances, including: 61139
61140

(1) The acquisition, construction, reconstruction, equipment, 61141
furnishing, improvement, operation, alteration, enlargement, 61142
maintenance, insurance, and repair of facilities or 61143
entrepreneurial projects, and the duties of the institution of 61144
higher education with reference thereto; 61145

(2) The terms of the obligations or assurances, including 61146
provisions for their redemption prior to maturity at the option of 61147
the institution of higher education at such price or prices and 61148
under such terms and conditions as are provided in the bond 61149
proceedings; 61150

(3) Limitations on the purposes to which the proceeds of the 61151
obligations or assurances may be applied; 61152

(4) The rates or rentals or other charges for the use of or 61153
right to use the facilities or entrepreneurial projects financed 61154
by the obligations or assurances, or other properties the revenues 61155
or receipts from which are pledged to the obligations or 61156
assurances, and rules for assuring any applicable use and 61157
occupancy thereof, including limitations upon the right to modify 61158
such rates, rentals, other charges, or regulations; 61159

(5) The use and expenditure of the pledged available receipts 61160
in such manner and to such extent as shall be determined, which 61161
may include provision for the payment of the expenses of 61162
operation, maintenance, and repair of facilities or 61163
entrepreneurial projects so that such expenses, or part thereof, 61164
shall be paid or provided as a charge prior or subsequent to the 61165
payment of bond service charges and any other payments required to 61166
be made by the bond proceedings; 61167

(6) Limitations on the issuance of additional obligations or 61168
assurances; 61169

(7) The terms of any trust agreement or indenture securing 61170
the obligations or assurances or under which the same may be 61171

issued; 61172

(8) The deposit, investment, and application of funds, and 61173
the safeguarding of funds on hand or on deposit without regard to 61174
Chapter 131. or 135. of the Revised Code, and any bank or trust 61175
company or other financial institution that acts as depository of 61176
any moneys under the bond proceedings shall furnish such 61177
indemnifying bonds or pledge such securities as required by the 61178
bond proceedings or otherwise by the institution of higher 61179
education; 61180

(9) The binding effect of any or every provision of the bond 61181
proceedings upon such officer, board, commission, authority, 61182
agency, department, or other person or body as may from time to 61183
time have the authority under law to take such actions as may be 61184
necessary to perform all or any part of the duty required by such 61185
provision; 61186

(10) Any provision that may be made in a trust agreement or 61187
indenture; 61188

(11) Any other or additional agreements with respect to the 61189
facilities of the institution of higher education or its 61190
entrepreneurial projects, their operation, the available receipts 61191
and funds pledged, and insurance of facilities or entrepreneurial 61192
projects and of the institution, its officers and employees. 61193

(F) Such obligations or assurances may have the seal of the 61194
institution of higher education or a facsimile thereof affixed 61195
thereto or printed thereon and shall be executed by such officers 61196
as are designated in the bond proceedings, which execution may be 61197
by facsimile signatures. Any obligations or assurances may be 61198
executed by an officer who, on the date of execution, is the 61199
proper officer although on the date of such obligations or 61200
assurances such person was not the proper officer. In case any 61201
officer whose signature or a facsimile of whose signature appears 61202

on any such obligation or assurance ceases to be such officer 61203
before delivery thereof, such signature or facsimile is 61204
nevertheless valid and sufficient for all purposes as if the 61205
person had remained such officer until such delivery; and in case 61206
the seal of the institution has been changed after a facsimile of 61207
the seal has been imprinted on such obligations or assurances, 61208
such facsimile seal continues to be sufficient as to such 61209
obligations or assurances and obligations or assurances issued in 61210
substitution or exchange therefor. 61211

(G) All such obligations or assurances are negotiable 61212
instruments and securities under Chapter 1308. of the Revised 61213
Code, subject to the provisions of the bond proceedings as to 61214
registration. The obligations or assurances may be issued in 61215
coupon or in registered form, or both. Provision may be made for 61216
the registration of any obligations or assurances with coupons 61217
attached thereto as to principal alone or as to both principal and 61218
interest, their exchange for obligations or assurances so 61219
registered, and for the conversion or reconversion into 61220
obligations or assurances with coupons attached thereto of any 61221
obligations or assurances registered as to both principal and 61222
interest, and for reasonable charges for such registration, 61223
exchange, conversion, and reconversion. 61224

(H) Pending preparation of definitive obligations or 61225
assurances, the institution of higher education may issue interim 61226
receipts or certificates which shall be exchanged for such 61227
definitive obligations or assurances. 61228

(I) Such obligations or assurances may be secured 61229
additionally by a trust agreement or indenture between the 61230
institution of higher education and a corporate trustee, which may 61231
be any trust company or bank having the powers of a trust company 61232
within or without this state but authorized to exercise trust 61233
powers within this state. Any such agreement or indenture may 61234

contain the resolution authorizing the issuance of the obligations 61235
or assurances, any provisions that may be contained in the bond 61236
proceedings as authorized by this section, and other provisions 61237
which are customary or appropriate in an agreement or indenture of 61238
such type, including: 61239

(1) Maintenance of each pledge, trust agreement, and 61240
indenture, or other instrument comprising part of the bond 61241
proceedings until the institution of higher education has fully 61242
paid the bond service charges on the obligations or assurances 61243
secured thereby, or provision therefor has been made; 61244

(2) In the event of default in any payments required to be 61245
made by the bond proceedings, or any other agreement of the 61246
institution of higher education made as a part of the contract 61247
under which the obligations or assurances were issued, enforcement 61248
of such payments or agreement by mandamus, the appointment of a 61249
receiver, suit in equity, action at law, or any combination of the 61250
foregoing; 61251

(3) The rights and remedies of the holders of obligations or 61252
assurances and of the trustee, and provisions for protecting and 61253
enforcing them, including limitations on rights of individual 61254
holders of obligations or assurances; 61255

(4) The replacement of any obligations or assurances that 61256
become mutilated or are destroyed, lost, or stolen; 61257

(5) Such other provisions as the trustee and the institution 61258
of higher education agree upon, including limitations, conditions, 61259
or qualifications relating to any of the foregoing. 61260

(J) Each duty of the institution of higher education and its 61261
officers or employees, undertaken pursuant to the bond proceedings 61262
or any related agreement or lease made under authority of law, is 61263
hereby established as a duty of such institution, and of each such 61264
officer or employee having authority to perform such duty, 61265

61266 specially enjoined by law resulting from an office, trust, or
61267 station within the meaning of section 2731.01 of the Revised Code.
61268 The persons who are at the time the members of the board of
61269 trustees or the managing directors of the institution or its
61270 officers or employees are not liable in their personal capacities
61271 on such obligations or assurances, or lease, or other agreement of
61272 the institution.

61273 (K) The authority to issue obligations or assurances includes
61274 authority to:

61275 (1) Issue obligations or assurances in the form of bond
61276 anticipation notes and to renew them from time to time by the
61277 issuance of new notes. Such notes are payable solely from the
61278 available receipts and funds that may be pledged to the payment of
61279 such bonds, or from the proceeds of such bonds or renewal notes,
61280 or both, as the institution of higher education provides in its
61281 resolution authorizing such notes. Such notes may be additionally
61282 secured by covenants of the institution to the effect that it will
61283 do such or all things necessary for the issuance of such bonds or
61284 renewal notes in appropriate amount, and either exchange such
61285 bonds or renewal notes therefor or apply the proceeds thereof to
61286 the extent necessary, to make full payment of the bond service
61287 charges on such notes at the time or times contemplated, as
61288 provided in such resolution. Subject to the provisions of this
61289 division, all references to obligations or assurances in this
61290 section apply to such anticipation notes.

61291 (2) Issue obligations or assurances to refund, including
61292 funding and retirement of, obligations or assurances previously
61293 issued to pay costs of facilities or entrepreneurial projects.
61294 Such obligations or assurances may be issued in amounts sufficient
61295 for payment of the principal amount of the obligations or
61296 assurances to be so refunded, any redemption premiums thereon,
61297 principal maturities of any obligations or assurances maturing

prior to the redemption of any other obligations or assurances on 61298
a parity therewith to be so refunded, interest accrued or to 61299
accrue to the maturity date or dates of redemption of such 61300
obligations or assurances, and any expenses incurred or to be 61301
incurred in connection with such refunding or the issuance of the 61302
obligations or assurances. 61303

(L) Obligations and assurances are lawful investments for 61304
banks, societies for savings, savings and loan associations, 61305
deposit guarantee associations, trust companies, trustees, 61306
fiduciaries, insurance companies, including domestic for life and 61307
domestic not for life, trustees or other officers having charge of 61308
sinking and bond retirement or other special funds of political 61309
subdivisions and taxing districts of this state, the commissioners 61310
of the sinking fund, the administrator of workers' compensation in 61311
accordance with the investment policy approved by the bureau of 61312
workers' compensation board of directors pursuant to section 61313
4121.12 of the Revised Code, the state teachers retirement system, 61314
the public employees retirement system, the school employees 61315
retirement system, and the Ohio police and fire pension fund, 61316
notwithstanding any other provisions of the Revised Code or rules 61317
adopted pursuant thereto by any state agency with respect to 61318
investments by them, and are also acceptable as security for the 61319
deposit of public moneys. 61320

(M) All facilities or entrepreneurial projects purchased, 61321
acquired, constructed, or owned by an institution of higher 61322
education, or financed in whole or in part by obligations or 61323
assurances issued by an institution, and used for the purposes of 61324
the institution or other publicly owned and controlled college or 61325
university, is public property used exclusively for a public 61326
purpose, and such property and the income therefrom is exempt from 61327
all taxation and assessment within this state, including ad 61328
valorem and excise taxes. The obligations or assurances, the 61329

transfer thereof, and the income therefrom, including any profit 61330
made on the sale thereof, are at all times free from taxation 61331
within the state. The transfer of tangible personal property by 61332
lease under authority of this section or section 3345.07, 3345.11, 61333
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 61334
Code is not a sale as used in Chapter 5739. of the Revised Code. 61335

(N) The authority granted by this section is cumulative with 61336
the authority granted to institutions of higher education under 61337
Chapter 154. of the Revised Code, and nothing in this section 61338
impairs or limits the authority granted by Chapter 154. of the 61339
Revised Code. In any lease, agreement, or commitment made by an 61340
institution of higher education under Chapter 154. of the Revised 61341
Code, it may agree to restrict or subordinate any pledge it may 61342
thereafter make under authority of this section. 61343

(O) Title to lands acquired under this section and sections 61344
3345.07 and 3345.11 of the Revised Code by a state university or 61345
college shall be taken in the name of the state. 61346

(P) Except where costs of facilities or entrepreneurial 61347
projects are to be paid in whole or in part from funds 61348
appropriated by the general assembly, section 125.81 of the 61349
Revised Code and the requirement for certification with respect 61350
thereto under section 153.04 of the Revised Code do not apply to 61351
such facilities or entrepreneurial projects. 61352

(Q) A state university or college may sell or lease lands or 61353
interests in land owned by it or by the state for its use, or 61354
facilities authorized to be acquired or constructed by it under 61355
section 3345.07 or 3345.11 of the Revised Code, to permit the 61356
purchasers or lessees thereof to acquire, construct, equip, 61357
furnish, reconstruct, alter, enlarge, remodel, renovate, 61358
rehabilitate, improve, maintain, repair, or maintain and operate 61359
thereon and to provide by lease or otherwise to such institution, 61360
facilities authorized in section 3345.07 or 3345.11 of the Revised 61361

Code or entrepreneurial projects authorized under section 3345.36 61362
of the Revised Code. Such land or interests therein shall be sold 61363
for such appraised value, or leased, and on such terms as the 61364
board of trustees determines. All deeds or other instruments 61365
relating to such sales or leases shall be executed by such officer 61366
of the state university or college as the board of trustees 61367
designates. The state university or college shall hold, invest, or 61368
use the proceeds of such sales or leases for the same purposes for 61369
which proceeds of borrowings may be used under sections 3345.07 61370
and 3345.11 of the Revised Code or, if the proceeds relate to the 61371
sale or lease of entrepreneurial projects, for purposes of section 61372
3345.36 of the Revised Code. 61373

(R) An institution of higher education may pledge available 61374
receipts, to the extent permitted by division (C) of this section 61375
with respect to obligations, to secure the payments to be made by 61376
it under any lease, lease with option to purchase, or 61377
lease-purchase agreement authorized under this section or section 61378
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 61379
3358.10 of the Revised Code. 61380

Sec. 3345.32. (A) As used in this section: 61381

(1) "State university or college" means the institutions 61382
described in section 3345.27 of the Revised Code and the 61383
northeastern Ohio universities college of medicine. 61384

(2) "Resident" has the meaning specified by rule of the 61385
chancellor of the Ohio board of regents. 61386

(3) "Statement of selective service status" means a statement 61387
certifying one of the following: 61388

(a) That the individual filing the statement has registered 61389
with the selective service system in accordance with the "Military 61390
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 61391

amended; 61392

(b) That the individual filing the statement is not required 61393
to register with the selective service for one of the following 61394
reasons: 61395

(i) The individual is under eighteen or over twenty-six years 61396
of age. 61397

(ii) The individual is on active duty with the armed forces 61398
of the United States other than for training in a reserve or 61399
national guard unit. 61400

(iii) The individual is a nonimmigrant alien lawfully in the 61401
United States in accordance with section 101 (a)(15) of the 61402
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 61403

(iv) The individual is not a citizen of the United States and 61404
is a permanent resident of the Trust Territory of the Pacific 61405
Islands or the Northern Mariana Islands. 61406

(4) "Institution of higher education" means any eligible 61407
institution approved by the United States department of education 61408
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 61409
amended, or any institution whose students are eligible for 61410
financial assistance under any of the programs described by 61411
division (E) of this section. 61412

(B) The chancellor shall, by rule, specify the form of 61413
statements of selective service status to be filed in compliance 61414
with divisions (C) to (F) of this section. Each statement of 61415
selective service status shall contain a section wherein a male 61416
student born after December 31, 1959, certifies that the student 61417
has registered with the selective service system in accordance 61418
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 61419
App. 453, as amended. For those students not required to register 61420
with the selective service, as specified in divisions (A)(2)(b)(i) 61421
to (iv) of this section, a section shall be provided on the 61422

statement of selective service status for the certification of 61423
nonregistration and for an explanation of the reason for the 61424
exemption. The chancellor may require that such statements be 61425
accompanied by documentation specified by rule of the chancellor. 61426
61427

(C) A state university or college that enrolls in any course, 61428
class, or program a male student born after December 31, 1959, who 61429
has not filed a statement of selective service status with the 61430
university or college shall, regardless of the student's 61431
residency, charge the student any tuition surcharge charged 61432
students who are not residents of this state. 61433

(D) No male born after December 31, 1959, shall be eligible 61434
to receive any loan, grant, scholarship, or other financial 61435
assistance for educational expenses granted under section 3315.33, 61436
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, ~~3333.27~~, 3333.391, 61437
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 61438
award under the choose Ohio first scholarship program established 61439
under section 3333.61 of the Revised Code, or financed by an award 61440
under the Ohio co-op/internship program established under section 61441
3333.72 of the Revised Code, unless that person has filed a 61442
statement of selective service status with that person's 61443
institution of higher education. 61444

(E) If an institution of higher education receives a 61445
statement from an individual certifying that the individual has 61446
registered with the selective service system in accordance with 61447
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 61448
453, as amended or that the individual is exempt from registration 61449
for a reason other than that the individual is under eighteen 61450
years of age, the institution shall not require the individual to 61451
file any further statements. If it receives a statement certifying 61452
that the individual is not required to register because the 61453
individual is under eighteen years of age, the institution shall 61454

require the individual to file a new statement of selective 61455
service status each time the individual seeks to enroll for a new 61456
academic term or makes application for a new loan or loan 61457
guarantee or for any form of financial assistance for educational 61458
expenses, until it receives a statement certifying that the 61459
individual has registered with the selective service system or is 61460
exempt from registration for a reason other than that the 61461
individual is under eighteen years of age. 61462

Sec. 3345.36. (A) For purposes of this section: 61463

(1) "Entrepreneurial project" means an effort to develop or 61464
commercialize technology through research or technology transfer 61465
or investment of real or personal property, or both, including 61466
undivided and other interests therein, acquired by gift or 61467
purchase, constructed, reconstructed, enlarged, improved, 61468
furnished, or equipped, or any combination thereof, by an 61469
institution of higher education or by others. 61470

(2) "Governmental agency" has the same meaning as in section 61471
166.01 of the Revised Code. 61472

(3) "Person" means individuals or entities engaged in 61473
industry, commerce, distribution, or research. 61474

(4) "Institution of higher education" has the same meaning as 61475
in section 3345.12 of the Revised Code. 61476

(5) "Stock or other ownership" means equity or other 61477
ownership rights held or received in return for the grant of 61478
rights to intellectual property developed by an institution of 61479
higher education. "Stock or other ownership" excludes equity or 61480
other ownership rights held or received in return for the 61481
investment of money. 61482

(B) To create or preserve jobs and employment opportunities 61483
and to improve the economic welfare of the people of the state 61484

pursuant to Section 13 of Article VIII, Ohio Constitution, it is 61485
hereby declared to be the public policy of the state for 61486
institutions of higher education to facilitate and assist with 61487
establishing and developing entrepreneurial projects or to assist 61488
and cooperate with any governmental agency in achieving such 61489
purpose. An entrepreneurial project is hereby determined to 61490
qualify as property, structures, equipment, and facilities 61491
described in Section 13 of Article VIII, Ohio Constitution. 61492

In furtherance of such public policy, and pursuant to Section 61493
13 of Article VIII, Ohio Constitution, a board of trustees of an 61494
institution of higher education may do any of the following by 61495
resolution: 61496

(1) Enter into an agreement with persons and with 61497
governmental agencies to induce such persons to acquire, 61498
construct, reconstruct, rehabilitate, renovate, enlarge, improve, 61499
equip, furnish, or otherwise develop entrepreneurial projects; 61500

(2) Acquire stock or other ownership in an entrepreneurial 61501
project or a legal entity formed in connection with an 61502
entrepreneurial project; 61503

(3) Make or guarantee loans and borrow money and issue bonds, 61504
notes, or other evidence of indebtedness to provide moneys for the 61505
acquisition, construction, enlargement, improvement, equipment, 61506
maintenance, repair, or operation of entrepreneurial projects, 61507
provided that such bonds, notes, or other evidence of indebtedness 61508
shall not constitute debt for which the full faith and credit of 61509
the state or an instrumentality or political subdivision of the 61510
state may be pledged and moneys raised by taxation shall not be 61511
obligated or pledged for their repayment. 61512

Sec. 3345.61. As used in this section and sections 3345.62 to 61513
3345.66 of the Revised Code: 61514

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost. 61515
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(B) "Board of trustees of a state institution of higher education" means the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code. 61520
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~~(B)~~(C) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption ~~and operating costs~~. The term includes any of the following: 61524
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(1) Installation or modification of insulation in the building structure and systems within the building; 61528
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(2) Installation or modification of a storm window or door, a multiglazed window or door, and or a heat absorbing or heat reflective glazed and coated window and door systems system; installation of additional glazing; ~~reductions~~ a reduction in glass area; ~~and or~~ other window modification that ~~reduce~~ reduces energy consumption and operating costs; 61530
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(3) Installation or modification of an automatic energy control systems system; 61537
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(4) Replacement or modification of a heating, ventilating, or air conditioning systems system; 61539
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(5) Application of caulking and weatherstripping; 61541

(6) Replacement or modification of a lighting fixtures fixture to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such 61542
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increase in illumination is necessary to conform to the applicable 61545
state or local building code for the proposed lighting system; 61546

(7) Installation or modification of an energy recovery 61547
~~systems~~ system; 61548

(8) Installation or modification of cogeneration systems that 61549
produce steam or forms of energy such as heat, as well as 61550
electricity, for use primarily within a building or complex of 61551
buildings; 61552

(9) Any other modification, installation, or remodeling 61553
approved by the board of trustees of a state institution of higher 61554
education as an energy conservation measure for one or more 61555
buildings owned by the institution. 61556

~~(C)~~(D) "Energy saving measure" means the acquisition and 61557
installation, by purchase, lease, lease-purchase, lease with an 61558
option to buy, or installment purchase, of an energy conservation 61559
measure and any attendant architectural and engineering consulting 61560
services. 61561

(E) "Energy, water, or wastewater cost savings" means a 61562
measured reduction in, as applicable, the cost of fuel, energy or 61563
water consumption, wastewater production, or stipulated operation 61564
or maintenance resulting from the implementation of one or more 61565
energy or water conservation measures, when compared to an 61566
established baseline for previous such costs, respectively. 61567

(F) "Operating cost savings" means a measured reduction in 61568
the cost of stipulated operation or maintenance created by the 61569
installation of new equipment or implementation of a new service, 61570
when compared with an established baseline for previous such 61571
stipulated costs. 61572

(G) "Water conservation measure" means an installation or 61573
modification of an installation in, or a remodeling of, an 61574
existing building or the surrounding grounds in order to reduce 61575

<u>water consumption. The term includes any of the following:</u>	61576
<u>(1) Water-conserving fixture, appliance, or equipment, or the substitution of a nonwater-using fixture, appliance, or equipment;</u>	61577 61578
<u>(2) Water-conserving, landscape irrigation equipment;</u>	61579
<u>(3) Landscaping measure that reduces storm water runoff demand and capture and hold applied water and rainfall, including landscape contouring such as the use of a berm, swale, or terrace and including the use of a soil amendment, including compost, that increases the water-holding capacity of the soil;</u>	61580 61581 61582 61583 61584
<u>(4) Rainwater harvesting equipment or equipment to make use of water collected as part of a storm water system installed for water quality control;</u>	61585 61586 61587
<u>(5) Equipment for recycling or reuse of water originating on the premises or from another source, including treated, municipal effluent;</u>	61588 61589 61590
<u>(6) Equipment needed to capture water for nonpotable uses from any nonconventional, alternate source, including air conditioning condensate or gray water;</u>	61591 61592 61593
<u>(7) Any other modification, installation, or remodeling approved by the board of trustees of a state institution of higher education, as defined in section 3345.011 of the Revised Code, as a water conservation measure for one or more buildings or the surrounding grounds owned by the institution.</u>	61594 61595 61596 61597 61598
<u>(H) "Water saving measure" means the acquisition and installation, by the purchase, lease, lease-purchase, lease with an option to buy, or installment purchases of a water conservation measure and any attendant architectural and engineering consulting services.</u>	61599 61600 61601 61602 61603
Sec. 3345.62. The board of trustees of a state institution of higher education may contract with an energy <u>or water</u> services	61604 61605

company, architect, professional engineer, contractor, or other 61606
person experienced in the design and implementation of energy or 61607
water conservation measures for a report containing an analysis 61608
and recommendations pertaining to the implementation of energy or 61609
water conservation measures that would ~~significantly reduce result~~ 61610
~~in energy consumption and, water, or wastewater cost savings,~~ 61611
~~operating costs in buildings owned by~~ cost savings, or avoided 61612
capital costs for the institution. The report shall include 61613
estimates of all costs of such installations, including the costs 61614
of design, engineering, installation, maintenance, repairs, and 61615
debt service, and estimates of the ~~amounts by which~~ energy 61616
~~consumption and, water, or wastewater cost savings,~~ operating 61617
~~costs would be reduced~~ cost savings, and avoided capital costs 61618
created. 61619

Sec. 3345.63. If the board of trustees of a state institution 61620
of higher education wishes to enter into a contract, other than an 61621
installment payment contract provided under section 3345.64 of the 61622
Revised Code, to implement one or more energy or water saving 61623
measures, the board may proceed under the applicable competitive 61624
bidding requirements in Chapter 153. or section 3354.16, 3355.12, 61625
3357.16, or 3358.10 of the Revised Code or, notwithstanding those 61626
requirements, may enter into such a contract as provided in 61627
section 3345.65 of the Revised Code. 61628

Sec. 3345.64. In accordance with this section, the board of 61629
trustees of a state institution of higher education may enter into 61630
an installment payment contract for the implementation of one or 61631
more energy or water saving measures. Any such contract shall be 61632
subject to the competitive bidding requirements of Chapter 153. or 61633
section 3354.16, 3355.12, 3357.16, or 3358.10 of the Revised Code, 61634
as applicable to each such board, except as follows: 61635

(A) If the board does not exempt the entire installment 61636

payment contract from the applicable competitive bidding 61637
requirements pursuant to division (B) of this section, the 61638
provisions of the contract dealing with interest charges and 61639
financing terms shall not be subject to the applicable competitive 61640
bidding requirements. Each such contract shall require repayment 61641
on the following terms: 61642

(1) Not less than one-~~tenth~~ fifteenth of the costs of the 61643
contract shall be paid within two years from the date of purchase; 61644

(2)~~(a)~~ The remaining balance of the costs of the contract, ~~in~~ 61645
~~the case of an installment payment contract for a cogeneration~~ 61646
~~system described in division (B)(8) of section 3345.61 of the~~ 61647
~~Revised Code,~~ shall be paid within ~~five~~ fifteen years from the 61648
date of purchase. 61649

~~(b) The remaining balance of the costs of the contract, in~~ 61650
~~the case of an installment payment contract for an energy saving~~ 61651
~~measure that is not a cogeneration system, shall be paid within~~ 61652
~~ten years from the date of purchase.~~ 61653

(B) The board by majority vote may exempt from the applicable 61654
competitive bidding requirements an entire installment payment 61655
contract for the implementation of energy or water saving measures 61656
pursuant to this section and instead of those requirements shall 61657
enter into the contract as provided in section 3345.65 of the 61658
Revised Code. 61659

Sec. 3345.65. To enter into a contract under this section 61660
pursuant to section 3345.63 or division (B) of section 3345.64 of 61661
the Revised Code, a board of trustees of a state institution of 61662
higher education shall request proposals from at least three 61663
parties for the implementation of energy or water saving measures. 61664
Prior to providing any interested party a copy of any such 61665
request, the board shall advertise, in a newspaper of general 61666
circulation in the county where the contract is to be performed, 61667

its intent to request proposals for the implementation of energy 61668
or water saving measures. The notice shall invite interested 61669
parties to submit proposals for consideration and shall be 61670
published at least thirty days prior to the date for accepting 61671
proposals. 61672

Upon receiving the proposals, the board shall analyze them. 61673
After considering the cost estimates of each proposal, how 61674
qualified each party submitting a proposal is to implement its 61675
proposal, and the institution's ability to pay for each with 61676
current revenues or by financing the cost of each, the board may 61677
select one or more proposals or, instead, reject all proposals. In 61678
selecting proposals, the board shall select the proposal or 61679
proposals most likely to result in the greatest savings when the 61680
cost of the proposal is compared to the ~~reduced energy and, water,~~ 61681
or wastewater cost savings, operating cost savings, and avoided 61682
capital costs that will result from implementing the proposal. 61683

No board shall award a contract to implement energy or water 61684
saving measures under this section unless the board finds that ~~one~~ 61685
~~or both of the following circumstances exists, as applicable:~~ 61686

~~(A) In the case of a contract for a cogeneration system~~ 61687
~~described in division (B)(8) of section 3345.61 of the Revised~~ 61688
~~Code,~~ the cost of the contract is not likely to exceed the amount 61689
of ~~money the board would save in energy and, water, or wastewater~~ 61690
~~savings, operating cost savings, and avoided capital~~ costs over no 61691
more than ~~five~~ fifteen years. 61692

~~(B) In the case of any contract for any energy saving measure~~ 61693
~~other than a cogeneration system, the cost of the contract is not~~ 61694
~~likely to exceed the amount of money the board would save in~~ 61695
~~energy and operating costs over no more than ten years.~~ 61696

Sec. 3345.66. The board of trustees of a state institution of 61697
higher education may issue notes of the institution signed by the 61698

~~chairman~~ chairperson and treasurer or other chief fiscal officer 61699
of the board and specifying the terms of the purchase and securing 61700
the payments provided in section 3345.64 of the Revised Code, 61701
payable at the times provided and bearing interest at a rate not 61702
exceeding a rate determined under section 9.95 of the Revised 61703
Code. The notes may contain an option for prepayment and are not 61704
subject to Chapter 133. of the Revised Code. Revenues derived from 61705
any source, other than money appropriated by the general assembly, 61706
that may be used for the purpose of ~~conserving~~ implementing energy 61707
or water saving measures or for defraying the current operating 61708
expenses of the institution may be pledged to the payment of 61709
interest and the retirement of such notes. The notes may be sold 61710
at private sale or given to the contractor under the installment 61711
payment contract authorized by section 3345.64 of the Revised 61712
Code. 61713

Sec. 3349.242. Any agreement authorized by section 3349.241 61714
of the Revised Code may provide for the amounts of such 61715
participation by such school district or districts in the 61716
development, maintenance, and operation of such municipal 61717
university, but no funds granted to school districts under Chapter 61718
3306. or 3317. of the Revised Code shall be used for such 61719
purposes. By the terms of any such agreement the school district 61720
or districts and their residents shall be entitled to the 61721
educational advantages of said municipal university at the same 61722
rate of tuition, fees, and other charges as are provided for the 61723
residents of the municipal corporation in which such municipal 61724
university is situated. 61725

Sec. 3353.09. (A) Not later than January 1, 2010, the eTech 61726
Ohio commission shall develop and implement a state technology 61727
plan to create an aligned educational technology system that spans 61728
preschool to postsecondary education and complies with federal 61729

mandates. The commission periodically shall modify the plan as it determines necessary. 61730
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(B) Upon request of the commission, the state board of education shall assist in the commission's development and modification of the state technology plan. 61732
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Sec. 3353.20. (A) The eTech Ohio commission shall develop and implement an interactive distance learning pilot project to provide, beginning with the 2009-2010 school year, access to at least three interactive distance learning courses in each school year free of charge for all high schools operated by school districts. The courses offered shall include two advanced placement courses and one foreign language course. 61735
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The commission shall do all of the following: 61742

(1) Contract for the development and offering of interactive distance learning courses; 61743
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(2) Produce and broadcast the courses offered by the pilot project; 61745
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(3) Provide the funds for schools to purchase video conferencing telecommunications equipment and connectivity devices, if necessary, so that the schools may participate in the pilot project; 61747
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(4) Assist schools in arranging for the purchase and installation of telecommunications equipment and connectivity devices, if necessary, so that the schools may participate in the pilot project; 61751
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(5) Pay, for up to one school year, the cost of upgrading internet service for schools that currently have a connection not faster than 1.544 megabits per second; 61755
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(6) Offer training in the use of the telecommunications 61758

equipment necessary to participate in the pilot project; 61759

(7) Administer and oversee the operation of the pilot project. 61760
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(B) The department of education, in consultation with the chancellor of the Ohio board of regents, shall select courses to be offered by the pilot project and shall develop the standards for the curriculum of each course selected. 61762
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(C) The commission and the department jointly, and in consultation with the chancellor, shall select the teachers to develop and teach the courses offered by the pilot project. 61766
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(D) The commission, the department, and the chancellor jointly shall notify schools of and promote participation in the pilot project. 61769
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(E) Each high school shall determine the manner in which and facilities at which students may participate in courses consistent with specifications for technology and connectivity required by the commission. 61772
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(F) The grade for a student enrolled in a course offered through the pilot project shall be assigned by the course teacher and shall be transmitted to the student's high school. 61776
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(G) Not later than December 31, 2010, the superintendent of public instruction, the chancellor, and the commission shall submit to the governor and the general assembly, in accordance with section 101.68 of the Revised Code, a formative evaluation of the implementation and results of and legislative recommendations for changes in the pilot project. 61779
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Sec. 3354.24. (A) The provisions of this section prevail over conflicting provisions of this chapter; however, except as otherwise provided in this section, the eastern gateway community college district and its board of trustees shall comply with the 61785
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provisions of this chapter. 61789

(B) The territory of Columbiana, Mahoning, and Trumbull 61790
counties is hereby added to the territory of the community college 61791
district of Jefferson county, creating a new community college 61792
district to replace the former community college district of 61793
Jefferson county. The district created under this section shall be 61794
known as and operate under the name of "eastern gateway community 61795
college district," and its charter shall be amended to this name. 61796
The Jefferson county campus is hereby part of the eastern gateway 61797
community college district and shall remain in operation unless 61798
otherwise specified by the board of trustees of the community 61799
college. 61800

The eastern gateway community college district is divided 61801
into two taxing subdistricts, one consisting of the territory of 61802
Jefferson county, and the other consisting of the territories of 61803
Columbiana, Mahoning, and Trumbull counties. 61804

(C) On the effective date of this section as enacted by H.B. 61805
1 of the 128th general assembly, the government of the eastern 61806
gateway community college district shall be vested in a board of 61807
eleven trustees to be appointed by the governor, with the advice 61808
and consent of the senate. The board of trustees of the former 61809
community college district of Jefferson county is abolished on 61810
that date. 61811

The governor shall appoint the members of the board of 61812
trustees of the eastern gateway community college district as 61813
successors to the board of trustees of Jefferson community college 61814
as follows: Three members of the board of trustees shall be 61815
residents of Jefferson county. (The initial Jefferson county 61816
members shall be members of the board of trustees of the former 61817
community college district of Jefferson county, as it existed 61818
before the effective date of this section.) Eight members of the 61819

board of trustees shall be residents of Columbiana, Mahoning, and 61820
Trumbull counties. 61821

The initial board of trustees shall be appointed within 61822
ninety days after the effective date of this section for terms as 61823
follows: Of the trustees who are residents of Jefferson county, 61824
one trustee shall be appointed for a one-year term, one trustee 61825
shall be appointed for a three-year term, and one trustee shall be 61826
appointed for a five-year term. Of the trustees who are residents 61827
of Columbiana, Mahoning, and Trumbull counties, one trustee shall 61828
be appointed for a one-year term, two trustees shall be appointed 61829
for two-year terms, two trustees shall be appointed for three-year 61830
terms, two trustees shall be appointed for four-year terms, and 61831
one trustee shall be appointed for a five-year term. 61832

At the conclusion of each initial term, the term of office of 61833
each trustee shall be five years, each term ending on the same day 61834
of the same month of the year as did the term that it succeeds. 61835

Each trustee shall hold office from the date of the trustee's 61836
appointment until the end of the term for which the trustee was 61837
appointed. Any trustee appointed to fill a vacancy occurring 61838
before the expiration of the term for which the trustee's 61839
predecessor was appointed shall hold office for the remainder of 61840
that term. Any trustee shall continue in office subsequent to the 61841
expiration date of the trustee's term until the trustee's 61842
successor takes office, or until a period of sixty days has 61843
elapsed, whichever occurs first. 61844

If a vacancy occurs and the Jefferson county tax levy is no 61845
longer in place or a conversion under division (H) of this section 61846
has occurred, the governor shall fill the vacancy with a person 61847
residing within the eastern gateway community college district. 61848

(D) The board of trustees of the eastern gateway community 61849
college district shall continue to comply with division (G) of 61850

section 3354.09 of the Revised Code regarding tuition for students 61851
who are residents of Ohio but not residents of the district, and 61852
for students who are nonresidents of Ohio. The tuition rate shall 61853
be based on the student's county of residence and shall apply to 61854
all eastern gateway community college district classes in all 61855
district locations. Except as provided in division (F)(3) of this 61856
section, students who are residents of Columbiana, Mahoning, or 61857
Trumbull county shall continue to be charged tuition at the same 61858
rate as Ohio residents who are not residents of the district. 61859

(E)(1) Except as provided in divisions (E)(2) and (3) of this 61860
section, each member of the board of trustees shall have full 61861
voting rights on all matters that come before the board. 61862

(2) The three trustees representing Jefferson county shall 61863
have sole authority to vote on the following matters: 61864

(a) The Jefferson county tax levy; 61865

(b) The expenditure of revenue from that tax levy; 61866

(c) Levy-subsidized tuition rates. 61867

(3) The voting restrictions under division (E)(2) of this 61868
section apply until the electors of the Columbiana, Mahoning, and 61869
Trumbull county taxing subdistrict approve a tax levy under 61870
division (F)(3) of this section that is equivalent to the tax levy 61871
approved by the electors of Jefferson county for the support of 61872
the former community college district of Jefferson county on the 61873
effective date of this section. For the purposes of this division, 61874
the tax levy is an equivalent tax levy if either: 61875

(a) In the first tax year for which the tax is collected, it 61876
yields revenue per capita equal to or greater than the yield per 61877
capita of levies of the community college district in effect that 61878
year in Jefferson county, as jointly determined by the county 61879
auditors of Jefferson, Columbiana, Mahoning, and Trumbull 61880
counties; or 61881

(b) In the first tax year for which the tax is collected, the effective tax rate of the tax is equal to or greater than the effective tax rate of levies of the community college district in effect that tax year in Jefferson county, as jointly determined by the county auditors of Jefferson, Columbiana, Mahoning, and Trumbull counties. 61882
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As used in this division, "effective tax rate" means the quotient obtained by dividing the total taxes charged and payable for a taxing subdistrict for a tax year after the reduction prescribed by section 319.301 of the Revised Code but before the reduction prescribed by section 319.302 or 323.152 of the Revised Code, by the taxable value for the taxing subdistrict for that tax year. 61888
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(F)(1) For each taxing subdistrict of the eastern gateway community college district, the board of trustees may propose to levy a tax in accordance with the procedures prescribed in section 3354.12 of the Revised Code, except the following terms used in that section shall have the meanings given them in this section: 61895
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(a) "District" and "community college district" mean the appropriate taxing subdistrict defined in this section; 61900
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(b) "Board of trustees of the community college district" means the board of trustees for the entire eastern gateway community college district. That board of trustees may propose separate levies for either of the two taxing subdistricts. 61902
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(c) "Tax duplicate" means the tax duplicate of only the appropriate taxing subdistrict and not the tax duplicate of the entire eastern gateway community college district. 61906
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(2) The board of trustees may propose to levy a tax on taxable property in Jefferson county to be voted on by the electors of Jefferson county as provided in division (F)(1) of this section. An affirmative vote by a majority of the electors of 61909
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the subdistrict voting on the question is necessary for passage. 61913
Any money raised by a tax levied by the former community college 61914
district of Jefferson county or a subsequent tax levied in 61915
Jefferson county in accordance with division (F)(1) of this 61916
section shall be used solely for the benefit of Jefferson county 61917
residents attending the eastern gateway community college in the 61918
form of student tuition subsidies, student scholarships, and 61919
instructional facilities, equipment, and support services located 61920
within Jefferson county, or for any purpose approved by the 61921
electors. Such amounts shall be deposited into a separate fund of 61922
the taxing subdistrict, and shall be budgeted separately. 61923

(3) The board of trustees may propose to levy a tax on 61924
taxable property in Columbiana, Mahoning, and Trumbull counties to 61925
be voted on by the electors of the counties as provided in 61926
division (F)(1) of this section. An affirmative vote by a majority 61927
of the electors of the subdistrict voting on the question is 61928
necessary for passage. Any amounts raised by such a tax in the tax 61929
subdistrict shall be used solely for the benefit of residents of 61930
the subdistrict attending the eastern gateway community college in 61931
the form of student tuition subsidies, student scholarships, and 61932
instructional facilities, equipment, and support services located 61933
within Columbiana, Mahoning, and Trumbull counties, or for any 61934
purpose approved by the electors. Amounts collected shall be 61935
deposited into a separate fund from all other revenues collected 61936
by each taxing subdistrict. 61937

The board of trustees may adjust the rate of tuition charged 61938
to each taxing subdistrict's residents to an amount commensurate 61939
with the amount of tax the board of trustees dedicates for 61940
instructional and general services provided to the residents of 61941
the subdistrict. 61942

(G) The board of trustees of the eastern gateway community 61943
college district may issue bonds in accordance with section 61944

3354.11 of the Revised Code, but the board may limit the question 61945
of approval of the issue of those bonds to the electors of only 61946
one of the two taxing subdistricts, in which case the board also 61947
may limit the use of the property or improvements to the residents 61948
of that subdistrict. 61949

(H) If the tax levy in Jefferson county expires, is not 61950
renewed, or is not approved by the electors of Jefferson county 61951
and the other taxing subdistrict does not levy a tax for the 61952
purposes of this section, the board of trustees of the eastern 61953
gateway community college district shall submit a proposal to the 61954
chancellor of the board of regents to convert to a state community 61955
college and, upon the chancellor's approval of the proposal, enter 61956
into a transition agreement with the chancellor following the 61957
procedures set forth in section 3358.05 of the Revised Code for a 61958
technical college district. 61959

Sec. 3365.01. As used in this chapter: 61960

(A) "College" means any state-assisted college or university 61961
described in section 3333.041 of the Revised Code, any nonprofit 61962
institution holding a certificate of authorization pursuant to 61963
Chapter 1713. of the Revised Code, any private institution exempt 61964
from regulation under Chapter 3332. of the Revised Code as 61965
prescribed in section 3333.046 of the Revised Code, and any 61966
institution holding a certificate of registration from the state 61967
board of career colleges and schools and program authorization for 61968
an associate or bachelor's degree program issued under section 61969
3332.05 of the Revised Code. 61970

(B) "School district," except as specified in division (G) of 61971
this section, means any school district to which a student is 61972
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 61973
the Revised Code and does not include a joint vocational or 61974
cooperative education school district. 61975

(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code. 61976
61977

(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter. 61978
61979
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(E) "Secondary grade" means the ninth through twelfth grades. 61981

(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 61982
61983
61984

(G) "Tuition base" means, ~~with respect to a participant's school district, the sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012, as defined in section 3317.02~~ of the Revised Code. 61985
61986
61987
61988
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~~The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.~~ 61990
61991
61992
61993

(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code. 61994
61995
61996

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code. 61997
61998
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62000

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June. 62001
62002

(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades. 62003
62004
62005

(L) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

Sec. 3365.04. The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college. A student electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school credit and college credit for the course.

(1) The student may elect to receive only college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course, but the board of education, community school governing authority, STEM school, or nonpublic participating school shall not award the high school credit.

(2) The student may elect to receive both high school credit and college credit for the course. Except as provided in section 3365.041 of the Revised Code, if the student successfully completes the course, the college shall award the student full credit for the course and the board of education, community school governing authority, STEM school, or nonpublic school shall award the student high school credit.

(B) The student may elect at the time of enrollment for each course to have the college reimbursed under section 3365.07 of the Revised Code or as provided in alternative funding agreements

entered into under rules adopted under section 3365.12 of the 62037
Revised Code. Except as provided in section 3365.041 of the 62038
Revised Code, if the student successfully completes the course, 62039
the college shall award the student full credit for the course, 62040
the board of education, community school governing authority, STEM 62041
school, or nonpublic school shall award the student high school 62042
credit, and the college shall be reimbursed in accordance with 62043
section 3365.07 of the Revised Code or alternative funding 62044
agreements entered into under rules adopted under section 3365.12 62045
of the Revised Code. 62046

When determining a school district's formula ADM under 62047
section 3317.03 of the Revised Code, the time a participant is 62048
attending courses under division (A) of this section shall be 62049
considered as time the participant is not attending or enrolled in 62050
school anywhere, and the time a participant is attending courses 62051
under division (B) of this section shall be considered as time the 62052
participant is attending or enrolled in the district's schools. 62053

Sec. 3365.041. (A) When a school district superintendent, the 62054
governing authority of a community school, or the chief 62055
administrative officer of a STEM school expels a student under 62056
division (B) of section 3313.66 of the Revised Code, the district 62057
superintendent, governing authority, or chief administrative 62058
officer shall send a written notice of the expulsion to any 62059
college in which the expelled student is enrolled under section 62060
3365.03 of the Revised Code at the time the expulsion is imposed. 62061
The notice shall indicate the date the expulsion is scheduled to 62062
expire. The notice also shall indicate whether the district board 62063
of education, community school governing authority, or the STEM 62064
school has adopted a policy under section 3313.613 of the Revised 62065
Code to deny high school credit for post-secondary courses taken 62066
during an expulsion. If the expulsion is extended under division 62067
(F) of section 3313.66 of the Revised Code, the district 62068

superintendent, community school governing authority, or STEM 62069
school chief administrative officer shall notify the college of 62070
the extension. 62071

(B) A college may withdraw its acceptance under section 62072
3365.03 of the Revised Code of a student who is expelled from 62073
school under division (B) of section 3313.66 of the Revised Code. 62074
As provided in section 3365.03 of the Revised Code, regardless of 62075
whether the college withdraws its acceptance of the student for 62076
the college term in which the student is expelled, the student is 62077
ineligible to enroll in a college under that section for 62078
subsequent college terms during the period of the expulsion, 62079
unless the student enrolls in another school district or community 62080
school, or a participating nonpublic school during that period. 62081

If a college withdraws its acceptance of an expelled student 62082
who elected either option of division (A)(1) or (2) of section 62083
3365.04 of the Revised Code, the college shall refund tuition and 62084
fees paid by the student in the same proportion that it refunds 62085
tuition and fees to students who voluntarily withdraw from the 62086
college at the same time in the term. 62087

If a college withdraws its acceptance of an expelled student 62088
who elected the option of division (B) of section 3365.04 of the 62089
Revised Code, the school district, community school, or STEM 62090
school shall not award high school credit for the college courses 62091
in which the student was enrolled at the time the college withdrew 62092
its acceptance, and any reimbursement under section 3365.07 of the 62093
Revised Code or through alternative funding agreements entered 62094
into under rules adopted under section 3365.12 of the Revised Code 62095
for the student's attendance prior to the withdrawal shall be the 62096
same as would be paid for a student who voluntarily withdrew from 62097
the college at the same time in the term. If the withdrawal 62098
results in the college's receiving no reimbursement, the college 62099
may require the student to return or pay for the textbooks and 62100

materials it provided the student free of charge under section 62101
3365.08 of the Revised Code. 62102

(C) When a student who elected the option of division (B) of 62103
section 3365.04 of the Revised Code is expelled under division (B) 62104
of section 3313.66 of the Revised Code from a school district, 62105
community school, or STEM school that has adopted a policy under 62106
section 3313.613 of the Revised Code, that election is 62107
automatically revoked for all college courses in which the student 62108
is enrolled during the college term in which the expulsion is 62109
imposed. Any reimbursement under section 3365.07 of the Revised 62110
Code or through alternative funding agreements entered into under 62111
rules adopted under section 3365.12 of the Revised Code for the 62112
student's attendance prior to the expulsion shall be the same as 62113
would be paid for a student who voluntarily withdrew from the 62114
college at the same time in the term. If the revocation results in 62115
the college's receiving no reimbursement, the college may require 62116
the student to return or pay for the textbooks and materials it 62117
provided the student free of charge under section 3365.08 of the 62118
Revised Code. 62119

No later than five days after receiving an expulsion notice 62120
from the superintendent of a district, the governing authority of 62121
a community school, or the chief administrative officer of a STEM 62122
school that has adopted a policy under section 3313.613 of the 62123
Revised Code, the college shall send a written notice to the 62124
expelled student that the student's election of division (B) of 62125
section 3365.04 of the Revised Code is revoked. If the college 62126
elects not to withdraw its acceptance of the student, the student 62127
shall pay all applicable tuition and fees for the college courses 62128
and shall pay for the textbooks and materials that the college 62129
provided under section 3365.08 of the Revised Code. 62130

Sec. 3365.07. (A) The rules adopted under section 3365.02 of 62131

the Revised Code shall specify a method for each of the following: 62132

(1) Determining, with respect to any participant, the 62133
percentage of a full-time educational program constituted by the 62134
participant's total educational program. That percentage shall be 62135
the participant's full-time equivalency percentage for purposes of 62136
the computation required by division (B)(1) of this section. 62137

(2) In the case of a participant who is not enrolled in a 62138
participating nonpublic school, determining the percentage of a 62139
participant's school day during which the participant is 62140
participating in each of the following: 62141

(a) Programs provided by the city, local, or exempted village 62142
school district, a community school, or a STEM school; 62143

(b) Programs provided by a joint vocational school district; 62144

(c) Programs provided by a college under division (B) of 62145
section 3365.04 of the Revised Code. 62146

The sum of divisions (A)(2)(a) to (c) of this section shall equal 62147
one hundred per cent. 62148

(3) In the case of a participant who is not enrolled in a 62149
participating nonpublic school, determining the percentage of a 62150
participant's enrollment that shall be deemed to be enrollment in 62151
a joint vocational school district and the percentage that shall 62152
be deemed to be enrollment in a city, local, or exempted village 62153
school district. The sum of such percentages shall equal one 62154
hundred per cent. 62155

(4) In the case of a participant who is enrolled in a 62156
participating nonpublic school, determining the percentage of a 62157
participant's school day during which the participant is 62158
participating in programs provided by a college under division (B) 62159
of section 3365.04 of the Revised Code. 62160

(B) Each July, unless provided otherwise in an alternative 62161

funding agreement entered into under rules adopted under section 62162
3365.12 of the Revised Code, the department of education shall pay 62163
each college for any participant enrolled in the college in the 62164
prior school year under division (B) of section 3365.04 of the 62165
Revised Code an amount computed as follows: 62166

(1) Multiply the tuition base by the participant's full-time 62167
equivalency percentage and multiply the resulting amount by a 62168
percentage equal to the percentage of the participant's school day 62169
apportioned to the college under division (A)(2)(c) or (4) of this 62170
section, as applicable. 62171

(2) Pay the college the lesser of: 62172

(a) The amount computed under division (B)(1) of this 62173
section; 62174

(b) The actual costs that would have been the responsibility 62175
of the participant had the participant elected to enroll under 62176
division (A) of section 3365.04 of the Revised Code, as verified 62177
by the department, of tuition, textbooks, materials, and fees 62178
directly related to any courses elected by the participant during 62179
the prior school year under division (B) of section 3365.04 of the 62180
Revised Code. 62181

(C) The department shall not reimburse any college for any 62182
course taken by a participant under division (A) of section 62183
3365.04 of the Revised Code. 62184

(D) If the participant was not enrolled in a participating 62185
nonpublic school, the amount paid under division (B) of this 62186
section for each participant shall be subtracted from the school 62187
foundation payments made to the participant's school district or, 62188
if the participant was enrolled in a community school or a STEM 62189
school, from the payments made to the participant's school under 62190
section 3314.08 or 3326.33 of the Revised Code. If the participant 62191
was enrolled in a joint vocational school district, a portion of 62192

the amount shall be subtracted from the payments to the joint vocational school district and a portion shall be subtracted from the payments to the participant's city, local, or exempted village school district. The amount of the payment subtracted from the city, local, or exempted village school district shall be computed as follows:

(1) Add the following:

(a) The percentage of the participant's enrollment in the school district, determined under division (A)(3) of this section; and

(b) Twenty-five per cent times the percentage of the participant's enrollment in the joint vocational school district, determined under division (A)(3) of this section.

(2) Multiply the sum obtained under division (D)(1) of this section by the amount computed under division (B)(2) of this section.

The balance of the payment shall be subtracted from the joint vocational district's school foundation payments.

(E) If the participant was enrolled in a participating nonpublic school, the amount paid under division (B) of this section shall be subtracted from moneys set aside by the general assembly for such purpose from funds appropriated for the purposes of section 3317.06 of the Revised Code.

Sec. 3365.08. (A) A college that expects to receive or receives reimbursement under section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code shall furnish to a participant all textbooks and materials directly related to a course taken by the participant under division (B) of section 3365.04 of the Revised Code. No college shall charge such

participant for tuition, textbooks, materials, or other fees 62223
directly related to any such course. 62224

(B) No student enrolled under this chapter in a course for 62225
which credit toward high school graduation is awarded shall 62226
receive direct financial aid through any state or federal program. 62227

(C) If a school district provides transportation for resident 62228
school students in grades eleven and twelve under section 3327.01 62229
of the Revised Code, a parent of a pupil enrolled in a course 62230
under division (A)(2) or (B) of section 3365.04 of the Revised 62231
Code may apply to the board of education for full or partial 62232
reimbursement for the necessary costs of transporting the student 62233
between the secondary school the student attends and the college 62234
in which the student is enrolled. Reimbursement may be paid solely 62235
from funds received by the district under ~~division (D) of section~~ 62236
~~3317.022~~ 3306.12 of the Revised Code. The state board of education 62237
shall establish guidelines, based on financial need, under which a 62238
district may provide such reimbursement. 62239

(D) If a community school provides or arranges transportation 62240
for its pupils in grades nine through twelve under section 62241
3314.091 of the Revised Code, a parent of a pupil of the community 62242
school who is enrolled in a course under division (A)(2) or (B) of 62243
section 3365.04 of the Revised Code may apply to the governing 62244
authority of the community school for full or partial 62245
reimbursement of the necessary costs of transporting the student 62246
between the community school and the college. The governing 62247
authority may pay the reimbursement in accordance with the state 62248
board's rules adopted under division (C) of this section solely 62249
from funds paid to it under section 3314.091 of the Revised Code. 62250

Sec. 3365.09. Section 3365.07 ~~and~~, divisions (A) and (C) of 62251
section 3365.08, and agreements entered into under rules adopted 62252

under section 3365.12 of the Revised Code do not apply to any 62253
college course in which a student is enrolled if during the term 62254
such student is enrolled in the college course the student is also 62255
a full-time student in the student's district, community school, 62256
STEM school, or nonpublic school. The rules adopted under section 62257
3365.02 of the Revised Code shall prescribe a method for 62258
determining whether a student is enrolled full-time in the 62259
student's district, community school, STEM school, or nonpublic 62260
school. 62261

Sec. 3365.10. As used in this section, the "base amount" for 62262
any school year is one million dollars. "Full-time equivalency 62263
percentage" and "percentage of the school day" enrolled in college 62264
shall be determined under the rules described by divisions (A)(1) 62265
and (4) of section 3365.07 of the Revised Code or the rules 62266
adopted under section 3365.12 of the Revised Code. 62267

(A) Each nonpublic school student who wishes to become a 62268
participant in any school year shall send to the department of 62269
education a copy of ~~his~~ the student's acceptance from a college 62270
and an application. The application shall be made on forms 62271
provided by the state board and shall include information about 62272
the student's proposed participation, including the school year in 62273
which ~~he~~ the student wishes to participate; the semesters or terms 62274
the student wishes to enroll during such year; the student's 62275
expected full-time equivalency percentage for each such semester 62276
or term; and the percentage of the school day each such semester 62277
or term that the student expects to be enrolled in programs 62278
provided by a college under division (B) of section 3365.04 of the 62279
Revised Code. The department shall mark each application with the 62280
date and time of receipt. 62281

(B) Calculations involving applications under this division 62282
shall be made in the order in which the applications are received. 62283

Upon receipt of an application under division (A) of this section, the department shall calculate the amount the college would be paid under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code for the student's expected participation. ~~The~~ For calculations made under division (B) of section 3365.07 of the Revised Code, the department shall subtract each such calculated amount from the base amount for that year, or the amount remaining for that year after the subtraction from the base amount of amounts previously calculated under this division as a result of prior applications for participation in that year, whichever is the lesser amount.

(C) If such a subtraction under division (B) of this section results in a positive number, the department shall notify the applicant within three weeks of the receipt of ~~his~~ the application that ~~he~~ such applicant may participate in the post-secondary enrollment options program to the extent indicated in the application.

(D) If such a subtraction under division (B) of this section results in a negative number, the department shall, within one week of the receipt of such application, notify the applicant, the applicant's nonpublic school, and the college accepting the applicant that funds will not be available for the applicant's participation in the program during the year for which the application was made. The department shall also notify all applicants whose applications for that year are subsequently received, their nonpublic schools, and the colleges accepting them of the same fact.

(E) No applicant receiving notification under division (D) of this section may become a participant under division (B) of section 3365.04 of the Revised Code for the year for which ~~he~~ the applicant applied and no college shall be paid under division (B)

of section 3365.07 of the Revised Code or through alternative 62316
funding agreements entered into under rules adopted under section 62317
3365.12 of the Revised Code for participation by any such 62318
applicant in such year. 62319

Sec. 3365.12. The superintendent of public instruction and 62320
the chancellor of the Ohio board of regents jointly may adopt 62321
rules in accordance with Chapter 119. of the Revised Code 62322
permitting a board of education of a school district or joint 62323
vocational school district, governing authority of a community 62324
school, governing body of a STEM school, or governing authority of 62325
a participating nonpublic school to enter into an agreement with a 62326
college or university to use an alternate funding formula to 62327
calculate, or an alternate method to transmit, the amount the 62328
college or university would be paid for a student participating in 62329
a program under this chapter, including the program known as 62330
seniors to sophomores. 62331

Rules adopted under this section may include, but need not be 62332
limited to, any of the following alternative funding options: 62333

(A) Direct payment of funds necessary to support students 62334
participating in a program under this chapter, including the 62335
seniors to sophomores program, by the school district, joint 62336
vocational school district, community school, STEM school, or any 62337
combination thereof, to the college or university in which the 62338
student enrolled; 62339

(B) Alternate funding formulas to calculate the amount of 62340
money to be paid to colleges for participants; 62341

(C) A negotiated amount to be paid, as agreed by the school 62342
district, joint vocational school district, community school, or 62343
STEM school and the college or university. 62344

Sec. 3375.79. There is hereby created in the state treasury 62345

the Bill and Melinda Gates foundation grant fund consisting of 62346
Bill and Melinda Gates foundation grants awarded to the state 62347
library of Ohio. The state library board shall use the fund for 62348
the improvement of public library services, interlibrary 62349
cooperation, or other library purposes. All investment earnings of 62350
the fund shall be credited to the fund. 62351

Sec. 3501.17. (A) The expenses of the board of elections 62352
shall be paid from the county treasury, in pursuance of 62353
appropriations by the board of county commissioners, in the same 62354
manner as other county expenses are paid. If the board of county 62355
commissioners fails to appropriate an amount sufficient to provide 62356
for the necessary and proper expenses of the board of elections 62357
pertaining to the conduct of elections, the board of elections may 62358
apply to the court of common pleas within the county, which shall 62359
fix the amount necessary to be appropriated and the amount shall 62360
be appropriated. Payments shall be made upon vouchers of the board 62361
of elections certified to by its chairperson or acting chairperson 62362
and the director or deputy director, upon warrants of the county 62363
auditor. 62364

The board of elections shall not incur any obligation 62365
involving the expenditure of money unless there are moneys 62366
sufficient in the funds appropriated therefor to meet the 62367
obligation. If the board of elections requests a transfer of funds 62368
from one of its appropriation items to another, the board of 62369
county commissioners shall adopt a resolution providing for the 62370
transfer except as otherwise provided in section 5705.40 of the 62371
Revised Code. The expenses of the board of elections shall be 62372
apportioned among the county and the various subdivisions as 62373
provided in this section, and the amount chargeable to each 62374
subdivision shall be withheld by the auditor from the moneys 62375
payable thereto at the time of the next tax settlement. At the 62376

time of submitting budget estimates in each year, the board of 62377
elections shall submit to the taxing authority of each 62378
subdivision, upon the request of the subdivision, an estimate of 62379
the amount to be withheld from the subdivision during the next 62380
fiscal year. 62381

(B) Except as otherwise provided in division (F) of this 62382
section, the compensation of the members of the board of elections 62383
and of the director, deputy director, and regular employees in the 62384
board's offices, other than compensation for overtime worked; the 62385
expenditures for the rental, furnishing, and equipping of the 62386
office of the board and for the necessary office supplies for the 62387
use of the board; the expenditures for the acquisition, repair, 62388
care, and custody of the polling places, booths, guardrails, and 62389
other equipment for polling places; the cost of tally sheets, 62390
maps, flags, ballot boxes, and all other permanent records and 62391
equipment; the cost of all elections held in and for the state and 62392
county; and all other expenses of the board which are not 62393
chargeable to a political subdivision in accordance with this 62394
section shall be paid in the same manner as other county expenses 62395
are paid. 62396

(C) The compensation of judges of elections and intermittent 62397
employees in the board's offices; the cost of renting, moving, 62398
heating, and lighting polling places and of placing and removing 62399
ballot boxes and other fixtures and equipment thereof, including 62400
voting machines, marking devices, and automatic tabulating 62401
equipment; the cost of printing and delivering ballots, cards of 62402
instructions, registration lists required under section 3503.23 of 62403
the Revised Code, and other election supplies, including the 62404
supplies required to comply with division (H) of section 3506.01 62405
of the Revised Code; the cost of contractors engaged by the board 62406
to prepare, program, test, and operate voting machines, marking 62407
devices, and automatic tabulating equipment; and all other 62408

expenses of conducting primaries and elections in the odd-numbered 62409
years shall be charged to the subdivisions in and for which such 62410
primaries or elections are held. The charge for each primary or 62411
general election in odd-numbered years for each subdivision shall 62412
be determined in the following manner: first, the total cost of 62413
all chargeable items used in conducting such elections shall be 62414
ascertained; second, the total charge shall be divided by the 62415
number of precincts participating in such election, in order to 62416
fix the cost per precinct; third, the cost per precinct shall be 62417
prorated by the board of elections to the subdivisions conducting 62418
elections for the nomination or election of offices in such 62419
precinct; fourth, the total cost for each subdivision shall be 62420
determined by adding the charges prorated to it in each precinct 62421
within the subdivision. 62422

(D) The entire cost of special elections held on a day other 62423
than the day of a primary or general election, both in 62424
odd-numbered or in even-numbered years, shall be charged to the 62425
subdivision. Where a special election is held on the same day as a 62426
primary or general election in an even-numbered year, the 62427
subdivision submitting the special election shall be charged only 62428
for the cost of ballots and advertising. Where a special election 62429
is held on the same day as a primary or general election in an 62430
odd-numbered year, the subdivision submitting the special election 62431
shall be charged for the cost of ballots and advertising for such 62432
special election, in addition to the charges prorated to such 62433
subdivision for the election or nomination of candidates in each 62434
precinct within the subdivision, as set forth in the preceding 62435
paragraph. 62436

(E) Where a special election is held on the day specified by 62437
division (E) of section 3501.01 of the Revised Code for the 62438
holding of a primary election, for the purpose of submitting to 62439
the voters of the state constitutional amendments proposed by the 62440

general assembly, and a subdivision conducts a special election on 62441
the same day, the entire cost of the special election shall be 62442
divided proportionally between the state and the subdivision based 62443
upon a ratio determined by the number of issues placed on the 62444
ballot by each, except as otherwise provided in division (G) of 62445
this section. Such proportional division of cost shall be made 62446
only to the extent funds are available for such purpose from 62447
amounts appropriated by the general assembly to the secretary of 62448
state. If a primary election is also being conducted in the 62449
subdivision, the costs shall be apportioned as otherwise provided 62450
in this section. 62451

(F) When a precinct is open during a general, primary, or 62452
special election solely for the purpose of submitting to the 62453
voters a statewide ballot issue, the state shall bear the entire 62454
cost of the election in that precinct and shall reimburse the 62455
county for all expenses incurred in opening the precinct. 62456

(G)(1) The state shall bear the entire cost of advertising in 62457
newspapers statewide ballot issues, explanations of those issues, 62458
and arguments for or against those issues, as required by Section 62459
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 62460
and any other section of law. Appropriations made to the 62461
controlling board shall be used to reimburse the secretary of 62462
state for all expenses the secretary of state incurs for such 62463
advertising under division (G) of section 3505.062 of the Revised 62464
Code. 62465

(2) There is hereby created in the state treasury the 62466
statewide ballot advertising fund. The fund shall receive 62467
transfers approved by the controlling board, and shall be used by 62468
the secretary of state to pay the costs of advertising state 62469
ballot issues as required under division (G)(1) of this section. 62470
Any such transfers may be requested from and approved by the 62471
controlling board prior to placing the advertising, in order to 62472

facilitate timely provision of the required advertising. 62473

(H) The cost of renting, heating, and lighting registration 62474
places; the cost of the necessary books, forms, and supplies for 62475
the conduct of registration; and the cost of printing and posting 62476
precinct registration lists shall be charged to the subdivision in 62477
which such registration is held. 62478

(I) At the request of a majority of the members of the board 62479
of elections, the board of county commissioners may, by 62480
resolution, establish an elections revenue fund. Except as 62481
otherwise provided in this division, the purpose of the fund shall 62482
be to accumulate revenue withheld by or paid to the county under 62483
this section for the payment of any expense related to the duties 62484
of the board of elections specified in section 3501.11 of the 62485
Revised Code, upon approval of a majority of the members of the 62486
board of elections. The fund shall not accumulate any revenue 62487
withheld by or paid to the county under this section for the 62488
compensation of the members of the board of elections or of the 62489
director, deputy director, or other regular employees in the 62490
board's offices, other than compensation for overtime worked. 62491

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 62492
Revised Code, the board of county commissioners may, by 62493
resolution, transfer money to the elections revenue fund from any 62494
other fund of the political subdivision from which such payments 62495
lawfully may be made. Following an affirmative vote of a majority 62496
of the members of the board of elections, the board of county 62497
commissioners may, by resolution, rescind an elections revenue 62498
fund established under this division. If an elections revenue fund 62499
is rescinded, money that has accumulated in the fund shall be 62500
transferred to the county general fund. 62501

(J) As used in this section: 62502

(1) "Political subdivision" and "subdivision" mean any board 62503

of county commissioners, board of township trustees, legislative 62504
authority of a municipal corporation, board of education, or any 62505
other board, commission, district, or authority that is empowered 62506
to levy taxes or permitted to receive the proceeds of a tax levy, 62507
regardless of whether the entity receives tax settlement moneys as 62508
described in division (A) of this section; 62509

(2) "Statewide ballot issue" means any ballot issue, whether 62510
proposed by the general assembly or by initiative or referendum, 62511
that is submitted to the voters throughout the state. 62512

Sec. 3701.024. (A)(1) Under a procedure established in rules 62513
adopted under section 3701.021 of the Revised Code, the department 62514
of health shall determine the amount each county shall provide 62515
annually for the program for medically handicapped children, based 62516
on a proportion of the county's total general property tax 62517
duplicate, not to exceed one-tenth of a mill, and charge the 62518
county for any part of expenses incurred under the program for 62519
diagnostic and treatment services on behalf of medically 62520
handicapped children having legal settlement in the county that is 62521
not paid from federal funds or through the medical assistance 62522
program established under section 5111.01 of the Revised Code. The 62523
department shall not charge the county for expenses exceeding the 62524
difference between the amount determined under division (A)(1) of 62525
this section and any amounts retained under divisions (A)(2) and 62526
(3) of this section. 62527

All amounts collected by the department under division (A)(1) 62528
of this section shall be deposited into the state treasury to the 62529
credit of the medically handicapped children-county assessment 62530
fund, which is hereby created. The fund shall be used by the 62531
department to comply with sections 3701.021 to 3701.028 of the 62532
Revised Code. 62533

(2) The department, in accordance with rules adopted under 62534

section 3701.021 of the Revised Code, may allow each county to 62535
retain up to ten per cent of the amount determined under division 62536
(A)(1) of this section to provide funds to city or general health 62537
districts of the county with which the districts shall provide 62538
service coordination, public health nursing, or transportation 62539
services for medically handicapped children. 62540

(3) In addition to any amount retained under division (A)(2) 62541
of this section, the department, in accordance with rules adopted 62542
under section 3701.021 of the Revised Code, may allow counties 62543
that it determines have significant numbers of potentially 62544
eligible medically handicapped children to retain an amount equal 62545
to the difference between: 62546

(a) Twenty-five per cent of the amount determined under 62547
division (A)(1) of this section; 62548

(b) Any amount retained under division (A)(2) of this 62549
section. 62550

Counties shall use amounts retained under division (A)(3) of 62551
this section to provide funds to city or general health districts 62552
of the county with which the districts shall conduct outreach 62553
activities to increase participation in the program for medically 62554
handicapped children. 62555

(4) Prior to any increase in the millage charged to a county, 62556
the public health council shall hold a public hearing on the 62557
proposed increase and shall give notice of the hearing to each 62558
board of county commissioners that would be affected by the 62559
increase at least thirty days prior to the date set for the 62560
hearing. Any county commissioner may appear and give testimony at 62561
the hearing. Any increase in the millage any county is required to 62562
provide for the program for medically handicapped children shall 62563
be determined, and notice of the amount of the increase shall be 62564
provided to each affected board of county commissioners, no later 62565

than the first day of June of the fiscal year next preceding the 62566
fiscal year in which the increase will take effect. 62567

(B) Each board of county commissioners shall establish a 62568
medically handicapped children's fund and shall appropriate 62569
thereto an amount, determined in accordance with division (A)(1) 62570
of this section, for the county's share in providing medical, 62571
surgical, and other aid to medically handicapped children residing 62572
in such county and for the purposes specified in divisions (A)(2) 62573
and (3) of this section. Each county shall use money retained 62574
under divisions (A)(2) and (3) of this section only for the 62575
purposes specified in those divisions. 62576

Sec. 3701.0211. (A) There is hereby created the hemophilia 62577
advisory council in the department of health. The council shall 62578
consist of the following members: 62579

(1) The following nonvoting members: 62580

(a) The director of health or the director's designee; 62581

(b) The superintendent of insurance or the superintendent's 62582
designee; 62583

(c) A representative of the department of job and family 62584
services. 62585

(2) The following voting members, to be appointed by the 62586
governor with the advice and consent of the senate: 62587

(a) Two individuals authorized under Chapter 4731. of the 62588
Revised Code to practice medicine and surgery or osteopathic 62589
medicine and surgery who are currently treating patients with 62590
hemophilia or related bleeding disorders, one of whom specializes 62591
in pediatrics and one of whom specializes in the treatment of 62592
adults; 62593

(b) An individual licensed under Chapter 4723. of the Revised 62594
Code to practice nursing who is currently treating patients with 62595

<u>hemophilia or related bleeding disorders;</u>	62596
<u>(c) An individual licensed under Chapter 4757. of the Revised Code as an independent social worker or social worker who is currently treating patients with hemophilia or related bleeding disorders;</u>	62597
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<u>(d) A representative of a federally funded hemophilia treatment center;</u>	62601
	62602
<u>(e) A representative of a health insuring corporation that holds a certificate of authority issued under Chapter 1751. of the Revised Code or a company authorized under Chapter 3923. of the Revised Code to do the business of sickness and accident insurance in this state;</u>	62603
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<u>(f) A representative of an Ohio chapter of the national hemophilia foundation that serves the community of persons with hemophilia and related bleeding disorders community;</u>	62608
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<u>(g) An adult with hemophilia or caregiver of an adult with hemophilia;</u>	62611
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<u>(h) A caregiver of a minor with hemophilia;</u>	62613
<u>(i) A person with a bleeding disorder other than hemophilia or caregiver of a person with a bleeding disorder other than hemophilia;</u>	62614
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<u>(j) A person with hemophilia who is a member of the Amish sect or a health professional currently treating persons with hemophilia who are members of the Amish sect.</u>	62617
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<u>(B) Not later than ninety days after the effective date of this section, the governor shall make initial appointments to the council. Of the initial appointments, four shall be for terms ending two years after the effective date of this section, four shall be for terms ending three years after that date, and three shall be for terms ending four years after that date. Thereafter,</u>	62620
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terms of office shall be two years, with each term ending on the 62626
same day of the same month as the term it succeeds. Each member 62627
shall hold office from the date of appointment until the end of 62628
the term for which the member was appointed. Members may be 62629
reappointed. 62630

Vacancies shall be filled in the same manner as original 62631
appointments. Any member appointed to fill a vacancy occurring 62632
prior to the expiration of the term for which the member's 62633
predecessor was appointed shall hold office for the remainder of 62634
that term. A member shall continue in office subsequent to the 62635
expiration date of the member's term until the member's successor 62636
takes office or until a period of sixty days has elapsed, 62637
whichever occurs first. 62638

(C) The voting members shall elect from among the council's 62639
members a chairperson who shall serve a one-year term. The council 62640
shall meet at the call of the chairperson, but not less than four 62641
times each year. A majority of the members of the council 62642
constitutes a quorum. 62643

(D) Members shall serve without compensation, but may be 62644
reimbursed for actual and necessary expenses incurred in the 62645
performance of their duties. 62646

(E) The council shall advise the director of health on all of 62647
the following: 62648

(1) Reviewing the impact of changes to both of the following: 62649

(a) Existing programs for persons with hemophilia and related 62650
bleeding disorders; 62651

(b) Existing policies for persons with hemophilia and related 62652
bleeding disorders. 62653

(2) Developing standards of care and standards of treatment 62654
for persons with hemophilia and related bleeding disorders; 62655

(3) Developing programs of care and programs of treatment for persons with hemophilia and related bleeding disorders, including self-administration of medication, home care, medical and dental procedures, and techniques designed to provide maximum control over bleeding episodes; 62656
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(4) Reviewing data and making recommendations regarding the ability of persons with hemophilia and related bleeding disorders to obtain appropriate health insurance coverage and access to appropriate care; 62661
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(5) Coordinating with other state agencies and private organizations to develop community-based initiatives to increase awareness of hemophilia and related bleeding disorders. 62665
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(F) The council shall annually submit to the governor and general assembly a report with recommendations on increasing access to care and treatment and obtaining appropriate health insurance coverage for persons with hemophilia and related bleeding disorders. 62668
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Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on ~~the effective date of this section~~ October 5, 2000, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following: 62673
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(1) Establish the format for the annual reports required by section 307.626 of the Revised Code; 62681
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(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any 62683
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person's identity to be ascertained from a report; 62686

(3) Establish guidelines for a child fatality review board to 62687
follow in creating and maintaining the comprehensive database of 62688
child deaths required by section 307.623 of the Revised Code, 62689
including provisions establishing uniform record-keeping 62690
procedures; 62691

(4) Establish guidelines for reporting child fatality review 62692
data to the department of health or a national child death review 62693
database, either of which must maintain the confidentiality of 62694
information that would permit a person's identity to be 62695
ascertained; 62696

(5) Establish guidelines, materials, and training to help 62697
educate members of child fatality review boards about the purpose 62698
of the review process and the confidentiality of the information 62699
described in section 307.629 of the Revised Code and to make them 62700
aware that such information is not a public record under section 62701
149.43 of the Revised Code. 62702

(B) On or before the thirtieth day of September of each year, 62703
the department of health and the children's trust fund board 62704
jointly shall prepare and publish a report organizing and setting 62705
forth the data from the department of health child death review 62706
database or the national child death review database, data in all 62707
the reports provided by child fatality review boards in their 62708
annual reports for the previous calendar year, ~~and recommending~~ 62709
recommendations for any changes to law and policy that might 62710
prevent future deaths. The department and the children's trust 62711
fund board jointly shall provide a copy of the report to the 62712
governor, the speaker of the house of representatives, the 62713
president of the senate, the minority leaders of the house of 62714
representatives and the senate, each county or regional child 62715
fatality review board, and each county or regional family and 62716
children first council. 62717

Sec. 3701.07. (A) The public health council shall adopt rules 62718
in accordance with Chapter 119. of the Revised Code defining and 62719
classifying hospitals and dispensaries and providing for the 62720
reporting of information by hospitals and dispensaries. Except as 62721
otherwise provided in the Revised Code, the rules providing for 62722
the reporting of information shall not require inclusion of any 62723
confidential patient data or any information concerning the 62724
financial condition, income, expenses, or net worth of the 62725
facilities other than that financial information already contained 62726
in those portions of the medicare or medicaid cost report that is 62727
necessary for the department of health to certify the per diem 62728
cost under section 3701.62 of the Revised Code. The rules may 62729
require the reporting of information in the following categories: 62730

(1) Information needed to identify and classify the 62731
institution; 62732

(2) Information on facilities and type and volume of services 62733
provided by the institution; 62734

(3) The number of beds listed by category of care provided; 62735

(4) The number of licensed or certified professional 62736
employees by classification; 62737

(5) The number of births that occurred at the institution the 62738
previous calendar year; 62739

(6) Any other information that the council considers relevant 62740
to the safety of patients served by the institution. 62741

Every hospital and dispensary, public or private, annually 62742
shall register with and report to the department of health. 62743
Reports shall be submitted in the manner prescribed in rules 62744
adopted under this division. 62745

(B) Every governmental entity or private nonprofit 62746
corporation or association whose employees or representatives are 62747

defined as residents' rights advocates under divisions (E)(1) and 62748
(2) of section 3721.10 or division (A)(10) of section 3722.01 of 62749
the Revised Code shall register with the department of health on 62750
forms furnished by the director of health and shall provide such 62751
reasonable identifying information as the director may prescribe. 62752

The department shall compile a list of the governmental 62753
entities, corporations, or associations registering under this 62754
division and shall update the list annually. Copies of the list 62755
shall be made available to nursing home administrators as defined 62756
in division (C) of section 3721.10 of the Revised Code and to 62757
adult care facility managers as defined in section 3722.01 of the 62758
Revised Code. 62759

~~(C) Every governmental entity or private nonprofit 62760
corporation or association whose employees or representatives act 62761
as residents' rights advocates for community alternative homes 62762
pursuant to section 3724.08 of the Revised Code shall register 62763
with the department of health on forms furnished by the director 62764
of health and shall provide such reasonable identifying 62765
information as the director may prescribe. 62766~~

~~The department shall compile a list of the governmental 62767
entities, corporations, and associations registering under this 62768
division and shall update the list annually. Copies of the list 62769
shall be made available to operators or residence managers of 62770
community alternative homes as defined in section 3724.01 of the 62771
Revised Code. 62772~~

Sec. 3701.136. (A) There is hereby created the sickle cell 62773
anemia advisory committee. The committee shall assist the director 62774
of health in fulfilling the director's duties under section 62775
3701.131 of the Revised Code. 62776

(B) The director shall appoint five members to the committee 62777
who are familiar with sickle cell anemia, including researchers, 62778

health care professionals, and persons personally affected by 62779
sickle cell anemia. 62780

Not later than ninety days after the effective date of this 62781
section, the director shall make initial appointments to the 62782
committee. Of the initial appointments, one shall be for a term 62783
ending one year after the effective date of this section, two 62784
shall be for terms ending two years after that date, and two shall 62785
be for terms ending three years after that date. Thereafter, terms 62786
of office shall be three years, with each term ending on the same 62787
day of the same month as did the term that it succeeds. Each 62788
member shall hold office from the date of appointment until the 62789
end of the term for which the member was appointed. Members may be 62790
reappointed. 62791

Vacancies shall be filled in the same manner as original 62792
appointments. Any member appointed to fill a vacancy occurring 62793
prior to the expiration of the term for which the member's 62794
predecessor was appointed shall hold office for the remainder of 62795
that term. A member shall continue in office subsequent to the 62796
expiration date of the member's term until the member's successor 62797
takes office or until a period of sixty days has elapsed, 62798
whichever occurs first. 62799

Members of the committee shall serve without compensation, 62800
but may be reimbursed for actual and necessary expenses incurred 62801
in the performance of their duties. 62802

(C) The committee shall annually select from among its 62803
members a chairperson. The committee shall meet at the call of the 62804
chairperson, but not less than twice each year. A majority of the 62805
members of the committee constitutes a quorum. 62806

Sec. 3701.344. As used in this section and sections 3701.345, 62807
3701.346, and 3701.347 of the Revised Code: 62808

(A) "Private water system" means any water system for the provision of water for human consumption, if such system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days out of the year. A private water system includes any well, spring, cistern, pond, or hauled water and any equipment for the collection, transportation, filtration, disinfection, treatment, or storage of such water extending from and including the source of the water to the point of discharge from any pressure tank or other storage vessel; to the point of discharge from the water pump where no pressure tank or other storage vessel is present; or, in the case of multiple service connections serving more than one dwelling, to the point of discharge from each service connection. ~~A private~~ "Private water system" does not include the water service line extending from the point of discharge to a structure.

(B) Notwithstanding section 3701.347 of the Revised Code and subject to division (C) of this section, rules adopted by the public health council regarding private water systems shall provide for the following:

(1) Except as otherwise provided in this division, boards of health of city or general health districts shall be given the exclusive power to establish fees in accordance with section 3709.09 of the Revised Code for administering and enforcing such rules. Such fees shall establish a different rate for administering and enforcing the rules relative to private water systems serving single-family dwelling houses and nonsingle-family dwelling houses. Except for an amount established by the public health council, pursuant to division (B)(5) of this section, for each new private water system installation, no portion of any fee for administering and enforcing such rules shall be returned to the department of health. If the director of health determines

that a board of health of a city or general health district is 62841
unable to administer and enforce a private water system program in 62842
the district, the director shall administer and enforce such a 62843
program in the district and establish fees for such administration 62844
and enforcement. 62845

(2) Boards of health of city or general health districts 62846
shall be given the exclusive power to determine the number of 62847
inspections necessary for determining the safe drinking 62848
characteristics of a private water system. 62849

(3) Private water systems contractors, as a condition of 62850
doing business in this state, shall annually register with, and 62851
comply with surety bonding requirements of, the department of 62852
health. No such contractor shall be permitted to register if ~~he~~ 62853
the contractor fails to comply with all applicable rules adopted 62854
by the public health council and the board of health of the city 62855
or general health district. The annual registration fee for 62856
private water systems contractors shall be sixty-five dollars. The 62857
public health council, by rule adopted in accordance with Chapter 62858
119. of the Revised Code, may increase the annual registration 62859
fee. Before January 1, 1993, the fee shall not be increased by 62860
more than fifty per cent of the amount prescribed by this section. 62861

(4) Boards of health of city or general health districts 62862
subject to such rules of the public health council shall have the 62863
option of determining whether bacteriological examinations shall 62864
be performed at approved laboratories of the state or at approved 62865
private laboratories. 62866

(5) The public health council may establish fees for each new 62867
private water system installation, which shall be collected by the 62868
appropriate ~~city or general health district~~ board of health and 62869
~~returned~~ transmitted to the ~~department~~ director of health pursuant 62870
to section 3709.092 of the Revised Code. 62871

(6) All fees ~~collected~~ received by the director of health 62872
under divisions (B)(1), (3), and (5) of this section shall be 62873
deposited in the state treasury to the credit of the general 62874
operations fund created in section 3701.83 of the Revised Code for 62875
use in the administration and enforcement of sections 3701.344 to 62876
3701.347 of the Revised Code and the rules pertaining to private 62877
water systems adopted under those sections or section 3701.34 of 62878
the Revised Code. 62879

(C) To the extent that rules adopted under division (B) of 62880
this section require health districts to follow specific 62881
procedures or use prescribed forms, no such procedure or form 62882
shall be implemented until it is approved by majority vote of an 62883
approval board of health commissioners, hereby created. Members of 62884
the board shall be the officers of the association of Ohio health 62885
commissioners, or any successor organization, and membership on 62886
the board shall be coterminous with holding an office of the 62887
association. No health district is required to follow a procedure 62888
or use a form required by a rule adopted under division (B) of 62889
this section without the approval of the board. 62890

(D) A board of health shall collect well log filing fees on 62891
behalf of the division of soil and water resources in the 62892
department of natural resources in accordance with section 1521.05 62893
of the Revised Code and rules adopted under it. The fees shall be 62894
submitted to the division quarterly as provided in those rules. 62895
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Sec. 3701.611. (A) The governor shall create the help me grow 62897
advisory council in accordance with 20 U.S.C. 1441, which shall 62898
serve as the state interagency coordinating council, as described 62899
in 20 U.S.C. 1441. Members of the council shall reasonably 62900
represent the population of this state. The governor shall appoint 62901
as a member of the council a representative of a board of health 62902

of a city or general health district or an authority having the 62903
duties of a board of health under section 3709.05 of the Revised 62904
Code. 62905

The governor shall appoint one of the council members to 62906
serve as chairperson of the council, or the governor may delegate 62907
appointment of the chairperson to the council. No member of the 62908
council representing the department of health shall serve as 62909
chairperson. 62910

(B) The council shall meet at least once in each quarter of 62911
the calendar year. The chairperson may call additional meetings if 62912
necessary. 62913

(C) A member of the council shall not vote on any matter that 62914
is likely to provide a direct financial benefit to that member or 62915
otherwise be a conflict of interest. 62916

(D) The governor may reimburse members of the council for 62917
actual and necessary expenses incurred in the performance of their 62918
official duties, including child care for the parent 62919
representatives described in 20 U.S.C. 1441(b)(1)(A). The governor 62920
also may compensate members of the council who are not employed or 62921
who must forfeit wages from other employment when performing 62922
official council business. 62923

(E) The department of health shall serve as the "lead 62924
agency," as described by 20 U.S.C. 1435(a)(10). 62925

(F) The help me grow advisory council shall do all of the 62926
following: 62927

(1) Advise and assist the department of health in the 62928
performance of the responsibilities described in 20 U.S.C. 62929
1435(a)(10), including the following: 62930

(a) Identification of the sources of fiscal and other support 62931
for services for early intervention programs; 62932

(b) Assignment of financial responsibility to the appropriate agency, in accordance with 20 U.S.C. 1437(a)(2); 62933
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(c) Promotion of formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services and procedures for resolving disputes; 62935
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(2) Advise and assist the department of health in the preparation and amendment of applications related to the department of health's responsibilities described in 20 U.S.C. 1435(a)(10); 62938
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(3) Advise and assist the department of education regarding the transition of toddlers with disabilities to preschool and other appropriate services; 62942
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(4) Prepare and submit an annual report to the governor, before the thirtieth day of September, on the status of early intervention programs for infants and toddlers with disabilities and their families operated within this state during the most recent fiscal year. 62945
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(G) The help me grow advisory council may advise and assist the department of health and the department of education regarding the provision of appropriate services for children age five and younger. The council may advise appropriate agencies about the integration of services for infants and toddlers with disabilities, and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services. 62950
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Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of ~~eighteen~~ twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals. The governor also shall appoint two members who are representatives of 62958
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the lupus awareness and education program. The speaker of the 62963
house of representatives shall appoint to the commission two 62964
members of the house of representatives, not more than one of whom 62965
is a member of the same political party, and the president of the 62966
senate shall appoint to the commission two members of the senate, 62967
not more than one of whom is a member of the same political party. 62968
The directors of health, mental health, mental retardation and 62969
developmental disabilities, alcohol and drug addiction services, 62970
and job and family services, or their designees, and the 62971
superintendent of public instruction, or the superintendent's 62972
designee, shall be members of the commission. The commission shall 62973
elect a chairperson from among its members. Of the members 62974
appointed by the governor, five shall be appointed to initial 62975
terms of one year, and four shall be appointed to initial terms of 62976
two years. Thereafter, all members appointed by the governor shall 62977
be appointed to terms of two years. All members of the commission 62978
appointed by the speaker of the house of representatives or the 62979
president of the senate shall be nonvoting members of the 62980
commission and be appointed within thirty days after the 62981
commencement of the first regular session of each general 62982
assembly, and shall serve until the expiration of the session of 62983
the general assembly during which they were appointed. Members of 62984
the commission shall serve without compensation, but shall be 62985
reimbursed for the actual and necessary expenses they incur in the 62986
performance of their official duties. 62987

(B) The commission shall promote health and the prevention of 62988
disease among members of minority groups. Each year the commission 62989
shall distribute grants from available funds to community-based 62990
health groups to be used to promote health and the prevention of 62991
disease among members of minority groups. As used in this 62992
division, "minority group" means any of the following economically 62993
disadvantaged groups: Blacks, American Indians, Hispanics, and 62994
Orientals. The commission shall adopt and maintain rules pursuant 62995

to Chapter 119. of the Revised Code to provide for the 62996
distribution of these grants. No group shall qualify to receive a 62997
grant from the commission unless it receives at least twenty per 62998
cent of its funds from sources other than grants distributed under 62999
this section. 63000

(C) The commission may appoint such employees as it considers 63001
necessary to carry out its duties under this section. The 63002
department of health shall provide office space for the 63003
commission. 63004

(D) The commission shall meet at the call of its chairperson 63005
to conduct its official business. A majority of the voting members 63006
of the commission constitute a quorum. The votes of at least eight 63007
voting members of the commission are necessary for the commission 63008
to take any official action or to approve the distribution of 63009
grants under this section. 63010

Sec. 3701.84. The department of health may prepare a plan to 63011
reduce tobacco use by Ohioans, with emphasis on reducing the use 63012
of tobacco by youth, minority and regional populations, pregnant 63013
women, and others who may be disproportionately affected by the 63014
use of tobacco. The plan may provide for periodic surveys to 63015
measure tobacco use and behavior toward tobacco use by Ohioans. If 63016
the department prepares a plan, copies of the plan shall be 63017
available to the public. 63018

The plan may also describe youth tobacco consumption 63019
prevention programs to be eligible for consideration for grants 63020
from the department and may set forth the criteria by which 63021
applications for grants for such programs will be considered by 63022
the department. Programs eligible for consideration may include: 63023

(A) Media campaigns directed to youth to prevent underage 63024
tobacco consumption; 63025

(B) School-based education programs to prevent youth tobacco consumption; 63026
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(C) Community-based youth programs involving youth tobacco consumption prevention through general youth development; 63028
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(D) Retailer education and compliance efforts to prevent youth tobacco consumption; 63030
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(E) Mentoring programs designed to prevent or reduce tobacco use by students. 63032
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Pursuant to the plan, the department may carry out, or provide funding for private or public agencies to carry out, research and programs related to tobacco use prevention and cessation. If the department provides such funding, the department shall establish an objective process to determine which research and program proposals to fund. When appropriate, proposals for research shall be peer-reviewed. No program shall be carried out or funded by the department unless there is research that indicates that the program is likely to achieve the results desired. All research and programs funded by the department shall be goal-oriented and independently and objectively evaluated annually on whether it is meeting its goals. The department shall contract for such evaluations and shall adopt rules under Chapter 119. of the Revised Code regarding conflicts of interest in the research and programs it funds. 63034
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The department may form a nonprofit corporation pursuant to Chapter 1702. of the Revised Code for the purpose of raising money to aid the department pursuant to this section. 63049
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The department shall endeavor to coordinate its research and programs with the efforts of other agencies of this state to reduce tobacco use by Ohioans. Any state agency that conducts a survey that measures tobacco use or behavior toward tobacco use by Ohioans shall share the results of the survey with the department. 63052
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The department may adopt rules under Chapter 119. of the Revised Code as necessary to implement this section.

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Health service area" means a geographic region designated by the director of health under section 3702.58 of the Revised Code.

(E) "Health service" means a clinically related service, such as a diagnostic, treatment, rehabilitative, or preventive service.

(F) "Health service agency" means an agency designated to serve a health service area in accordance with section 3702.58 of the Revised Code.

(G) "Health care facility" means:

(1) A hospital registered under section 3701.07 of the Revised Code;

(2) A nursing home licensed under section 3721.02 of the Revised Code, or by a political subdivision certified under section 3721.09 of the Revised Code;

(3) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title

XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42	63086
U.S.C.A. 301, as amended;	63087
(4) A freestanding dialysis center;	63088
(5) A freestanding inpatient rehabilitation facility;	63089
(6) An ambulatory surgical facility;	63090
(7) A freestanding cardiac catheterization facility;	63091
(8) A freestanding birthing center;	63092
(9) A freestanding or mobile diagnostic imaging center;	63093
(10) A freestanding radiation therapy center.	63094
A health care facility does not include the offices of	63095
private physicians and dentists whether for individual or group	63096
practice, residential facilities licensed under section 5123.19 of	63097
the Revised Code, or an institution for the sick that is operated	63098
exclusively for patients who use spiritual means for healing and	63099
for whom the acceptance of medical care is inconsistent with their	63100
religious beliefs, accredited by a national accrediting	63101
organization, exempt from federal income taxation under section	63102
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26	63103
U.S.C.A. 1, as amended, and providing twenty-four hour nursing	63104
care pursuant to the exemption in division (E) of section 4723.32	63105
of the Revised Code from the licensing requirements of Chapter	63106
4723. of the Revised Code.	63107
(H) "Medical equipment" means a single unit of medical	63108
equipment or a single system of components with related functions	63109
that is used to provide health services.	63110
(I) "Third-party payer" means a health insuring corporation	63111
licensed under Chapter 1751. of the Revised Code, a health	63112
maintenance organization as defined in division (K) of this	63113
section, an insurance company that issues sickness and accident	63114
insurance in conformity with Chapter 3923. of the Revised Code, a	63115

state-financed health insurance program under Chapter 3701., 63116
4123., or 5111. of the Revised Code, or any self-insurance plan. 63117

(J) "Government unit" means the state and any county, 63118
municipal corporation, township, or other political subdivision of 63119
the state, or any department, division, board, or other agency of 63120
the state or a political subdivision. 63121

(K) "Health maintenance organization" means a public or 63122
private organization organized under the law of any state that is 63123
qualified under section 1310(d) of Title XIII of the "Public 63124
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 63125

(L) "Existing health care facility" means either of the 63126
following: 63127

(1) A health care facility that is licensed or otherwise 63128
authorized to operate in this state in accordance with applicable 63129
law, including a county home or a county nursing home that is 63130
certified as of February 1, 2008, under Title XVIII or Title XIX 63131
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 63132
as amended, is staffed and equipped to provide health care 63133
services, and is actively providing health services; 63134

(2) A health care facility that is licensed or otherwise 63135
authorized to operate in this state in accordance with applicable 63136
law, including a county home or a county nursing home that is 63137
certified as of February 1, 2008, under Title XVIII or Title XIX 63138
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 63139
as amended, or that has beds registered under section 3701.07 of 63140
the Revised Code as skilled nursing beds or long-term care beds 63141
and has provided services for at least three hundred sixty-five 63142
consecutive days within the twenty-four months immediately 63143
preceding the date a certificate of need application is filed with 63144
the director of health. 63145

(M) "State" means the state of Ohio, including, but not 63146

limited to, the general assembly, the supreme court, the offices 63147
of all elected state officers, and all departments, boards, 63148
offices, commissions, agencies, institutions, and other 63149
instrumentalities of the state of Ohio. "State" does not include 63150
political subdivisions. 63151

(N) "Political subdivision" means a municipal corporation, 63152
township, county, school district, and all other bodies corporate 63153
and politic responsible for governmental activities only in 63154
geographic areas smaller than that of the state to which the 63155
sovereign immunity of the state attaches. 63156

(O) "Affected person" means: 63157

(1) An applicant for a certificate of need, including an 63158
applicant whose application was reviewed comparatively with the 63159
application in question; 63160

(2) The person that requested the reviewability ruling in 63161
question; 63162

(3) Any person that resides or regularly uses health care 63163
facilities within the geographic area served or to be served by 63164
the health care services that would be provided under the 63165
certificate of need or reviewability ruling in question; 63166

(4) Any health care facility that is located in the health 63167
service area where the health care services would be provided 63168
under the certificate of need or reviewability ruling in question; 63169

(5) Third-party payers that reimburse health care facilities 63170
for services in the health service area where the health care 63171
services would be provided under the certificate of need or 63172
reviewability ruling in question; 63173

(6) Any other person who testified at a public hearing held 63174
under division (B) of section 3702.52 of the Revised Code or 63175
submitted written comments in the course of review of the 63176

certificate of need application in question. 63177

(P) "Osteopathic hospital" means a hospital registered under 63178
section 3701.07 of the Revised Code that advocates osteopathic 63179
principles and the practice and perpetuation of osteopathic 63180
medicine by doing any of the following: 63181

(1) Maintaining a department or service of osteopathic 63182
medicine or a committee on the utilization of osteopathic 63183
principles and methods, under the supervision of an osteopathic 63184
physician; 63185

(2) Maintaining an active medical staff, the majority of 63186
which is comprised of osteopathic physicians; 63187

(3) Maintaining a medical staff executive committee that has 63188
osteopathic physicians as a majority of its members. 63189

(Q) "Ambulatory surgical facility" has the same meaning as in 63190
section 3702.30 of the Revised Code. 63191

(R) ~~Except as otherwise provided in division (T) of this~~ 63192
~~section, and until the termination date specified in section~~ 63193
~~3702.511 of the Revised Code, "reviewable activity" means any of~~ 63194
~~the following:~~ 63195

~~(1) The addition by any person of any of the following health~~ 63196
~~services, regardless of the amount of operating costs or capital~~ 63197
~~expenditures:~~ 63198

~~(a) A heart, heart lung, lung, liver, kidney, bowel,~~ 63199
~~pancreas, or bone marrow transplantation service, a stem cell~~ 63200
~~harvesting and reinfusion service, or a service for~~ 63201
~~transplantation of any other organ unless transplantation of the~~ 63202
~~organ is designated by public health council rule not to be a~~ 63203
~~reviewable activity;~~ 63204

~~(b) A cardiac catheterization service;~~ 63205

~~(c) An open heart surgery service;~~ 63206

(d) Any new, experimental medical technology that is designated by rule of the public health council.	63207 63208
(2) The acceptance of high risk patients, as defined in rules adopted under section 3702.57 of the Revised Code, by any cardiac catheterization service that was initiated without a certificate of need pursuant to division (R)(3)(b) of the version of this section in effect immediately prior to April 20, 1995;	63209 63210 63211 63212 63213
(3)(a) The establishment, development, or construction of a new health care facility other than a new long term care facility or a new hospital;	63214 63215 63216
(b) The establishment, development, or construction of a new hospital or the relocation of an existing hospital;	63217 63218
(c) The relocation of hospital beds, other than long term care, perinatal, or pediatric intensive care beds, into or out of a rural area.	63219 63220 63221
(4)(a) The replacement of an existing hospital;	63222
(b) The replacement of an existing hospital obstetric or newborn care unit or freestanding birthing center.	63223 63224
(5)(a) The renovation of a hospital that involves a capital expenditure, obligated on or after June 30, 1995, of five million dollars or more, not including expenditures for equipment, staffing, or operational costs. For purposes of division (R)(5)(a) of this section, a capital expenditure is obligated:	63225 63226 63227 63228 63229
(i) When a contract enforceable under Ohio law is entered into for the construction, acquisition, lease, or financing of a capital asset;	63230 63231 63232
(ii) When the governing body of a hospital takes formal action to commit its own funds for a construction project undertaken by the hospital as its own contractor;	63233 63234 63235
(iii) In the case of donated property, on the date the gift	63236

~~is completed under applicable Ohio law.~~ 63237

~~(b) The renovation of a hospital obstetric or newborn care unit or freestanding birthing center that involves a capital expenditure of five million dollars or more, not including expenditures for equipment, staffing, or operational costs.~~ 63238
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~~(6) Any change in the health care services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need was granted, if the change is made prior to the date the activity for which the certificate was issued ceases to be a reviewable activity;~~ 63242
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~~(7) Any of the following changes in perinatal bed capacity or pediatric intensive care bed capacity:~~ 63248
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~~(a) An increase in bed capacity;~~ 63250

~~(b) A change in service or service level designation of newborn care beds or obstetric beds in a hospital or freestanding birthing center, other than a change of service that is provided within the service level designation of newborn care or obstetric beds as registered by the department of health;~~ 63251
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~~(c) A relocation of perinatal or pediatric intensive care beds from one physical facility or site to another, excluding the relocation of beds within a hospital or freestanding birthing center or the relocation of beds among buildings of a hospital or freestanding birthing center at the same site.~~ 63256
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~~(8) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need;~~ 63261
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~~(9) Any transfer of a certificate of need issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any agreement that contemplates the transfer of a~~ 63263
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~~certificate of need issued prior to that date upon completion of 63267
the project, and any transfer of the controlling interest in an 63268
entity that holds a certificate of need issued prior to that date. 63269
However, the transfer of a certificate of need issued prior to 63270
that date or agreement to transfer such a certificate of need from 63271
the person to whom the certificate of need was issued to an 63272
affiliated or related person does not constitute a reviewable 63273
transfer of a certificate of need for the purposes of this 63274
division, unless the transfer results in a change in the person 63275
that holds the ultimate controlling interest in the certificate of 63276
need. 63277~~

~~(10)(a) The acquisition by any person of any of the following 63278
medical equipment, regardless of the amount of operating costs or 63279
capital expenditure: 63280~~

~~(i) A cobalt radiation therapy unit; 63281~~

~~(ii) A linear accelerator; 63282~~

~~(iii) A gamma knife unit. 63283~~

~~(b) The acquisition by any person of medical equipment with a 63284
cost of two million dollars or more. The cost of acquiring medical 63285
equipment includes the sum of the following: 63286~~

~~(i) The greater of its fair market value or the cost of its 63287
lease or purchase; 63288~~

~~(ii) The cost of installation and any other activities 63289
essential to the acquisition of the equipment and its placement 63290
into service. 63291~~

~~(11) The addition of another cardiac catheterization 63292
laboratory to an existing cardiac catheterization service. 63293~~

~~(S) Except as provided in division (T)(S) of this section, 63294
"reviewable activity" also means any of the following activities, 63295
none of which are subject to a termination date: 63296~~

(1) The establishment, development, or construction of a new long-term care facility;	63297 63298
(2) The replacement of an existing long-term care facility;	63299
(3) The renovation of a long-term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;	63300 63301 63302 63303
(4) Any <u>Either</u> of the following changes in long-term care bed capacity:	63304 63305
(a) An increase in bed capacity;	63306
(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site;	63307 63308 63309 63310
(c) A recategorization of hospital beds registered under section 3701.07 of the Revised Code from another registration category to skilled nursing beds or long term care beds.	63311 63312 63313
(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long-term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;	63314 63315 63316 63317 63318 63319
(6) The expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;	63320 63321 63322
(7) Any transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, from the person to whom it was issued to another person before the project that constitutes a reviewable activity is completed, any	63323 63324 63325 63326

~~agreement that contemplates the transfer of such a certificate of need upon completion of the project, and any transfer of the controlling interest in an entity that holds such a certificate of need. However, the transfer of a certificate of need that concerns long term care beds and was issued prior to April 20, 1995, or agreement to transfer such a certificate of need from the person to whom the certificate was issued to an affiliated or related person does not constitute a reviewable transfer of a certificate of need for purposes of this division, unless the transfer results in a change in the person that holds the ultimate controlling interest in the certificate of need.~~

~~(T)(S)~~ "Reviewable activity" does not include any of the following activities:

- (1) Acquisition of computer hardware or software;
- (2) Acquisition of a telephone system;
- (3) Construction or acquisition of parking facilities;
- (4) Correction of cited deficiencies that are in violation of federal, state, or local fire, building, or safety laws and rules and that constitute an imminent threat to public health or safety;
- (5) Acquisition of an existing health care facility that does not involve a change in the number of the beds, by service, or in the number or type of health services;
- (6) Correction of cited deficiencies identified by accreditation surveys of the joint commission on accreditation of healthcare organizations or of the American osteopathic association;
- (7) Acquisition of medical equipment to replace the same or similar equipment for which a certificate of need has been issued if the replaced equipment is removed from service;
- (8) Mergers, consolidations, or other corporate

reorganizations of health care facilities that do not involve a 63357
change in the number of beds, by service, or in the number or type 63358
of health services; 63359

(9) Construction, repair, or renovation of bathroom 63360
facilities; 63361

(10) Construction of laundry facilities, waste disposal 63362
facilities, dietary department projects, heating and air 63363
conditioning projects, administrative offices, and portions of 63364
medical office buildings used exclusively for physician services; 63365

(11) Acquisition of medical equipment to conduct research 63366
required by the United States food and drug administration or 63367
clinical trials sponsored by the national institute of health. Use 63368
of medical equipment that was acquired without a certificate of 63369
need under division ~~(T)~~(S)(11) of this section and for which 63370
premarket approval has been granted by the United States food and 63371
drug administration to provide services for which patients or 63372
reimbursement entities will be charged shall be a reviewable 63373
activity. 63374

(12) Removal of asbestos from a health care facility. 63375

Only that portion of a project that meets the requirements of 63376
this division ~~(T)~~ of ~~this section~~ is not a reviewable activity. 63377

~~(U)~~(T) "Small rural hospital" means a hospital that is 63378
located within a rural area, has fewer than one hundred beds, and 63379
to which fewer than four thousand persons were admitted during the 63380
most recent calendar year. 63381

~~(V)~~(U) "Children's hospital" means any of the following: 63382

(1) A hospital registered under section 3701.07 of the 63383
Revised Code that provides general pediatric medical and surgical 63384
care, and in which at least seventy-five per cent of annual 63385
inpatient discharges for the preceding two calendar years were 63386

individuals less than eighteen years of age; 63387

(2) A distinct portion of a hospital registered under section 63388
3701.07 of the Revised Code that provides general pediatric 63389
medical and surgical care, has a total of at least one hundred 63390
fifty registered pediatric special care and pediatric acute care 63391
beds, and in which at least seventy-five per cent of annual 63392
inpatient discharges for the preceding two calendar years were 63393
individuals less than eighteen years of age; 63394

(3) A distinct portion of a hospital, if the hospital is 63395
registered under section 3701.07 of the Revised Code as a 63396
children's hospital and the children's hospital meets all the 63397
requirements of division ~~(V)~~(U)(1) of this section. 63398

~~(W)~~(V) "Long-term care facility" means any of the following: 63399

(1) A nursing home licensed under section 3721.02 of the 63400
Revised Code or by a political subdivision certified under section 63401
3721.09 of the Revised Code; 63402

(2) The portion of any facility, including a county home or 63403
county nursing home, that is certified as a skilled nursing 63404
facility or a nursing facility under Title XVIII or XIX of the 63405
"Social Security Act"; 63406

(3) The portion of any hospital that contains beds registered 63407
under section 3701.07 of the Revised Code as skilled nursing beds 63408
or long-term care beds. 63409

~~(X)~~(W) "Long-term care bed" means a bed in a long-term care 63410
facility. 63411

~~(Y)~~ "~~Perinatal bed~~" means ~~a bed in a hospital that is~~ 63412
~~registered under section 3701.07 of the Revised Code as a newborn~~ 63413
~~care bed or obstetric bed, or a bed in a freestanding birthing~~ 63414
~~center.~~ 63415

~~(Z)~~(X) "Freestanding birthing center" means any facility in 63416

which deliveries routinely occur, regardless of whether the 63417
facility is located on the campus of another health care facility, 63418
and which is not licensed under Chapter 3711. of the Revised Code 63419
as a level one, two, or three maternity unit or a limited 63420
maternity unit. 63421

~~(AA)~~(Y)(1) "Reviewability ruling" means a ruling issued by 63422
the director of health under division (A) of section 3702.52 of 63423
the Revised Code as to whether a particular proposed project is or 63424
is not a reviewable activity. 63425

(2) "Nonreviewability ruling" means a ruling issued under 63426
that division that a particular proposed project is not a 63427
reviewable activity. 63428

~~(BB)~~(Z)(1) "Metropolitan statistical area" means an area of 63429
this state designated a metropolitan statistical area or primary 63430
metropolitan statistical area in United States office of 63431
management and budget bulletin no. 93-17, June 30, 1993, and its 63432
attachments. 63433

(2) "Rural area" means any area of this state not located 63434
within a metropolitan statistical area. 63435

~~(CC)~~(AA) "County nursing home" has the same meaning as in 63436
section 5155.31 of the Revised Code. 63437

Sec. 3702.52. The director of health shall administer a state 63438
certificate of need program in accordance with sections 3702.51 to 63439
3702.62 of the Revised Code and rules adopted under those 63440
sections. 63441

(A) The director shall issue rulings on whether a particular 63442
proposed project is a reviewable activity. The director shall 63443
issue a ruling not later than forty-five days after receiving a 63444
request for a ruling accompanied by the information needed to make 63445
the ruling. If the director does not issue a ruling in that time, 63446

the project shall be considered to have been ruled not a 63447
reviewable activity. 63448

(B) The director shall review applications for certificates 63449
of need. Each application shall be submitted to the director on 63450
forms prescribed by the director, shall include all information 63451
required by rules adopted under division (B) of section 3702.57 of 63452
the Revised Code, and shall be accompanied by the application fee 63453
established in rules adopted under division (G) of that section. 63454

Application fees received by the director under this division 63455
shall be deposited into the state treasury to the credit of the 63456
certificate of need fund, which is hereby created. The director 63457
shall use the fund only to pay the costs of administering sections 63458
3702.11 to 3702.20, 3702.30, and 3702.51 to 3702.62 of the Revised 63459
Code and rules adopted under those sections. 63460

The director shall mail to the applicant a written notice 63461
that the application meets the criteria for a complete application 63462
specified in rules adopted under section 3702.57 of the Revised 63463
Code, or a written request for additional information, not later 63464
than thirty days after receiving an application or a response to 63465
an earlier request for information. The director shall not make 63466
more than two requests for additional information. 63467

The director may conduct a public informational hearing in 63468
the course of reviewing any application for a certificate of need, 63469
and shall conduct one if requested to do so by any affected person 63470
not later than fifteen days after the director mails the notice 63471
that the application is complete. The hearing shall be conducted 63472
in the community in which the activities authorized by the 63473
certificate of need would be carried out. Any affected person may 63474
testify at the hearing. The director may, with the health service 63475
agency's consent, designate a health service agency to conduct the 63476
hearing. 63477

Except during a public hearing or as necessary to comply with 63478
a subpoena issued under division ~~(F)~~(E) of this section, after a 63479
notice of completeness has been received, no person shall make 63480
revisions to information that was submitted to the director before 63481
the director mailed the notice of completeness or knowingly 63482
discuss in person or by telephone the merits of the application 63483
with the director. A person may supplement an application after a 63484
notice of completeness has been received by submitting clarifying 63485
information to the director. If one or more persons request a 63486
meeting in person or by telephone, the director shall make a 63487
reasonable effort to invite interested parties to the meeting or 63488
conference call. 63489

(C) All of the following apply to the process of granting or 63490
denying a certificate of need: 63491

(1) If the project proposed in a certificate of need 63492
application meets all of the applicable certificate of need 63493
criteria for approval under sections 3702.51 to 3702.62 of the 63494
Revised Code and the rules adopted under those sections, the 63495
director shall grant a certificate of need for all or part of the 63496
entire project that is the subject of the application ~~immediately~~ 63497
~~after both of the following conditions are met:~~ 63498

~~(a) The board of trustees of the health service agency of the~~ 63499
~~health service area in which the reviewable activity is proposed~~ 63500
~~to be conducted recommends, prior to the deadline specified in~~ 63501
~~division (C)(4) of this section or any extension of it under~~ 63502
~~division (C)(5) of this section, that the certificate of need be~~ 63503
~~granted;~~ 63504

~~(b) The director does not receive any written objections to~~ 63505
~~the application from any affected person by the thirtieth day~~ 63506
~~after the director mails the notice of completeness by the~~ 63507
~~applicable deadline specified in division (C)(4) of this section~~ 63508
~~or any extension of it under division (C)(5) of this section.~~ 63509

~~(2) In the case of certificate of need applications under comparative review, if the projects proposed in the applications meet all of the applicable certificate of need criteria for approval under sections 3702.51 to 3702.62 of the Revised Code and the rules adopted under those sections, the director shall grant certificates of need for the entire projects that are the subject of the applications immediately after both of the following conditions are met:~~

~~(a) The board of trustees of the health service agency of each health service area in which the reviewable activities are proposed to be conducted recommends, prior to the deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, that certificates of need be granted for each of the reviewable activities to be conducted in its health service area;~~

~~(b) The director does not receive any written objections to any of the applications from any affected person by the thirtieth day after the director mails the last notice of completeness.~~

~~The~~ The director's grant of a certificate of need under division (C)(1) or (2) of this section does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities proposed to be conducted in the same or different health service areas.

(3) If the director receives written objections to an application from any affected person by the thirtieth day after mailing the notice of completeness, ~~regardless of the health service agency's recommendation,~~ the director shall notify the applicant and assign a hearing examiner to conduct an adjudication hearing concerning the application in accordance with Chapter 119. of the Revised Code. In the case of applications under comparative review, if the director receives written objections to any of the applications from any affected person by the thirtieth day after

the director mails the last notice of completeness, ~~regardless of~~ 63542
~~the health service agencies' recommendation,~~ the director shall 63543
notify all of the applicants and appoint a hearing examiner to 63544
conduct a consolidated adjudication hearing concerning the 63545
applications in accordance with Chapter 119. of the Revised Code. 63546
The hearing examiner shall be employed by or under contract with 63547
the department of health. 63548

The adjudication hearings may be conducted in the health 63549
service area in which the reviewable activity is proposed to be 63550
conducted. Consolidated adjudication hearings for applications in 63551
comparative review may be conducted in the geographic region in 63552
which all of the reviewable activities will be conducted. The 63553
applicant, the director, and the affected persons that filed 63554
objections to the application shall be parties to the hearing. If 63555
none of the affected persons that submitted written objections to 63556
the application appears or prosecutes the hearing, the hearing 63557
examiner shall dismiss the hearing and the director shall grant a 63558
certificate of need for all or part of the ~~entire~~ project that is 63559
the subject of the application if the proposed project meets all 63560
of the applicable certificate of need criteria for approval under 63561
sections 3702.51 to 3702.62 of the Revised Code and the rules 63562
adopted under those sections. The affected persons bear the burden 63563
of proving by a preponderance of evidence that the project is not 63564
needed or that granting the certificate would not be in accordance 63565
with sections 3702.51 to 3702.62 of the Revised Code or the rules 63566
adopted under those sections. 63567

(4) Except as provided in ~~divisions~~ division (C)~~(1) and~~ 63568
~~(2)(5)~~ of this section, the director shall grant or deny 63569
certificate of need applications for which an adjudication hearing 63570
is not conducted under division (C)(3) of this section not later 63571
than sixty days after mailing the notice of completeness or, in 63572
the case of an application proposing addition of long-term care 63573

beds, not later than sixty days after such other time as is 63574
specified in rules adopted under section 3702.57 of the Revised 63575
Code. ~~The~~ Except as provided in division (C)(5) of this section, 63576
the director shall grant or deny certificate of need applications 63577
for which an adjudication hearing is conducted under division 63578
(C)(3) of this section not later than thirty days after the 63579
expiration of the time for filing objections to the report and 63580
recommendation of the hearing examiner under section 119.09 of the 63581
Revised Code. The director shall base decisions concerning 63582
applications for which an adjudication hearing is conducted under 63583
division (C)(3) of this section on the report and recommendations 63584
of the hearing examiner. 63585

(5) Except as otherwise provided in division (C)~~(1), (2), or~~ 63586
(6) of this section, the director or the applicant may extend the 63587
deadline prescribed in division (C)(4) of this section once, for 63588
no longer than thirty days, by written notice before the end of 63589
the ~~original thirty day period~~ deadline prescribed by division 63590
(C)(4) of this section. An extension by the director under 63591
division (C)(5) of this section shall apply to all applications 63592
that are in comparative review. 63593

(6) No applicant in a comparative review may extend the 63594
deadline specified in division (C)(4) of this section. 63595

~~(7) Except as provided in divisions (C)(1) and (2) of this~~ 63596
~~section, the director may grant a certificate of need for all or~~ 63597
~~part of the project that is the subject of an application.~~ If the 63598
director does not grant or deny the certificate by the applicable 63599
deadline specified in division (C)(4) of this section or any 63600
extension of it under division (C)(5) of this section, the 63601
certificate shall be considered to have been granted. 63602

(8) In granting a certificate of need, the director shall 63603
specify as the maximum capital expenditure the certificate holder 63604
may obligate under the certificate a figure equal to one hundred 63605

ten per cent of the approved project cost. 63606

(9) In granting a certificate of need, the director may grant 63607
the certificate with conditions that must be met by the holder of 63608
the certificate. 63609

(D) The director shall monitor the activities of persons 63610
granted certificates of need ~~concerning long term care beds~~ during 63611
the period beginning with the granting of the certificate of need 63612
and ending five years after implementation of the activity for 63613
which the certificate was granted. 63614

~~In the case of any other certificate of need, the director 63615
shall monitor the activities of persons granted certificates of 63616
need during the period beginning with the granting of the 63617
certificate of need and ending when the activity for which the 63618
certificate was granted ceases to be a reviewable activity in 63619
accordance with section 3702.511 of the Revised Code. 63620~~

(E) When reviewing applications for certificates of need or 63621
monitoring activities of persons granted certificates of need, the 63622
director may issue and enforce, in the manner provided in section 63623
119.09 of the Revised Code, subpoenas duces tecum to compel the 63624
production of documents relevant to review of the application or 63625
monitoring of the activities. In addition, the director or the 63626
director's designee, which may include a health service agency, 63627
may visit the sites where the activities are or will be conducted. 63628

63629

(F) The director may withdraw certificates of need. 63630

(G) The director shall conduct, on a regular basis, health 63631
system data collection and analysis activities and prepare 63632
reports. The director shall make recommendations based upon these 63633
activities to the public health council concerning the adoption of 63634
appropriate rules under section 3702.57 of the Revised Code. All 63635
health care facilities and other health care providers shall 63636

submit to the director, upon request, any information that is 63637
necessary to conduct reviews of certificate of need applications 63638
and to develop recommendations for criteria for reviews, and that 63639
is prescribed by rules adopted under division (H) of section 63640
3702.57 of the Revised Code. 63641

(H) Any decision to grant or deny a certificate of need shall 63642
consider the special needs and circumstances resulting from moral 63643
and ethical values and the free exercise of religious rights of 63644
health care facilities administered by religious organizations, 63645
and the special needs and circumstances of ~~children's hospitals,~~ 63646
inner city ~~hospitals,~~ and ~~small rural hospitals~~ communities. 63647

Sec. 3702.524. (A) Except as provided in division (B) ~~or (C)~~ 63648
of this section, a certificate of need granted on or after April 63649
20, 1995, is not transferable prior to the completion of the 63650
reviewable activity for which it was granted. If any person 63651
holding a certificate of need issued on or after that date 63652
transfers the certificate of need to another person before the 63653
reviewable activity is completed, or enters into an agreement that 63654
contemplates the transfer of the certificate of need on the 63655
completion of the reviewable activity, the certificate of need is 63656
void. If the controlling interest in an entity that holds a 63657
certificate of need issued on or after that date is transferred 63658
prior to the completion of the reviewable activity, the 63659
certificate of need is void. 63660

(B) Division (A) of this section does not prohibit the 63661
transfer of a certificate of need issued on or after April 20, 63662
1995, between affiliated or related persons, as defined in rules 63663
adopted under section 3702.57 of the Revised Code, if the transfer 63664
does not result in a change in the person that holds the ultimate 63665
controlling interest, as defined in the rules, in the certificate 63666
of need. 63667

The transfer of a health care facility after the completion of a reviewable activity for which a certificate of need was issued on or after April 20, 1995, is not a transfer of the certificate of need, unless the facility is transferred pursuant to an agreement entered into prior to the completion of the reviewable activity.

~~(C) Division (A) of this section does not apply to a transfer of a certificate of need that meets all of the following conditions:~~

~~(1) The certificate of need is transferred for no more than the amount of money the person transferring the certificate expended for reasonable and necessary expenses incurred in applying for and obtaining the certificate;~~

~~(2) The person holding the certificate of need is unable to complete the reviewable activity for which it was issued due to circumstances beyond the person's control, including zoning restrictions, natural disasters, or comparable events;~~

~~(3) The director, after reviewing documentation supplied by the person transferring the certificate of need, certifies in writing prior to the transfer that the transfer meets the conditions specified in divisions (C)(1) and (2) of this section.~~

~~If the person that acquires a certificate of need under this division intends to implement the project other than in substantial compliance with the approved application for the certificate, that change is a reviewable activity for which the person must obtain another certificate of need.~~

Sec. 3702.525. (A) Not later than twenty-four months after the date the director of health mails the notice that the certificate of need has been granted or, if the grant or denial of the certificate of need is appealed under section 3702.60 of the

Revised Code, not later than twenty-four months after issuance of 63698
an order granting the certificate that is not subject to further 63699
appeal, each person holding a certificate of need granted on or 63700
after April 20, 1995, shall: 63701

(1) If the project for which the certificate of need was 63702
granted primarily involves construction and is to be financed 63703
primarily through external borrowing of funds, secure financial 63704
commitment for the stated purpose of developing the project and 63705
commence construction that continues uninterrupted except for 63706
interruptions or delays that are unavoidable due to reasons beyond 63707
the person's control, including labor strikes, natural disasters, 63708
material shortages, or comparable events; 63709

(2) If the project for which the certificate of need was 63710
granted primarily involves construction and is to be financed 63711
primarily internally, receive formal approval from the holder's 63712
board of directors or trustees or other governing authority to 63713
commit specified funds for implementation of the project and 63714
commence construction that continues uninterrupted except for 63715
interruptions or delays that are unavoidable due to reasons beyond 63716
the person's control, including labor strikes, natural disasters, 63717
material shortages, or comparable events; 63718

(3) If the project for which the certificate of need was 63719
granted primarily involves acquisition of medical equipment, enter 63720
into a contract to purchase or lease the equipment and to accept 63721
the equipment at the site for which the certificate was granted; 63722

(4) If the project for which the certificate of need was 63723
granted involves no capital expenditure or only minor renovations 63724
to existing structures, provide the health service or activity by 63725
the means specified in the approved application for the 63726
certificate; 63727

(5) If the project for which the certificate of need was 63728

granted primarily involves leasing a building or space that 63729
requires only minor renovations to the existing space, execute a 63730
lease and provide the health service or activity by the means 63731
specified in the approved application for the certificate; 63732

(6) If the project for which the certificate of need was 63733
granted primarily involves leasing a building or space that has 63734
not been constructed or requires substantial renovations to 63735
existing space, commence construction for the purpose of 63736
implementing the reviewable activity that continues uninterrupted 63737
except for interruptions or delays that are unavoidable due to 63738
reasons beyond the person's control, including labor strikes, 63739
natural disasters, material shortages, or comparable events. 63740

(B) The twenty-four-month period specified in division (A) of 63741
this section shall not be extended by any means, including the 63742
~~transfer of a certificate of need under division (C) of section~~ 63743
~~3702.524 of the Revised Code or~~ granting of a subsequent or 63744
replacement certificate of need. Each person holding a certificate 63745
of need granted on or after April 20, 1995, shall provide the 63746
director of health documentation of compliance with that division 63747
not later than the earlier of thirty days after complying with 63748
that division or five days after the twenty-four-month period 63749
expires. Not later than the earlier of fifteen days after 63750
receiving the documentation or fifteen days after the 63751
twenty-four-month period expires, the director shall send by 63752
certified mail a notice to the holder of the certificate of need 63753
specifying whether the holder has complied with division (A) of 63754
this section. 63755

(C) Notwithstanding division (B) of this section, the 63756
twenty-four-month period specified in division (A) of this section 63757
shall be extended for an additional twenty-four months for any 63758
certificate of need granted for the purchase and relocation of 63759
licensed nursing home beds on February 26, 1999. 63760

(D) A certificate of need granted on or after April 20, 1995, 63761
expires, regardless of whether the director sends a notice under 63762
division (B) of this section, if the holder fails to comply with 63763
division (A) or (C) of this section or to provide information 63764
under division (B) of this section as necessary for the director 63765
to determine compliance. 63766

Sec. 3702.53. (A) No person shall carry out any reviewable 63767
activity unless a certificate of need for such activity has been 63768
granted under sections 3702.51 to 3702.62 of the Revised Code or 63769
the person is exempted by division ~~(T)~~(S) of section 3702.51 or 63770
section ~~3702.527, 3702.528, 3702.529,~~ 3702.5210~~7~~ or 3702.62 of the 63771
Revised Code from the requirement that a certificate of need be 63772
obtained. No person shall carry out any reviewable activity if a 63773
certificate of need authorizing that activity has been withdrawn 63774
by the director of health under section 3702.52 or 3702.526 of the 63775
Revised Code. No person shall carry out a reviewable activity if 63776
the certificate of need authorizing that activity is void pursuant 63777
to section 3702.524 of the Revised Code or has expired pursuant to 63778
section 3702.525 of the Revised Code. 63779

(B) No person shall separate portions of any proposal for any 63780
reviewable activity to evade the requirements of sections 3702.51 63781
to 3702.62 of the Revised Code. 63782

(C) No person granted a certificate of need shall carry out 63783
the reviewable activity authorized by the certificate of need 63784
other than in substantial accordance with the approved application 63785
for the certificate of need. 63786

Sec. 3702.532. When the director of health determines that a 63787
person has violated section 3702.53 of the Revised Code, the 63788
director shall send a notice to the person by certified mail, 63789
return receipt requested, specifying the activity constituting the 63790

violation and the penalties imposed under section 3702.54, or 63791
3702.541, ~~or 3702.542~~ of the Revised Code. 63792

Sec. 3702.54. Except as provided in ~~sections~~ section 3702.541 63793
~~and 3702.542 and former section 3702.543~~ of the Revised Code, 63794
divisions (A) and (B) of this section apply when the director of 63795
health determines that a person has violated section 3702.53 of 63796
the Revised Code. 63797

(A) The director shall impose a civil penalty on the person 63798
in an amount equal to the greatest of the following: 63799

(1) Three thousand dollars; 63800

(2) Five per cent of the operating cost of the activity that 63801
constitutes the violation during the period of time it was 63802
conducted in violation of section 3702.53 of the Revised Code; 63803

(3) ~~Two~~ If a certificate of need was granted, two per cent of 63804
the total approved capital cost associated with implementation of 63805
the activity for which the certificate of need was granted. 63806

In no event, however, shall the penalty exceed two hundred 63807
fifty thousand dollars. 63808

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 63809
the director shall refuse to accept for review any application for 63810
a certificate of need filed by or on behalf of the person, or any 63811
successor to the person or entity related to the person, for a 63812
period of not less than one year and not more than three years 63813
after the director mails the notice of the director's 63814
determination under section 3702.532 of the Revised Code or, if 63815
the determination is appealed under section 3702.60 of the Revised 63816
Code, the issuance of the order upholding the determination that 63817
is not subject to further appeal. In determining the length of 63818
time during which applications will not be accepted, the director 63819
may consider any of the following: 63820

(a) The nature and magnitude of the violation;	63821
(b) The ability of the person to have averted the violation;	63822
(c) Whether the person disclosed the violation to the director before the director commenced his investigation;	63823 63824
(d) The person's history of compliance with sections 3702.51 to 3702.62 and the rules adopted under section 3702.57 of the Revised Code;	63825 63826 63827
(e) Any community hardship that may result from refusing to accept future applications from the person.	63828 63829
(2) Notwithstanding the one-year minimum imposed by division (B)(1) of this section, the director may establish a period of less than one year during which the director will refuse to accept certificate of need applications if, after reviewing all information available to the director, the director determines and expressly indicates in the notice mailed under section 3702.532 of the Revised Code that refusing to accept applications for a longer period would result in hardship to the community in which the person provides health services. The director's finding of community hardship shall not affect the granting or denial of any future certificate of need application filed by the person.	63830 63831 63832 63833 63834 63835 63836 63837 63838 63839 63840
Sec. 3702.544. Each person required by section 3702.54 7 <u>or</u> 3702.541 7 or 3702.542 or former section 3702.543 of the Revised Code to pay a civil penalty shall do so not later than sixty days after receiving the notice mailed under section 3702.532 of the Revised Code or, if the person appeals under section 3702.60 of the Revised Code the director of health's determination that a violation has occurred, not later than sixty days after the issuance of an order upholding the director's determination that is not subject to further appeal. The civil penalties shall be paid to the director. The director shall deposit them into the	63841 63842 63843 63844 63845 63846 63847 63848 63849 63850

certificate of need fund created by section 3702.52 of the Revised Code. 63851
63852

~~Sec. 3702.55. Except as provided in section 3702.542 of the Revised Code, a~~ 63853
~~A~~ person that the director of health determines 63854
has violated section 3702.53 of the Revised Code shall cease 63855
conducting the activity that constitutes the violation or 63856
utilizing the equipment or facility resulting from the violation 63857
not later than thirty days after the person receives the notice 63858
mailed under section 3702.532 of the Revised Code or, if the 63859
person appeals the director's determination under section 3702.60 63860
of the Revised Code, thirty days after the person receives an 63861
order upholding the director's determination that is not subject 63862
to further appeal. ~~A person that applies for a certificate of need~~ 63863
~~as described in section 3702.542 of the Revised Code shall cease~~ 63864
~~conducting the activity or using the equipment or facility in~~ 63865
~~accordance with the timetable established by the director of~~ 63866
~~health under that section.~~ 63867

If any person determined to have violated section 3702.53 of 63868
the Revised Code fails to cease conducting an activity or using 63869
equipment or a facility as required by this section ~~or a timetable~~ 63870
~~established under section 3702.542 of the Revised Code,~~ or if the 63871
person continues to seek payment or reimbursement for services 63872
rendered or costs incurred in conducting the activity as 63873
prohibited by section 3702.56 of the Revised Code, in addition to 63874
the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 63875
~~3702.542 or former section 3702.543~~ of the Revised Code: 63876

(A) The director of health may refuse to include any beds 63877
involved in the activity in the bed capacity of a hospital for 63878
purposes of registration under section 3701.07 of the Revised 63879
Code; 63880

(B) The director of health may refuse to license, or may 63881

revoke a license or reduce bed capacity previously granted to, a 63882
hospice care program under section 3712.04 of the Revised Code; a 63883
nursing home, rest home, or home for the aging under section 63884
3721.02 of the Revised Code; or any beds within any of those 63885
facilities that are involved in the activity; 63886

(C) A political subdivision certified under section 3721.09 63887
of the Revised Code may refuse to license, or may revoke a license 63888
or reduce bed capacity previously granted to, a nursing home, rest 63889
home, or home for the aging, or any beds within any of those 63890
facilities that are involved in the activity; 63891

(D) The director of mental health may refuse to license under 63892
section 5119.20 of the Revised Code, or may revoke a license or 63893
reduce bed capacity previously granted to, a hospital receiving 63894
mentally ill persons or beds within such a hospital that are 63895
involved in the activity; 63896

(E) The department of job and family services may refuse to 63897
enter into a provider agreement that includes a facility, beds, or 63898
services that result from the activity. 63899

Sec. 3702.57. (A) The public health council shall adopt rules 63900
establishing procedures and criteria for reviews of applications 63901
for certificates of need and issuance, denial, or withdrawal of 63902
certificates. 63903

~~(1) The rules shall require that, in addition to any other 63904
applicable review requirements of sections 3702.51 to 3702.62 of 63905
the Revised Code and rules adopted thereunder, any application for 63906
a certificate of need from an osteopathic hospital be reviewed on 63907
the basis of the need for and the availability in the community of 63908
services and hospitals for osteopathic physicians and their 63909
patients, and in terms of its impact on existing and proposed 63910
institutional training programs for doctors of osteopathy and 63911
doctors of medicine at the student, internship, and residency 63912~~

~~training levels.~~ 63913

~~(2)~~ In adopting rules that establish criteria for reviews of 63914
applications of certificates of need, the council shall consider 63915
the availability of and need for long-term care beds to provide 63916
care and treatment to persons diagnosed as having traumatic brain 63917
injuries and shall prescribe criteria for reviewing applications 63918
that propose to add long-term care beds to provide care and 63919
treatment to persons diagnosed as having traumatic brain injuries. 63920

~~(3)~~(2) The criteria for reviews of applications for 63921
certificates of need shall relate to the need for the reviewable 63922
activity and shall pertain to all of the following matters: 63923

(a) The impact of the reviewable activity on the cost and 63924
quality of health services in the relevant geographic area, 63925
including, but not limited, to the historical and projected 63926
utilization of the services to which the application pertains and 63927
the effect of the reviewable activity on utilization of other 63928
providers of similar services; 63929

(b) The quality of the services to be provided as the result 63930
of the activity, as evidenced by the historical performance of the 63931
persons that will be involved in providing the services and by the 63932
provisions that are proposed in the application to ensure quality, 63933
including but not limited to adequate available personnel, 63934
available ancillary and support services, available equipment, 63935
size and configuration of physical plant, and relations with other 63936
providers; 63937

(c) The impact of the reviewable activity on the availability 63938
and accessibility of the type of services proposed in the 63939
application to the population of the relevant geographic area, and 63940
the level of access to the services proposed in the application 63941
that will be provided to medically underserved individuals such as 63942
recipients of public assistance and individuals who have no health 63943

insurance or whose health insurance is insufficient;	63944
(d) The activity's short- and long-term financial feasibility	63945
and cost-effectiveness, the impact of the activity on the	63946
applicant's costs and charges, and a comparison of the applicant's	63947
costs and charges with those of providers of similar services in	63948
the applicant's proposed service area;	63949
(e) The advantages, disadvantages, and costs of alternatives	63950
to the reviewable activity;	63951
(f) The impact of the activity on all other providers of	63952
similar services in the health service area or other relevant	63953
geographic area, including the impact on their utilization, market	63954
share, and financial status;	63955
(g) The historical performance of the applicant and related	63956
or affiliated parties in complying with previously granted	63957
certificates of need and any applicable certification,	63958
accreditation, or licensure requirements;	63959
(h) The relationship of the activity to the current edition	63960
of the state health resources plan issued under section 3702.521	63961
of the Revised Code;	63962
(i) The historical performance of the applicant and related	63963
or affiliated parties in providing cost-effective health care	63964
services;	63965
(j) The special needs and circumstances of the applicant or	63966
population proposed to be served by the proposed project,	63967
including research activities, prevalence of particular diseases,	63968
unusual demographic characteristics, cost-effective contractual	63969
affiliations, and other special circumstances;	63970
(k) The appropriateness of the zoning status of the proposed	63971
site of the activity;	63972
(l) The participation by the applicant in research conducted	63973

by the United States food and drug administration or clinical 63974
trials sponsored by the national institutes of health. 63975

~~(4)(3)~~ The criteria for reviews of applications shall include 63976
a formula for determining each county's long-term care bed need 63977
for purposes of section 3702.593 of the Revised Code and may 63978
include other formulas for determining need for beds ~~and services~~. 63979
63980

~~(a) The criteria prescribing formulas shall not, either by 63981
themselves or in conjunction with any established occupancy 63982
guidelines, require, as a condition of being granted a certificate 63983
of need, that a hospital reduce its complement of registered beds 63984
or discontinue any service that is not related to the service or 63985
project for which the certificate of need is sought. 63986~~

~~(b) With respect to applications to conduct reviewable 63987
activities that are affected directly by the inpatient occupancy 63988
of a health care facility, including addition, relocation, or 63989
recategorization of beds or renovation or other construction 63990
activities relating to inpatient services, the rules shall 63991
prescribe criteria for determining whether the scope of the 63992
proposed project is appropriate in light of the historical and 63993
reasonably projected occupancy rates for the beds related to the 63994
project. 63995~~

~~(c) Any rules prescribing criteria that establish ratios of 63996
beds, services, or equipment to population shall specify the bases 63997
for establishing the ratios or mitigating factors or exceptions to 63998
the ratios. 63999~~

(B) The council shall adopt rules specifying all of the 64000
following: 64001

(1) Information that must be provided in applications for 64002
certificates of need, which shall include a plan for obligating 64003
the capital expenditure or implementing the proposed project on a 64004

timely basis in accordance with section 3702.525 of the Revised Code; 64005
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(2) Procedures for reviewing applications for completeness of information; 64007
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(3) Criteria for determining that the application is complete. 64009
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(C) The council shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need. 64011
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(D) The council shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate. 64016
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(E) The council shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings. 64020
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(F) The council shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate. 64026
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(G) The council shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code and to pay health service agencies for the functions they perform under division (D)(5) of section 3702.58 of the Revised Code. Unless rules are adopted under this division 64030
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establishing different application fees, the application fee for a 64036
project not involving a capital expenditure shall be three 64037
thousand dollars and the application fee for a project involving a 64038
capital expenditure shall be nine-tenths of one per cent of the 64039
capital expenditure proposed subject to a minimum of three 64040
thousand dollars and a maximum of twenty thousand dollars. 64041

(H) The council shall adopt rules specifying information that 64042
is necessary to conduct reviews of certificate of need 64043
applications and to develop recommendations for criteria for 64044
reviews that health care facilities and other health care 64045
providers are to submit to the director under division (G) of 64046
section 3702.52 of the Revised Code. 64047

(I) The council shall adopt rules defining "affiliated 64048
person," "related person," and "ultimate controlling interest" for 64049
purposes of section 3702.524 of the Revised Code. 64050

(J) The council shall adopt rules prescribing requirements 64051
for holders of certificates of need to demonstrate to the director 64052
under section 3702.526 of the Revised Code that reasonable 64053
progress is being made toward completion of the reviewable 64054
activity and establishing standards by which the director shall 64055
determine whether reasonable progress is being made. 64056

~~(K) The council shall adopt rules defining high risk cardiac 64057
catheterization patients. High risk patients shall include 64058
patients with significant ischemic syndromes or unstable 64059
myocardial infarction, patients who need intervention such as 64060
angioplasty or bypass surgery, patients who may require difficult 64061
or complex catheterization procedures such as transeptal 64062
assessment of valvular dysfunction, patients with critical aortic 64063
stenosis or congestive heart failure, and other patients specified 64064
by the council. 64065~~

~~(L)~~ The public health council shall adopt all rules under 64066

divisions (A) to ~~(K)~~(J) of this section in accordance with Chapter 64067
119. of the Revised Code. The council may adopt other rules as 64068
necessary to carry out the purposes of sections 3702.51 to 3702.62 64069
of the Revised Code. 64070

Sec. 3702.59. (A) ~~Notwithstanding any conflicting provision 64071
of sections 3702.51 to 3702.62 of the Revised Code, other than the 64072
provisions of sections 3702.5210, 3702.5211, 3702.5212, and 64073
3702.5213 of the Revised Code, both of the following apply under 64074
the certificate of need program:~~ 64075

~~(1) Divisions (B) to (E) of this section apply to the review 64076
of certificate of need applications during the period beginning 64077
July 1, 1993, and ending June 30, 2009. 64078~~

~~(2) Beginning July 1, 2009, the director of health shall not 64079
accept for review under section 3702.52 of the Revised Code any 64080
application for a certificate of need to recategorize hospital 64081
beds as described in section 3702.522 of the Revised Code. 64082~~

~~(B)(1) Except as provided in division (B)(2) of this section, 64083
the director of health shall neither grant nor deny any 64084
application for a certificate of need submitted prior to July 1, 64085
1993, if the application was for any of the following and the 64086
director had not issued a written decision concerning the 64087
application prior to that date:~~ 64088

~~(a) Approval of beds in a new health care facility or an 64089
increase of beds in an existing health care facility, if the beds 64090
are proposed to be licensed as nursing home beds under Chapter 64091
3721. of the Revised Code; 64092~~

~~(b) Approval of beds in a new county home or new county 64093
nursing home as defined in section 5155.31 of the Revised Code, or 64094
an increase of beds in an existing county home or existing county 64095
nursing home, if the beds are proposed to be certified as skilled 64096~~

~~nursing facility beds under Title XVIII or nursing facility beds 64097
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 64098
42 U.S.C.A. 301, as amended; 64099~~

~~(c) Recategorization of hospital beds as described in section 64100
3702.522 of the Revised Code, an increase of hospital beds 64101
registered pursuant to section 3701.07 of the Revised Code as 64102
long term care beds or skilled nursing facility beds, or a 64103
recategorization of hospital beds that would result in an increase 64104
of beds registered pursuant to that section as long term care beds 64105
or skilled nursing facility beds. 64106~~

~~On July 1, 1993, the director shall return each such 64107
application to the applicant and, notwithstanding section 3702.52 64108
of the Revised Code regarding the uses of the certificate of need 64109
fund, shall refund to the applicant the application fee paid under 64110
that section. Applications returned under division (B)(1) of this 64111
section may be resubmitted in accordance with section 3702.52 of 64112
the Revised Code no sooner than July 1, 2009. 64113~~

~~(2) The director shall continue to review and shall issue a 64114
decision regarding any application submitted prior to July 1, 64115
1993, to increase beds for either of the purposes described in 64116
division (B)(1)(a) or (b) of this section if the proposed increase 64117
in beds is attributable solely to a replacement or relocation of 64118
existing beds within the same county. The director shall authorize 64119
under such an application no additional beds beyond those being 64120
replaced or relocated. 64121~~

~~(C)(1) Except as provided in division (C)(2) of this section, 64122
the director, during the period beginning July 1, 1993, and ending 64123
June 30, 2009, shall not accept for review under section 3702.52 64124
of the Revised Code any application for a certificate of need for 64125
any of the purposes described in divisions (B)(1)(a) to (c) of 64126
this section. 64127~~

~~(2)(a)~~ The director of health shall accept for review any 64128
application for either of the purposes described in division 64129
~~(B)(1)(a) or (b)~~ of this section if the proposed increase in beds 64130
is attributable solely to a replacement or relocation of existing 64131
beds from an existing health care facility within the same county. 64132
The director shall authorize under such an application no 64133
additional beds beyond those being replaced or relocated 64134
certificate of need applications as provided in sections 3702.592 64135
and 3702.593 of the Revised Code. 64136

(B) The director shall not approve an application for a 64137
certificate of need for addition of long-term care beds to an 64138
existing health care facility ~~by relocation of beds~~ or for the 64139
development of a new health care facility ~~by relocation of beds~~ 64140
unless all of the following conditions are met: 64141

~~(i)~~(1) The existing health care facility ~~to in~~ in which the beds 64142
are being ~~relocated~~ placed has no waivers for life safety code 64143
deficiencies, no state fire code violations, and no state building 64144
code violations, or the project identified in the application 64145
proposes to correct all life safety code deficiencies for which a 64146
waiver has been granted, all state fire code violations, and all 64147
state building code violations at the existing health care 64148
facility ~~to in~~ in which the beds are being ~~relocated~~ placed; 64149

~~(ii)~~(2) During the sixty-month period preceding the filing of 64151
the application, no notice of proposed revocation of the 64152
facility's license was issued under section 3721.03 of the Revised 64153
Code to the operator of the existing facility ~~to in~~ in which the beds 64154
are being ~~relocated~~ placed or to any health care facility owned or 64155
operated by the applicant or any principal participant in the same 64156
corporation or other business; 64157

~~(iii)~~(3) Neither the existing health care facility ~~to in~~ in 64158
which the beds are being ~~relocated~~ placed nor any health care 64159

facility owned or operated by the applicant or any principal 64160
participant in the same corporation or other business has had a 64161
long-standing pattern of violations of this chapter or Chapter 64162
3721. of the Revised Code or deficiencies that caused one or more 64163
residents physical, emotional, mental, or psychosocial harm. 64164

~~(b)~~(C) The director also shall accept for review any 64165
application for the conversion of infirmary beds to long-term care 64166
beds if the infirmary meets all of the following conditions: 64167

~~(i)~~(1) Is operated exclusively by a religious order; 64168

~~(ii)~~(2) Provides care exclusively to members of religious 64169
orders who take vows of celibacy and live by virtue of their vows 64170
within the orders as if related; 64171

~~(iii)~~(3) Was providing care exclusively to members of such a 64172
religious order on January 1, 1994. 64173

~~(D) The director shall issue a decision regarding any case 64174
remanded by a court as the result of a decision issued by the 64175
director prior to July 1, 1993, to grant, deny, or withdraw a 64176
certificate of need for any of the purposes described in divisions 64177
~~(B)(1)(a) to (c) of this section.~~ 64178~~

~~(E) The director shall not project the need for beds listed 64179
in division (B)(1) of this section for the period beginning July 64180
1, 1993, and ending June 30, 2009 At no time shall individuals 64181
other than those described in division (C)(2) of this section be 64182
admitted to a facility to use beds for which a certificate of need 64183
is approved under this division. 64184~~

Sec. 3702.592. (A) The director of health shall accept, for 64185
review under section 3702.52 of the Revised Code, certificate of 64186
need applications for any of the following purposes if the 64187
proposed increase in beds is attributable solely to a replacement 64188
or relocation of existing beds from an existing health care 64189

<u>facility within the same county:</u>	64190
<u>(1) Approval of beds in a new health care facility or an</u>	64191
<u>increase of beds in an existing health care facility if the beds</u>	64192
<u>are proposed to be licensed as nursing home beds under Chapter</u>	64193
<u>3721. of the Revised Code;</u>	64194
<u>(2) Approval of beds in a new county home or new county</u>	64195
<u>nursing home, or an increase of beds in an existing county home or</u>	64196
<u>existing county nursing home if the beds are proposed to be</u>	64197
<u>certified as skilled nursing facility beds under the medicare</u>	64198
<u>program, Title XVIII of the "Social Security Act," 49 Stat. 286</u>	64199
<u>(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under</u>	64200
<u>the medicaid program, Title XIX of the "Social Security Act," 49</u>	64201
<u>Stat. 286 (1965), 42 U.S.C. 1396, as amended;</u>	64202
<u>(3) An increase of hospital beds registered pursuant to</u>	64203
<u>section 3701.07 of the Revised Code as long-term care beds;</u>	64204
<u>(4) An increase of hospital beds registered pursuant to</u>	64205
<u>section 3701.07 of the Revised Code as special skilled nursing</u>	64206
<u>beds that were originally authorized by and operate in accordance</u>	64207
<u>with section 3702.522 of the Revised Code.</u>	64208
<u>(B) The director shall accept applications described in</u>	64209
<u>division (A) of this section at any time.</u>	64210
<u>Sec. 3702.593. (A) At the times specified in this section,</u>	64211
<u>the director of health shall accept, for review under section</u>	64212
<u>3702.52 of the Revised Code, certificate of need applications for</u>	64213
<u>any of the following purposes if the proposed increase in beds is</u>	64214
<u>attributable solely to relocation of existing beds from an</u>	64215
<u>existing health care facility in a county with excess beds to a</u>	64216
<u>health care facility in a county in which there are fewer</u>	64217
<u>long-term care beds than the county's bed need:</u>	64218
<u>(1) Approval of beds in a new health care facility or an</u>	64219

increase of beds in an existing health care facility if the beds 64220
are proposed to be licensed as nursing home beds under Chapter 64221
3721. of the Revised Code; 64222

(2) Approval of beds in a new county home or new county 64223
nursing home, or an increase of beds in an existing county home or 64224
existing county nursing home if the beds are proposed to be 64225
certified as skilled nursing facility beds under the medicare 64226
program, Title XVIII of the "Social Security Act," 49 Stat. 286 64227
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 64228
the medicaid program, Title XIX of the "Social Security Act," 49 64229
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 64230

(3) An increase of hospital beds registered pursuant to 64231
section 3701.07 of the Revised Code as long-term care beds. 64232

(B) For the purpose of implementing this section, the 64233
director shall do all of the following: 64234

(1) Determine the long-term care bed supply for each county, 64235
which shall consist of all of the following: 64236

(a) Nursing home beds licensed under Chapter 3721. of the 64237
Revised Code; 64238

(b) Beds certified as skilled nursing facility beds under the 64239
medicare program or nursing facility beds under the medicaid 64240
program; 64241

(c) Beds in a county home or county nursing home that are 64242
certified under section 5155.38 of the Revised Code as having been 64243
in operation on July 1, 1993, and are eligible for licensure as 64244
nursing home beds; 64245

(d) Beds held as approved long-term care beds under a 64246
certificate of need approved by the director. 64247

(2) Determine the long-term care bed occupancy rate for the 64248
state at the time the determination is made; 64249

(3) Not later than April 1, 2010, and every four years thereafter, for each county determine, using the formula developed in rules adopted under section 3702.57 of the Revised Code, and publish on the department of health's web site, the county's bed need by identifying the number of long-term beds that would be needed in the county for the statewide occupancy rate for a projected population aged sixty-five and older to be ninety-five per cent. 64250
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(C) The director's consideration of a certificate of need that would increase the number of beds in a county shall be consistent with the county's bed need determined under division (B) of this section except as follows: 64258
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(1) If a county's occupancy rate is less than eighty-five per cent, the county shall be considered to have no need for additional beds. 64262
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(2) Even if a county is determined not to need any additional long-term care beds, the director may approve an increase in beds equal to up to ten per cent of the county's bed supply if the county's occupancy rate is greater than ninety-five per cent. 64265
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(D) Applications made under this section shall be subject to comparative review. The period for each comparative review process shall be four years with the first period beginning July 1, 2010, and ending June 30, 2014. 64269
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Certificate of need applications shall be accepted and reviewed from the first day of the period through the thirtieth day of April of the following year, which shall be the initial phase of the review period. If the director determines that there will be acceptance and review of additional certificate of need applications, the second phase of the review period shall begin on the first day of July of the third year of the review period. The second phase shall be limited to acceptance and review of 64273
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applications for redistribution of beds made available pursuant to 64281
division (G)(2) of this section. During the period between the 64282
first and second phases of the review period, the director shall 64283
act in accordance with division (H) of this section. 64284

(E) The director shall consider certificate of need 64285
applications in accordance with all of the following: 64286

(1) The number of beds approved for a county shall include 64287
only beds available for relocation from another county and shall 64288
not exceed the bed need of the receiving county; 64289

(2) The director shall consider the existence of community 64290
resources serving persons who are age sixty-five or older or 64291
disabled that are demonstrably effective in providing alternatives 64292
to long-term care facility placement. 64293

(3) The director shall approve relocation of beds from a 64294
county only if, after the relocation, the number of beds remaining 64295
in the county will exceed the county's bed need by at least one 64296
hundred beds; 64297

(4) The director shall approve relocation of beds from a 64298
health care facility only if, after the relocation, the number of 64299
beds within a fifteen mile radius of the facility is at least 64300
equal to the state bed need rate. 64301

(F) In determining which applicants should receive preference 64302
in the comparative review process, the director shall consider all 64303
of the following: 64304

(1) Whether the beds will be part of a continuing care 64305
retirement community; 64306

(2) Whether the beds will serve an underserved population, 64307
such as low-income individuals, individuals with disabilities, or 64308
individuals who are members of racial or ethnic minority groups; 64309

(3) Whether the project in which the beds will be included 64310

will provide alternatives to institutional care, such as adult day-care, home health care, respite or hospice care, mobile meals, residential care, independent living, or congregate living services; 64311
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(4) Whether the health care facility's owner or operator will participate in medicaid waiver programs for alternatives to institutional care; 64315
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(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 64318
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 64322
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(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 64324
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(8) Whether the health care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 64326
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(9) Whether the health care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 64330
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(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the health care facility in which the beds will be placed. 64333
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(G)(1) When a certificate of need application is approved during the initial phase of a review period, on completion of the project under which the beds are relocated, that number of beds shall cease to be operated in the health care facility from which they were relocated and, if the licensure or certification of 64336
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those beds cannot be or is not transferred to the facility to 64341
which the beds are relocated, the licensure or certification shall 64342
be surrendered. 64343

(2) In addition to the actions required by division (G)(1) of 64344
this section, the health care facility from which the beds were 64345
relocated shall reduce the number of beds operated in the facility 64346
by a number of beds equal to at least ten per cent of the number 64347
of beds relocated and shall surrender the licensure or 64348
certification of those beds. This reduction shall be made not 64349
later than the completion date of the project for which the beds 64350
were relocated. 64351

(H)(1) Once approval of certificate of need applications in 64352
the first phase of a review period is complete, the director shall 64353
make a new determination of the bed need for each county by 64354
reducing the county's bed need by the number of beds approved for 64355
relocation to the county. The new bed-need determination shall be 64356
made not later than the first day of April of the third year of 64357
the review period. 64358

(2) The director may publish on the department's web site the 64359
remaining bed need for counties that will be considered for 64360
redistribution of beds that, in accordance with division (G)(2) of 64361
this section, have ceased or will cease to be operated. The 64362
director shall base the determination of whether to include a 64363
county on all of the following: 64364

(a) The statewide number of beds that, in accordance with 64365
division (G)(2) of this section, have ceased or will cease to be 64366
operated; 64367

(b) The county's remaining bed need; 64368

(c) The county's bed occupancy rate. 64369

(I) If the director publishes the remaining bed need for a 64370
county under division (H)(2) of this section, the director may, 64371

beginning on the first day of the second phase of the review 64372
period, accept certificate of need applications for redistribution 64373
to health care facilities in that county of beds that have ceased 64374
or will cease operation in accordance with division (G)(2) of this 64375
section. The total number of beds approved for redistribution in 64376
the second phase of a review period shall not exceed the number 64377
that have ceased or will cease operation in accordance with 64378
division (G)(2) of this section. Beds that are not approved for 64379
redistribution during the second phase of a review period shall 64380
not be available for redistribution at any future time. 64381

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Sec. 3702.60. (A) Any affected person may appeal a 64383
reviewability ruling issued on or after April 20, 1995, to the 64384
director of health in accordance with Chapter 119. of the Revised 64385
Code, and the director shall provide an adjudication hearing in 64386
accordance with that chapter. An affected person may appeal the 64387
director's ruling in the adjudication hearing to the tenth 64388
district court of appeals. 64389

(B) The certificate of need applicant or another affected 64390
person may appeal to the director in accordance with Chapter 119. 64391
of the Revised Code a decision issued by the director on or after 64392
April 20, 1995, to grant or deny a certificate of need application 64393
for which an adjudication hearing was not conducted under section 64394
3702.52 of the Revised Code, and the director shall provide an 64395
adjudication hearing in accordance with that chapter. The 64396
certificate of need applicant or an affected person that was a 64397
party to and participated in an adjudication hearing conducted 64398
under this division or section 3702.52 of the Revised Code may 64399
appeal to the tenth district court of appeals the decision issued 64400
by the director following the adjudication hearing. No person may 64401
appeal to the director or a court the director's granting of a 64402
certificate of need prior to June 30, 1995, under the version of 64403

section 3702.52 of the Revised Code in effect immediately prior to 64404
that date due to failure to submit timely written objections, no 64405
person may appeal to the director or a court the director's 64406
granting of a certificate of need under division (C)(1) ~~or (2)~~ of 64407
section 3702.52 of the Revised Code. 64408

(C) The certificate of need holder may appeal to the director 64409
in accordance with Chapter 119. of the Revised Code a decision 64410
issued by the director under section 3702.52 or 3702.526 of the 64411
Revised Code on or after April 20, 1995, to withdraw a certificate 64412
of need, and the director shall provide an adjudication hearing in 64413
accordance with that chapter. The person may appeal the director's 64414
ruling in the adjudication hearing to the tenth district court of 64415
appeals. 64416

(D) Any person determined by the director to have violated 64417
section 3702.53 of the Revised Code may appeal that determination, 64418
or the penalties imposed under section 3702.54, or 3702.541, ~~or~~ 64419
~~3702.542 or former section 3702.543~~ of the Revised Code, to the 64420
director in accordance with Chapter 119. of the Revised Code, and 64421
the director shall provide an adjudication hearing in accordance 64422
with that chapter. The person may appeal the director's ruling in 64423
the adjudication hearing to the tenth district court of appeals. 64424

(E) Each person appealing under this section to the director 64425
shall file with the director, not later than thirty days after the 64426
decision, ruling, or determination of the director was mailed, a 64427
notice of appeal designating the decision, ruling, or 64428
determination appealed from. 64429

(F) Each person appealing under this section to the tenth 64430
district court of appeals shall file with the court, not later 64431
than thirty days after the date the director's adjudication order 64432
was mailed, a notice of appeal designating the order appealed 64433
from. The appellant also shall file notice with the director not 64434
later than thirty days after the date the order was mailed. 64435

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(G) The court may award reasonable attorney's fees against the appellant if it determines that the appeal was frivolous. Sections 119.092, 119.093, and 2335.39 of the Revised Code do not apply to adjudication hearings under this section or section 3702.52 of the Revised Code and judicial appeals under this

section. 64468

(H) No person may intervene in an appeal brought under this 64469
section. 64470

Sec. 3702.61. In addition to the sanctions imposed under 64471
sections 3702.54, 3702.541, ~~3702.542~~, and 3702.55 ~~and former~~ 64472
~~section 3702.543~~ of the Revised Code, if any person violates 64473
section 3702.53 of the Revised Code, the attorney general may 64474
commence necessary legal proceedings in the court of common pleas 64475
of Franklin county to enjoin the person from such violation until 64476
the requirements of sections 3702.51 to 3702.62 of the Revised 64477
Code have been satisfied. At the request of the director of 64478
health, the attorney general shall commence any necessary 64479
proceedings. The court has jurisdiction to grant and, on a showing 64480
of a violation, shall grant appropriate injunctive relief. 64481

Sec. 3702.87. The director of health shall designate, as 64482
dental health resource shortage areas, areas in this state that 64483
experience special dental health problems and dentist practice 64484
patterns that limit access to dental care. The designations shall 64485
be made by rule and may apply to a geographic area, one or more 64486
facilities within a particular area, or a population group within 64487
a particular area. The director shall consider for designation as 64488
a dental health resource shortage area, any area in this state 64489
that has been designated by the United States secretary of health 64490
and human services as a health professional shortage area under 64491
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 64492
42 U.S.C. 201, as amended. 64493

Sec. 3702.89. (A) An individual who ~~is~~ will not ~~receiving~~ 64494
~~national health service corps tuition or student~~ have an 64495
outstanding obligation for dental service to the federal 64496
government, a state, or other entity at the time of participation 64497

~~in the dentist loan repayment assistance program~~ and meets one of 64498
the following requirements may apply for participation in the 64499
dentist loan repayment program: 64500

(1) The applicant is a dental student enrolled in the final 64501
year of dental college. 64502

(2) The applicant is a dental resident in the final year of 64503
residency. 64504

(3) The applicant ~~has been engaged in the~~ holds a valid 64505
license to practice of dentistry for not more than three years 64506
~~prior to submitting the application issued under Chapter 4715. of~~ 64507
the Revised Code. 64508

(B) An application for participation in the dentist loan 64509
repayment program shall be submitted to the director of health on 64510
a form the director shall prescribe. The following information 64511
shall be included or supplied: 64512

(1) The applicant's name, permanent address or address at 64513
which the applicant is currently residing if different from the 64514
permanent address, and telephone number; 64515

(2) The dental college the applicant attended or is attending 64516
~~or attended~~, dates of attendance, and verification of attendance; 64517

(3) If the applicant has completed a dental residency program 64518
or is a dental resident, the facility or institution ~~at which~~ 64519
where the dental residency was completed or is being performed, 64520
and, if completed, the date of completion; 64521

(4) A summary and verification of the educational expenses 64522
for which the applicant seeks reimbursement under the program; 64523

(5) If the applicant is a dentist, verification of the 64524
applicant's license issued under Chapter 4715. of the Revised Code 64525
to practice dentistry and proof of good standing; 64526

(6) Verification of the applicant's United States citizenship 64527

or status as a legal alien. 64528

Sec. 3702.90. If funds are available in the dentist loan 64529
repayment fund created under section 3702.95 of the Revised Code 64530
and the general assembly has appropriated the funds for the 64531
program, the director of health shall approve an applicant for 64532
participation in the program on finding in accordance with the 64533
priorities established under section 3702.88 of the Revised Code 64534
that the applicant is eligible for participation and is needed in 64535
a dental health resource shortage area. 64536

On approving an application, the director shall notify and 64537
enter into discussions with the applicant. The object of the 64538
discussions is to facilitate recruitment of the applicant to a 64539
site within a dental health resource shortage area at which, 64540
according to the priorities established under section 3702.88 of 64541
the Revised Code, the applicant is needed. ~~The director may pay~~ 64542
~~the costs incurred by the applicant and the applicant's spouse for~~ 64543
~~travel, meals, and lodging in making one visit to one dental~~ 64544
~~health resource shortage area. The director may also refer an~~ 64545
~~applicant to the Ohio dental association for assistance in being~~ 64546
~~recruited to a site within a dental health resource shortage area~~ 64547
~~at which the applicant will agree to be placed.~~ 64548

If the director and applicant agree on the applicant's 64549
placement at a particular site within a dental health resource 64550
shortage area, the applicant shall sign and deliver to the 64551
director a letter of intent agreeing to that placement. 64552

Sec. 3702.91. (A) An individual who has signed a letter of 64553
intent under section 3702.90 of the Revised Code may enter into a 64554
contract with the director of health for participation in the 64555
dentist loan repayment program. ~~A lending institution~~ The 64556
dentist's employer or other funding source may also be a party to 64557

the contract. 64558

(B) The contract shall include all of the following 64559
obligations: 64560

(1) The individual agrees to provide dental services in the 64561
dental health resource shortage area identified in the letter of 64562
intent for at least ~~one year~~ two years. 64563

(2) When providing dental services in the dental health 64564
resource shortage area, the individual agrees to do all of the 64565
following: 64566

(a) Provide dental services for a minimum of forty hours per 64567
week; 64568

(b) Provide dental services without regard to a patient's 64569
ability to pay; 64570

(c) Meet the conditions prescribed by the "Social Security 64571
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the 64572
department of job and family services for participation in the 64573
medicaid program established under Chapter 5111. of the Revised 64574
Code and enter into a contract with the department to provide 64575
dental services to medicaid recipients. 64576

(3) The department of health agrees, as provided in section 64577
3702.85 of the Revised Code, to repay, so long as the individual 64578
performs the service obligation agreed to under division (B)(1) of 64579
this section, all or part of the principal and interest of a 64580
government or other educational loan taken by the individual for 64581
expenses described in section 3702.85 of the Revised Code ~~up to~~ 64582
~~but not exceeding twenty thousand dollars per year of service.~~ 64583

(4) The individual agrees to pay the department of health ~~the~~ 64584
~~following as damages~~ an amount established by rules adopted under 64585
section 3702.86 of the Revised Code, if the individual fails to 64586
complete the service obligation agreed to under division (B)(1) of 64587

this section; 64588

~~(a) If the failure occurs during the first two years of the 64589
service obligation, three times the total amount the department 64590
has agreed to repay under division (B)(3) of this section; 64591~~

~~(b) If the failure occurs after the first two years of the 64592
service obligation, three times the amount the department is still 64593
obligated to repay under division (B)(3) of this section. 64594~~

~~(C) The contract may include any other terms agreed upon by 64595
the parties, including an assignment to the department of health 64596
of the individual's duty to pay the principal and interest of a 64597
government or other educational loan taken by the individual for 64598
expenses described in section 3702.85 of the Revised Code. If the 64599
department assumes the individual's duty to pay a loan, the 64600
contract shall set forth the total amount of principal and 64601
interest to be paid, an amortization schedule, and the amount of 64602
each payment to be made under the schedule. 64603~~

~~(D) Not later than the thirty-first day of January of each 64604
year, the department of health shall mail to each individual to 64605
whom or on whose behalf repayment is made under the dentist loan 64606
repayment program a statement showing the amount of principal and 64607
interest repaid by the department pursuant to the contract in the 64608
preceding year. The statement shall be sent by ordinary mail with 64609
address correction and forwarding requested in the manner 64610
prescribed by the United States postal service. 64611~~

Sec. 3702.92. There is hereby created the dentist loan 64612
repayment advisory board. The board shall consist of the following 64613
members: 64614

~~(A) One member Two members of the house of representatives, 64615
one from each political party, appointed by the speaker of the 64616
house of representatives; 64617~~

(B) ~~One member~~ Two members of the senate, one from each 64618
political party, appointed by the president of the senate; 64619

(C) A representative of the board of regents, appointed by 64620
the chancellor; 64621

(D) The director of health or an employee of the department 64622
of health designated by the director; 64623

(E) ~~Three~~ Four representatives of the dental profession, 64624
appointed by the governor from persons nominated by the Ohio 64625
dental association. 64626

Terms of office of the appointed members shall be two years, 64627
with each term commencing on the twenty-eighth day of January and 64628
ending on the twenty-seventh day of January of the second year 64629
after appointment. The governor ~~shall appoint the dental~~ 64630
~~profession representatives not later than ninety days after~~ 64631
~~October 29, 2003. The terms of all members shall commence~~ 64632
~~ninety one days after October 29, 2003. Of the initial~~ 64633
~~appointments made by the governor, two shall serve a term of one~~ 64634
~~year and one shall serve a term of two years. The initial~~ 64635
~~appointment made by the,~~ speaker of the house of representatives 64636
~~shall be for a term of one year. The initial appointment made by~~ 64637
~~the,~~ and president of the senate shall be for a term of two years 64638
make each of their respective appointments not later than the 64639
twenty-seventh day of January of the year in which the term of the 64640
member being appointed is to commence. Each member shall hold 64641
office from the date of appointment until the end of the term for 64642
which the member was appointed, except that a legislative member 64643
ceases to be a member of the board on ceasing to be a member of 64644
the general assembly. No person shall be appointed to the board 64645
for more than two consecutive terms. 64646

Vacancies shall be filled in the manner prescribed for the 64647
original appointment. A member appointed to fill a vacancy 64648

occurring prior to the expiration of the term for which the 64649
member's predecessor was appointed shall hold office for the 64650
remainder of that term. A member shall continue in office 64651
subsequent to the expiration of the member's term until a 64652
successor takes office or until sixty days have elapsed, whichever 64653
occurs first. ~~No person shall be appointed to the board for more 64654
than two consecutive terms. Thereafter, terms of office shall be 64655
two years. Each member shall hold office from the date of 64656
appointment until the end of the term for which the member was 64657
appointed, except that a legislative member ceases to be a member 64658
of the board on ceasing to be a member of the general assembly.~~ 64659

The governor, speaker, or president may remove a member for 64660
whom the governor, speaker, or president was the appointing 64661
authority, for misfeasance, malfeasance, or willful neglect of 64662
duty. 64663

The board shall designate a member to serve as chairperson of 64664
the board. 64665

The board shall meet at least once annually. The chairperson 64666
shall call special meetings as needed or upon the request of four 64667
members. 64668

~~Four~~ Six members of the board constitute a quorum to transact 64669
and vote on all business coming before the board. 64670

Members of the board shall serve without compensation, ~~but 64671
may be reimbursed for reasonable and necessary expenses incurred 64672
in the discharge of their duties.~~ 64673

The department of health shall provide the board with staff 64674
assistance as requested by the board. 64675

Sec. 3702.93. The dentist loan repayment advisory board shall 64676
determine the amounts that will be paid as loan repayments on 64677
behalf of participants in the dentist loan repayment program. ~~No 64678~~

In the first and second years, no repayment shall exceed twenty 64679
twenty-five thousand dollars in any each year, except that if. In 64680
the third and fourth years, no repayment shall exceed thirty-five 64681
thousand dollars in each year. If, however, a repayment results in 64682
an increase in the participant's federal, state, or local income 64683
tax liability, the department of health, at the participant's 64684
request and with the approval of the director of health, may 64685
reimburse the participant for the increased tax liability, 64686
regardless of the amount of the repayment in that year. ~~Total~~ 64687
~~repayment on behalf of a participant shall not exceed eighty~~ 64688
~~thousand dollars over the time of participation in the program.~~ 64689

Sec. 3702.94. The dentist loan repayment advisory board, 64690
annually on or before the first day of March, shall submit a 64691
report to the governor and general assembly describing the 64692
operations of the dentist loan repayment program during the 64693
previous calendar year. The report shall include information about 64694
all of the following: 64695

(A) The number of requests received by the director of health 64696
that a particular area be designated as a dental health resource 64697
shortage area; 64698

(B) The areas that have been designated as dental health 64699
resource shortage areas and the priorities that have been assigned 64700
to them; 64701

(C) The number of applicants for participation in the dentist 64702
loan repayment program; 64703

(D) The number of dentists assigned to dental health resource 64704
shortage areas and the payments made on behalf of those dentists 64705
under the dentist loan repayment program; 64706

(E) The dental health resource shortage areas that have not 64707
been matched with all of the dentists they need; 64708

(F) The number of dentists failing to complete their service obligations, the amount of damages owed, and the amount of damages collected. 64709
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Sec. 3703.01. (A) Except as otherwise provided in this section, the division of ~~industrial compliance~~ labor in the department of commerce shall do all of the following: 64712
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(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code; 64715
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(2) Condemn all unsanitary or defective plumbing that is found in connection with those places; 64717
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(3) Order changes in plumbing necessary to insure the safety of the public health. 64719
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(B)(1)(a) The division of ~~industrial compliance~~ labor, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings. 64721
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(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that employs one or more plumbing inspectors certified pursuant to division (D) of this section to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in those types of buildings. 64728
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(c) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the county building department is authorized to inspect those types of buildings pursuant to a contract 64735
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described in division (C)(1) of this section. 64739

(d) The division shall not inspect plumbing or collect fees 64740
for inspecting plumbing in particular types of buildings in any 64741
health district where the board of health has entered into a 64742
contract with the board of health of another district to conduct 64743
inspections pursuant to division (C)(2) of this section. 64744

(2) No county building department shall inspect plumbing or 64745
collect fees for inspecting plumbing in any type of building in a 64746
health district unless the department is authorized to inspect 64747
that type of building pursuant to a contract described in division 64748
(C)(1) of this section. 64749

(3) No municipal corporation shall inspect plumbing or 64750
collect fees for inspecting plumbing in types of buildings for 64751
which it is not certified by the board of building standards under 64752
section 3781.10 of the Revised Code to exercise enforcement 64753
authority. 64754

(4) No board of health of a health district shall inspect 64755
plumbing or collect fees for inspecting plumbing in types of 64756
buildings for which it does not have a plumbing inspector 64757
certified pursuant to division (D) of this section. 64758

(C)(1) The board of health of a health district may enter 64759
into a contract with a board of county commissioners to authorize 64760
the county building department to inspect plumbing in buildings 64761
within the health district. The contract may designate that the 64762
department inspect either residential or nonresidential buildings, 64763
as those terms are defined in section 3781.06 of the Revised Code, 64764
or both types of buildings, so long as the department employs or 64765
contracts with a plumbing inspector certified pursuant to division 64766
(D) of this section to inspect the types of buildings the contract 64767
designates. The board of health may enter into a contract 64768
regardless of whether the health district employs any certified 64769

plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code. 64770
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(2) The board of health of a health district, regardless of whether it employs any certified plumbing inspectors to enforce Chapters 3781. and 3791. of the Revised Code, may enter into a contract with the board of health of another health district to authorize that board to inspect plumbing in buildings within the contracting board's district. The contract may designate the inspection of either residential or nonresidential buildings as defined in section 3781.06 of the Revised Code, or both types of buildings, so long as the board that performs the inspections employs a plumbing inspector certified pursuant to division (D) of this section to inspect the types of buildings the contract designates. 64772
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(D) The superintendent of ~~industrial compliance~~ labor shall adopt rules prescribing minimum qualifications based on education, training, experience, or demonstrated ability, that the superintendent shall use in certifying or recertifying plumbing inspectors to do plumbing inspections for health districts and county building departments that are authorized to perform inspections pursuant to a contract under division (C)(1) of this section, and for continuing education of plumbing inspectors. Those minimum qualifications shall be related to the types of buildings for which a person seeks certification. 64784
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(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply: 64794
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(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division 64798
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(D) of this section for certifying plumbing inspectors. 64802

(2) The other state or agency extends similar reciprocity to persons certified under this chapter. 64803
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(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors: 64805
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(1) Prepare, administer, score, and maintain the confidentiality of the examination; 64808
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(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section; 64810
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(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes; 64812
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(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing. 64814
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(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters. 64817
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(H) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or other place that there is reason to believe is in a condition to be a menace to the public health. 64821
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Sec. 3703.03. In the administration of sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, the division of ~~industrial compliance~~ labor shall enforce rules governing plumbing adopted by the board of building standards under authority of sections 3781.10 and 3781.11 of the Revised Code, and register those persons engaged in or at the plumbing business. 64825
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Plans and specifications for all plumbing to be installed in 64831
or for buildings coming within such sections shall be submitted to 64832
and approved by the division before the contract for plumbing is 64833
let. 64834

Sec. 3703.04. The superintendent of ~~industrial compliance~~ 64835
labor shall appoint such number of plumbing inspectors as is 64836
required. The inspectors shall be practical plumbers with at least 64837
seven years' experience, and skilled and well-trained in matters 64838
pertaining to sanitary regulations concerning plumbing work. 64839

Sec. 3703.05. Plumbing inspectors employed by the division of 64840
~~industrial compliance~~ labor assigned to the enforcement of 64841
sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code may, 64842
between sunrise and sunset, enter any building where there is good 64843
and sufficient reason to believe that the sanitary condition of 64844
the premises endangers the public health, for the purpose of 64845
making an inspection to ascertain the condition of the premises. 64846

Sec. 3703.06. When any building is found to be in a sanitary 64847
condition or when changes which are ordered, under authority of 64848
this chapter, in the plumbing, drainage, or ventilation have been 64849
made, and after a thorough inspection and approval by the 64850
superintendent of ~~industrial compliance~~ labor, the superintendent 64851
shall issue a certificate, which shall be posted in a conspicuous 64852
place for the benefit of the public at large. Upon notification by 64853
the superintendent, the certificate shall be revoked for any 64854
violation of those sections. 64855

Sec. 3703.07. No plumbing work shall be done in any building 64856
or place coming within the jurisdiction of the division of 64857
~~industrial compliance~~ labor, except in cases of repairs or leaks 64858
in existing plumbing, until a permit has been issued by the 64859

division. 64860

Before granting such permit, an application shall be made by 64861
the owner of the property or by the person, firm, or corporation 64862
which is to do the work. The application shall be made on a form 64863
prepared by the division for the purpose, and each application 64864
shall be accompanied by a fee of twenty-seven dollars, and an 64865
additional fee of seven dollars for each trap, vented fixture, 64866
appliance, or device. Each application also shall be accompanied 64867
by a plan approval fee of eighteen dollars for work containing one 64868
through twenty fixtures; thirty-six dollars for work containing 64869
twenty-one through forty fixtures; and fifty-four dollars for work 64870
containing forty-one or more fixtures. 64871

Whenever a reinspection is made necessary by the failure of 64872
the applicant or plumbing contractor to have the work ready for 64873
inspection when so reported, or by reason of faulty or improper 64874
installation, the person shall pay a fee of forty-five dollars for 64875
each reinspection. 64876

All fees collected pursuant to this section shall be paid 64877
into the state treasury to the credit of the ~~industrial compliance~~ 64878
labor operating fund created in section 121.084 of the Revised 64879
Code. 64880

The superintendent of ~~industrial compliance~~ labor, by rule 64881
adopted in accordance with Chapter 119. of the Revised Code, may 64882
increase the fees required by this section and may establish fees 64883
to pay the costs of the division to fulfill its duties established 64884
by this chapter, including, but not limited to, fees for 64885
administering a program for continuing education for, and 64886
certifying and recertifying plumbing inspectors. The fees shall 64887
bear some reasonable relationship to the cost of administering and 64888
enforcing the provisions of this chapter. 64889

Sec. 3703.08. Any owner, agent, or manager of a building in 64890

which an inspection is made by the division of ~~industrial~~ 64891
~~compliance labor~~, a board of health of a health district, or a 64892
certified department of building inspection of a municipal 64893
corporation or a county shall have the entire system of drainage 64894
and ventilation repaired, as the division, board of health, or 64895
department of building inspection directs by its order. After due 64896
notice to repair that work is given, the owner, agent, or manager 64897
shall notify the public authority that issued the order when the 64898
work is ready for its inspection. No person shall fail to have the 64899
work ready for inspection at the time specified in the notice. 64900

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Sec. 3703.10. All prosecutions and proceedings by the 64902
division of ~~industrial-compliance labor~~ for the violation of 64903
sections 3703.01 to ~~3703.09~~ 3703.08 of the Revised Code, or for 64904
the violation of any of the orders or rules of the division under 64905
those sections, shall be instituted by the superintendent of 64906
~~industrial-compliance labor~~. All fines or judgments collected by 64907
the division shall be paid into the state treasury to the credit 64908
of the ~~industrial-compliance labor~~ operating fund created by 64909
section 121.084 of the Revised Code. 64910

The superintendent, the board of health of a general or city 64911
health district, or any person charged with enforcing the rules of 64912
the division adopted under sections 3703.01 to ~~3703.09~~ 3703.08 of 64913
the Revised Code may petition the court of common pleas for 64914
injunctive or other appropriate relief requiring any person 64915
violating a rule adopted or order issued by the superintendent 64916
under those sections to comply with the rule or order. The court 64917
of common pleas of the county in which the offense is alleged to 64918
be occurring may grant injunctive or other appropriate relief. 64919

The superintendent may do all of the following: 64920

(A) Deny an applicant certification as a plumbing inspector; 64921

(B) Suspend or revoke the certification of a plumbing inspector; 64922
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(C) Examine any certified plumbing inspector under oath; 64924

(D) Examine the records and books of any certified plumbing inspector if the superintendent finds the material to be examined relevant to a determination described in division (A), (B), or (C) of this section. 64925
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Sec. 3703.21. (A) Within ninety days after ~~the effective date of this section~~ September 16, 2004, the superintendent of ~~the division of industrial compliance labor~~ shall appoint a backflow advisory board consisting of not more than ten members, who shall serve at the pleasure of the superintendent. The superintendent shall appoint a representative from the plumbing section of the division of ~~industrial compliance labor~~, three representatives recommended by the plumbing administrator of the division of ~~industrial compliance labor~~, a representative of the drinking water program of the Ohio environmental protection agency, three representatives recommended by the director of environmental protection, and not more than two members who are not employed by the plumbing or water industry. 64929
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The board shall advise the superintendent on matters pertaining to the training and certification of backflow technicians. 64942
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(B) The superintendent shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for the certification of backflow technicians. The rules shall establish all of the following requirements, specifications, and procedures: 64945
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(1) Requirements and procedures for the initial certification of backflow technicians, including eligibility criteria and application requirements and fees; 64949
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- (2) Specifications concerning and procedures for taking examinations required for certification as a backflow technician, including eligibility criteria to take the examination and application requirements and fees for taking the examination; 64952
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- (3) Specifications concerning and procedures for renewing a certification as a backflow technician, including eligibility criteria, application requirements, and fees for renewal; 64956
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- (4) Specifications concerning and procedures for both of the following: 64959
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- (a) Approval of training agencies authorized to teach required courses to candidates for certification as backflow technicians or continuing education courses to certified backflow technicians; 64961
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- (b) Renewal of the approval described in division (B)(4)(a) of this section. 64965
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- (5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy; 64967
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- (6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician; 64971
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- (7) Procedures for issuing administrative orders for the remedy of any violation of this section or any rule adopted pursuant to division (B) of this section, including, but not limited to, procedures for assessing a civil penalty authorized under division (D) of this section; 64974
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- (8) Any provision the superintendent determines is necessary to administer or enforce this section. 64979
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- (C) No individual shall engage in the installation, testing, 64981

or repair of any isolation backflow prevention device unless that 64982
individual possesses a valid certification as a backflow 64983
technician. This division does not apply with respect to the 64984
installation, testing, or repair of any containment backflow 64985
prevention device. 64986

(D) Whoever violates division (C) of this section or any rule 64987
adopted pursuant to division (B) of this section shall pay a civil 64988
penalty of not more than five thousand dollars for each day that 64989
the violation continues. The superintendent may, by order, assess 64990
a civil penalty under this division, or may request the attorney 64991
general to bring a civil action to impose the civil penalty in the 64992
court of common pleas of the county in which the violation 64993
occurred or where the violator resides. 64994

(E) Any action taken under a rule adopted pursuant to 64995
division (B)(6) of this section is subject to the appeal process 64996
of Chapter 119. of the Revised Code. An administrative order 64997
issued pursuant to rules adopted under division (B)(7) of this 64998
section and an appeal to that type of administrative order shall 64999
be executed in accordance with Chapter 119. of the Revised Code. 65000

(F) As used in this section: 65001

(1) "Isolation backflow prevention device" means a device for 65002
the prevention of the backflow of liquids, solids, or gases that 65003
is regulated by the building code adopted pursuant to section 65004
3781.10 of the Revised Code and rules adopted pursuant to this 65005
section. 65006

(2) "Containment backflow prevention device" means a device 65007
for the prevention of the backflow of liquids, solids, or gases 65008
that is installed by the supplier of, or as a requirement of, any 65009
public water system as defined in division (A) of section 6109.01 65010
of the Revised Code. 65011

Sec. 3703.99. Whoever violates sections 3703.01 to ~~3703.09~~ 65012
~~3703.08~~ of the Revised Code, or any rule the division of 65013
~~industrial compliance labor~~ is required to enforce under such 65014
sections, shall be fined not less than ten nor more than one 65015
hundred dollars or imprisoned for not less than ten nor more than 65016
ninety days, or both. No person shall be imprisoned under this 65017
section for the first offense, and the prosecution always shall be 65018
as for a first offense unless the affidavit upon which the 65019
prosecution is instituted contains the allegation that the offense 65020
is a second or repeated offense. 65021

Sec. 3704.14. (A) ~~The director of environmental protection~~ 65022
~~shall continue to implement an enhanced motor vehicle inspection~~ 65023
~~and maintenance program for a period of two years beginning on~~ 65024
~~January 1, 2006, and ending on December 31, 2007, in counties in~~ 65025
~~which a motor vehicle inspection and maintenance program is~~ 65026
~~federally mandated. The program shall be substantially similar to~~ 65027
~~the enhanced program implemented in those counties under a~~ 65028
~~contract that is scheduled to expire on December 31, 2005. The (1)~~ 65029
If the director of environmental protection determines that 65030
implementation of a motor vehicle inspection and maintenance 65031
program is necessary for the state to effectively comply with the 65032
federal Clean Air Act after June 30, 2009, the director may 65033
provide for the implementation of the program in those counties in 65034
this state in which such a program is federally mandated. Upon 65035
making such a determination, the director of environmental 65036
protection may request the director of administrative services to 65037
extend the terms of the contract that was entered into under the 65038
authority of Section 7 of Am. Sub. H.B. 24 of the 127th general 65039
assembly. Upon receiving the request, the director of 65040
administrative services shall extend the contract, beginning on 65041
July 1, 2009, in accordance with this section. The contract shall 65042

be extended for a period of up to six months with the contractor 65043
who conducted the motor vehicle inspection and maintenance program 65044
under that contract. 65045

(2) Prior to the expiration of the contract extension that is 65046
authorized by division (A)(1) of this section, the director of 65047
environmental protection may request the director of 65048
administrative services to enter into a contract with a vendor to 65049
operate a motor vehicle inspection and maintenance program in each 65050
county in this state in which such a program is federally mandated 65051
through June 30, 2011, with an option for the state to renew the 65052
contract through June 30, 2012. The contract shall ensure that the 65053
motor vehicle inspection and maintenance program achieve at least 65054
the same ozone precursor reductions as achieved by the program 65055
operated under the authority of the contract that was extended 65056
under division (A)(1) of this section. The director of 65057
administrative services shall select a vendor through a 65058
competitive selection process in compliance with Chapter 125. of 65059
the Revised Code. 65060

(3) A motor vehicle inspection and maintenance program 65061
operated under this section shall comply with division (B) of this 65062
section. The director of environmental protection shall administer 65063
the motor vehicle inspection and maintenance program operated 65064
under this section. 65065

(B) The motor vehicle inspection and maintenance program 65066
authorized by this section, at a minimum, shall do all of the 65067
following: 65068

(1) Comply with the federal Clean Air Act; 65069

~~(2) Provide for the extension of a contract for a period of~~ 65070
~~two years, beginning on January 1, 2006, and ending on December~~ 65071
~~31, 2007, with the contractor who conducted the enhanced motor~~ 65072
~~vehicle inspection and maintenance program in those federally~~ 65073

~~mandated counties pursuant to a contract entered into under former~~ 65074
~~section 3704.14 of the Revised Code as that section existed prior~~ 65075
~~to its repeal and reenactment by Am. Sub. H.B. 66 of the 126th~~ 65076
~~General Assembly;~~ 65077

~~(3)~~ Provide for the issuance of inspection certificates; 65078

~~(4)~~(3) Provide for a new car exemption for motor vehicles 65079
four years old or newer and provide that a new motor vehicle is 65080
exempt for four years regardless of whether legal title to the 65081
motor vehicle is transferred during that period. 65082

~~(B)~~(C) The director of environmental protection shall not 65083
implement a motor vehicle inspection and maintenance program in 65084
any county other than a county in which a motor vehicle inspection 65085
and maintenance program is federally mandated. 65086

~~(C)~~(D) The director of environmental protection shall adopt 65087
rules in accordance with Chapter 119. of the Revised Code that the 65088
director determines are necessary to implement this section. The 65089
director may continue to implement and enforce rules pertaining to 65090
the ~~enhanced~~ motor vehicle inspection and maintenance program 65091
previously implemented under former section 3704.14 of the Revised 65092
Code as that section existed prior to its repeal and reenactment 65093
by Am. Sub. H.B. 66 of the 126th general assembly, provided that 65094
the rules do not conflict with this section. 65095

65096

~~(D)~~(E) There is hereby created in the state treasury the 65097
~~motor vehicle inspection and maintenance~~ auto emissions test fund, 65098
which shall consist of money ~~received by the director of~~ 65099
environmental protection from any fees for inspections that are 65100
~~established in rules adopted~~ cash transfers, state and local 65101
grants, and other contributions that are received for the purpose 65102
of funding the program established under this section. The 65103
director shall use money in the fund solely for the 65104

implementation, supervision, administration, operation, and 65105
enforcement of the ~~enhanced~~ motor vehicle inspection and 65106
maintenance program established under this section. Money in the 65107
fund shall not be used for either of the following: 65108

(1) To pay for the inspection costs incurred by a motor 65109
vehicle dealer so that the dealer may provide inspection 65110
certificates to an individual purchasing a motor vehicle from the 65111
dealer when that individual resides in a county that is subject to 65112
the motor vehicle inspection and maintenance program; 65113

(2) To provide payment for more than one free passing 65114
emissions inspection or a total of three emissions inspections for 65115
a motor vehicle in any three-hundred-sixty-five day period. The 65116
owner or lessee of a motor vehicle is responsible for inspection 65117
fees that are related to emissions inspections beyond one free 65118
passing emissions inspection or three total emissions inspections 65119
in any three-hundred-sixty-five day period. Inspection fees that 65120
are charged by a contractor conducting emissions inspections under 65121
a motor vehicle inspection and maintenance program shall be 65122
approved by the director of environmental protection. 65123

~~(E)~~(F) The ~~enhanced~~ motor vehicle inspection and maintenance 65124
program established under this section expires ~~on December 31,~~ 65125
~~2007,~~ upon the termination of all contracts entered into under 65126
this section and shall not be ~~continued~~ implemented beyond ~~that~~ 65127
the final date on which termination occurs unless otherwise 65128
federally mandated. 65129

Sec. 3704.144. Gifts, grants, and contributions for the 65130
purpose of adding pollution control equipment to diesel-powered 65131
school buses, including contributions that are made pursuant to 65132
the settlement of an administrative action or civil action that is 65133
brought at the request of the director of environmental protection 65134
pursuant to Chapter 3704., 3714., 3734., 6109., or 6111. of the 65135

Revised Code, shall be credited to the clean diesel school bus 65136
fund, which is hereby created in the state treasury. The director 65137
shall use money credited to the fund to make grants to school 65138
districts in the state and to county boards of mental retardation 65139
and developmental disabilities for the purpose of adding pollution 65140
control equipment to diesel-powered school buses and to pay the 65141
environmental protection agency's costs incurred in administering 65142
this section. In addition, the director may use money credited to 65143
the fund to make grants to school districts and to county boards 65144
of mental retardation and developmental disabilities for the 65145
purpose of maintaining pollution control equipment that is 65146
installed on diesel-powered school buses and to pay the additional 65147
cost incurred by a school district or a county board for using 65148
ultra-low sulfur diesel fuel instead of diesel fuel for the 65149
operation of diesel-powered school buses. 65150

In making grants under this section, the director shall give 65151
priority to school districts and to county boards of mental 65152
retardation and developmental disabilities that are located in a 65153
county that is designated as nonattainment by the United States 65154
environmental protection agency for the fine particulate national 65155
ambient air quality standard under the federal Clean Air Act. In 65156
addition, the director may give a higher priority to a school 65157
district or a county board of mental retardation and developmental 65158
disabilities that employs additional measures that reduce air 65159
pollution from the district's or the county board's school bus 65160
fleet. 65161

The director shall adopt rules establishing procedures and 65162
requirements that are necessary to implement this section, 65163
including procedures and requirements governing applications for 65164
grants. 65165

Sec. 3705.24. (A)(1) The public health council shall, in 65166

accordance with section 111.15 of the Revised Code, adopt rules	65167
prescribing fees for the following <u>items or</u> services provided by	65168
the state office of vital statistics:	65169
(a) Except as provided in division (A)(4) of this section:	65170
(i) A certified copy of a vital record or a certification of	65171
birth;	65172
(ii) A search by the office of vital statistics of its files	65173
and records pursuant to a request for information, regardless of	65174
whether a copy of a record is provided;	65175
(iii) A copy of a record provided pursuant to a request;	65176
(b) Replacement of a birth certificate following an adoption,	65177
legitimation, paternity determination or acknowledgement, or court	65178
order;	65179
(c) Filing of a delayed registration of a vital record;	65180
(d) Amendment of a vital record that is requested later than	65181
one year after the filing date of the vital record;	65182
(e) Any other documents or services for which the public	65183
health council considers the charging of a fee appropriate.	65184
(2) Fees prescribed under division (A)(1)(a) of this section	65185
shall not be less than seven <u>twelve</u> dollars.	65186
(3) Fees prescribed under division (A)(1) of this section	65187
shall be collected in addition to any fees required by sections	65188
3109.14 and 3705.242 of the Revised Code.	65189
(4) Fees prescribed under division (A) of this section shall	65190
not apply to certifications issued under division (H) of this	65191
section or copies provided under section 3705.241 of the Revised	65192
Code.	65193
(B) In addition to the fees prescribed under division (A) of	65194
this section or section 3709.09 of the Revised Code, the office of	65195

vital statistics or the board of health of a city or general health district shall charge a five-dollar fee for each certified copy of a vital record and each certification of birth. This fee shall be deposited in the general operations fund created under section 3701.83 of the Revised Code and be used to support the operations, the modernization, and the automation of the vital records program in this state. A board of health shall forward all fees collected under this division to the department of health not later than thirty days after the end of each calendar quarter.

(C) Except as otherwise provided in division (H) of this section, and except as provided in section 3705.241 of the Revised Code, fees collected by the director of health under sections 3705.01 to 3705.29 of the Revised Code shall be paid into the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. Except as provided in division (B) or (I) of this section, money generated by the fees shall be used only for administration and enforcement of this chapter and the rules adopted under it. Amounts submitted to the department of health for copies of vital records or services in excess of the fees imposed by this section shall be dealt with as follows:

(1) An overpayment of two dollars or less shall be retained by the department and deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code.

(2) An overpayment in excess of two dollars shall be returned to the person who made the overpayment.

(D) If a local registrar is a salaried employee of a city or a general health district, any fees the local registrar receives pursuant to section 3705.23 of the Revised Code shall be paid into the general fund of the city or the health fund of the general

health district. 65228

Each local registrar of vital statistics, or each health 65229
district where the local registrar is a salaried employee of the 65230
district, shall be entitled to a fee for each birth, fetal death, 65231
death, or military service certificate properly and completely 65232
made out and registered with the local registrar or district and 65233
correctly copied and forwarded to the office of vital statistics 65234
in accordance with the population of the primary registration 65235
district at the last federal census. The fee for each birth, fetal 65236
death, death, or military service certificate shall be: 65237

(1) In primary registration districts of over two hundred 65238
fifty thousand, twenty cents; 65239

(2) In primary registration districts of over one hundred 65240
twenty-five thousand and less than two hundred fifty thousand, 65241
sixty cents; 65242

(3) In primary registration districts of over fifty thousand 65243
and less than one hundred twenty-five thousand, eighty cents; 65244

(4) In primary registration districts of less than fifty 65245
thousand, one dollar. 65246

(E) The director of health shall annually certify to the 65247
county treasurers of the several counties the number of birth, 65248
fetal death, death, and military service certificates registered 65249
from their respective counties with the names of the local 65250
registrars and the amounts due each registrar and health district 65251
at the rates fixed in this section. Such amounts shall be paid by 65252
the treasurer of the county in which the registration districts 65253
are located. No fees shall be charged or collected by registrars 65254
except as provided by this chapter and section 3109.14 of the 65255
Revised Code. 65256

(F) A probate judge shall be paid a fee of fifteen cents for 65257
each certified abstract of marriage prepared and forwarded by the 65258

probate judge to the department of health pursuant to section 65259
3705.21 of the Revised Code. The fee shall be in addition to the 65260
fee paid for a marriage license and shall be paid by the 65261
applicants for the license. 65262

(G) The clerk of a court of common pleas shall be paid a fee 65263
of one dollar for each certificate of divorce, dissolution, and 65264
annulment of marriage prepared and forwarded by the clerk to the 65265
department pursuant to section 3705.21 of the Revised Code. The 65266
fee for the certified abstract of divorce, dissolution, or 65267
annulment of marriage shall be added to the court costs allowed in 65268
these cases. 65269

(H) The fee for an heirloom certification of birth issued 65270
pursuant to division (B)(2) of section 3705.23 of the Revised Code 65271
shall be an amount prescribed by rule by the director of health 65272
plus any fee required by section 3109.14 of the Revised Code. In 65273
setting the amount of the fee, the director shall establish a 65274
surcharge in addition to an amount necessary to offset the expense 65275
of processing heirloom certifications of birth. The fee prescribed 65276
by the director of health pursuant to this division shall be 65277
deposited into the state treasury to the credit of the heirloom 65278
certification of birth fund which is hereby created. Money 65279
credited to the fund shall be used by the office of vital 65280
statistics to offset the expense of processing heirloom 65281
certifications of birth. However, the money collected for the 65282
surcharge, subject to the approval of the controlling board, shall 65283
be used for the purposes specified by the family and children 65284
first council pursuant to section 121.37 of the Revised Code. 65285

(I) Four dollars of each fee collected by the director of 65286
health or the board of health of a city or general health district 65287
for an item or service described in division (A)(1)(a) of this 65288
section shall be transferred to the office of vital statistics not 65289
later than thirty days after the end of each calendar quarter. 65290

Sec. 3706.04. The Ohio air quality development authority may:	65291
	65292
(A) Adopt bylaws for the regulation of its affairs and the conduct of its business;	65293 65294
(B) Adopt an official seal;	65295
(C) Maintain a principal office and suboffices at such places within the state as it designates;	65296 65297
(D) Sue and plead in its own name; be sued and impleaded in its own name with respect to its contracts or torts of its members, employees, or agents acting within the scope of their employment, or to enforce its obligations and covenants made under sections 3706.05, 3706.07, and 3706.12 of the Revised Code. Any such actions against the authority shall be brought in the court of common pleas of the county in which the principal office of the authority is located, or in the court of common pleas of the county in which the cause of action arose, provided such county is located within this state, and all summonses, exceptions, and notices of every kind shall be served on the authority by leaving a copy thereof at the principal office with the person in charge thereof or with the secretary-treasurer of the authority.	65298 65299 65300 65301 65302 65303 65304 65305 65306 65307 65308 65309 65310
(E) Make loans and grants to governmental agencies for the acquisition or construction of air quality projects by any such governmental agency and adopt rules and procedures for making such loans and grants;	65311 65312 65313 65314
(F) Acquire, construct, reconstruct, enlarge, improve, furnish, equip, maintain, repair, operate, lease or rent to, or contract for operation by, a person or governmental agency, air quality projects, and establish rules for the use of such projects;	65315 65316 65317 65318 65319
(G) Make available the use or services of any air quality	65320

project to one or more persons, one or more governmental agencies, 65321
or any combination thereof; 65322

(H) Issue air quality revenue bonds and notes and air quality 65323
revenue refunding bonds of the state, payable solely from revenues 65324
as provided in section 3706.05 of the Revised Code, unless the 65325
bonds be refunded by refunding bonds, for the purpose of paying 65326
any part of the cost of one or more air quality projects or parts 65327
thereof; 65328

(I) Acquire by gift or purchase, hold, and dispose of real 65329
and personal property in the exercise of the powers of the 65330
authority and the performance of its duties under this chapter; 65331

(J) Acquire, in the name of the state, by purchase or 65332
otherwise, on such terms and in such manner as the authority finds 65333
proper, or by the exercise of the right of condemnation in the 65334
manner provided by section 3706.17 of the Revised Code, such 65335
public or private lands, including public parks, playgrounds, or 65336
reservations, or parts thereof or rights therein, rights-of-way, 65337
property, rights, easements, and interests as it finds necessary 65338
for carrying out this chapter, but excluding the acquisition by 65339
the exercise of the right of condemnation of any air quality 65340
facility owned by any person or governmental agency; and 65341
compensation shall be paid for public or private lands so taken; 65342

(K) Make and enter into all contracts and agreements and 65343
execute all instruments necessary or incidental to the performance 65344
of its duties and the execution of its powers under this chapter. 65345

(1) When the cost under any such contract or agreement, other 65346
than compensation for personal services, involves an expenditure 65347
of more than two thousand dollars, the authority shall make a 65348
written contract with the lowest responsive and responsible 65349
bidder, in accordance with section 9.312 of the Revised Code, 65350
after advertisement for not less than two consecutive weeks in a 65351

newspaper of general circulation in Franklin county, and in such 65352
other publications as the authority determines, which notice shall 65353
state the general character of the work and the general character 65354
of the materials to be furnished, the place where plans and 65355
specifications therefor may be examined, and the time and place of 65356
receiving bids; provided, that a contract or lease for the 65357
operation of an air quality project constructed and owned by the 65358
authority or an agreement for cooperation in the acquisition or 65359
construction of an air quality project pursuant to section 3706.12 65360
of the Revised Code or any contract for the construction of an air 65361
quality project that is to be leased by the authority to, and 65362
operated by, persons who are not governmental agencies and the 65363
cost of such project is to be amortized exclusively from rentals 65364
or other charges paid to the authority by persons who are not 65365
governmental agencies is not subject to the foregoing requirements 65366
and the authority may enter into such contract, lease, or 65367
agreement pursuant to negotiation and upon such terms and 65368
conditions and for such period as it finds to be reasonable and 65369
proper in the circumstances and in the best interests of proper 65370
operation or of efficient acquisition or construction of such 65371
project. 65372

(2) Each bid for a contract for the construction, demolition, 65373
alteration, repair, or reconstruction of an improvement shall 65374
contain the full name of every person interested in it and meet 65375
the requirements of section 153.54 of the Revised Code. 65376

(3) Each bid for a contract except as provided in division 65377
(K)(2) of this section shall contain the full name of every person 65378
interested in it and shall be accompanied by a sufficient bond or 65379
certified check on a solvent bank that if the bid is accepted a 65380
contract will be entered into and the performance thereof secured. 65381

(4) The authority may reject any and all bids. 65382

(5) A bond with good and sufficient surety, approved by the 65383

authority, shall be required of every contractor awarded a 65384
contract except as provided in division (K)(2) of this section, in 65385
an amount equal to at least fifty per cent of the contract price, 65386
conditioned upon the faithful performance of the contract. 65387

(L) Employ managers, superintendents, and other employees and 65388
retain or contract with consulting engineers, financial 65389
consultants, accounting experts, architects, attorneys, and such 65390
other consultants and independent contractors as are necessary in 65391
its judgment to carry out this chapter, and fix the compensation 65392
thereof. All expenses thereof shall be payable solely from the 65393
proceeds of air quality revenue bonds or notes issued under this 65394
chapter, from revenues, or from funds appropriated for such 65395
purpose by the general assembly. 65396

(M) Receive and accept from any federal agency, subject to 65397
the approval of the governor, grants for or in aid of the 65398
construction of any air quality project or for research and 65399
development with respect to air quality facilities, and receive 65400
and accept aid or contributions from any source of money, 65401
property, labor, or other things of value, to be held, used, and 65402
applied only for the purposes for which such grants and 65403
contributions are made; 65404

(N) Engage in research and development with respect to air 65405
quality facilities; 65406

(O) Purchase fire and extended coverage and liability 65407
insurance for any air quality project and for the principal office 65408
and suboffices of the authority, insurance protecting the 65409
authority and its officers and employees against liability for 65410
damage to property or injury to or death of persons arising from 65411
its operations, and any other insurance the authority may agree to 65412
provide under any resolution authorizing its air quality revenue 65413
bonds or in any trust agreement securing the same; 65414

(P) Charge, alter, and collect rentals and other charges for 65415
the use or services of any air quality project as provided in 65416
section 3706.13 of the Revised Code; 65417

(Q) Develop energy initiatives, projects, and policy for the 65418
state in accordance with section 3706.35 of the Revised Code; 65419

(R) Provide coverage for its employees under Chapters 145., 65420
4123., and 4141. of the Revised Code; 65421

~~(R)~~(S) Do all acts necessary or proper to carry out the 65422
powers expressly granted in this chapter. 65423

Any instrument by which real property is acquired pursuant to 65424
this section shall identify the agency of the state that has the 65425
use and benefit of the real property as specified in section 65426
5301.012 of the Revised Code. 65427

Sec. 3706.25. As used in sections 3706.25 to 3706.30 of the 65428
Revised Code: 65429

(A) "Advanced energy project" means any technologies, 65430
products, activities, or management practices or strategies that 65431
facilitate the generation or use of electricity or energy and that 65432
reduce or support the reduction of energy consumption or support 65433
the production of clean, renewable energy for industrial, 65434
distribution, commercial, institutional, governmental, research, 65435
not-for-profit, or residential energy users including, but not 65436
limited to, advanced energy resources and renewable energy 65437
resources. "Advanced energy project" includes any project 65438
described in division (A), (B), or (C) of section 4928.621 of the 65439
Revised Code. 65440

(B) "Advanced energy resource" means any of the following: 65441

(1) Any method or any modification or replacement of any 65442
property, process, device, structure, or equipment that increases 65443
the generation output of an electric generating facility to the 65444

extent such efficiency is achieved without additional carbon 65445
dioxide emissions by that facility; 65446

(2) Any distributed generation system consisting of customer 65447
cogeneration of electricity and thermal output simultaneously, 65448
primarily to meet the energy needs of the customer's facilities; 65449

(3) Advanced nuclear energy technology consisting of 65450
generation III technology as defined by the nuclear regulatory 65451
commission; other, later technology; or significant improvements 65452
to existing facilities; 65453

(4) Any fuel cell used in the generation of electricity, 65454
including, but not limited to, a proton exchange membrane fuel 65455
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 65456
solid oxide fuel cell; 65457

(5) Advanced solid waste or construction and demolition 65458
debris conversion technology, including, but not limited to, 65459
advanced stoker technology, and advanced fluidized bed 65460
gasification technology, that results in measurable greenhouse gas 65461
emissions reductions as calculated pursuant to the United States 65462
environmental protection agency's waste reduction model (WARM); 65463
65464

(6) Methane gas emitted from an operating or abandoned coal 65465
mine. 65466

(C) "Renewable energy resource" means solar photovoltaic or 65467
solar thermal energy, wind energy, power produced by a 65468
hydroelectric facility, geothermal energy, fuel derived from solid 65469
wastes, as defined in section 3734.01 of the Revised Code, through 65470
fractionation, biological decomposition, or other process that 65471
does not principally involve combustion, biomass energy, 65472
biologically derived methane gas, or energy derived from 65473
nontreated by-products of the pulping process or wood 65474
manufacturing process, including bark, wood chips, sawdust, and 65475

lignin in spent pulping liquors. "Renewable energy resource" 65476
includes, but is not limited to, any fuel cell used in the 65477
generation of electricity, including, but not limited to, a proton 65478
exchange membrane fuel cell, phosphoric acid fuel cell, molten 65479
carbonate fuel cell, or solid oxide fuel cell; wind turbine 65480
located in the state's territorial waters of Lake Erie; storage 65481
facility that will promote the better utilization of a renewable 65482
energy resource that primarily generates off peak; or distributed 65483
generation system used by a customer to generate electricity from 65484
any such energy. As used in this division, "hydroelectric 65485
facility" means a hydroelectric generating facility that is 65486
located at a dam on a river, or on any water discharged to a 65487
river, that is within or bordering this state or within or 65488
bordering an adjoining state and meets all of the following 65489
standards: 65490

(1) The facility provides for river flows that are not 65491
detrimental for fish, wildlife, and water quality, including 65492
seasonal flow fluctuations as defined by the applicable licensing 65493
agency for the facility. 65494

(2) The facility demonstrates that it complies with the water 65495
quality standards of this state, which compliance may consist of 65496
certification under Section 401 of the "Clean Water Act of 1977," 65497
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 65498
not contributed to a finding by this state that the river has 65499
impaired water quality under Section 303(d) of the "Clean Water 65500
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 65501

(3) The facility complies with mandatory prescriptions 65502
regarding fish passage as required by the federal energy 65503
regulatory commission license issued for the project, regarding 65504
fish protection for riverine, anadromous, and catadromus fish. 65505
65506

(4) The facility complies with the recommendations of the 65507

Ohio environmental protection agency and with the terms of its 65508
federal energy regulatory commission license regarding watershed 65509
protection, mitigation, or enhancement, to the extent of each 65510
agency's respective jurisdiction over the facility. 65511

(5) The facility complies with provisions of the "Endangered 65512
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 65513
amended. 65514

(6) The facility does not harm cultural resources of the 65515
area. This can be shown through compliance with the terms of its 65516
federal energy regulatory commission license or, if the facility 65517
is not regulated by that commission, through development of a plan 65518
approved by the Ohio historic preservation office, to the extent 65519
it has jurisdiction over the facility. 65520

(7) The facility complies with the terms of its federal 65521
energy regulatory commission license or exemption that are related 65522
to recreational access, accommodation, and facilities or, if the 65523
facility is not regulated by that commission, the facility 65524
complies with similar requirements as are recommended by resource 65525
agencies, to the extent they have jurisdiction over the facility; 65526
and the facility provides access to water to the public without 65527
fee or charge. 65528

(8) The facility is not recommended for removal by any 65529
federal agency or agency of any state, to the extent the 65530
particular agency has jurisdiction over the facility. 65531

Sec. 3706.35. The Ohio air quality development authority 65532
shall establish the energy strategy development program for the 65533
purpose of developing energy initiatives, projects, and policy for 65534
the state. Issues addressed by such initiatives, projects, and 65535
policy shall not be limited to those governed by this chapter. 65536

There is hereby created in the state treasury the energy 65537

strategy development fund. The fund shall consist of money 65538
credited to it and money obtained for advanced energy projects 65539
from federal or private grants, loans, or other sources. Money in 65540
the fund shall be used to carry out the purposes of the program. 65541
Interest earned on the money in the fund shall be credited to the 65542
general revenue fund. 65543

Sec. 3709.09. (A) The board of health of a city or general 65544
health district may, by rule, establish a uniform system of fees 65545
to pay the costs of any services provided by the board. 65546

The fee for issuance of a certified copy of a vital record or 65547
a certification of birth shall not be less than the fee prescribed 65548
for the same service under division (A)(1) of section 3705.24 of 65549
the Revised Code and shall include the fees required by division 65550
(B) of section 3705.24 and section 3109.14 of the Revised Code. 65551

Fees for services provided by the board for purposes 65552
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 65553
3730.03, 3733.04, 3733.25, and 3749.04 of the Revised Code shall 65554
be established in accordance with rules adopted under division (B) 65555
of this section. The district advisory council, in the case of a 65556
general health district, and the legislative authority of the 65557
city, in the case of a city health district, may disapprove any 65558
fee established by the board of health under this division, and 65559
any such fee, as disapproved, shall not be charged by the board of 65560
health. 65561

(B) The public health council shall adopt rules under section 65562
111.15 of the Revised Code that establish fee categories and a 65563
uniform ~~methodologies~~ methodology for use in calculating the costs 65564
of services provided for purposes specified in sections 3701.344, 65565
3711.10, 3718.06, 3729.07, 3730.03, 3733.04, 3733.25, and 3749.04 65566
of the Revised Code. In adopting the rules, the public health 65567
council shall consider recommendations it receives from advisory 65568

boards established either by statute or the director of health for 65569
entities subject to the fees. 65570

~~(C) At least thirty days prior to establishing a~~ Except when 65571
a board of health establishes a fee by adopting a rule as an 65572
emergency measure, the board of health shall hold a public hearing 65573
regarding each proposed fee for a service provided by the board 65574
for a purpose specified in section 3701.344, 3711.10, 3718.06, 65575
3729.07, 3730.03, 3733.04, 3733.25, or 3749.04 of the Revised 65576
Code, ~~a board of health shall notify any entity that would be~~ 65577
~~affected by the proposed fee of the amount of the proposed fee. If~~ 65578
a public hearing is held, at least twenty days prior to the public 65579
hearing the board shall give written notice of the hearing to each 65580
entity affected by the proposed fee. The notice shall be mailed to 65581
the last known address of each entity and shall specify the date, 65582
time, and place of the hearing and the amount of the proposed fee. 65583
65584

(D) If a fee established under this section is not received 65585
by the end of the last day on which it is due, the board of health 65586
shall assess a penalty. The amount of the penalty shall be equal 65587
to the greater of the following amounts: 65588

(1) Twenty-five per cent of the fee; 65589

(2) Ten per cent of the fee multiplied by the number of weeks 65590
that have elapsed since the payment was due. 65591

(E) All rules adopted by a board of health under this section 65592
shall be adopted, recorded, and certified as are ordinances of 65593
municipal corporations and the record thereof shall be given in 65594
all courts the same effect as is given such ordinances, but the 65595
advertisements of such rules shall be by publication in one 65596
newspaper of general circulation within the health district. 65597
Publication shall be made once a week for two consecutive weeks 65598
and such rules shall take effect and be in force ten days from the 65599

date of the first publication. 65600

Sec. 3709.092. (A) A board of health of a city or general health district shall transmit to the director of health all fees or additional amounts that the public health council requires to be collected under sections 3701.344, 3718.06, 3729.07, 3733.04, 3733.25, and 3749.04 of the Revised Code. The fees and amounts shall be transmitted according to the following schedule: 65601
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(1) For fees and amounts received by the board on or after the first day of January but not later than the thirty-first day of March, transmit the fees and amounts not later than the fifteenth day of May; 65607
65608
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(2) For fees and amounts received by the board on or after the first day of April but not later than the thirtieth day of June, transmit the fees and amounts not later than the fifteenth day of August; 65611
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(3) For fees and amounts received by the board on or after the first day of July but not later than the thirtieth day of September, transmit the fees and amounts not later than the fifteenth day of November; 65615
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(4) For fees and amounts received by the board on or after the first day of October but not later than the thirty-first day of December, transmit the fees and amounts not later than the fifteenth day of February of the following year. 65619
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(B) The director shall deposit the fees and amounts received under this section into the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code. Each amount shall be used solely for the purpose for which it was collected. 65623
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Sec. 3710.01. As used in this chapter: 65628

(A) "Asbestos" means the asbestiform varieties of chrysotile 65629
or serpentine, amosite or cummingtonitegrunerite, crocidolite or 65630
riebeckite, actinolite, tremolite, and anthophyllite. 65631

(B) "Asbestos hazard abatement activity" means any activity 65632
involving the removal, renovation, enclosure, repair, ~~or~~ 65633
encapsulation, or operation and maintenance of reasonably related 65634
friable asbestos-containing materials in an amount greater than 65635
~~fifty three~~ linear feet or ~~fifty three~~ square feet. "Asbestos 65636
~~hazard abatement activity" also includes any such activity~~ 65637
~~involving such asbestos-containing materials in an amount of fifty~~ 65638
~~linear or fifty square feet or less if, when combined with any~~ 65639
~~other reasonably related activity in terms of time and location of~~ 65640
~~the activity, the total amount is in an amount greater than fifty~~ 65641
~~linear or fifty square feet.~~ 65642

(C) "Asbestos hazard abatement contractor" means a business 65643
entity or public entity that engages in or intends to engage in 65644
asbestos hazard abatement ~~activities~~ projects and that employs or 65645
supervises one or more asbestos hazard abatement specialists for 65646
asbestos hazard abatement activities. "Asbestos hazard abatement 65647
contractor" does not mean an employee of an asbestos hazard 65648
abatement contractor, a general contractor who subcontracts to an 65649
asbestos hazard abatement contractor an asbestos hazard abatement 65650
~~activity~~ project, or any individual who engages in an asbestos 65651
hazard abatement ~~activity~~ project in ~~his~~ the individual's own 65652
home. 65653

(D) "Asbestos hazard abatement project" means one or more 65654
asbestos hazard abatement activities ~~that are~~ the sum total of 65655
which is in an amount greater than fifty linear feet or fifty 65656
square feet of friable asbestos-containing materials and that is 65657
conducted by one asbestos hazard abatement contractor ~~and that are~~ 65658
~~reasonably related to each other.~~ "Asbestos hazard abatement 65659
project" also includes any such activity involving such friable 65660

asbestos-containing materials in an amount of fifty linear feet or 65661
fifty square feet or less if, when combined with any other 65662
reasonably related activity in terms of time or location of the 65663
activity, the total amount is in an amount greater than fifty 65664
linear feet or fifty square feet. 65665

(E) "Asbestos hazard abatement specialist" means a person 65666
with responsibility for the oversight or supervision of asbestos 65667
hazard abatement activities, including asbestos hazard abatement 65668
project managers, hazard abatement project supervisors and 65669
foremen, and employees of school districts or other governmental 65670
or public entities who coordinate or directly supervise or oversee 65671
asbestos hazard abatement activities performed by school district, 65672
governmental, or other public employees in school district, 65673
governmental, or other public buildings. 65674

(F) "Asbestos hazard evaluation specialist" means a person 65675
responsible for the inspection, identification, detection, and 65676
assessment of asbestos-containing materials or suspect 65677
asbestos-containing materials, the determination of appropriate 65678
response actions, or the preparation of asbestos management plans 65679
for the purpose of protecting the public health from the hazards 65680
associated with exposure to asbestos, including the performance of 65681
air and bulk sampling. This category of specialists includes 65682
inspectors, management planners, health professionals, industrial 65683
hygienists, private consultants, or other individuals involved in 65684
asbestos risk identification or assessment or regulatory 65685
activities. 65686

(G) "Business entity" means a partnership, firm, association, 65687
corporation, sole proprietorship, or other business concern. 65688

(H) "Public entity" means the state or any of its political 65689
subdivisions or any agency or instrumentality of either. 65690

(I) "License" means a document issued by the department of 65691

health to a business entity or public entity affirming that the 65692
entity has met the requirements set forth in this chapter to 65693
engage in asbestos hazard abatement ~~activities~~ projects as an 65694
asbestos hazard abatement contractor. 65695

(J) "Certificate" means: 65696

(1) A document issued by the department to an individual 65697
affirming that the individual has successfully completed the 65698
training and other requirements set forth in this chapter to 65699
qualify as an asbestos hazard abatement specialist, an asbestos 65700
hazard evaluation specialist, an asbestos hazard abatement worker, 65701
an asbestos hazard abatement project designer, an asbestos hazard 65702
abatement air-monitoring technician, an approved asbestos hazard 65703
training provider, or other category of asbestos hazard specialist 65704
that the public health council establishes by rule; or 65705

(2) A document issued by a training institution in accordance 65706
with rules adopted by the public health council affirming that an 65707
individual has successfully completed the instruction required in 65708
all categories as provided in sections 3710.07 and 3710.10 of the 65709
Revised Code. 65710

(K) "Person" means any individual, business entity, 65711
governmental body, or other public or private entity. 65712

(L) "Encapsulate" means to coat, bind, or resurface 65713
asbestos-containing materials on walls, ceilings, pipes, or other 65714
structures to prevent friable asbestos from becoming airborne. 65715

(M) "Friable asbestos-containing material" means any material 65716
that contains more than one per cent asbestos ~~by weight~~ as 65717
determined using the methods specified in 40 C.F.R. Part 763, 65718
Subpart E, Appendix E, Section 1, "Polarized Light Microscopy," 65719
and that can be crumbled, pulverized, or reduced to powder, when 65720
dry, by hand pressure. "Friable asbestos-containing material" 65721
includes previously non-friable material after that material 65722

becomes damaged to the extent that, when dry, it may be crumbled, 65723
pulverized, or reduced to powder by hand pressure. 65724

(N) "Enclosure" means the permanent confinement of friable 65725
asbestos-containing materials with an airtight barrier in an area 65726
not used as an air plenum. 65727

(O) "Renovation" means the removal or stripping of friable 65728
asbestos-containing materials used on any pipe, duct, boiler, 65729
tank, reactor, turbine, furnace, or load supporting member. 65730

(P) "Asbestos hazard abatement worker" means the person 65731
responsible in a nonsupervisory capacity for the performance of an 65732
asbestos hazard abatement activity. 65733

(Q) "Asbestos hazard abatement project designer" means the 65734
person responsible for the oversight of an asbestos hazard 65735
abatement activity or the determination of the workscope, work 65736
sequence, or performance standards for an asbestos hazard 65737
abatement activity, including preparation of specifications, 65738
plans, and contract documents. 65739

(R) "Director" means the director of health or ~~his~~ the 65740
director's authorized representative. 65741

(S) "Clearance air sampling" means an air sampling performed 65742
after the completion of any asbestos hazard abatement ~~activity~~ 65743
project and prior to the reoccupation of the contained work area 65744
by the public and conducted for the purpose of protecting the 65745
public from the health hazards associated with exposure to friable 65746
asbestos-containing material. 65747

(T) "Asbestos hazard abatement air-monitoring technician" 65748
means the person who is responsible for environmental monitoring 65749
or work area clearance air sampling, including air monitoring 65750
performed to determine completion of response actions under the 65751
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 65752
States environmental protection agency pursuant to the "Asbestos 65753

Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 65754
2970. "Asbestos hazard abatement air-monitoring technician" does 65755
not mean an industrial hygienist ~~or industrial hygienist in~~ 65756
~~training~~, certified by the American board of industrial hygiene. 65757

Sec. 3710.04. (A) To qualify for an asbestos hazard abatement 65758
contractor's license, a business entity or public entity shall 65759
meet the requirements of this section. 65760

(B) Each employee or agent of the business entity or public 65761
entity applying for a license who will come in contact with 65762
asbestos or will be responsible for an asbestos hazard abatement 65763
~~project activity~~ shall do both of the following: 65764

(1) Be familiar with all applicable state and federal 65765
standards for asbestos hazard abatement projects; 65766

(2) Have successfully completed the course of instruction on 65767
asbestos hazard abatement activities, for their particular 65768
certification, approved by the department of health pursuant to 65769
section 3710.10 of the Revised Code, have passed an examination 65770
approved by the department, and demonstrate to the department that 65771
~~he~~ the employee or agent is capable of complying with all 65772
applicable standards of this state, the United States 65773
environmental protection agency, and the United States 65774
occupational safety and health administration. 65775

(C) A business entity or public entity applying for an 65776
asbestos hazard abatement contractor's license shall, in addition 65777
to the other requirements of this section, provide at least one 65778
asbestos hazard abatement specialist, certified pursuant to this 65779
chapter and the rules of the public health council adopted 65780
pursuant thereto, for each asbestos hazard abatement project, and 65781
demonstrate to the satisfaction of the department that ~~he~~ all of 65782
the following apply to the applicant: 65783

(1) ~~Has~~ The applicant has access to at least one asbestos 65784
disposal site approved by the Ohio environmental protection agency 65785
that is sufficient for the deposit of all asbestos waste that ~~he~~ 65786
the applicant will generate during the term of the license; 65787

(2) ~~Is~~ The applicant is sufficiently qualified to safely 65788
remove asbestos, demonstrated by reliability as an asbestos hazard 65789
abatement contractor, possesses a work program that prevents the 65790
contamination or recontamination of the environment and protects 65791
the public health from the hazards of exposure to asbestos, 65792
possesses evidence of certification of each individual employee or 65793
agent who will be responsible for others who may come in contact 65794
with friable asbestos-containing materials, possesses evidence of 65795
training of workers required by section 3710.07 of the Revised 65796
Code, and has prior successful experience in asbestos hazard 65797
abatement projects or equivalent qualifications as determined by 65798
rule by the public health council; 65799

(3) ~~Possesses~~ The applicant possesses a worker protection 65800
program consistent with requirements established by the public 65801
health council if the contractor is a public entity, and a worker 65802
protection program consistent with the requirements of the United 65803
States occupational safety and health administration if the 65804
contractor is a business entity; 65805

(4) ~~Is~~ The applicant is registered as a business entity with 65806
the secretary of state. 65807

(D) No applicant for licensure as an asbestos hazard 65808
abatement contractor, in order to meet the requirements of this 65809
chapter, shall list an employee of another contractor. 65810

(E) The business entity or public entity shall meet any other 65811
standards that the public health council, by rule, sets. 65812

(F) Nothing in this chapter or the rules adopted pursuant 65813
thereto relating to asbestos hazard abatement project designers 65814

shall be interpreted as authorizing or permitting an individual 65815
who is certified as an asbestos hazard abatement project designer 65816
to perform the services of a registered architect or professional 65817
engineer unless that person is registered under Chapter 4703. or 65818
4733. of the Revised Code to perform such services. 65819

Sec. 3710.05. (A) Except as otherwise provided in this 65820
chapter, no person shall engage in any asbestos hazard abatement 65821
activities in this state unless licensed or certified pursuant to 65822
this chapter. 65823

(B) To apply for licensure as an asbestos hazard abatement 65824
contractor or certification as an asbestos hazard abatement 65825
specialist, an asbestos hazard evaluation specialist, an asbestos 65826
hazard abatement project designer, or an asbestos hazard abatement 65827
air-monitoring technician, a person shall do all of the following: 65828

(1) Submit a completed application to the department of 65829
health, on a form provided by the department; 65830

(2) Pay the requisite fee as provided in division (D) of this 65831
section; 65832

(3) Submit any other information the public health council by 65833
rule requires. 65834

(C) The application form for a business entity or public 65835
entity applying for an asbestos hazard abatement contractor's 65836
license shall include all of the following: 65837

(1) A description of the protective clothing and respirators 65838
that the public entity will use to comply with rules adopted by 65839
the public health council and that the business entity will use to 65840
comply with requirements of the United States occupational safety 65841
and health administration; 65842

(2) A description of procedures the business entity or public 65843
entity will use for the selection, utilization, handling, removal, 65844

and disposal of clothing to prevent contamination or	65845
recontamination of the environment and to protect the public	65846
health from the hazards associated with exposure to asbestos;	65847
(3) The name and address of each asbestos disposal site that	65848
the business entity or public entity might use during the year;	65849
(4) A description of the site decontamination procedures that	65850
the business entity or public entity will use;	65851
(5) A description of the asbestos hazard abatement procedures	65852
that the business entity or public entity will use;	65853
(6) A description of the procedures that the business entity	65854
or public entity will use for handling waste containing asbestos;	65855
(7) A description of the air-monitoring procedures that the	65856
business entity or public entity will use to prevent contamination	65857
or recontamination of the environment and to protect the public	65858
health from the hazards of exposure to asbestos;	65859
(8) A description of the final clean-up procedures that the	65860
business entity or public entity will use;	65861
(9) A list of all partners, owners, and officers of the	65862
business entity along with their social security numbers;	65863
(10) The federal tax identification number of the business	65864
entity or the public entity.	65865
(D) The fees to be charged to each public entity and business	65866
entity and their employees and agents for licensure,	65867
certification, approval, and renewal of licenses, certifications,	65868
and approvals granted under this chapter, subject to division	65869
(A)(4) of section 3710.02 of the Revised Code, are <u>as follows</u> :	65870
(1) Seven hundred fifty dollars for asbestos hazard abatement	65871
contractors;	65872
(2) Two hundred dollars for asbestos hazard abatement project	65873
designers;	65874

(3) Fifty dollars for asbestos hazard abatement workers;	65875
(4) Two hundred dollars for asbestos hazard abatement specialists;	65876 65877
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	65878 65879
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	65880 65881
(E) Notwithstanding division (A) of this section, no business entity which engages in asbestos hazard abatement activities <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health administration and provided further that all persons employed by the business entity on the activity <u>project</u> meet the requirements of this chapter.	65882 65883 65884 65885 65886 65887 65888 65889 65890 65891
Sec. 3710.051. No person <u>asbestos hazard abatement contractor</u> shall enter into an agreement to perform any aspect of an asbestos hazard abatement project unless the agreement is written and contains at least all of the following:	65892 65893 65894 65895
(A) A requirement that all persons working on the project are licensed or certified by the department of health as required by this chapter;	65896 65897 65898
(B) A requirement that all project clearance levels and sampling be in accordance with the public health council rules;	65899 65900
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the department.	65901 65902 65903 65904

Sec. 3710.06. (A) Within fifteen business days after 65905
receiving an application, the department of health shall 65906
acknowledge receipt of the application and notify the applicant of 65907
any deficiency in the application. Within sixty calendar days 65908
after receiving a completed application, including all additional 65909
information requested by the department, the department shall 65910
issue a license or certificate or deny the application. The 65911
department shall issue only one license or certificate that is in 65912
effect at one time to a business entity and its principal officers 65913
and a public entity and its principal officers. 65914

(B)(1) The department shall deny an application if it 65915
determines that the applicant has not demonstrated the ability to 65916
comply fully with all applicable federal and state requirements 65917
and all requirements, procedures, and standards established by the 65918
public health council in this chapter. 65919

(2) The department shall deny any application for an asbestos 65920
hazard abatement contractor's license if the applicant or an 65921
officer or employee of the applicant has been convicted of a 65922
felony or found liable in a civil proceeding under any state or 65923
federal law designed to protect the environment. 65924

(3) The department shall send all denials of an application 65925
by certified mail to the applicant. If the department receives a 65926
timely request for a hearing from the applicant, as provided in 65927
division (D) of section 3710.13 of the Revised Code, the 65928
department shall hold a hearing in accordance with Chapter 119. of 65929
the Revised Code. 65930

(C) In an emergency that results from a sudden, unexpected 65931
event that is not a planned asbestos hazard abatement project, the 65932
department may waive the requirements for a license ~~or~~ 65933
~~certificate~~. For the purposes of this division, "emergency" 65934
includes operations necessitated by nonroutine failures of 65935

equipment or by actions of fire and emergency medical personnel 65936
pursuant to duties within their official capacities. Any person 65937
who performs an asbestos hazard abatement ~~activity~~ project under 65938
emergency conditions shall notify the director within three days 65939
after performance thereof. 65940

(D) Each license or certificate issued under this chapter 65941
expires one year after the date of issue, but each licensee or 65942
certificate holder may apply to the department for the extension 65943
of ~~his~~ the holder's license or certificate under the standard 65944
renewal procedures of Chapter 4745. of the Revised Code. 65945

To qualify for renewal of a license or certificate issued 65946
under this chapter, each licensee or certificate holder shall send 65947
the appropriate renewal fee set forth in division (D) of section 65948
3710.05 of the Revised Code or as adopted by rule by the public 65949
health council pursuant to division (A)(4) of section 3710.02 of 65950
the Revised Code. 65951

Certificate holders also shall successfully complete an 65952
annual renewal course approved by the department pursuant to 65953
section 3710.10 of the Revised Code. 65954

(E) The department may charge a fee in addition to those 65955
specified in division (D) of section 3710.05 of the Revised Code 65956
or in rule of the public health council pursuant to division 65957
(A)(4) of section 3710.02 of the Revised Code if the licensee or 65958
certificate holder applies for renewal after the expiration 65959
thereof or requests a reissuance of any license or certificate, 65960
provided that no such fee shall exceed the original fees by more 65961
than fifty per cent. 65962

Sec. 3710.07. (A) Prior to engaging in any asbestos hazard 65963
abatement project, an asbestos hazard abatement contractor shall 65964
do all of the following: 65965

(1) Prepare a written respiratory protection program as 65966
defined by the public health council pursuant to rule, and make 65967
the program available to the department of health, and workers at 65968
the job site if the contractor is a public entity or prepare a 65969
written respiratory protection program, consistent with 29 C.F.R. 65970
1910.134 and make the program available to the department, and 65971
workers at the job site if the contractor is a business entity; 65972

(2) Ensure that each worker who will be involved in any 65973
asbestos hazard abatement project has been examined within the 65974
preceding year and has been declared by a physician to be 65975
physically capable of working while wearing a respirator; 65976

(3) Ensure that each of the contractor's employees or agents 65977
who will come in contact with asbestos-containing materials or 65978
will be responsible for an asbestos hazard abatement project 65979
receives the appropriate certification or licensure required by 65980
this chapter and completes both of the following training courses: 65981

(a) An initial course approved by the department pursuant to 65982
section 3710.10 of the Revised Code, completed before engaging in 65983
any asbestos hazard abatement ~~project~~ activity; and 65984

(b) An annual review course approved by the department 65985
pursuant to section 3710.10 of the Revised Code. 65986

(B) After obtaining or renewing a license, an asbestos hazard 65987
abatement contractor shall notify the department, on a form 65988
approved by the director of health, at least ten business days 65989
before beginning each asbestos hazard abatement project conducted 65990
during the term of the contractor's license. 65991

(C) In addition to any other fee imposed under this chapter, 65992
an asbestos hazard abatement contractor shall pay, at the time of 65993
providing notice under division (B) of this section, the 65994
department a fee of sixty-five dollars for each asbestos hazard 65995
abatement project conducted. 65996

Sec. 3710.08. (A) An asbestos hazard abatement contractor 65997
engaging in any asbestos hazard abatement project shall, during 65998
the course of the project: 65999

(1) Conduct each project in a manner that is in compliance 66000
with the requirements the director of environmental protection 66001
adopts pursuant to section 3704.03 of the Revised Code and the 66002
asbestos requirements of the United States occupational safety and 66003
health administration set forth in 29 C.F.R. ~~1926.58~~ 1926.1101; 66004

(2) Comply with all applicable rules adopted by the public 66005
health council pursuant to section 3710.02 of the Revised Code. 66006

(B) An asbestos hazard abatement contractor that is a public 66007
entity shall: 66008

(1) Provide workers with protective clothing and equipment 66009
and ensure that the workers involved in any asbestos hazard 66010
abatement project use the items properly. Protective clothing and 66011
equipment shall include: 66012

(a) Respirators approved by the national institute of 66013
occupational safety and health. These respirators shall be fit 66014
tested in accordance with requirements of the United States 66015
occupational safety and health administration set forth in 29 66016
C.F.R. ~~1926.58(h)~~ 1926.1101(h). At the request of an employee, the 66017
asbestos hazard abatement contractor shall provide the employee 66018
with a powered air purifying respirator, in which case, the 66019
testing requirements of division (B)(1)(a) of this section do not 66020
apply. 66021

(b) Items required by the public health council by rule as 66022
provided in division (A)(7) of section 3710.02 of the Revised 66023
Code. 66024

(2) Comply with all applicable standards of conduct and 66025
requirements adopted by the public health council and the director 66026

of health pursuant to section 3710.02 of the Revised Code. 66027

(C) An asbestos hazard abatement specialist engaging in any 66028
asbestos hazard abatement ~~project~~ activity shall, during the 66029
course of the ~~project~~ activity do all of the following: 66030

(1) Conduct each ~~project~~ activity in a manner that will meet 66031
decontamination procedures, project containment procedures, and 66032
asbestos fiber dispersal methods as provided in division (A)(6) of 66033
section 3710.02 of the Revised Code; 66034

(2) Ensure that workers utilize, handle, remove, and dispose 66035
of the disposable clothing provided by abatement contractors in a 66036
manner that will prevent contamination or recontamination of the 66037
environment and protect the public health from the hazards of 66038
exposure to asbestos; 66039

(3) Ensure that workers utilize protective clothing and 66040
equipment and comply with the applicable health and safety 66041
standards set forth in division (A) of this section ~~3710.08~~ of the 66042
~~Revised Code~~; 66043

(4) Ensure that there is no smoking, eating, or drinking in 66044
the work area; 66045

(5) Comply with all applicable standards of conduct and 66046
requirements adopted by the public health council and director of 66047
health pursuant to section 3710.02 of the Revised Code. 66048

(D) An asbestos hazard evaluation specialist engaged in the 66049
identification, detection, and assessment of asbestos-containing 66050
materials, the determination of appropriate response actions, or 66051
other activities associated with an abatement project or the 66052
preparation of management plans, shall comply with the applicable 66053
standards of conduct and requirements adopted by the public health 66054
council and the director of health pursuant to section 3710.02 of 66055
the Revised Code. 66056

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the public health council pursuant to section 3710.02 of the Revised Code.

~~(F) The department may, on a case by case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the department in writing and demonstrates to the satisfaction of the department that the proposed alternative procedure provides equivalent worker protection.~~

Sec. 3710.12. Subject to the hearing provisions of this chapter, the department of health may deny, suspend, or revoke any license or certificate, or renewal thereof, if the licensee or certificate holder does or is doing one of the following:

(A) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(B) Fails at any time to meet the qualifications for a license or certificate;

(C) Is violating or threatening to violate any provisions of one of the following:

(1) This chapter or the rules of the public health council or director of health adopted pursuant thereto;

(2) The "National Emission Standard for Hazardous Air Pollutants" regulations of the United States environmental protection agency as the regulations pertain to asbestos; ~~or~~

(3) The regulations of the United States occupational safety and health administration as the regulations pertain to asbestos;

(4) The regulations set forth in 40 C.F.R. Part 763 that were adopted by the United States environmental protection agency

pursuant to Title II of the "Toxic Substances Control Act," Pub. L. No. 94-469, 90 Stat. 2003, as amended by the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. No. 99-519, 100 Stat. 2970.

Sec. 3710.13. (A) Except as otherwise provided in Chapter 119. of the Revised Code or this section, before the department of health takes any action under section 3710.12 of the Revised Code, it shall give the licensee or certificate holder against whom action is contemplated an opportunity for a hearing.

Except as otherwise provided in this section, the department shall give notice and hold the hearing in accordance with Chapter 119. of the Revised Code.

(B) The department, without notice or hearing and in accordance with the rules of the public health council, may issue an order requiring any action necessary to meet a public health emergency involving asbestos. Any person to whom an order is directed shall immediately comply with the order. Upon application to the director of health, the person shall be afforded a hearing as soon as possible, but no more than twenty days after receipt of the application by the director.

(C) If the director determines, pursuant to division (B) of this section, that a public health emergency exists, ~~he~~ the director may order, without a hearing, the denial, suspension, or revocation of any license or certificate issued under this chapter of the parties involved, provided that an opportunity for a hearing is provided to the affected party as soon as reasonably possible.

(D) All proceedings under this chapter are subject to Chapter 119. of the Revised Code, except that:

(1) Upon the request of a licensee or certificate holder, the

location of an adjudicatory hearing is the county seat of the 66117
county in which the licensee or certificate holder conducts 66118
business. 66119

(2) The director shall notify, by certified mail or personal 66120
delivery, a licensee or certificate holder that ~~he~~ the licensee or 66121
certificate holder is entitled to a hearing if ~~he~~ the licensee or 66122
certificate holder requests it, in writing, within ten business 66123
days of the time that ~~he~~ the licensee or certificate holder 66124
receives the notice. If the licensee or certificate holder 66125
requests such a hearing, the director shall set the hearing date 66126
no later than ten business days after the director receives the 66127
request. 66128

(3) The director shall not apply for or receive a 66129
postponement or continuation of an adjudication hearing. If a 66130
licensee or certificate holder requests a postponement or 66131
continuation of an adjudication hearing, the director only shall 66132
grant the request if the licensee or certificate holder 66133
demonstrates extreme hardship in complying with the hearing date. 66134
If the director grants a postponement or continuation on the 66135
grounds of extreme hardship, the director shall include in the 66136
record of the case, the nature and cause of the extreme hardship. 66137

(4) In lieu of an adjudicatory hearing required by this 66138
chapter, a licensee or certificate holder, by no later than the 66139
date set for a hearing pursuant to division (A)~~(3)~~(2) of this 66140
section, may by written request to the director, request that the 66141
matter be resolved by the licensee or certificate holder 66142
submitting documents, papers, and other written evidence to the 66143
director to support ~~his~~ the licensee's or certificate holder's 66144
claim. 66145

(5) If the director appoints a referee or an examiner to 66146
conduct a hearing, all of the following apply: 66147

(a) The examiner or referee shall serve, by certified mail 66148
and within three business days of the conclusion of the hearing, a 66149
copy of the written adjudication report and ~~his~~ the referee's or 66150
examiner's recommendations, on the director and the affected 66151
licensee or certificate holder or the licensee's or certificate 66152
holder's attorney or other representative of record. 66153

(b) The licensee or certificate holder, within three business 66154
days of receipt of the report under division (D)(5)(a) of this 66155
section, may file with the director written objections to the 66156
report and recommendations. 66157

(c) The director shall consider any objections received under 66158
division (D)(5)(b) of this section prior to approving, modifying, 66159
or disapproving the report and recommendations. Within six 66160
business days of receiving the report under division (D)(5)(a) of 66161
this section, the director shall serve ~~his~~ the director's order, 66162
by certified mail or personal delivery, on the affected licensee 66163
or certificate holder or the licensee's or certificate holder's 66164
attorney or other representative of record. 66165

(6) If the director conducts an adjudicatory hearing under 66166
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 66167
decision, by certified mail or personal delivery and within three 66168
business days of the conclusion of the hearing, on the affected 66169
licensee or certificate holder or the licensee's or certificate 66170
holder's attorney or other representative of record. 66171

(7) If no hearing is held, the director shall issue an order, 66172
by certified mail or personal delivery and within three business 66173
days of the last date possible for a hearing, based upon the 66174
record available to ~~him~~ the director, to the affected licensee or 66175
certificate holder or the licensee's or certificate holder's 66176
attorney or other representative of record. 66177

(8) A licensee or certificate holder shall file a notice of 66178

appeal to an adverse adjudication decision within fifteen days 66179
after receipt of the director's order. 66180

Sec. 3710.141. The director of health may issue an order 66181
requiring any action necessary to meet a public health emergency 66182
involving asbestos. Any unlicensed or uncertified person to whom 66183
an order is directed shall comply immediately with the order. If 66184
immediate action to comply with the order and correct the 66185
emergency is not taken, the attorney general at the request of the 66186
director may commence a civil action for civil penalties and 66187
injunctions in accordance with section 3710.14 of the Revised 66188
Code. 66189

Sec. 3712.01. As used in this chapter: 66190

(A) "Hospice care program" means a coordinated program of 66191
home, outpatient, and inpatient care and services that is operated 66192
by a person or public agency and that provides the following care 66193
and services to hospice patients, including services as indicated 66194
below to hospice patients' families, through a medically directed 66195
interdisciplinary team, under interdisciplinary plans of care 66196
established pursuant to section 3712.06 of the Revised Code, in 66197
order to meet the physical, psychological, social, spiritual, and 66198
other special needs that are experienced during the final stages 66199
of illness, dying, and bereavement: 66200

(1) Nursing care by or under the supervision of a registered 66201
nurse; 66202

(2) Physical, occupational, or speech or language therapy, 66203
unless waived by the department of health pursuant to rules 66204
adopted under division (A) of section 3712.03 of the Revised Code; 66205

(3) Medical social services by a social worker under the 66206
direction of a physician; 66207

(4) Services of a home health aide; 66208

(5) Medical supplies, including drugs and biologicals, and the use of medical appliances;	66209 66210
(6) Physician's services;	66211
(7) Short-term inpatient care, including both palliative and respite care and procedures;	66212 66213
(8) Counseling for hospice patients and hospice patients' families;	66214 66215
(9) Services of volunteers under the direction of the provider of the hospice care program;	66216 66217
(10) Bereavement services for hospice patients' families.	66218
(B) "Hospice patient" means a patient who has been diagnosed as terminally ill, has an anticipated life expectancy of six months or less, and has voluntarily requested and is receiving care from a person or public agency licensed under this chapter to provide a hospice care program.	66219 66220 66221 66222 66223
(C) "Hospice patient's family" means a hospice patient's immediate family members, including a spouse, brother, sister, child, or parent, and any other relative or individual who has significant personal ties to the patient and who is designated as a member of the patient's family by mutual agreement of the patient, the relative or individual, and the patient's interdisciplinary team.	66224 66225 66226 66227 66228 66229 66230
(D) "Interdisciplinary team" means a working unit composed of professional and lay persons that includes at least a physician, a registered nurse, a social worker, a member of the clergy or a counselor, and a volunteer.	66231 66232 66233 66234
(E) "Palliative care" means treatment <u>for a patient with a serious or life-threatening illness</u> directed at controlling pain, relieving other symptoms, and focusing on the special needs <u>enhancing the quality of life</u> of a hospice <u>the</u> patient and the	66235 66236 66237 66238

~~hospice patient's family as they experience the stress of the~~ 66239
~~dying process~~ rather than treatment aimed at investigation and 66240
~~intervention~~ for the purpose of cure or prolongation of life. 66241
Nothing in this section shall be interpreted to mean that 66242
palliative care can be provided only as a component of a hospice 66243
care program. 66244

(F) "Physician" means a person authorized under Chapter 4731. 66245
of the Revised Code to practice medicine and surgery or 66246
osteopathic medicine and surgery. 66247

(G) "Attending physician" means the physician identified by 66248
the hospice patient or the hospice patient's family as having 66249
primary responsibility for the hospice patient's medical care. 66250

(H) "Registered nurse" means a person registered under 66251
Chapter 4723. of the Revised Code to practice professional 66252
nursing. 66253

(I) "Social worker" means a person licensed under Chapter 66254
4757. of the Revised Code to practice as a social worker or 66255
independent social worker. 66256

Sec. 3712.03. (A) In accordance with Chapter 119. of the 66257
Revised Code, the public health council shall adopt, and may amend 66258
and rescind, rules: 66259

(1) Providing for the licensing of persons or public agencies 66260
providing hospice care programs within this state by the 66261
department of health and for the suspension and revocation of 66262
licenses; 66263

(2) Establishing a license fee and license renewal fee ~~not~~ 66264
~~to, neither of which shall, except as provided in division (B) of~~ 66265
this section, exceed ~~three~~ six hundred dollars. The fees shall 66266
cover the three-year period during which an existing license is 66267
valid as provided in division (B) of section 3712.04 of the 66268

Revised Code.	66269
(3) Establishing an inspection fee not to exceed, <u>except as provided in division (B) of this section</u> , one thousand seven hundred fifty dollars;	66270 66271 66272
(4) Establishing requirements for hospice care program facilities and services;	66273 66274
(5) Providing for a waiver of the requirement for the provision of physical, occupational, or speech or language therapy contained in division (A)(2) of section 3712.01 of the Revised Code when the requirement would create a hardship because such therapy is not readily available in the geographic area served by the provider of a hospice care program;	66275 66276 66277 66278 66279 66280
(6) Providing for the granting of licenses to provide hospice care programs to persons and public agencies that are accredited or certified to provide such programs by an entity whose standards for accreditation or certification equal or exceed those provided for licensure under this chapter and rules adopted under it; and	66281 66282 66283 66284 66285
(7) Establishing interpretive guidelines for each rule.	66286
(B) Subject to the approval of the controlling board, the public health council may establish fees in excess of the <u>maximum amounts provided by sections 3712.01 and 3712.03 to 3712.06 of the Revised Code specified in this section</u> , provided that the fees do not exceed those amounts by greater than fifty per cent.	66287 66288 66289 66290 66291
(C) The department of health shall:	66292
(1) Grant, suspend, and revoke licenses for hospice care programs in accordance with this chapter and rules adopted under it;	66293 66294 66295
(2) Make such inspections as are necessary to determine whether hospice care program facilities and services meet the requirements of this chapter and rules adopted under it; and	66296 66297 66298

(3) Implement and enforce this chapter and rules adopted under it. 66299
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Sec. 3713.01. As used in sections 3713.01 to 3713.10 of the Revised Code: 66301
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(A) "Person" has the same meaning as used in division (C) of section 1.59 of the Revised Code and also means any limited company, limited liability partnership, joint stock company, or other association. 66303
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(B) "Bedding" means any upholstered furniture, any mattress, upholstered spring, comforter, bolster, pad, cushion, pillow, mattress protector, quilt, and any other upholstered article, to be used for sleeping, resting, or reclining purposes, and any glider, hammock, or other substantially similar article that is wholly or partly upholstered. 66307
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(C) "Secondhand" means any article, or material, or portion thereof of which prior use has been made in any manner whatsoever. 66313
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(D) "Remade, repaired, or renovated articles not for sale" means any article that is remade, repaired, or renovated for and is returned to the owner for the owner's own use. 66315
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(E) "Sale," "sell," or "sold" shall, in the corresponding tense, mean sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, or deliver in sale. 66318
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(F) "Upholstered furniture" means any article of furniture wholly or partly stuffed or filled with material and that is used or intended for use for sitting, resting, or reclining purposes. 66321
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(G) "Stuffed toy" means any article intended for use as a plaything or for an educational or recreational purpose that is wholly or partially stuffed with material. 66324
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(H) "Tag" or "label" means any material prescribed by the superintendent of ~~industrial compliance~~ labor to be attached to an 66327
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article that contains information required under this chapter. 66329

Sec. 3713.02. (A) Except as provided in section 3713.05 of 66330
the Revised Code, no person shall import, manufacture, renovate, 66331
wholesale, or reupholster stuffed toys or articles of bedding in 66332
this state without first registering to do so with the 66333
superintendent of ~~industrial-compliance~~ labor in accordance with 66334
section 3713.05 of the Revised Code. 66335

(B) No person shall manufacture, offer for sale, sell, 66336
deliver, or possess for the purpose of manufacturing, selling, or 66337
delivering, an article of bedding or a stuffed toy that is not 66338
labeled in accordance with section 3713.08 of the Revised Code. 66339

(C) No person shall manufacture, offer for sale, sell, 66340
deliver, or possess for the purpose of manufacturing, selling, or 66341
delivering, an article of bedding or a stuffed toy that is falsely 66342
labeled. 66343

(D) No person shall sell or offer for sale any secondhand 66344
article of bedding or any secondhand stuffed toy that has not been 66345
sanitized in accordance with section 3713.08 of the Revised Code. 66346

(E) The possession of any article of bedding or stuffed toy 66347
in the course of business by a person required to obtain 66348
registration under this chapter, or by that person's agent or 66349
servant shall be prima-facie evidence of the person's intent to 66350
sell the article of bedding or stuffed toy. 66351

Sec. 3713.03. The superintendent of ~~industrial-compliance~~ 66352
labor in the department of commerce shall administer and enforce 66353
this chapter. 66354

Sec. 3713.04. (A) In accordance with Chapter 119. of the 66355
Revised Code, the superintendent of ~~industrial-compliance~~ labor 66356
shall: 66357

(1) Adopt rules pertaining to the definition, name, and description of materials necessary to carry out this chapter;	66358 66359
(2) Determine the testing standards, fees, and charges to be paid for making any test or analysis required pursuant to section 3713.08 of the Revised Code.	66360 66361 66362
(B) In accordance with Chapter 119. of the Revised Code, the superintendent may adopt rules regarding the following:	66363 66364
(1) Establishing an initial application fee or an annual registration renewal fee not more than fifty per cent higher than the fees set forth in section 4713.05 of the Revised Code;	66365 66366 66367
(2) Establishing standards, on a reciprocal basis, for the acceptance of labels and laboratory analyses from other states where the labeling requirements and laboratory analysis standards are substantially equal to the requirements of this state, provided the other state extends similar reciprocity to labels and laboratory analysis conducted under this chapter;	66368 66369 66370 66371 66372 66373
(3) Any other rules necessary to administer and carry out this chapter.	66374 66375
(C) The superintendent may do any of the following:	66376
(1) Issue administrative orders, conduct hearings, and take all actions necessary under the authority of Chapter 119. of the Revised Code for the administration of this chapter. The authority granted under this division shall include the authority to suspend, revoke, or deny registration under this chapter.	66377 66378 66379 66380 66381
(2) Establish and maintain facilities within the department of commerce to make tests and analysis of materials used in the manufacture of bedding and stuffed toys. The superintendent also may designate established laboratories in various sections of the state that are qualified to make these tests. If the superintendent exercises this authority, the superintendent shall	66382 66383 66384 66385 66386 66387

adopt rules to determine the fees and charges to be paid for 66388
making the tests or analyses authorized under this section. 66389

(3) Exercise such other powers and duties as are necessary to 66390
carry out the purpose and intent of this chapter. 66391

Sec. 3713.05. (A) Applications to register to import, 66392
manufacture, renovate, wholesale, make, or reupholster stuffed 66393
toys or bedding in this state shall be made in writing on forms 66394
provided by the superintendent of ~~industrial compliance~~ labor. The 66395
application shall be accompanied by a registration fee of fifty 66396
dollars per person unless the applicant engages only in 66397
renovation, in which case the registration fee shall be 66398
thirty-five dollars. 66399

(B) Upon receipt of the application and the appropriate fee, 66400
the superintendent shall register the applicant and assign a 66401
registration number to the registrant. 66402

(C) Notwithstanding section 3713.02 of the Revised Code and 66403
division (A) of this section, the following are exempt from 66404
registration: 66405

(1) An organization described in section 501(c)(3) of the 66406
"Internal Revenue Code of 1986," and exempt from income tax under 66407
section 501(a) of that code and that is operated exclusively to 66408
provide recreation or social services; 66409

(2) A person who is not regularly engaged in the business of 66410
manufacturing, making, wholesaling, or importing stuffed toys but 66411
who manufactures or makes stuffed toys as a leisure pursuit and 66412
who sells one hundred or fewer stuffed toys within one calendar 66413
year; 66414

(3) A person who is not regularly engaged in the business of 66415
manufacturing, making, wholesaling, or importing quilts, 66416
comforters, pillows, or cushions, but who manufactures or makes 66417

these items as a leisure pursuit and who sells five or fewer quilts, ten or fewer comforters, or twenty or fewer pillows or cushions within one calendar year. 66418
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(D) Notwithstanding division (C)(2) or (3) of this section, a person exempt under that division must attach a label to each stuffed toy that contains all of the following information: 66421
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(1) The person's name and address; 66424

(2) A statement that the person is not registered by the state of Ohio; 66425
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(3) A statement that the contents of the product have not been inspected. 66427
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Sec. 3713.06. (A) Any person required to register under division (A) of section 3713.02 of the Revised Code who imports bedding or stuffed toys into this state for retail sale or use in this state and any person required to register under division (A) of section 3713.02 of the Revised Code who manufactures bedding or stuffed toys in this state for retail sale or use in this state shall submit a report to the superintendent of ~~industrial~~ compliance labor, in a form and manner prescribed by the superintendent. The form shall be submitted once every six months and shall show the total number of items of bedding or stuffed toys imported into this state or manufactured in this state. Each report shall be accompanied by a fee of four cents for each item of bedding or stuffed toy imported into this state or manufactured in this state. 66429
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(B) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall retain records, designated by the superintendent in rule, for the time period established in rule. 66443
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(C) Every importer, manufacturer, or wholesaler of stuffed toys or articles of bedding, and every mobile home and recreational vehicle dealer, conversion van dealer, secondhand dealer, and auction house shall make sufficient investigation of its records to ensure that the information reported to the superintendent under division (A) of this section is accurate.

Sec. 3713.07. (A) Registration obtained under this chapter expires annually on the last day of the month in the month that the registration was obtained. The superintendent of ~~industrial compliance labor~~ shall renew the registration in accordance with Chapter 4745. of the Revised Code.

(B) Failure on the part of any registrant to renew registration prior to its expiration, when notified as required in this section, shall not deprive the person of the right to renewal within the ninety days that follow expiration, but the fee to be paid for renewal after its expiration shall be one hundred dollars plus the standard registration fee for the registrant.

(C) If a registrant fails to renew registration within ninety days of the date that it expired, the former registrant shall comply with the registration requirements under section 3713.05 of the Revised Code to obtain valid registration.

Sec. 3713.08. (A) All persons required to register under division (A) of section 3713.02 of the Revised Code manufacturing, making, or wholesaling bedding or stuffed toys, or both, that are sold or offered for sale shall have the material content of their products tested and analyzed at an established laboratory designated by the superintendent of ~~industrial compliance labor~~ before the bedding or stuffed toys are sold or offered for sale.

(B) Every stuffed toy or item of bedding sold or offered for sale shall have a label affixed to it that reports the contents of

the stuffed toy or bedding material in conformity with 66478
requirements established by the superintendent, a registration 66479
number, and any other identifying information as required by the 66480
superintendent. 66481

(C) The seller of any secondhand articles of bedding or 66482
stuffed toys shall sanitize all items in accordance with rules 66483
established by the superintendent prior to the sale of or the 66484
offering for sale of any secondhand articles. 66485

(D) This section does not apply to any of the following: 66486

(1) Persons who meet the qualifications of division (C)(2) or 66487
(3) of section 3713.05 of the Revised Code; 66488

(2) The sale of furniture more than fifty years old; 66489

(3) The sale of furniture from the home of the owner directly 66490
to the purchaser. 66491

Sec. 3713.09. (A) The superintendent of ~~industrial compliance~~ 66492
labor may appoint inspectors and periodically inspect and 66493
investigate any establishment where bedding or stuffed toys are 66494
manufactured, made, remade, renovated, repaired, sanitized, sold, 66495
or offered for sale, or where previously used material is 66496
processed for use in the manufacture of bedding or stuffed toys. 66497

(1) Each inspector shall make a written report to the 66498
superintendent of each examination and inspection complete with 66499
the inspector's findings and recommendations. Inspectors may place 66500
"off sale" any article of bedding or stuffed toy offered for sale, 66501
or found in the possession of any person with the intent to sell, 66502
in violation of section 3713.02 of the Revised Code. Inspectors 66503
shall perform other duties related to inspection and examination 66504
as prescribed by the superintendent. 66505

(2) When articles are placed "off sale" under division (A)(1) 66506
of this section, they shall be tagged, and the tag shall not be 66507

removed except by an authorized representative of the division of 66508
~~industrial compliance labor~~ after the violator demonstrates to the 66509
satisfaction of the superintendent proof of compliance with the 66510
requirements of section 3713.08 of the Revised Code. 66511

(B)(1) When an inspector has cause to believe that any 66512
bedding or stuffed toy is not tagged or labeled in accordance with 66513
section 3713.08 of the Revised Code, the inspector may open any 66514
seam of the bedding or stuffed toy in question to examine the 66515
material used or contained within it and take a reasonable amount 66516
of the material for testing and analysis and, if necessary, 66517
examine any and all purchase records in order to determine the 66518
contents or the kind of material used in the bedding or stuffed 66519
toy in question. An inspector may seize and hold evidence of any 66520
article of bedding, stuffed toy, or material manufactured, made, 66521
possessed, renovated, remade, or repaired, sold, or offered for 66522
sale contrary to this chapter. 66523

(2) Immediately after seizing articles believed to be in 66524
violation of this chapter, the inspector immediately shall report 66525
the seizure to the superintendent. The superintendent shall hold a 66526
hearing in accordance with Chapter 119. of the Revised Code or 66527
make a ruling in the matter. If the superintendent finds that the 66528
article of bedding, stuffed toy, or material is not in violation 66529
of this chapter, the superintendent shall order the item or items 66530
returned to the owner. If the superintendent finds a violation of 66531
this chapter, the superintendent may do either of the following: 66532

(a) Return the articles to the owner for proper treatment, 66533
tagging or labeling, or other action as ordered by the 66534
superintendent, subject to the requirement that the articles be 66535
reinspected at cost to the owner, prior to being sold or offered 66536
for sale; 66537

(b) Report the violation to the appropriate prosecuting 66538
attorney or city law director. 66539

(C) The superintendent, at reasonable times and upon 66540
reasonable notice, may examine or cause to be examined the records 66541
of any importer, manufacturer, or wholesaler of stuffed toys or 66542
articles of bedding, mobile home and recreational vehicle dealer, 66543
conversion van dealer, secondhand dealer, or auction house to 66544
determine compliance with this chapter. The superintendent may 66545
enter into contracts, pursuant to procedures prescribed by the 66546
superintendent, with persons to examine these records to determine 66547
compliance with this chapter. These persons may collect and remit 66548
to the superintendent any amounts due under this chapter. 66549

(D) Records audited pursuant to division (C) of this section 66550
are confidential and shall not be disclosed except as required by 66551
section 149.43 of the Revised Code, or as the superintendent finds 66552
necessary for the proper administration of this chapter. 66553

(E) In the case of any investigation or examination, or both, 66554
that requires investigation or examination outside of this state 66555
of any importer, manufacturer, or wholesaler of stuffed toys or 66556
articles of bedding, or of any mobile home or recreational vehicle 66557
dealer, conversion van dealer, secondhand dealer, or auction 66558
house, the superintendent may require the investigated or examined 66559
person to pay the actual expense of the investigation or 66560
examination. The superintendent shall provide an itemized 66561
statement of actual expenses to the investigated or examined 66562
person. 66563

(F) Whenever the superintendent has reason to believe, from 66564
the superintendent's own information, upon complaint, or 66565
otherwise, that any person has engaged in, is engaging in, or is 66566
about to engage in any practice prohibited by this chapter, or 66567
when the superintendent has reason to believe that it is necessary 66568
for public health and safety, the superintendent may do any of the 66569
following: 66570

(1) Investigate violations of this chapter, and for that 66571

purpose, may subpoena witnesses in connection with the 66572
investigation. The superintendent may make application to the 66573
appropriate court of common pleas for an order enjoining the 66574
violation of this chapter, and upon a showing by the 66575
superintendent that any registrant or person acting in a manner 66576
that requires registration has violated or is about to violate 66577
this chapter, an injunction, restraining order, or other order as 66578
may be appropriate shall be granted by the court. 66579

(2) Compel by subpoena the attendance of witnesses to testify 66580
in relation to any matter over which the superintendent has 66581
jurisdiction and that is the subject of inquiry and investigation 66582
by the superintendent, and require the production of any book, 66583
paper, or document pertaining to the matter. In case any person 66584
fails to file any statement or report, obey any subpoena, give 66585
testimony, or produce any books, records, or papers as required by 66586
a subpoena, the court of common pleas of any county in the state, 66587
upon application made to it by the superintendent, shall compel 66588
obedience by attachment proceedings for contempt. 66589

(3) Suspend or revoke the registration of any importer, 66590
manufacturer, or wholesaler of stuffed toys or articles of 66591
bedding, mobile home or recreational vehicle dealer, conversion 66592
van dealer, secondhand dealer, or auction house; 66593

(4) Submit evidence of the violation or violations to any 66594
city prosecutor, city director of law, or prosecuting attorney 66595
with authority to prosecute. If the city prosecutor, city director 66596
of law, or prosecuting attorney with authority to prosecute fails 66597
to prosecute, the superintendent shall submit the evidence to the 66598
attorney general who may proceed with the prosecution. 66599

Sec. 3713.10. All money collected under this chapter shall be 66600
deposited into the state treasury to the credit of the ~~industrial~~ 66601
~~compliance~~ labor operating fund created under section 121.084 of 66602

the Revised Code. 66603

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 66604
health and the environmental protection agency in administering 66605
and enforcing this chapter and rules adopted under it, there is 66606
hereby levied on the disposal of construction and demolition 66607
debris at a construction and demolition debris facility that is 66608
licensed under this chapter or at a solid waste facility that is 66609
licensed under Chapter 3734. of the Revised Code a fee of thirty 66610
cents per cubic yard or sixty cents per ton, as applicable. 66611

(2) The owner or operator of a construction and demolition 66612
debris facility or a solid waste facility shall determine if cubic 66613
yards or tons will be used as the unit of measurement. In 66614
estimating the fee based on cubic yards, the owner or operator 66615
shall utilize either the maximum cubic yard capacity of the 66616
container, or the hauling volume of the vehicle, that transports 66617
the construction and demolition debris to the facility or the 66618
cubic yards actually logged for disposal by the owner or operator 66619
in accordance with rules adopted under section 3714.02 of the 66620
Revised Code. If basing the fee on tonnage, the owner or operator 66621
shall use certified scales to determine the tonnage of 66622
construction and demolition debris that is transported to the 66623
facility for disposal. 66624

(3) The owner or operator of a construction and demolition 66625
debris facility or a solid waste facility shall collect the fee 66626
levied under division (A) of this section as a trustee for the 66627
health district having jurisdiction over the facility, if that 66628
district is on the approved list under section 3714.09 of the 66629
Revised Code, or for the state. The owner or operator shall 66630
prepare and file with the appropriate board of health or the 66631
director of environmental protection monthly returns indicating 66632
the total volume or weight, as applicable, of construction and 66633

demolition debris received for disposal at the facility and the 66634
total amount of money required to be collected on the construction 66635
and demolition debris disposed of during that month. Not later 66636
than thirty days after the last day of the month to which the 66637
return applies, the owner or operator shall mail to the board of 66638
health or the director the return for that month together with the 66639
money required to be collected on the construction and demolition 66640
debris disposed of during that month or may submit the return and 66641
money electronically in a manner approved by the director. The 66642
owner or operator may request, in writing, an extension of not 66643
more than thirty days after the last day of the month to which the 66644
return applies. A request for extension may be denied. If the 66645
owner or operator submits the money late, the owner or operator 66646
shall pay a penalty of ten per cent of the amount of the money due 66647
for each month that it is late. 66648

(4) Of the money that is collected from a construction and 66649
demolition debris facility or a solid waste facility on a per 66650
cubic yard or per ton basis under this section, a board of health 66651
shall transmit three cents per cubic yard or six cents per ton, as 66652
applicable, to the director not later than forty-five days after 66653
the receipt of the money. The money retained by a board of health 66654
under this section shall be paid into a special fund, which is 66655
hereby created in each health district, and used solely to 66656
administer and enforce this chapter and rules adopted under it. 66657

The director shall transmit all money received from the 66658
boards of health of health districts under this section and all 66659
money from the disposal fee collected by the director under this 66660
section to the treasurer of state to be credited to the 66661
construction and demolition debris facility oversight fund, which 66662
is hereby created in the state treasury. The fund shall be 66663
administered by the director, and money credited to the fund shall 66664
be used exclusively for the administration and enforcement of this 66665

chapter and rules adopted under it. 66666

(B) The board of health of a health district or the director 66667
may enter into an agreement with the owner or operator of a 66668
construction and demolition debris facility or a solid waste 66669
facility for the quarterly payment of the money collected from the 66670
disposal fee. The board of health shall notify the director of any 66671
such agreement. Not later than forty-five days after receipt of 66672
the quarterly payment, the board of health shall transmit the 66673
amount established in division (A)(4) of this section to the 66674
director. The money retained by the board of health shall be 66675
deposited in the special fund of the district as required under 66676
that division. Upon receipt of the money from a board of health, 66677
the director shall transmit the money to the treasurer of state to 66678
be credited to the construction and demolition debris facility 66679
oversight fund. 66680

(C) If a construction and demolition debris facility or a 66681
solid waste facility is located within the territorial boundaries 66682
of a municipal corporation or the unincorporated area of a 66683
township, the municipal corporation or township may appropriate up 66684
to four cents per cubic yard or up to eight cents per ton of the 66685
disposal fee required to be paid by the facility under division 66686
(A) of this section for the same purposes that a municipal 66687
corporation or township may levy a fee under division (C) of 66688
section 3734.57 of the Revised Code. 66689

The legislative authority of the municipal corporation or 66690
township may appropriate the money from the fee by enacting an 66691
ordinance or adopting a resolution establishing the amount of the 66692
fee to be appropriated. Upon doing so, the legislative authority 66693
shall mail a certified copy of the ordinance or resolution to the 66694
board of health of the health district in which the construction 66695
and demolition debris facility or the solid waste facility is 66696
located or, if the facility is located in a health district that 66697

is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money collected from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money collected from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or township may cease collecting money under this division by repealing the ordinance or resolution that was enacted or adopted under this division.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for prorating the amount of the fee that may be appropriated under this division by a municipal corporation or township in which only a portion of a construction and demolition debris facility is located within the territorial boundaries of the municipal corporation or township.

(D) The board of county commissioners of a county in which a construction and demolition debris facility or a solid waste facility is located may appropriate up to three cents per cubic yard or up to six cents per ton of the disposal fee required to be

paid by the facility under division (A) of this section for the 66730
same purposes that a solid waste management district may levy a 66731
fee under division (B) of section 3734.57 of the Revised Code. 66732

The board of county commissioners may appropriate the money 66733
from the fee by adopting a resolution establishing the amount of 66734
the fee to be appropriated. Upon doing so, the board of county 66735
commissioners shall mail a certified copy of the resolution to the 66736
board of health of the health district in which the construction 66737
and demolition debris facility or the solid waste facility is 66738
located or, if the facility is located in a health district that 66739
is not on the approved list under section 3714.09 of the Revised 66740
Code, to the director. Upon receipt of the copy of the resolution 66741
and not later than forty-five days after receipt of money 66742
collected from the fee, the board of health or the director, as 66743
applicable, shall transmit to the treasurer of the county that 66744
portion of the money collected from the disposal fee by the owner 66745
or operator of the facility that is required by the resolution to 66746
be paid to that county. 66747

Money received by a county treasurer under this division 66748
shall be paid into the general fund of the county. The county 66749
treasurer shall maintain separate records of the money received 66750
under this division. 66751

A board of county commissioners may cease collecting money 66752
under this division by repealing the resolution that was adopted 66753
under this division. 66754

(E)(1) This section does not apply to the disposal of 66755
construction and demolition debris at a solid waste facility that 66756
is licensed under Chapter 3734. of the Revised Code if there is no 66757
construction and demolition debris facility licensed under this 66758
chapter within thirty-five miles of the solid waste facility as 66759
determined by a facility's property boundaries. 66760

(2) This section does not apply to the disposal of 66761
construction and demolition debris at a solid waste facility that 66762
is licensed under Chapter 3734. of the Revised Code if the owner 66763
or operator of the facility chooses to collect fees on the 66764
disposal of the construction and demolition debris that are 66765
identical to the fees that are collected under Chapters 343. and 66766
3734. of the Revised Code on the disposal of solid wastes at that 66767
facility. 66768

(3) This section does not apply to the disposal of source 66769
separated materials that are exclusively composed of reinforced or 66770
nonreinforced concrete, asphalt, clay tile, building or paving 66771
brick, or building or paving stone at a construction and 66772
demolition debris facility that is licensed under this chapter 66773
when either of the following applies: 66774

(a) The materials are placed within the limits of 66775
construction and demolition debris placement at the facility as 66776
specified in the license issued to the facility under section 66777
3714.06 of the Revised Code, are not placed within the unloading 66778
zone of the facility, and are used as a fire prevention measure in 66779
accordance with rules adopted by the director under section 66780
3714.02 of the Revised Code. 66781

(b) The materials are not placed within the unloading zone of 66782
the facility or within the limits of construction and demolition 66783
debris placement at the facility as specified in the license 66784
issued to the facility under section 3714.06 of the Revised Code, 66785
but are used as fill material, either alone or in conjunction with 66786
clean soil, sand, gravel, or other clean aggregates, in legitimate 66787
fill operations for construction purposes at the facility or to 66788
bring the facility up to a consistent grade. 66789

(F) Notwithstanding any provision of law to the contrary, the 66790
fee levied under this section applies to the disposal of asbestos 66791
and asbestos-containing materials or products at a construction 66792

and demolition debris facility that is licensed under this 66793
chapter. 66794

Sec. 3714.073. (A) In addition to the fee levied under 66795
division (A)(1) of section 3714.07 of the Revised Code, beginning 66796
July 1, ~~2005~~ 2009, there is hereby levied on the disposal of 66797
construction and demolition debris at a construction and 66798
demolition debris facility that is licensed under this chapter or 66799
at a solid waste facility that is licensed under Chapter 3734. of 66800
the Revised Code the following fees: 66801

(1) A fee of ~~twelve~~ one dollar and ~~one-half~~ twenty-five cents 66802
per cubic yard or ~~twenty-five~~ two dollars and fifty cents per ton, 66803
as applicable, the proceeds of which shall be deposited in the 66804
state treasury to the credit of the soil and water conservation 66805
district assistance fund created in section 1515.14 of the Revised 66806
Code; 66807

(2) A fee of ~~thirty-seven~~ and one-half cents per cubic yard 66808
or ~~seventy-five~~ cents per ton, as applicable, the proceeds of 66809
which shall be deposited in the state treasury to the credit of 66810
the recycling and litter prevention fund created in section 66811
1502.02 of the Revised Code. 66812

(B) The owner or operator of a construction and demolition 66813
debris facility or a solid waste facility, as a trustee of the 66814
state, shall collect the fees levied under this section and remit 66815
the money from the fees in the manner that is established in 66816
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 66817
for the fee that is levied under division (A)(1) of that section 66818
and may enter into an agreement for the quarterly payment of the 66819
fees in the manner established in division (B) of that section for 66820
the quarterly payment of the fee that is levied under division 66821
(A)(1) of that section. 66822

(C) The money that is collected from a construction and 66823

demolition debris facility or a solid waste facility and remitted 66824
to a board of health or the director of environmental protection, 66825
as applicable, pursuant to this section shall be transmitted by 66826
the board or director to the treasurer of state not later than 66827
forty-five days after the receipt of the money to be credited to 66828
the soil and water conservation district assistance fund or the 66829
recycling and litter prevention fund, as applicable. 66830

(D) This section does not apply to the disposal of 66831
construction and demolition debris at a solid waste facility that 66832
is licensed under Chapter 3734. of the Revised Code if the owner 66833
or operator of the facility chooses to collect fees on the 66834
disposal of the construction and demolition debris that are 66835
identical to the fees that are collected under Chapters 343. and 66836
3734. of the Revised Code on the disposal of solid wastes at that 66837
facility. 66838

(E) This section does not apply to the disposal of source 66839
separated materials that are exclusively composed of reinforced or 66840
nonreinforced concrete, asphalt, clay tile, building or paving 66841
brick, or building or paving stone at a construction and 66842
demolition debris facility that is licensed under this chapter 66843
when either of the following applies: 66844

(1) The materials are placed within the limits of 66845
construction and demolition debris placement at the facility as 66846
specified in the license issued to the facility under section 66847
3714.06 of the Revised Code, are not placed within the unloading 66848
zone of the facility, and are used as a fire prevention measure in 66849
accordance with rules adopted by the director under section 66850
3714.02 of the Revised Code. 66851

(2) The materials are not placed within the unloading zone of 66852
the facility or within the limits of construction and demolition 66853
debris placement at the facility as specified in the license 66854
issued to the facility under section 3714.06 of the Revised Code, 66855

but are used as fill material, either alone or in conjunction with
clean soil, sand, gravel, or other clean aggregates, in legitimate
fill operations for construction purposes at the facility or to
bring the facility up to a consistent grade.

(F) Notwithstanding any provision of law to the contrary, the
fees levied under this section apply to the disposal of asbestos
and asbestos-containing materials or products at a construction
and demolition debris facility that is licensed under this
chapter.

Sec. 3715.041. (A)(1) As used in this section, "food
processing establishment" has the same meaning as in section
3715.021 of the Revised Code.

(2) A person that operates a food processing establishment
shall register the establishment annually with the director of
agriculture. The person shall submit an application for
registration or renewal on a form prescribed and provided by the
director. Except as provided in division (H) of this section, an
application for registration or renewal shall be accompanied by a
registration fee in an amount established in rules adopted under
this section. If a person files an application for registration on
or after the first day of August of any year, the fee shall be
one-half of the annual registration fee.

(B)(1) The director shall inspect the food processing
establishment for which an application for initial registration
has been submitted. If, upon inspection, the director finds that
the establishment is in compliance with this section and section
3715.021 or 3715.60, applicable provisions of section 3715.52, or
Chapter 911., 913., 915., or 925. of the Revised Code, as
applicable, or applicable rules adopted under those sections or
chapters, the director shall issue a certificate of registration
to the food processing establishment. A food processing

establishment registration expires on the thirty-first day of 66887
January and is valid until that date unless it is suspended or 66888
revoked under this section. 66889

(2) A person that is operating a food processing 66890
establishment on the effective date of this section shall apply to 66891
the director for a certificate of registration not later than 66892
ninety days after the effective date of this section. If an 66893
application is not filed with the director or postmarked on or 66894
before ninety days after the effective date of this section, the 66895
director shall assess a late fee in an amount established in rules 66896
adopted under this section. 66897

(C)(1) A food processing establishment registration may be 66898
renewed by the director. A person seeking registration renewal 66899
shall submit an application for renewal to the director not later 66900
than the thirty-first day of January. The director shall issue a 66901
renewed certificate of registration on receipt of a complete 66902
renewal application except as provided in division (C)(2) of this 66903
section. 66904

(2) If a renewal application is not filed with the director 66905
or postmarked on or before the thirty-first day of January, the 66906
director shall assess a late fee in an amount established in rules 66907
adopted under this section. The director shall not renew the 66908
registration until the applicant pays the late fee. 66909

(D) A copy of the food processing establishment registration 66910
certificate shall be conspicuously displayed in an area of the 66911
establishment to which customers of the establishment have access. 66912
66913

(E) Except for a food processing establishment that is 66914
operating in a home prior to the effective date of this section, 66915
no food processing establishment shall be operated in a home. If a 66916
food processing establishment that is operating in a home prior to 66917

the effective date of this section increases its existing 66918
operating capacity or transfers ownership, the person operating 66919
the food processing establishment or to whom ownership of the 66920
establishment will be transferred shall apply for a food 66921
processing establishment registration under this section. 66922

(F)(1) The director or the director's designee may issue an 66923
order suspending or revoking a food processing establishment 66924
registration upon determining that the registration holder is in 66925
violation of this section or section 3715.021 or 3715.60, 66926
applicable provisions of section 3715.52, or Chapter 911., 913., 66927
915., or 925. of the Revised Code, as applicable, or applicable 66928
rules adopted under those sections or chapters. Except as provided 66929
in division (F)(2) of this section, a registration shall not be 66930
suspended or revoked until the registration holder is provided an 66931
opportunity to appeal the suspension or revocation in accordance 66932
with Chapter 119. of the Revised Code. 66933

(2) If the director determines that a food processing 66934
establishment presents an immediate danger to the public health, 66935
the director may issue an order immediately suspending the 66936
establishment's registration without affording the registration 66937
holder an opportunity for a hearing. The director then shall 66938
afford the registration holder a hearing in accordance with 66939
Chapter 119. of the Revised Code not later than ten days after the 66940
date of suspension. 66941

(G) The director shall adopt rules in accordance with Chapter 66942
119. of the Revised Code that establish all of the following: 66943

(1) The amount of the registration fee that must be submitted 66944
with an application for a food processing establishment 66945
registration and with an application for renewal; 66946

(2) The amount of the late fee that is required in division 66947
(B)(2) of this section; 66948

<u>(3) The amount of the fee for the late renewal of a food processing establishment registration that is required in division (C)(2) of this section;</u>	66949
	66950
	66951
<u>(4) Any other procedures and requirements that are necessary to administer and enforce this section.</u>	66952
	66953
<u>(H) The following are not required to pay any registration fee that is otherwise required in this section:</u>	66954
	66955
<u>(1) Home bakeries registered under section 911.02 of the Revised Code;</u>	66956
	66957
<u>(2) Canneries licensed under section 913.02 of the Revised Code;</u>	66958
	66959
<u>(3) Soft drink plants licensed under section 913.23 of the Revised Code;</u>	66960
	66961
<u>(4) Cold-storage warehouses licensed under section 915.02 of the Revised Code;</u>	66962
	66963
<u>(5) Persons licensed under section 915.15 of the Revised Code;</u>	66964
	66965
<u>(6) Persons that are engaged in egg production and that maintain annually five hundred or fewer laying hens.</u>	66966
	66967
<u>(J) All money that is collected under this section shall be credited to the food safety fund created in section 915.24 of the Revised Code.</u>	66968
	66969
	66970
Sec. 3717.07. (A) For purposes of establishing a licensing fee under sections 3717.25 and 3717.45 of the Revised Code, <u>all of the following apply:</u>	66971
	66972
	66973
<u>(1) The director of agriculture and the public health council shall adopt rules establishing a uniform methodologies methodology for use in calculating the costs of licensing retail food establishments in the categories specified by the director and.</u>	66974
	66975
	66976
	66977

(2) The public health council shall adopt rules establishing 66978
a uniform methodology for use in calculating the costs of 66979
licensing food service operations in the categories specified by 66980
the council. ~~In~~ 66981

(3) In adopting the rules, the director of agriculture and 66982
the public health council shall consider any recommendations 66983
received from advisory boards or other entities representing the 66984
interests of retail food establishments and food service 66985
operations. 66986

(B) The rules shall include provisions that do all of the 66987
following: 66988

(1) Provide for calculations to be made according to fiscal 66989
years rather than licensing periods; 66990

(2) Limit the direct costs that may be attributed to the use 66991
of sanitarians by establishing appropriate statewide averages that 66992
may not be exceeded; 66993

(3) Limit the indirect costs that may be included in the 66994
calculation of fees to an amount that does not exceed thirty per 66995
cent of the cost of the licensing program; 66996

(4) Provide for a proportionate reduction in the fees to be 66997
charged if a licensor included anticipated costs in the 66998
immediately preceding calculation of licensing fees and the total 66999
amount of the anticipated costs was not incurred; 67000

(5) Provide for a proportionate reduction in the fees to be 67001
charged if it is discovered through an audit by the auditor of 67002
state or through any other means that the licensor has charged or 67003
is charging a licensing fee that exceeds the amount that should 67004
have been charged; 67005

(6) Provide for a twenty per cent reduction in the fees to be 67006
charged when the reduction is imposed as a penalty under division 67007

(C) of section 3717.071 of the Revised Code; 67008

(7) With regard to any fees charged for licensing vending 67009
machine locations, the rules shall prohibit a licensor from 67010
increasing fees by a percentage of increase over the previous 67011
year's fee that exceeds the percentage of increase in the consumer 67012
price index for all urban consumers (United States city average, 67013
all items), prepared by the United States department of labor, 67014
bureau of labor statistics, for the immediately preceding calendar 67015
year. 67016

Sec. 3717.23. (A) Each person or government entity seeking a 67017
retail food establishment license or the renewal of a license 67018
shall apply to the appropriate licensor on a form provided by the 67019
licensor. A licensor shall use a form prescribed and furnished to 67020
the licensor by the director of agriculture or a form prescribed 67021
by the licensor that has been approved by the director. The 67022
applicant shall include with the application all information 67023
necessary for the licensor to process the application, as 67024
requested by the licensor. 67025

An application for a retail food establishment license, other 67026
than an application for a mobile retail food establishment 67027
license, shall be submitted to the licensor for the health 67028
district in which the retail food establishment is located. An 67029
application for a mobile retail food establishment license shall 67030
be submitted to the licensor for the health district in which the 67031
applicant's business headquarters are located, or, if the 67032
headquarters are located outside this state, to the licensor for 67033
the district where the applicant will first operate in this state. 67034

(B) The licensor shall review all applications received. The 67035
licensor shall issue a license for a new retail food establishment 67036
when the applicant submits a complete application and the licensor 67037
determines that the applicant meets all other requirements of this 67038

chapter and the rules adopted under it for receiving the license. 67039
The licensor shall issue a renewed license on receipt of a 67040
complete renewal application. 67041

The licensor shall issue licenses for retail food 67042
establishments on forms prescribed and furnished by the director 67043
of agriculture. If the license is for a mobile retail food 67044
establishment, the licensor shall post the establishment's layout, 67045
equipment, and items to be sold on the back of the license. 67046

A mobile retail food establishment license issued by one 67047
licensor shall be recognized by all other licensors in this state. 67048

(C)(1) A retail food establishment license expires at the end 67049
of the licensing period for which the license is issued, except as 67050
follows: 67051

(a) A license issued to a new retail food establishment after 67052
the first day of December does not expire until the end of the 67053
licensing period next succeeding issuance of the license. 67054

(b) A temporary retail food establishment license expires at 67055
the end of the period for which it is issued. 67056

(2) All retail food establishment licenses remain valid until 67057
scheduled to expire unless earlier suspended or revoked under 67058
section 3717.29 or 3717.30 of the Revised Code. 67059

(D) A retail food establishment license may be renewed, 67060
except that a temporary retail food establishment license is not 67061
renewable. A person or government entity seeking license renewal 67062
shall submit an application for renewal to the licensor not later 67063
than the first day of March, except in the case of a mobile or 67064
seasonal retail food establishment, when the renewal application 67065
shall be submitted before commencing operation in a new licensing 67066
period. A licensor may renew a license prior to the first day of 67067
March or the first day of operation in a new licensing period, but 67068
not before the first day of February immediately preceding the 67069

licensing period for which the license is being renewed. 67070

If a person or government entity does not file a renewal 67071
application with the licensor postmarked on or before the first 67072
day of March or, in the case of a mobile or seasonal retail food 67073
establishment, the first day of operation in a new licensing 67074
period, the licensor shall assess a penalty if the licensor 67075
charges a license renewal fee. The amount of the penalty shall be 67076
the ~~lesser of fifty dollars or~~ greater of twenty-five per cent of 67077
the renewal fee ~~charged for renewing the license, if the licensor~~ 67078
~~charges renewal fees or ten per cent of the renewal fee multiplied~~ 67079
~~by the number of weeks that have elapsed since payment of the fee~~ 67080
was due. If an applicant is subject to a penalty, the licensor 67081
shall not renew the license until the applicant pays the penalty. 67082

(E)(1) A licensor may issue not more than ten temporary 67083
retail food establishment licenses per licensing period to the 67084
same person or government entity to operate at different events 67085
within the licensor's jurisdiction. For each particular event, a 67086
licensor may issue only one temporary retail food establishment 67087
license to the same person or government entity. 67088

(2) A licensor may issue a temporary retail food 67089
establishment license to operate for more than five consecutive 67090
days if both of the following apply: 67091

(a) The establishment will be operated at an event organized 67092
by a county agricultural society or independent agricultural 67093
society organized under Chapter 1711. of the Revised Code. 67094

(b) The person who will receive the license is a resident of 67095
the county or one of the counties for which the agricultural 67096
society was organized. 67097

(3) A person may be granted only one temporary retail food 67098
establishment license per licensing period pursuant to division 67099
(E)(2) of this section. 67100

(F) The licensor may place restrictions or conditions on a retail food establishment license, based on the equipment or facilities of the establishment, limiting the types of food that may be stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Limitations pertaining to a mobile retail food establishment shall be posted on the back of the license.

(G) The person or government entity holding a license for a retail food establishment shall display the license for that retail food establishment at all times at the licensed location.

(H) With the assistance of the department of agriculture, the licensor, to the extent practicable, shall computerize the process for licensing retail food establishments.

Sec. 3717.25. (A) A licensor may charge fees for issuing and renewing retail food establishment licenses. Any licensing fee charged shall be used solely for the administration and enforcement of the provisions of this chapter and the rules adopted under it applicable to retail food establishments.

Any licensing fee charged under this section shall be based on the licensor's costs of regulating retail food establishments, as determined according to the uniform ~~methodologies~~ methodology established under section 3717.07 of the Revised Code. If the licensor is a board of health, a fee may be disapproved by the district advisory council in the case of a general health district or the legislative authority of the city in the case of a city health district. A disapproved fee shall not be charged by the board of health.

~~At least thirty days prior to establishing~~ Except when a licensing fee is established as an emergency measure, the licensor shall hold a public hearing regarding the proposed fee. ~~At~~ If a public hearing is held, at least thirty ~~twenty~~ days prior to the

public hearing, the licensor shall give written notice of the 67132
hearing to each person or government entity holding a retail food 67133
establishment license that may be affected by the proposed fee. 67134
The notice shall be mailed to the last known address of the 67135
licensee and shall specify the date, time, and place of the 67136
hearing and the amount of the proposed fee. On request, the 67137
licensor shall provide the completed uniform methodology used in 67138
the calculation of the licensor's costs and the proposed fee. 67139

(B) In addition to licensing fees, a licensor may charge fees 67140
for any of the following: 67141

(1) Review of facility layout and equipment specifications 67142
pertaining to retail food establishments, other than mobile and 67143
temporary retail food establishments; 67144

(2) Any necessary collection and bacteriological examination 67145
of samples from retail food establishments or similar services 67146
specified in rules adopted under this chapter by the director of 67147
agriculture; 67148

(3) Attendance at a course of study offered by the licensor 67149
in food protection as it pertains to retail food establishments, 67150
if the course is approved under section 3717.09 of the Revised 67151
Code. 67152

(C)(1) The director may determine by rule an amount to be 67153
collected from applicants for retail food establishment licenses 67154
for use by the director in administering and enforcing the 67155
provisions of this chapter and the rules adopted under it 67156
applicable to retail food establishments. Licensors shall collect 67157
the amount prior to issuing an applicant's new or renewed license. 67158
If a licensing fee is charged under this section, the licensor 67159
shall collect the amount at the same time the fee is collected. 67160
Licensors are not required to provide notice or hold public 67161
hearings regarding amounts to be collected ~~under this division~~. 67162

~~Not later than sixty days after the last day of the month in which a license is issued, the~~ 67163
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(2) A licensor shall certify the amount collected under this 67165
division (C)(1) of this section and transmit the amount to the 67166
treasurer of state. All according to the following schedule: 67167

(a) For amounts received by the licensor on or after the 67168
first day of January but not later than the thirty-first day of 67169
March, transmit the amounts not later than the fifteenth day of 67170
May; 67171

(b) For amounts received by the licensor on or after the 67172
first day of April but not later than the thirtieth day of June, 67173
transmit the amounts not later than the fifteenth day of August; 67174

(c) For amounts received by the licensor on or after the 67175
first day of July but not later than the thirtieth day of 67176
September, transmit the amounts not later than the fifteenth day 67177
of November; 67178

(d) For amounts received by the licensor on or after the 67179
first day of October but not later than the thirty-first day of 67180
December, transmit the amounts not later than the fifteenth day of 67181
February of the following year. 67182

(3) All amounts received shall be deposited into the food 67183
safety fund created in section 915.24 of the Revised Code. The 67184
director shall use the amounts solely for the administration and 67185
enforcement of the provisions of this chapter and the rules 67186
adopted under it applicable to retail food establishments. 67187

(4) When adopting rules regarding the amounts collected under 67188
this division, the director shall make available during the rule 67189
making process the current and projected expenses of administering 67190
and enforcing the provisions of this chapter and the rules adopted 67191
under it applicable to retail food establishments and the total of 67192
all amounts that have been deposited in the food safety fund 67193

pursuant to ~~this~~ division (C)(3) of this section. 67194

Sec. 3717.43. (A) Each person or government entity requesting 67195
a food service operation license or the renewal of a license shall 67196
apply to the appropriate licensor on a form provided by the 67197
licensor. Licensors shall use a form prescribed and furnished to 67198
the licensor by the director of health or a form prescribed by the 67199
licensor that has been approved by the director. The applicant 67200
shall include with the application all information necessary for 67201
the licensor to process the application, as requested by the 67202
licensor. 67203

An application for a food service operation license, other 67204
than an application for a mobile or catering food service 67205
operation license, shall be submitted to the licensor for the 67206
health district in which the food service operation is located. An 67207
application for a mobile food service operation license shall be 67208
submitted to the licensor for the health district in which the 67209
applicant's business headquarters are located, or, if the 67210
headquarters are located outside this state, to the licensor for 67211
the district where the applicant will first operate in this state. 67212
An application for a catering food service operation license shall 67213
be submitted to the licensor for the district where the 67214
applicant's base of operation is located. 67215

(B) The licensor shall review all applications received. The 67216
licensor shall issue a license for a new food service operation 67217
when the applicant submits a complete application and the licensor 67218
determines that the applicant meets all other requirements of this 67219
chapter and the rules adopted under it for receiving the license. 67220
The licensor shall issue a renewed license on receipt of a 67221
complete renewal application. 67222

The licensor shall issue licenses for food service operations 67223
on forms prescribed and furnished by the director of health. If 67224

the license is for a mobile food service operation, the licensor 67225
shall post the operation's layout, equipment, and menu on the back 67226
of the license. 67227

A mobile or catering food service operation license issued by 67228
one licensor shall be recognized by all other licensors in this 67229
state. 67230

(C)(1) A food service operation license expires at the end of 67231
the licensing period for which the license is issued, except as 67232
follows: 67233

(a) A license issued to a new food service operation after 67234
the first day of December shall not expire until the end of the 67235
licensing period next succeeding issuance of the license. 67236

(b) A temporary food service operation license expires at the 67237
end of the period for which it is issued. 67238

(2) All food service operation licenses remain valid until 67239
they are scheduled to expire unless earlier suspended or revoked 67240
under section 3717.49 of the Revised Code. 67241

(D) A food service operation license may be renewed, except 67242
that a temporary food service operation license is not renewable. 67243
A person or government entity seeking license renewal shall submit 67244
an application for renewal to the licensor not later than the 67245
first day of March, except that in the case of a mobile or 67246
seasonal food service operation the renewal application shall be 67247
submitted before commencing operation in a new licensing period. A 67248
licensor may renew a license prior to the first day of March or 67249
the first day of operation in a new licensing period, but not 67250
before the first day of February immediately preceding the 67251
licensing period for which the license is being renewed. 67252

If a renewal application is not filed with the licensor or 67253
postmarked on or before the first day of March or, in the case of 67254
a mobile or seasonal food service operation, the first day of 67255

operation in a new licensing period, the licensor shall assess a 67256
penalty if the licensor charges a license renewal fee. The amount 67257
of the penalty shall be the ~~lesser of fifty dollars or greater of~~ 67258
twenty-five per cent of the renewal fee charged for renewing 67259
licenses, if the licensor charges renewal fees or ten per cent of 67260
the renewal fee multiplied by the number of weeks that have 67261
elapsed since payment of the fee was due. If an applicant is 67262
subject to a penalty, the licensor shall not renew the license 67263
until the applicant pays the penalty. 67264

(E)(1) A licensor may issue not more than ten temporary food 67265
service operation licenses per licensing period to the same person 67266
or government entity to operate at different events within the 67267
licensor's jurisdiction. For each particular event, a licensor may 67268
issue only one temporary food service operation license to the 67269
same person or government entity. 67270

(2) A licensor may issue a temporary food service operation 67271
license to operate for more than five consecutive days if both of 67272
the following apply: 67273

(a) The operation will be operated at an event organized by a 67274
county agricultural society or independent agricultural society 67275
organized under Chapter 1711. of the Revised Code; 67276

(b) The person who will receive the license is a resident of 67277
the county or one of the counties for which the agricultural 67278
society was organized. 67279

(3) A person may be granted only one temporary food service 67280
operation license per licensing period pursuant to division (E)(2) 67281
of this section. 67282

(F) The licensor may place restrictions or conditions on a 67283
food service operation license limiting the types of food that may 67284
be prepared or served by the food service operation based on the 67285
equipment or facilities of the food service operation. Limitations 67286

pertaining to a mobile or catering food service operation shall be 67287
posted on the back of the license. 67288

(G) The person or government entity holding a license for a 67289
food service operation shall display the license for that food 67290
service operation at all times at the licensed location. A person 67291
or government entity holding a catering food service operation 67292
license shall also maintain a copy of the license at each catered 67293
event. 67294

(H) With the assistance of the department of health, the 67295
licensor, to the extent practicable, shall computerize the process 67296
for licensing food service operations. 67297

Sec. 3717.45. (A) A licensor may charge fees for issuing and 67298
renewing food service operation licenses. Any licensing fee 67299
charged shall be used solely for the administration and 67300
enforcement of the provisions of this chapter and the rules 67301
adopted under it applicable to food service operations. 67302

Any licensing fee charged under this section shall be based 67303
on the licensor's costs of regulating food service operations, as 67304
determined according to the uniform ~~methodologies~~ methodology 67305
established under section 3717.07 of the Revised Code. If the 67306
licensor is a board of health, a fee may be disapproved by the 67307
district advisory council in the case of a general health district 67308
or the legislative authority of the city in the case of a city 67309
health district. A disapproved fee shall not be charged by the 67310
board of health. 67311

~~At least thirty days prior to establishing~~ Except when a 67312
licensing fee is established as an emergency measure, the licensor 67313
shall hold a public hearing regarding the proposed fee. ~~At~~ If a 67314
public hearing is held, at least thirty ~~thirty~~ twenty days prior to the 67315
public hearing, the licensor shall give written notice of the 67316
hearing to each person or government entity holding a food service 67317

operation license that may be affected by the proposed fee. The 67318
notice shall be mailed to the last known address of the licensee 67319
and shall specify the date, time, and place of the hearing and the 67320
amount of the proposed fee. On request, the licensor shall provide 67321
the completed uniform methodology used in the calculation of the 67322
licensor's costs and the proposed fee. 67323

(B) In addition to licensing fees, a licensor may charge fees 67324
for the following: 67325

(1) Review of facility layout and equipment specifications 67326
pertaining to food service operations, other than mobile and 67327
temporary food service operations, or similar reviews conducted 67328
for vending machine locations; 67329

(2) Any necessary collection and bacteriological examination 67330
of samples from food service operations, or similar services 67331
specified in rules adopted under this chapter by the public health 67332
council; 67333

(3) Attendance at a course of study offered by the licensor 67334
in food protection as it pertains to food service operations, if 67335
the course is approved under section 3717.09 of the Revised Code. 67336

(C)(1) The public health council may determine by rule an 67337
amount to be collected from applicants for food service operation 67338
licenses for use by the director of health in administering and 67339
enforcing the provisions of this chapter and the rules adopted 67340
under it applicable to food service operations. Licensors shall 67341
collect the amount prior to issuing an applicant's new or renewed 67342
license. If a licensing fee is charged under this section, the 67343
licensor shall collect the amount at the same time the fee is 67344
collected. Licensors are not required to provide notice or hold 67345
public hearings regarding amounts to be collected ~~under this~~ 67346
~~division.~~ 67347

~~Not later than sixty days after the last day of the month in~~ 67348

which a license is issued, the 67349

(2) A licensor shall certify the amount collected under ~~this~~ 67350
division (C)(1) of this section and transmit the amount to the 67351
treasurer of state. ~~All~~ according to the following schedule: 67352

(a) For amounts received by the licensor on or after the 67353
first day of January but not later than the thirty-first day of 67354
March, transmit the amounts not later than the fifteenth day of 67355
May; 67356

(b) For amounts received by the licensor on or after the 67357
first day of April but not later than the thirtieth day of June, 67358
transmit the amounts not later than the fifteenth day of August; 67359

(c) For amounts received by the licensor on or after the 67360
first day of July but not later than the thirtieth day of 67361
September, transmit the amounts not later than the fifteenth day 67362
of November; 67363

(d) For amounts received by the licensor on or after the 67364
first day of October but not later than the thirty-first day of 67365
December, transmit the amounts not later than the fifteenth day of 67366
February of the following year. 67367

(3) All amounts received shall be deposited into the general 67368
operations fund created in section 3701.83 of the Revised Code. 67369
The director shall use the amounts solely for the administration 67370
and enforcement of the provisions of this chapter and the rules 67371
adopted under it applicable to food service operations. 67372

(4) The director may submit recommendations to the public 67373
health council regarding the amounts collected under this 67374
division. When making recommendations, the director shall submit a 67375
report stating the current and projected expenses of administering 67376
and enforcing the provisions of this chapter and the rules adopted 67377
under it applicable to food service operations and the total of 67378
all amounts that have been deposited in the general operations 67379

fund pursuant to ~~this~~ division (C)(3) of this section. The 67380
director may include in the report any recommendations for 67381
modifying the department's administration and enforcement of the 67382
provisions of this chapter and the rules adopted under it 67383
applicable to food service operations. 67384

Sec. 3718.03. (A) There is hereby created the sewage 67385
treatment system technical advisory committee consisting of the 67386
director of health or the director's designee and ten members who 67387
are knowledgeable about sewage treatment systems and technologies. 67388
Of the ten members, four shall be appointed by the governor, three 67389
shall be appointed by the president of the senate, and three shall 67390
be appointed by the speaker of the house of representatives. 67391

(1) Of the members appointed by the governor, one shall 67393
represent academia, one shall be a representative of the public 67394
who is not employed by the state or any of its political 67395
subdivisions and who does not have a pecuniary interest in 67396
household sewage treatment systems, one shall be an engineer from 67397
the environmental protection agency, and one shall be selected 67398
from among soil scientists in the division of soil and water 67399
~~conservation~~ resources in the department of natural resources. 67400

(2) Of the members appointed by the president of the senate, 67401
one shall be a health commissioner who is a member of and 67402
recommended by the association of Ohio health commissioners, one 67403
shall represent the interests of manufacturers of household sewage 67404
treatment systems, and one shall represent installers and service 67405
providers. 67406

(3) Of the members appointed by the speaker of the house of 67407
representatives, one shall be a health commissioner who is a 67408
member of and recommended by the association of Ohio health 67409
commissioners, one shall represent the interests of manufacturers 67410

of household sewage treatment systems, and one shall be a 67411
sanitarian who is registered under Chapter 4736. of the Revised 67412
Code and who is a member of the Ohio environmental health 67413
association. 67414

(B) Terms of members appointed to the committee shall be for 67415
three years, with each term ending on the same day of the same 67416
month as did the term that it succeeds. Each member shall serve 67417
from the date of appointment until the end of the term for which 67418
the member was appointed. 67419

Members may be reappointed. Vacancies shall be filled in the 67420
same manner as provided for original appointments. Any member 67421
appointed to fill a vacancy occurring prior to the expiration date 67422
of the term for which the member was appointed shall hold office 67423
for the remainder of that term. A member shall continue to serve 67424
after the expiration date of the member's term until the member's 67425
successor is appointed or until a period of sixty days has 67426
elapsed, whichever occurs first. The applicable appointing 67427
authority may remove a member from the committee for failure to 67428
attend two consecutive meetings without showing good cause for the 67429
absences. 67430

(C) The technical advisory committee annually shall select 67431
from among its members a chairperson and a vice-chairperson and a 67432
secretary to keep a record of its proceedings. A majority vote of 67433
the members of the full committee is necessary to take action on 67434
any matter. The committee may adopt bylaws governing its 67435
operation, including bylaws that establish the frequency of 67436
meetings. 67437

(D) Serving as a member of the sewage treatment system 67438
technical advisory committee does not constitute holding a public 67439
office or position of employment under the laws of this state and 67440
does not constitute grounds for removal of public officers or 67441
employees from their offices or positions of employment. Members 67442

of the committee shall serve without compensation for attending committee meetings. 67443
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(E) A member of the committee shall not have a conflict of interest with the position. For the purposes of this division, "conflict of interest" means the taking of any action that violates any provision of Chapter 102. or 2921. of the Revised Code. 67445
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(F) The sewage treatment system technical advisory committee shall do all of the following: 67450
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(1) Develop with the department of health standards and guidelines for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code; 67452
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(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form; 67456
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(3) Advise the director on the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system; 67461
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(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective household sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system; 67465
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(5) By January 1, 2008, provide the household sewage and small flow on-site sewage treatment system study commission created by Am. Sub. H.B. 119 of the 127th general assembly with a 67471
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list of available alternative systems and the estimated cost of 67474
each system. 67475

(G) The chairperson of the committee shall prepare and submit 67476
an annual report concerning the activities of the committee to the 67477
general assembly not later than ninety days after the end of the 67478
calendar year. The report shall discuss the number of applications 67479
submitted under section 3718.04 of the Revised Code for the 67480
approval of a new sewage treatment system or a component of a 67481
system, the number of such systems and components that were 67482
approved, any information that the committee considers beneficial 67483
to the general assembly, and any other information that the 67484
chairperson determines is beneficial to the general assembly. If 67485
other members of the committee determine that certain information 67486
should be included in the report, they shall submit the 67487
information to the chairperson not later than thirty days after 67488
the end of the calendar year. 67489

(H) The department shall provide meeting space for the 67490
committee. The committee shall be assisted in its duties by the 67491
staff of the department. 67492

(I) Sections 101.82 to 101.87 of the Revised Code do not 67493
apply to the sewage treatment system technical advisory committee. 67494

Sec. 3718.06. (A)(1) A board of health shall establish fees 67495
in accordance with section 3709.09 of the Revised Code for the 67496
purpose of carrying out its duties under this chapter and rules 67497
adopted under it, including a fee for an installation permit 67498
issued by the board. All fees so established and collected by the 67499
board shall be deposited in a special fund of the district to be 67500
used exclusively by the board in carrying out those duties. 67501

(2) In accordance with Chapter 119. of the Revised Code, the 67502
public health council may establish by rule a fee to be collected 67503
from applicants for installation permits issued under rules 67504

adopted under this chapter. The director of health shall use the proceeds from that fee for administering and enforcing this chapter and the rules adopted under it by the council. A board of health shall collect and transmit the fee ~~at the same time that it collects the fee established by it under division (A)(1) of this section for installation permits.~~

~~Not later than sixty days after the last day of the month in which an installation permit is issued, a board shall certify the amount collected under division (A)(2) of this section and transmit the amount to the treasurer of state. All money so received shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code to the director pursuant to section 3709.092 of the Revised Code.~~ The director shall use the money so credited solely for the administration and enforcement of this chapter and the rules adopted under it by the public health council.

(B) The director may submit recommendations to the council regarding the amount of the fee collected under division (A)(2) of this section for installation permits. When making the recommendations, the director shall submit a report stating the current and projected expenses of administering and enforcing this chapter and the rules adopted under it by the council and the total of all money that has been deposited to the credit of the general operations fund under division (A)(2) of this section. The director may include in the report any recommendations for modifying the requirements established under this chapter and the rules adopted under it by the council.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours,

whether for a consideration or not, accommodations to three or 67536
more unrelated individuals who are dependent upon the services of 67537
others, including a nursing home, residential care facility, home 67538
for the aging, and a veterans' home operated under Chapter 5907. 67539
of the Revised Code. 67540

(b) "Home" also means both of the following: 67541

(i) Any facility that a person, as defined in section 3702.51 67542
of the Revised Code, proposes for certification as a skilled 67543
nursing facility or nursing facility under Title XVIII or XIX of 67544
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 67545
as amended, and for which a certificate of need, other than a 67546
certificate to recategorize hospital beds as described in section 67547
3702.522 of the Revised Code or division (R)(7)(d) of the version 67548
of section 3702.51 of the Revised Code in effect immediately prior 67549
to April 20, 1995, has been granted to the person under sections 67550
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 67551

(ii) A county home or district home that is or has been 67552
licensed as a residential care facility. 67553

(c) "Home" does not mean any of the following: 67554

(i) Except as provided in division (A)(1)(b) of this section, 67555
a public hospital or hospital as defined in section 3701.01 or 67556
5122.01 of the Revised Code; 67557

(ii) A residential facility for mentally ill persons as 67558
defined under section 5119.22 of the Revised Code; 67559

(iii) A residential facility as defined in section 5123.19 of 67560
the Revised Code; 67561

(iv) ~~A community alternative home as defined in section 67562
3724.01 of the Revised Code;~~ 67563

~~(v) An adult care facility as defined in section 3722.01 of 67564
the Revised Code;~~ 67565

(vi) (v) An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code;	67566 67567
(vii) (vi) A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	67568 67569
(viii) (vii) A facility providing services under contract with the department of mental retardation and developmental disabilities under section 5123.18 of the Revised Code;	67570 67571 67572
(ix) (viii) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	67573 67574 67575
(x) (ix) A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	67576 67577 67578 67579 67580 67581 67582 67583 67584 67585
(xi) (x) A county home or district home that has never been licensed as a residential care facility.	67586 67587
(2) "Unrelated individual" means one who is not related to the owner or operator of a home or to the spouse of the owner or operator as a parent, grandparent, child, grandchild, brother, sister, niece, nephew, aunt, uncle, or as the child of an aunt or uncle.	67588 67589 67590 67591 67592
(3) "Mental impairment" does not mean mental illness as defined in section 5122.01 of the Revised Code or mental retardation as defined in section 5123.01 of the Revised Code.	67593 67594 67595

(4) "Skilled nursing care" means procedures that require 67596
technical skills and knowledge beyond those the untrained person 67597
possesses and that are commonly employed in providing for the 67598
physical, mental, and emotional needs of the ill or otherwise 67599
incapacitated. "Skilled nursing care" includes, but is not limited 67600
to, the following: 67601

(a) Irrigations, catheterizations, application of dressings, 67602
and supervision of special diets; 67603

(b) Objective observation of changes in the patient's 67604
condition as a means of analyzing and determining the nursing care 67605
required and the need for further medical diagnosis and treatment; 67606

(c) Special procedures contributing to rehabilitation; 67607

(d) Administration of medication by any method ordered by a 67608
physician, such as hypodermically, rectally, or orally, including 67609
observation of the patient after receipt of the medication; 67610

(e) Carrying out other treatments prescribed by the physician 67611
that involve a similar level of complexity and skill in 67612
administration. 67613

(5)(a) "Personal care services" means services including, but 67614
not limited to, the following: 67615

(i) Assisting residents with activities of daily living; 67616

(ii) Assisting residents with self-administration of 67617
medication, in accordance with rules adopted under section 3721.04 67618
of the Revised Code; 67619

(iii) Preparing special diets, other than complex therapeutic 67620
diets, for residents pursuant to the instructions of a physician 67621
or a licensed dietitian, in accordance with rules adopted under 67622
section 3721.04 of the Revised Code. 67623

(b) "Personal care services" does not include "skilled 67624
nursing care" as defined in division (A)(4) of this section. A 67625

facility need not provide more than one of the services listed in 67626
division (A)(5)(a) of this section to be considered to be 67627
providing personal care services. 67628

(6) "Nursing home" means a home used for the reception and 67629
care of individuals who by reason of illness or physical or mental 67630
impairment require skilled nursing care and of individuals who 67631
require personal care services but not skilled nursing care. A 67632
nursing home is licensed to provide personal care services and 67633
skilled nursing care. 67634

(7) "Residential care facility" means a home that provides 67635
either of the following: 67636

(a) Accommodations for seventeen or more unrelated 67637
individuals and supervision and personal care services for three 67638
or more of those individuals who are dependent on the services of 67639
others by reason of age or physical or mental impairment; 67640

(b) Accommodations for three or more unrelated individuals, 67641
supervision and personal care services for at least three of those 67642
individuals who are dependent on the services of others by reason 67643
of age or physical or mental impairment, and, to at least one of 67644
those individuals, any of the skilled nursing care authorized by 67645
section 3721.011 of the Revised Code. 67646

(8) "Home for the aging" means a home that provides services 67647
as a residential care facility and a nursing home, except that the 67648
home provides its services only to individuals who are dependent 67649
on the services of others by reason of both age and physical or 67650
mental impairment. 67651

The part or unit of a home for the aging that provides 67652
services only as a residential care facility is licensed as a 67653
residential care facility. The part or unit that may provide 67654
skilled nursing care beyond the extent authorized by section 67655
3721.011 of the Revised Code is licensed as a nursing home. 67656

(9) "County home" and "district home" mean a county home or district home operated under Chapter 5155. of the Revised Code. 67657
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(B) The public health council may further classify homes. For the purposes of this chapter, any residence, institution, hotel, congregate housing project, or similar facility that meets the definition of a home under this section is such a home regardless of how the facility holds itself out to the public. 67659
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(C) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party. 67664
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(D) Nothing in division (A)(4) of this section shall be construed to permit skilled nursing care to be imposed on an individual who does not require skilled nursing care. 67670
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Nothing in division (A)(5) of this section shall be construed to permit personal care services to be imposed on an individual who is capable of performing the activity in question without assistance. 67673
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(E) Division (A)(1)(c)~~(x)~~(ix) of this section does not prohibit a facility, infirmary, or other entity described in that division from seeking licensure under sections 3721.01 to 3721.09 of the Revised Code or certification under Title XVIII or XIX of the "Social Security Act." However, such a facility, infirmary, or entity that applies for licensure or certification must meet the requirements of those sections or titles and the rules adopted under them and obtain a certificate of need from the director of health under section 3702.52 of the Revised Code. 67677
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(F) Nothing in this chapter, or rules adopted pursuant to it, shall be construed as authorizing the supervision, regulation, or 67686
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control of the spiritual care or treatment of residents or 67688
patients in any home who rely upon treatment by prayer or 67689
spiritual means in accordance with the creed or tenets of any 67690
recognized church or religious denomination. 67691

Sec. 3721.02. (A) The director of health shall license homes 67692
and establish procedures to be followed in inspecting and 67693
licensing homes. The director may inspect a home at any time. Each 67694
home shall be inspected by the director at least once prior to the 67695
issuance of a license and at least once every fifteen months 67696
thereafter. The state fire marshal or a township, municipal, or 67697
other legally constituted fire department approved by the marshal 67698
shall also inspect a home prior to issuance of a license, at least 67699
once every fifteen months thereafter, and at any other time 67700
requested by the director. A home does not have to be inspected 67701
prior to issuance of a license by the director, state fire 67702
marshal, or a fire department if ownership of the home is assigned 67703
or transferred to a different person and the home was licensed 67704
under this chapter immediately prior to the assignment or 67705
transfer. The director may enter at any time, for the purposes of 67706
investigation, any institution, residence, facility, or other 67707
structure that has been reported to the director or that the 67708
director has reasonable cause to believe is operating as a nursing 67709
home, residential care facility, or home for the aging without a 67710
valid license required by section 3721.05 of the Revised Code or, 67711
in the case of a county home or district home, is operating 67712
despite the revocation of its residential care facility license. 67713
The director may delegate the director's authority and duties 67714
under this chapter to any division, bureau, agency, or official of 67715
the department of health. 67716

(B) A single facility may be licensed both as a nursing home 67717
pursuant to this chapter and as an adult care facility pursuant to 67718
Chapter 3722. of the Revised Code if the director determines that 67719

the part or unit to be licensed as a nursing home can be 67720
maintained separate and discrete from the part or unit to be 67721
licensed as an adult care facility. 67722

(C) In determining the number of residents in a home for the 67723
purpose of licensing, the director shall consider all the 67724
individuals for whom the home provides accommodations as one group 67725
unless one of the following is the case: 67726

(1) The home is a home for the aging, in which case all the 67727
individuals in the part or unit licensed as a nursing home shall 67728
be considered as one group, and all the individuals in the part or 67729
unit licensed as a rest home shall be considered as another group. 67730

(2) The home is both a nursing home and an adult care 67731
facility. In that case, all the individuals in the part or unit 67732
licensed as a nursing home shall be considered as one group, and 67733
all the individuals in the part or unit licensed as an adult care 67734
facility shall be considered as another group. 67735

(3) The home maintains, in addition to a nursing home or 67736
residential care facility, a separate and discrete part or unit 67737
that provides accommodations to individuals who do not require or 67738
receive skilled nursing care and do not receive personal care 67739
services from the home, in which case the individuals in the 67740
separate and discrete part or unit shall not be considered in 67741
determining the number of residents in the home if the separate 67742
and discrete part or unit is in compliance with the Ohio basic 67743
building code established by the board of building standards under 67744
Chapters 3781. and 3791. of the Revised Code and the home permits 67745
the director, on request, to inspect the separate and discrete 67746
part or unit and speak with the individuals residing there, if 67747
they consent, to determine whether the separate and discrete part 67748
or unit meets the requirements of this division. 67749

(D)(1) The director of health shall charge ~~an~~ the following 67750

application fee and an annual renewal licensing and inspection fee 67751
~~of one hundred seventy dollars~~ for each fifty persons or part 67752
thereof of a home's licensed capacity: 67753

(a) For state fiscal year 2010, two hundred twenty dollars; 67754

(b) For state fiscal year 2011, two hundred seventy dollars; 67755

(c) For each state fiscal year thereafter, three hundred 67756
twenty dollars. All 67757

(2) All fees collected by the director for the issuance or 67758
renewal of licenses shall be deposited into the state treasury to 67759
the credit of the general operations fund created in section 67760
3701.83 of the Revised Code for use only in administering and 67761
enforcing this chapter and rules adopted under it. 67762

(E)(1) Except as otherwise provided in this section, the 67763
results of an inspection or investigation of a home that is 67764
conducted under this section, including any statement of 67765
deficiencies and all findings and deficiencies cited in the 67766
statement on the basis of the inspection or investigation, shall 67767
be used solely to determine the home's compliance with this 67768
chapter or another chapter of the Revised Code in any action or 67769
proceeding other than an action commenced under division (I) of 67770
section 3721.17 of the Revised Code. Those results of an 67771
inspection or investigation, that statement of deficiencies, and 67772
the findings and deficiencies cited in that statement shall not be 67773
used in any court or in any action or proceeding that is pending 67774
in any court and are not admissible in evidence in any action or 67775
proceeding unless that action or proceeding is an appeal of an 67776
action by the department of health under this chapter or is an 67777
action by any department or agency of the state to enforce this 67778
chapter or another chapter of the Revised Code. 67779

(2) Nothing in division (E)(1) of this section prohibits the 67780
results of an inspection or investigation conducted under this 67781

section from being used in a criminal investigation or 67782
prosecution. 67783

Sec. 3721.071. The buildings in which a home is housed shall 67784
be equipped with both an automatic fire extinguishing system and 67785
fire alarm system. Such systems shall conform to standards set 67786
forth in the regulations of the board of building standards and 67787
the state fire marshal. 67788

The time for compliance with the requirements imposed by this 67789
section shall be January 1, 1975, except that the date for 67790
compliance with the automatic fire extinguishing requirements is 67791
extended to January 1, 1976, provided the buildings of the home 67792
are otherwise in compliance with fire safety laws and regulations 67793
and: 67794

(A) The home within thirty days after August 4, 1975, files a 67795
written plan with the state fire marshal's office that: 67796

(1) Outlines the interim safety procedures which shall be 67797
carried out to reduce the possibility of a fire; 67798

(2) Provides evidence that the home has entered into an 67799
agreement for a fire safety inspection to be conducted not less 67800
than monthly by a qualified independent safety engineer consultant 67801
or a township, municipal, or other legally constituted fire 67802
department, or by a township or municipal fire prevention officer; 67803

(3) Provides verification that the home has entered into a 67804
valid contract for the installation of an automatic fire 67805
extinguishing system or fire alarm system, or both, as required to 67806
comply with this section; 67807

(4) Includes a statement regarding the expected date for the 67808
completion of the fire extinguishing system or fire alarm system, 67809
or both. 67810

(B) Inspections by a qualified independent safety engineer 67811

consultant or a township, municipal, or other legally constituted 67812
fire department, or by a township or municipal fire prevention 67813
officer are initiated no later than sixty days after August 4, 67814
1975, and are conducted no less than monthly thereafter, and 67815
reports of the consultant, fire department, or fire prevention 67816
officer identifying existing hazards and recommended corrective 67817
actions are submitted to the state fire marshal, the division of 67818
~~industrial compliance~~ labor in the department of commerce, and the 67819
department of health. 67820

It is the express intent of the general assembly that the 67821
department of job and family services shall terminate payments 67822
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 67823
42 U.S.C. 301, as amended, to those homes which do not comply with 67824
the requirements of this section for the submission of a written 67825
fire safety plan and the deadline for entering into contracts for 67826
the installation of systems. 67827

Sec. 3721.23. (A) The director of health shall receive, 67828
review, and investigate allegations of abuse or neglect of a 67829
resident or misappropriation of the property of a resident by any 67830
individual used by a long-term care facility or residential care 67831
facility to provide services to residents. 67832

(B) The director shall make findings regarding alleged abuse, 67833
neglect, or misappropriation of property after doing both of the 67834
following: 67835

(1) Investigating the allegation and determining that there 67836
is a reasonable basis for ~~it~~ the allegation; 67837

(2) Giving notice to the individual named in the allegation 67838
and affording the individual a reasonable opportunity for a 67839
hearing. 67840

Notice to the person named in an allegation shall be given 67841

and the hearing shall be conducted pursuant to rules adopted by 67842
the director under section 3721.26 of the Revised Code. ~~For~~ 67843

For purposes of conducting a hearing or investigation under 67844
this section, the director may issue subpoenas compelling 67845
attendance of witnesses or production of documents or other 67846
evidence. The subpoenas ~~shall~~ may be served in the same manner as 67847
subpoenas and subpoenas duces tecum issued for a trial of a civil 67848
action in a court of common pleas or they may be served by a 67849
representative of the director. If a person who is served a 67850
subpoena fails to attend a hearing or to produce documents or 67851
other evidence for purposes of a hearing or investigation, or 67852
refuses to be sworn or to answer any questions, the director may 67853
apply to the common pleas court of the county in which the person 67854
resides, or the county in which the long-term care facility or 67855
residential care facility is located, for a contempt order, as in 67856
the case of a failure of a person who is served a subpoena issued 67857
by the court to attend or to produce documents or other evidence 67858
or a refusal of such person to testify. 67859

(C)(1) If the director finds that an individual used by a 67860
long-term care facility or residential care facility has neglected 67861
or abused a resident or misappropriated property of a resident, 67862
the director shall notify the individual, the facility using the 67863
individual, and the attorney general, county prosecutor, or other 67864
appropriate law enforcement official. The director also shall do 67865
the following: 67866

(a) If the individual is used by a long-term care facility as 67867
a nurse aide, the director shall, in accordance with section 67868
3721.32 of the Revised Code, include in the nurse aide registry 67869
established under that section a statement detailing the findings 67870
pertaining to the individual. 67871

(b) If the individual is a licensed health professional used 67872
by a long-term care facility or residential care facility to 67873

provide services to residents, the director shall notify the 67874
appropriate professional licensing authority established under 67875
Title XLVII of the Revised Code. 67876

(c) If the individual is used by a long-term care facility 67877
and is neither a nurse aide nor a licensed health professional, or 67878
is used by a residential care facility and is not a licensed 67879
health professional, the director shall, in accordance with 67880
section 3721.32 of the Revised Code, include in the nurse aide 67881
registry a statement detailing the findings pertaining to the 67882
individual. 67883

(2) A nurse aide or other individual about whom a statement 67884
is required by this division to be included in the nurse aide 67885
registry may provide the director with a statement disputing the 67886
director's findings and explaining the circumstances of the 67887
allegation. The statement shall be included in the nurse aide 67888
registry with the director's findings. 67889

(D)(1) If the director finds that alleged neglect or abuse of 67890
a resident or misappropriation of property of a resident cannot be 67891
substantiated, the director shall notify the individual and 67892
expunge all files and records of the investigation and the hearing 67893
by doing all of the following: 67894

(a) Removing and destroying the files and records, originals 67895
and copies, and deleting all index references; 67896

(b) Reporting to the individual the nature and extent of any 67897
information about the individual transmitted to any other person 67898
or government entity by the director of health; 67899

(c) Otherwise ensuring that any examination of files and 67900
records in question show no record whatever with respect to the 67901
individual. 67902

(2)(a) If, in accordance with division (C)(1)(a) or (c) of 67903
this section, the director includes in the nurse aide registry a 67904

statement of a finding of neglect, the individual found to have neglected a resident may, not earlier than one year after the date of the finding, petition the director to rescind the finding and remove the statement and any accompanying information from the nurse aide registry. The director shall consider the petition. If, in the judgment of the director, the neglect was a singular occurrence and the employment and personal history of the individual does not evidence abuse or any other incident of neglect of residents, the director shall notify the individual and remove the statement and any accompanying information from the nurse aide registry. The director shall expunge all files and records of the investigation and the hearing, except the petition for rescission of the finding of neglect and the director's notice that the rescission has been approved.

(b) A petition for rescission of a finding of neglect and the director's notice that the rescission has been approved are not public records for the purposes of section 149.43 of the Revised Code.

(3) When files and records have been expunged under division (D)(1) or (2) of this section, all rights and privileges are restored, and the individual, the director, and any other person or government entity may properly reply to an inquiry that no such record exists as to the matter expunged.

Sec. 3721.50. As used in sections 3721.50 to 3721.58 of the Revised Code:

(A) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(B) "Inpatient days" means all days during which a resident of a nursing facility, regardless of payment source, occupies a bed in the nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave

days for which payment is made under section 5111.26 of the Revised Code are considered inpatient days proportionate to the percentage of the facility's per resident per day rate paid for those days.

(C) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(D) "Medicaid day" means all days during which a resident who is a medicaid recipient occupies a bed in a nursing facility that is included in the facility's certified capacity under Title XIX. Therapeutic or hospital leave days for which payment is made under section 5111.26 of the Revised Code are considered medicaid days proportionate to the percentage of the nursing facility's per resident per day rate for those days.

(E) "Medicare" means the program established by Title XVIII.

(F) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

~~(F)~~(G)(1) "Nursing home" means all of the following:

(a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home;

(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;

(c) A nursing facility, other than a portion of a hospital certified as a nursing facility.

(2) "Nursing home" does not include any of the following:

(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;

(b) A nursing home maintained and operated by the Ohio veterans' home agency under section 5907.01 of the Revised Code;

(c) A nursing home or part of a nursing home licensed under section 3721.02 or 3721.09 of the Revised Code that is certified as an intermediate care facility for the mentally retarded under Title XIX. 67965
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~~(G)~~(H) "Title XIX" means Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 67969
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~~(H)~~(I) "Title XVIII" means Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 67971
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Sec. 3721.51. The department of job and family services shall do all of the following: 67973
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(A) Subject to sections 3721.512 and 3721.513 of the Revised Code and division (C) of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to ~~six~~ eleven dollars and ~~twenty five cents~~, multiplied by the product of the following: 67975
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(1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code; 67981
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(2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section 3721.53 of the Revised Code. 67986
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(B) Subject to sections 3721.512 and 3721.513 of the Revised Code and division (C) of this section and for the purposes specified in sections 3721.56 and 3721.561 of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to ~~six~~ eleven dollars and ~~twenty five cents~~, 67990
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multiplied by the product of the following: 67995

(1) The number of beds registered pursuant to section 3701.07 67996
of the Revised Code as skilled nursing facility beds or long-term 67997
care beds, plus any other beds licensed as nursing home beds under 67998
section 3721.02 or 3721.09 of the Revised Code, on the first day 67999
of May of the calendar year in which the fee is determined 68000
pursuant to division (A) of section 3721.53 of the Revised Code; 68001

(2) The number of days in the fiscal year beginning on the 68002
first day of July of the calendar year in which the fee is 68003
determined pursuant to division (A) of section 3721.53 of the 68004
Revised Code. 68005

(C) If the United States centers for medicare and medicaid 68006
services determines that the franchise permit fee established by 68007
sections 3721.50 to 3721.58 of the Revised Code is an 68008
impermissible health care related tax under section 1903(w) of the 68009
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 68010
amended, take all necessary actions to cease implementation of 68011
sections 3721.50 to 3721.58 of the Revised Code in accordance with 68012
rules adopted under section 3721.58 of the Revised Code. 68013

Sec. 3721.511. (A) Not later than one month after the 68014
effective date of this section, the department of job and family 68015
services shall apply to the United States secretary of health and 68016
human services for a waiver under 42 U.S.C. 1396b(w)(3)(E) as 68017
necessary to do both of the following regarding the franchise 68018
permit fee imposed by section 3721.51 of the Revised Code: 68019

(1) Reduce the franchise permit fee to zero dollars for each 68020
nursing home licensed under section 3721.02 or 3721.09 of the 68021
Revised Code that meets all of the following requirements: 68022

(a) It is exempt from state taxation under section 140.08 of 68023
the Revised Code or is exempt from state taxation as a home for 68024

the aged as defined in section 5701.13 of the Revised Code. 68025

(b) It is exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986. 68026
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(c) It does not participate in medicaid or medicare. 68028

(d) It provides services for the life of each resident without regard to the resident's ability to secure payment for the services. 68029
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(2) For each nursing facility with more than two hundred beds certified as nursing facility beds under Title XIX, reduce the franchise permit fee for a number of the nursing facility's beds specified by the department to the amount necessary to obtain approval of the waiver sought under this section. 68032
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(B) The effective date of the waiver sought under this section shall be the first day of the calendar quarter beginning after the United States secretary approves the waiver. 68037
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Sec. 3721.512. If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services shall, for each nursing home and hospital that qualifies for a reduction of its franchise permit fee under the waiver, reduce the franchise permit fee in accordance with the terms of the waiver. For purposes of the first fiscal year during which the waiver takes effect, the department shall determine the amount of the reduction not later than the effective date of the waiver and shall mail to each nursing home and hospital qualifying for the reduction notice of the reduction not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. For purposes of subsequent fiscal years, the department shall make such determinations and mail such notices in accordance with section 68040
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3721.53 of the Revised Code. 68055

Sec. 3721.513. (A) If the United States secretary of health and human services approves the waiver sought under section 3721.511 of the Revised Code, the department of job and family services may do both of the following regarding the franchise permit fee imposed by section 3721.51 of the Revised Code: 68056
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(1) Determine how much money the franchise permit fee would have raised in a fiscal year if not for the waiver; 68061
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(2) For each nursing home and hospital subject to the franchise permit fee, other than a nursing home or hospital that has its franchise permit fee reduced under section 3721.512 of the Revised Code, uniformly increase the amount of the franchise permit fee for a fiscal year to an amount that will have the franchise permit fee raise an amount of money that does not exceed the amount determined under division (A)(1) of this section for that fiscal year. 68063
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(B) If the department increases the franchise permit fee in accordance with division (A) of this section for the first fiscal year during which the waiver takes effect, the department shall determine the amount of the increase not later than the effective date of the waiver and shall mail to each nursing home and hospital subject to the increase notice of the increase not later than the last day of the first month of the calendar quarter that begins after the United States secretary approves the waiver. If the department increases the franchise permit fee in accordance with division (A) of this section for a subsequent fiscal year, the department shall make such determinations and mail such notices in accordance with section 3721.53 of the Revised Code. 68071
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Sec. 3721.53. (A) Not later than the fifteenth day of August of each year, the department of job and family services shall 68083
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determine the annual franchise permit fee for each nursing home 68085
and hospital in accordance with ~~division (A) of~~ section 3721.51 of 68086
the Revised Code and ~~the annual franchise permit fee for each~~ 68087
hospital any adjustments made in accordance with ~~division (B) of~~ 68088
~~that section~~ sections 3721.512 and 3721.513 of the Revised Code. 68089

(B) Not later than the first day of September of each year, 68090
the department shall mail to each nursing home and hospital notice 68091
of the amount of the franchise permit fee that has been determined 68092
for the nursing home or hospital. 68093

(C) Each nursing home and hospital shall pay its fee under 68094
section 3721.51 of the Revised Code, as adjusted in accordance 68095
with sections 3721.512 and 3721.513 of the Revised Code, to the 68096
department in quarterly installment payments not later than 68097
forty-five days after the last day of each September, December, 68098
March, and June. 68099

(D) No nursing home or hospital shall directly bill its 68100
residents for the fee paid under this section, or otherwise 68101
directly pass the fee through to its residents. 68102

Sec. 3721.55. (A) A nursing home or hospital may appeal the 68103
fee imposed under section 3721.51 of the Revised Code, as adjusted 68104
under section 3721.512 or 3721.513 of the Revised Code, solely on 68105
the grounds that the department of job and family services 68106
committed a material error in determining the amount of the fee. A 68107
request for an appeal must be received by the department not later 68108
than fifteen days after the date the department mails the notice 68109
of the fee and must include written materials setting forth the 68110
basis for the appeal. 68111

(B) If a nursing home or hospital submits a request for an 68112
appeal within the time required under division (A) of this 68113
section, the department of job and family services shall hold a 68114
public hearing in Columbus not later than thirty days after the 68115

date the department receives the request for an appeal. The 68116
department shall, not later than ten days before the date of the 68117
hearing, mail a notice of the date, time, and place of the hearing 68118
to the nursing home or hospital. The department may hear all the 68119
requested appeals in one public hearing. 68120

(C) On the basis of the evidence presented at the hearing or 68121
any other evidence submitted by the nursing home or hospital, the 68122
department may adjust a fee. The department's decision is final. 68123

Sec. 3721.56. There is hereby created in the state treasury 68124
the home- and community-based services for the aged fund. ~~Sixteen~~ 68125
Nine and nine hundredths per cent of all payments and penalties 68126
paid by nursing homes and hospitals under sections 3721.53 and 68127
3721.54 of the Revised Code shall be deposited into the fund. The 68128
departments of job and family services and aging shall use the 68129
moneys in the fund to fund the following in accordance with rules 68130
adopted under section 3721.58 of the Revised Code: 68131

(A) The medicaid program established under Chapter 5111. of 68132
the Revised Code, including the PASSPORT program established under 68133
section 173.40 of the Revised Code; 68134

(B) The residential state supplement program established 68135
under section 173.35 of the Revised Code. 68136

Sec. 3722.01. (A) As used in this chapter: 68137

(1) "Owner" means the person who owns the business of and who 68138
ultimately controls the operation of an adult care facility and to 68139
whom the manager, if different from the owner, is responsible. 68140

(2) "Manager" means the person responsible for the daily 68141
operation of an adult care facility. The manager and the owner of 68142
a facility may be the same person. 68143

(3) "Adult" means an individual eighteen years of age or 68144

older. 68145

(4) "Unrelated" means that an adult resident is not related 68146
to the owner or manager of an adult care facility or to the 68147
owner's or manager's spouse as a parent, grandparent, child, 68148
stepchild, grandchild, brother, sister, niece, nephew, aunt, or 68149
uncle, or as the child of an aunt or uncle. 68150

(5) "Skilled nursing care" means skilled nursing care as 68151
defined in section 3721.01 of the Revised Code. 68152

(6)(a) "Personal care services" means services including, but 68153
not limited to, the following: 68154

(i) ~~Assisting residents~~ Assistance with activities of daily 68155
living; 68156

(ii) ~~Assisting residents~~ Assistance with self-administration 68157
of medication, in accordance with rules adopted by the public 68158
health council pursuant to this chapter; 68159

(iii) ~~Preparing~~ Preparation of special diets, other than 68160
complex therapeutic diets, for residents pursuant to the 68161
instructions of a physician or a licensed dietitian, in accordance 68162
with rules adopted by the public health council pursuant to this 68163
chapter. 68164

(b) "Personal care services" does not include "skilled 68165
nursing care" as defined in section 3721.01 of the Revised Code. A 68166
facility need not provide more than one of the services listed in 68167
division (A)(6)(a) of this section for the facility to be 68168
considered to be providing personal care services. 68169

(7) "Adult family home" means a residence or facility that 68170
provides accommodations and supervision to three to five unrelated 68171
adults ~~and supervision and personal care services to,~~ at least 68172
three of ~~those adults~~ whom require personal care services. 68173

(8) "Adult group home" means a residence or facility that 68174

provides accommodations and supervision to six to sixteen 68175
unrelated adults ~~and provides supervision and personal care~~ 68176
~~services to,~~ at least three of ~~the unrelated adults~~ whom require 68177
personal care services. 68178

(9) "Adult care facility" means an adult family home or an 68179
adult group home. For the purposes of this chapter, any residence, 68180
facility, institution, hotel, congregate housing project, or 68181
similar facility that provides accommodations and supervision to 68182
three to sixteen unrelated adults, at least three of whom ~~are~~ 68183
~~provided~~ require personal care services, is an adult care facility 68184
regardless of how the facility holds itself out to the public. 68185
"Adult care facility" does not include: 68186

(a) A facility operated by a hospice care program licensed 68187
under section 3712.04 of the Revised Code that is used exclusively 68188
for care of hospice patients; 68189

(b) A nursing home, residential care facility, or home for 68190
the aging as defined in section 3721.01 of the Revised Code; 68191

(c) ~~A community alternative home as defined in section~~ 68192
~~3724.01 of the Revised Code;~~ 68193

~~(d)~~ An alcohol and drug addiction program as defined in 68194
section 3793.01 of the Revised Code; 68195

~~(e)~~(d) A residential facility for the mentally ill licensed 68196
by the department of mental health under section 5119.22 of the 68197
Revised Code; 68198

~~(f)~~(e) A facility licensed to provide methadone treatment 68199
under section 3793.11 of the Revised Code; 68200

~~(g)~~(f) A residential facility licensed under section 5123.19 68201
of the Revised Code or otherwise regulated by the department of 68202
mental retardation and developmental disabilities; 68203

~~(h)~~(g) Any residence, institution, hotel, congregate housing 68204

project, or similar facility that provides personal care services 68205
to fewer than three residents or that provides, for any number of 68206
residents, only housing, housekeeping, laundry, meal preparation, 68207
social or recreational activities, maintenance, security, 68208
transportation, and similar services that are not personal care 68209
services or skilled nursing care; 68210

~~(i)~~(h) Any facility that receives funding for operating costs 68211
from the department of development under any program established 68212
to provide emergency shelter housing or transitional housing for 68213
the homeless; 68214

~~(j)~~(i) A terminal care facility for the homeless that has 68215
entered into an agreement with a hospice care program under 68216
section 3712.07 of the Revised Code; 68217

~~(k)~~(j) A facility approved by the veterans administration 68218
under section 104(a) of the "Veterans Health Care Amendments of 68219
1983," 97 Stat. 993, 38 U.S.C.A. 630, as amended, and used 68220
exclusively for the placement and care of veterans; 68221

~~(l) Until January 1, 1994, the portion of a facility in which 68222
care is provided exclusively to members of a religious order if 68223
the facility is owned by or part of a nonprofit institution of 68224
higher education authorized to award degrees by the Ohio board of 68225
regents under Chapter 1713. of the Revised Code. 68226~~

(10) "Residents' rights advocate" means: 68227

(a) An employee or representative of any state or local 68228
government entity that has a responsibility for residents of adult 68229
care facilities and has registered with the department of health 68230
under section 3701.07 of the Revised Code; 68231

(b) An employee or representative, other than a manager or 68232
employee of an adult care facility or nursing home, of any private 68233
nonprofit corporation or association that qualifies for tax-exempt 68234
status under section 501(a) of the "Internal Revenue Code of 68235

1986," 100 Stat. 2085, 26 U.S.C.A. 501(a), as amended, that has registered with the department of health under section 3701.07 of the Revised Code, and whose purposes include educating and counseling residents, assisting residents in resolving problems and complaints concerning their care and treatment, and assisting them in securing adequate services.

(11) "Sponsor" means an adult relative, friend, or guardian of a resident of an adult care facility who has an interest in or responsibility for the resident's welfare.

(12) "Ombudsperson" means a "representative of the office of the state long-term care ombudsperson program" as defined in section 173.14 of the Revised Code.

(13) "Mental health agency" means a community mental health agency, as defined in section 5119.22 of the Revised Code, under contract with ~~a~~ an ADAMHS board of alcohol, drug addiction, and mental health services pursuant to division (A)(8)(a) of section 340.03 of the Revised Code.

(14) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services;

(15) "Mental health resident program participation agreement" means a written agreement between an adult care facility and the ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located, under which the facility is authorized to admit residents who are receiving or are eligible for publicly funded mental health services.

(16) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program created under section 173.40 of the Revised Code.

(B) For purposes of this chapter, personal care services or

skilled nursing care shall be considered to be provided by a 68267
facility if they are provided by a person employed by or 68268
associated with the facility or by another person pursuant to an 68269
agreement to which neither the resident who receives the services 68270
nor the resident's sponsor is a party. 68271

(C) Nothing in division (A)(6) of this section shall be 68272
construed to permit personal care services to be imposed upon a 68273
resident who is capable of performing the activity in question 68274
without assistance. 68275

Sec. 3722.011. (A) All medication taken by residents of an 68276
adult care facility shall be self-administered, except that 68277
medication may be administered to a resident ~~by a home health~~ 68278
~~agency, hospice care program, nursing home staff, mental health~~ 68279
~~agency, or board of alcohol, drug addiction, and mental health~~ 68280
~~services under~~ as part of the skilled nursing care provided in 68281
accordance with division (B) of section 3722.16 of the Revised 68282
Code. ~~Members of the staff of an adult care facility shall not~~ 68283
~~administer medication to residents.~~ No person shall be admitted to 68284
or retained by an adult care facility unless the person is capable 68285
of ~~taking~~ self-administering the person's ~~own~~ medication ~~and~~ 68286
~~biologicals~~, as determined in writing by ~~the person's personal a~~ 68287
physician, except that a person may be admitted to or retained by 68288
such a facility if the person's medication is administered ~~by a~~ 68289
~~home health agency, hospice care program, nursing home staff,~~ 68290
~~mental health agency, or board of alcohol, drug addiction, and~~ 68291
~~mental health services under~~ as part of the skilled nursing care 68292
provided in accordance with division (B) of section 3722.16 of the 68293
Revised Code. ~~Members~~ 68294

(B) Members of the staff of an adult care facility shall not 68295
administer medication to residents but may do any of the 68296
following: 68297

(A) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 68298
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(B) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted by the public health council pursuant to this chapter, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident. 68300
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(C) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident. 68306
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Sec. 3722.02. A person seeking a license to operate an adult care facility shall submit to the director of health an application on a form prescribed by the director and the following: 68314
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(A) In the case of an adult group home seeking licensure as an adult care facility, evidence that the home has been inspected and approved by a local certified building department or by the division of ~~industrial-compliance~~ labor in the department of commerce as meeting the applicable requirements of sections 3781.06 to 3781.18 and 3791.04 of the Revised Code and any rules adopted under those sections and evidence that the home has been inspected by the state fire marshal or fire prevention officer of a municipal, township, or other legally constituted fire department approved by the state fire marshal and found to be in compliance with rules adopted under section 3737.83 of the Revised 68318
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Code regarding fire prevention and safety in adult group homes;	68329
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(B) Valid approvals of the facility's water and sewage systems issued by the responsible governmental entity, if applicable;	68331
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(C) A statement of ownership containing the following information:	68334
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(1) If the owner is an individual, the owner's name, address, telephone number, business address, business telephone number, and occupation. If the owner is an association, corporation, or partnership, the business activity, address, and telephone number of the entity and the name of every person who has an ownership interest of five per cent or more in the entity.	68336
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(2) If the owner does not own the building or if the owner owns only part of the building in which the facility is housed, the name of each person who has an ownership interest of five per cent or more in the building;	68342
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	68345
(3) The address of any adult care facility and any facility described in divisions (A)(9)(a) to (h) (j) of section 3722.01 of the Revised Code in which the owner has an ownership interest of five per cent or more;	68346
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(4) The identity of the manager of the adult care facility, if different from the owner;	68350
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(5) The name and address of any adult care facility and any facility described in divisions (A)(9)(a) to (h) (j) of section 3722.01 of the Revised Code with which either the owner or manager has been affiliated through ownership or employment in the five years prior to the date of the application;	68352
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(6) The names and addresses of three persons not employed by or associated in business with the owner who will provide	68357
	68358

information about the character, reputation, and competence of the owner and the manager and the financial responsibility of the owner;

(7) Information about any arrest of the owner or manager for, or adjudication or conviction of, a criminal offense related to the provision of care in an adult care facility or any facility described in divisions (A)(9)(a) to ~~(h)~~(j) of section 3722.01 of the Revised Code or the ability to operate a facility;

(8) Any other information the director may require regarding the owner's ability to operate the facility.

(D) If the facility is an adult group home, a balance sheet showing the assets and liabilities of the owner and a statement projecting revenues and expenses for the first twelve months of the facility's operation;

~~(E) Proof of insurance in an amount and type determined in rules adopted by the public health council pursuant to this chapter to be adequate;~~ A statement containing the following information regarding admissions to the facility:

(1) The intended bed capacity of the facility;

(2) If the facility will admit persons referred by or receiving services from an ADAMHS board or a mental health agency, the total number of beds anticipated to be occupied as a result of those admissions.

If an inspection is conducted to investigate an alleged violation of the requirements of this chapter in a facility with residents referred by or receiving services from a mental health agency or ADAMHS board or a facility with residents receiving assistance under the residential state supplement program administered by the department of aging pursuant to section 173.35 of the Revised Code, the director shall coordinate the inspection with the appropriate mental health agency, ADAMHS board, or

PASSPORT administrative agency. As the director considers 68390
appropriate, the director shall conduct the inspection jointly 68391
with the mental health agency, ADAMHS board, or PASSPORT 68392
administrative agency. 68393

(F) A nonrefundable license application fee in an amount 68394
established in rules adopted by the public health council pursuant 68395
to this chapter. 68396

Sec. 3722.021. In determining the number of residents in a 68397
facility for the purpose of licensure under this chapter, the 68398
director of health shall consider all the individuals for whom the 68399
facility provides accommodations as one group unless either of the 68400
following is the case: 68401

(A) ~~The~~ In addition to being an adult care facility, the 68402
facility is ~~both~~ a nursing home licensed under Chapter 3721. of 68403
the Revised Code ~~and an adult care facility, a residential~~ 68404
facility licensed under that chapter, or both. In that case, all 68405
the individuals in the part or unit licensed as a nursing home, 68406
residential care facility, or both, shall be considered as one 68407
group and all the individuals in the part or unit licensed as an 68408
adult care facility shall be considered as another group. 68409

(B) The facility maintains, in addition to an adult care 68410
facility, a separate and discrete part or unit that provides 68411
accommodations to individuals who do not receive supervision or 68412
personal care services from the adult care facility, in which case 68413
the individuals in the separate and discrete part or unit shall 68414
not be considered in determining the number of residents in the 68415
adult care facility if the separate and discrete part or unit is 68416
in compliance with the Ohio basic building code established by the 68417
board of building standards under Chapters 3781. and 3791. of the 68418
Revised Code and the adult care facility, to the extent of its 68419
authority, permits the director, on request, to inspect the 68420

separate and discrete part or unit and speak with the individuals 68421
residing there, if they consent, to determine whether the separate 68422
and discrete part or unit meets the requirements of this division. 68423

Sec. 3722.022. A person may not apply for a license to 68424
operate an adult care facility if the person is or has been the 68425
owner or manager of an adult care facility for which a license to 68426
operate was revoked or for which renewal of a license was refused 68427
for any reason other than nonpayment of the license renewal fee, 68428
unless both of the following conditions are met: 68429

(A) A period of not less than two years has elapsed since the 68430
date the director of health issued the order revoking or refusing 68431
to renew the facility's license. 68432

(B) The director's revocation or refusal to renew the license 68433
was not based on an act or omission at the facility that violated 68434
a resident's right to be free from abuse, neglect, or 68435
exploitation. 68436

Sec. 3722.04. (A)~~(1)~~ The director of health shall inspect, 68437
license, and regulate adult care facilities. Except as otherwise 68438
provided in division (D) of this section, the director shall issue 68439
a license to an adult care facility that meets the requirements of 68440
section 3722.02 of the Revised Code and that the director 68441
determines to be in substantial compliance with the rules adopted 68442
by the public health council pursuant to this chapter. The 68443
director shall consider the past record of the owner and manager 68444
and any individuals who are principal participants in an entity 68445
that is the owner or manager in operating facilities providing 68446
care to adults. The director may, in accordance with Chapter 119. 68447
of the Revised Code, deny a license if the past record indicates 68448
that the owner or manager is not suitable to own or manage an 68449
adult care facility. 68450

The license shall contain the name and address of the facility for which it was issued, the date of expiration of the license, and the maximum number of residents that may be accommodated by the facility. A license for an adult care facility shall be valid for a period of two years after the date of issuance. No single facility may be licensed to operate as more than one adult care facility.

~~(2) Notwithstanding division (A)(1) of this section and sections 3722.02 and 3722.041 of the Revised Code, the director may issue a temporary license if the requirements of divisions (C), (D), and (F) of section 3722.02 of the Revised Code have been met. A temporary license shall be valid for a period of ninety days and, except as otherwise provided in division (A)(3) of section 3722.05 of the Revised Code, may be renewed, without payment of an additional application fee, for an additional ninety days.~~

(B) The director shall renew a license for a two-year period if the facility continues to be in compliance with the requirements of this chapter and in substantial compliance with the rules adopted under this chapter. The owner shall submit a nonrefundable license renewal application fee in an amount established in rules adopted by the public health council pursuant to this chapter. Before the license of an adult group home is renewed, if any alterations have been made to the buildings, a certificate of occupancy for the facility shall have been issued by the division of ~~industrial compliance~~ labor in the department of commerce or a local certified building department. The facility shall have water and sewage system approvals, if required by law, and, in the case of an adult group home, documentation of continued compliance with the rules adopted by the state fire marshal under division (F) of section 3737.83 of the Revised Code.

(C) ~~The~~ (1) During each licensure period, the director shall

make at least one unannounced inspection of an adult care facility 68483
~~during each licensure period~~ in addition to inspecting the 68484
facility to determine whether a license should be issued or 68485
renewed, and may make additional unannounced inspections as the 68486
director considers necessary. Other inspections may be made at any 68487
time that the director considers appropriate. ~~The~~ 68488

The director shall take all reasonable actions to avoid 68489
giving notice of an inspection by the manner in which the 68490
inspection is scheduled or performed. ~~Not~~ 68491

Not later than sixty days after the date of an inspection of 68492
a facility, the director shall send a report of the inspection to 68493
the ombudsperson in whose region the facility is located. ~~The~~ 68494

(2) The state fire marshal or fire prevention officer of a 68495
municipal, township, or other legally constituted fire department 68496
approved by the state fire marshal shall inspect an adult group 68497
home seeking a license or renewal under this chapter as an adult 68498
care facility prior to issuance of a license or renewal, at least 68499
once annually thereafter, and at any other time at the request of 68500
the director, to determine compliance with the rules adopted under 68501
division (F) of section 3737.83 of the Revised Code. 68502

(D) The director may waive any of the licensing requirements 68503
~~having to do with fire and safety requirements or building~~ 68504
~~standards~~ established by rule adopted by the public health council 68505
pursuant to this chapter upon written request of the facility. The 68506
director may grant a waiver if the director determines that the 68507
strict application of the licensing requirement would cause undue 68508
hardship to the facility and that granting the waiver would not 68509
jeopardize the health or safety of any resident. The director may 68510
provide a facility with an informal hearing concerning the denial 68511
of a waiver request, but the facility shall not be entitled to a 68512
hearing under Chapter 119. of the Revised Code unless the director 68513
takes an action that requires a hearing to be held under section 68514

3722.05 of the Revised Code. 68515

(E)(1) Not later than thirty days after each of the 68516
following, the owner of an adult care facility shall submit an 68517
inspection fee of twenty dollars for each bed for which the 68518
facility is licensed: 68519

(a) Issuance or renewal of a license, ~~other than a temporary~~ 68520
~~license;~~ 68521

(b) The unannounced inspection required by division (C)(1) of 68522
this section that is in addition to the inspection conducted to 68523
determine whether a license should be issued or renewed; 68524

(c) If, during an inspection conducted in addition to the two 68525
inspections required by division (C)(1) of this section, the 68526
facility was found to be in violation of this chapter or the rules 68527
adopted under it, receipt by the facility of the report of that 68528
investigation. 68529

(2) The director may revoke the license of any adult care 68530
facility that fails to submit the fee within the thirty-day 68531
period. 68532

(3) All inspection fees received by the director, all civil 68533
penalties assessed under section 3722.08 of the Revised Code, all 68534
fines imposed under section 3722.99 of the Revised Code, and all 68535
license application and renewal application fees received under 68536
division (F) of section 3722.02 of the Revised Code or under 68537
division (B) of this section shall be deposited into the general 68538
operations fund created in section 3701.83 of the Revised Code and 68539
shall be used only to pay the costs of administering and enforcing 68540
the requirements of this chapter and rules adopted under it. 68541

(F)(1) An owner shall inform the director in writing of any 68542
changes in the information contained in the statement of ownership 68543
made pursuant to division (C) of section 3722.02 of the Revised 68544
Code or in the identity of the manager, not later than ten days 68545

after the change occurs. 68546

(2) An owner who sells or transfers an adult care facility 68547
shall be responsible and liable for the following: 68548

(a) Any civil penalties imposed against the facility under 68549
section 3722.08 of the Revised Code for violations that occur 68550
before the date of transfer of ownership or during any period in 68551
which the seller or the seller's agent operates the facility; 68552

(b) Any outstanding liability to the state, unless the buyer 68553
or transferee has agreed, as a condition of the sale or transfer, 68554
to accept the outstanding liabilities and to guarantee their 68555
payment, except that if the buyer or transferee fails to meet 68556
these obligations the seller or transferor shall remain 68557
responsible for the outstanding liability. 68558

(G) The director shall annually publish a list of licensed 68559
adult care facilities, facilities ~~whose~~ for which licenses have 68560
been revoked ~~or not renewed~~, facilities for which license renewal
has been refused, any facilities under an order suspending 68562
admissions pursuant to section 3722.07 of the Revised Code, and 68563
any facilities that have been assessed a civil penalty pursuant to 68564
section 3722.08 of the Revised Code. The director shall furnish 68565
information concerning the status of licensure of any facility to 68566
any person upon request. The director shall annually send a copy 68567
of the list to the department of job and family services, to the 68568
department of mental health, and to the department of aging. 68569

Sec. 3722.041. (A) Sections 3781.06 to 3781.18 and 3791.04 of 68570
the Revised Code do not apply to an adult family home for which 68571
application is made to the director of health for licensure as an 68572
adult care facility under this chapter. Adult family homes shall 68573
not be required to submit evidence to the director of health that 68574
the home has been inspected by a local certified building 68575
department or the division of ~~industrial compliance~~ labor in the 68576

department of commerce or by the state fire marshal or a fire 68577
prevention officer under section 3722.02 of the Revised Code, but 68578
shall be inspected by the director of health to determine 68579
compliance with this section. An inspection made under this 68580
section may be made at the same time as an inspection made under 68581
section 3722.04 of the Revised Code. 68582

(B) The director shall not license or renew the license of an 68583
adult family home unless it meets the fire protection standards 68584
established by rules adopted by the public health council pursuant 68585
to this chapter. 68586

Sec. 3722.05. ~~(A)(1)~~ If an adult care facility fails to 68587
comply with any requirement of this chapter or with any rule 68588
adopted pursuant to this chapter, the director of health may do 68589
any one or all of the following: 68590

~~(a)~~(A) In accordance with Chapter 119. of the Revised Code, 68591
deny, revoke, or refuse to renew the license of the facility; 68592

~~(b)~~(B) Give the facility an opportunity to correct the 68593
violation, in accordance with section 3722.06 of the Revised Code; 68594

~~(c)~~(C) Issue an order suspending the admission of residents 68595
to the facility, in accordance with section 3722.07 of the Revised 68596
Code; 68597

~~(d)~~(D) Impose a civil penalty in accordance with section 68598
3722.08 of the Revised Code; 68599

~~(e)~~(E) Petition the court of common pleas for injunctive 68600
relief in accordance with section 3722.09 of the Revised Code. 68601

~~(2) The director may refuse to renew the temporary license of 68602
any adult care facility for failure to make reasonable progress 68603
toward compliance with the requirements for licensure under 68604
section 3722.02 of the Revised Code and rules adopted by the 68605
public health council pursuant to this chapter. The director may 68606~~

~~revoke a temporary license upon a finding that the facility
jeopardizes the health or safety of any of its residents.
Proceedings initiated to deny, revoke, or refuse to renew a
temporary license are not subject to Chapter 119. of the Revised
Code.~~

~~(3) The director may renew a temporary license for the
duration of proceedings under Chapter 119. of the Revised Code
regarding the denial of a permanent license if he determines that
the continued operation of the facility will not jeopardize the
health or safety of the residents.~~

Sec. 3722.06. Except as otherwise provided in sections
3722.07 to 3722.09 of the Revised Code and except in cases of
violations that jeopardize the health and safety of any of the
residents, if the director determines that a licensed adult care
facility is in violation of this chapter or of rules adopted
pursuant to this chapter, ~~he~~ the director shall give the facility
an opportunity to correct the violation. The director shall notify
the facility of the violation, ~~prescribe the steps necessary to
correct the condition,~~ and specify a reasonable time for making
the corrections. Notice of the violation ~~and the prescribed
corrections~~ shall be in writing and shall include a citation to
the statute or rule violated. The director shall state the action
that ~~he~~ the director will take if the corrections are not made
within the specified period of time.

The facility shall submit to the director a plan of
correction stating the actions that will be taken to correct the
violation. The director shall conduct an inspection to determine
whether the facility has corrected the violation in accordance
with the plan of correction.

If the director determines that the facility has failed to
correct the violation in accordance with the plan of correction,

the director may impose a penalty under section 3722.08 of the Revised Code. If the director ~~subsequently~~ determines that the license of the facility should be revoked or should not be renewed because the facility has failed to correct the violation within the time specified or because the violation jeopardizes the health or safety of any of the residents, the director shall revoke or refuse to renew the license in accordance with Chapter 119. of the Revised Code.

Sec. 3722.08. (A) If the director of health determines that an adult care facility is in violation of this chapter or rules adopted under it, the director may impose a civil penalty on the owner of the facility, pursuant to rules adopted by the public health council under this chapter, ~~on the owner of the facility~~. The director shall determine the classification and amount of the penalty by considering the following factors:

(1) The gravity of the violation, the severity of the actual or potential harm, and the extent to which the provisions of this chapter or rules adopted under it were violated;

(2) Actions taken by the owner or manager to correct the violation;

(3) The number, if any, of previous violations by the adult care facility.

(B) The director shall give written notice of the order imposing a civil penalty to the adult care facility by certified mail, return receipt requested, or shall provide for delivery of the notice in person. The notice shall specify the classification of the violation as determined by rules adopted by the public health council pursuant to this chapter, the amount of the penalty and the rate of interest, the action that is required to be taken to correct the violation, the time within which it is to be corrected as specified in division (C) of this section, and the

procedures for the facility to follow to request a conference on 68669
the order imposing a civil penalty. If the facility requests a 68670
conference in a letter mailed or delivered not later than two 68671
working days after it has received the notice, the director shall 68672
hold a conference with representatives of the facility concerning 68673
the civil penalty. The conference shall be held not later than 68674
seven days after the director receives the request. The conference 68675
shall be conducted as prescribed in division (C) of section 68676
3722.07 of the Revised Code. If the director issues an order 68677
upholding the civil penalty, the facility may request an 68678
adjudication hearing pursuant to Chapter 119. of the Revised Code, 68679
but the order of the director shall be in effect during 68680
proceedings instituted pursuant to that chapter until a final 68681
adjudication is made. 68682

(C) The director shall order that the condition or practice 68683
constituting a class I violation be abated or eliminated within 68684
twenty-four hours or any longer period that the director considers 68685
reasonable. The notice for a class II or a class III violation 68686
shall specify a time within which the violation is required to be 68687
corrected. 68688

(D) If the facility does not request a conference or if, 68689
after a conference, it fails to take action to correct a violation 68690
in the time prescribed by the director, the director shall issue 68691
an order upholding the penalty, plus interest at the rate 68692
specified in section 1343.03 of the Revised Code for each day 68693
beyond the date set for payment of the penalty. The director may 68694
waive the interest payment for the period prior to the conference 68695
if the director concludes that the conference was necessitated by 68696
a legitimate dispute. 68697

(E) The director may cancel or reduce the penalty for a class 68698
I violation if the facility corrects the violation within the time 68699
specified in the notice ~~unless~~, except that the director shall 68700

impose the penalty even though the facility has corrected the violation if a resident suffers physical harm because of the violation or ~~unless~~ the facility has been cited previously for the same violation, ~~in which case the director shall impose the penalty even though the facility has corrected the violation.~~ The director ~~shall~~ may cancel the penalty for a class II or class III violation if the facility corrects the violation within the time specified in the notice ~~unless~~ and the facility has not been cited previously for the same violation. Each day of a violation of any class, after the date the director sets for abatement or elimination, constitutes a separate and additional violation.

(F) If an adult care facility fails to pay a penalty imposed under this section, the director may commence a civil action to collect the penalty. The license of an adult care facility that has failed to pay a penalty imposed under this section shall not be renewed until the penalty has been paid.

(G) If a penalty is imposed under this section, a fine shall not be imposed under section 3722.99 of the Revised Code for the same violation.

~~(H) Notwithstanding any other division of this section, the director shall not impose a penalty for a class I violation if all of the following apply:~~

~~(1) A resident has not suffered physical harm because of the violation;~~

~~(2) The violation has been corrected and is no longer occurring;~~

~~(3) The violation is discovered by an inspector authorized to inspect an adult care facility pursuant to this chapter by an examination of the records of the facility.~~

Sec. 3722.09. (A) If the director of health determines that

the operation of an adult care facility jeopardizes the health or 68731
safety of any of the residents of the facility or if the director 68732
determines that an adult care facility is operating without a 68733
license, the director may petition the court of common pleas in 68734
the county in which the facility is located for appropriate 68735
injunctive relief against the facility. The If injunctive relief 68736
is granted against a facility for operating without a license and 68737
the facility continues to operate without a license, the director 68738
shall refer the case to the attorney general for further action. 68739

(B) The court petitioned under division (A) of this section 68740
shall grant injunctive relief upon a showing that the operation of 68741
the facility jeopardizes the health or safety of any of the 68742
residents of the facility or that the facility is operating 68743
without a license. When the court grants injunctive relief in the 68744
case of a facility operating without a license, the court shall 68745
issue, at a minimum, an order enjoining the facility from 68746
admitting new residents to the facility and an order requiring the 68747
facility to assist resident rights advocates with the safe and 68748
orderly relocation of the facility's residents. 68749

Sec. 3722.10. (A) The public health council shall have the 68750
exclusive authority to adopt, and the council shall adopt, rules 68751
~~in accordance with Chapter 119. of the Revised Code~~ governing the 68752
licensing and operation of adult care facilities. The rules shall 68753
be adopted in accordance with Chapter 119. of the Revised Code and 68754
shall specify all of the following: 68755

(1) Procedures for the issuance, renewal, and revocation of 68756
licenses ~~and temporary licenses~~, for the granting and denial of 68757
waivers, and for the issuance and termination of orders of 68758
suspension of admission pursuant to section 3722.07 of the Revised 68759
Code; 68760

(2) The qualifications required for owners, managers, and 68761

employees of adult care facilities, including character, training, 68762
education, experience, and financial resources and the number of 68763
staff members required in a facility; 68764

(3) Adequate space, equipment, safety, and sanitation 68765
standards for the premises of adult care facilities, and fire 68766
protection standards for adult family homes as required by section 68767
3722.041 of the Revised Code; 68768

(4) The personal, social, dietary, and recreational services 68769
to be provided to each resident of adult care facilities; 68770

(5) Rights of residents of adult care facilities, in addition 68771
to the rights enumerated under section 3722.12 of the Revised 68772
Code, and procedures to protect and enforce the rights of these 68773
residents; 68774

(6) Provisions for keeping records of residents and for 68775
maintaining the confidentiality of the records as required by 68776
division (B) of section 3722.12 of the Revised Code. The 68777
provisions for maintaining the confidentiality of records shall, 68778
at the minimum, meet the requirements for maintaining the 68779
confidentiality of records under Title XIX of the "Social Security 68780
Act," 49 Stat. 620, 42 U.S.C. 301, as amended, and regulations 68781
promulgated thereunder. 68782

(7) Measures to be taken by adult care facilities relative to 68783
residents' medication, including policies and procedures 68784
concerning medication, storage of medication in a locked area, and 68785
disposal of medication and assistance with self-administration of 68786
medication, if the facility provides assistance; 68787

(8) Requirements for initial and periodic health assessments 68788
of prospective and current adult care facility residents by 68789
physicians or other health professionals to ensure that they do 68790
not require a level of care beyond that which is provided by the 68791
adult care facility, including assessment of their capacity to 68792

self-administer the medications prescribed for them; 68793

(9) Requirements relating to preparation of special diets; 68794

(10) The amount of the fees for new and renewal license 68795
applications made pursuant to sections 3722.02 and 3722.04 of the 68796
Revised Code; 68797

(11) Measures to be taken by any employee of the state or any 68798
political subdivision of the state authorized by this chapter to 68799
enter an adult care facility to inspect the facility or for any 68800
other purpose, to ensure that the employee respects the privacy 68801
and dignity of residents of the facility, cooperates with 68802
residents of the facility and behaves in a congenial manner toward 68803
them, and protects the rights of residents; 68804

(12) How an owner or manager of an adult care facility is to 68805
comply with section 3722.18 of the Revised Code. ~~The~~ At a minimum, 68806
the rules shall ~~do at least both of the following:~~ 68807

~~(a) Establish~~ establish the procedures an owner or manager is 68808
to follow under division (A)~~(2)~~ of section 3722.18 of the Revised 68809
Code regarding referrals to the facility of prospective residents 68810
with mental illness or severe mental disability and effective 68811
arrangements for ongoing mental health services for such 68812
prospective residents. The procedures may provide for any of the 68813
following: 68814

~~(i)(a)~~ (a) That the owner or manager ~~sign written agreements with~~ 68815
~~the mental health agencies and boards of alcohol, drug addiction,~~ 68816
~~and mental health services that refer such prospective residents~~ 68817
~~to the facility. Each agreement shall cover all such prospective~~ 68818
~~residents referred by the agency or board with which the owner or~~ 68819
~~manager enters into the agreement.~~ 68820

~~(ii)~~ and the ADAMHS board serving the alcohol, drug 68821
addiction, and mental health service district in which the 68822
facility is located sign a mental health resident program 68823

participation agreement, as developed by the director of mental health under section 5119.613 of the Revised Code; 68824
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(b) That the owner or manager comply with the requirements of its mental health resident program participation agreement; 68826
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(c) That the owner or manager and the mental health agencies and ADAMHS boards ~~of alcohol, drug addiction, and mental health services~~ that refer such prospective residents to the facility develop and sign a mental health plan for ongoing mental health services for each such prospective resident; 68828
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~~(iii)~~(d) Any other process established by the public health council in consultation with the director of health and director of mental health regarding referrals and effective arrangements for ongoing mental health services for prospective residents with mental illness. 68833
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~~(b) Specify the date an owner or manager must begin to follow the procedures established by division (A)(12)(a) of this section.~~ 68838
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(13) Any other rules necessary for the administration and enforcement of this chapter. 68840
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(B) After consulting with relevant constituencies, the director of mental health shall prepare and submit to the director of health recommendations for the content of rules to be adopted under division (A)(12) of this section. ~~The public health council shall adopt the rules required by division (A)(12) of this section no later than July 1, 2000.~~ 68842
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(C) The director of health shall advise adult care facilities regarding compliance with the requirements of this chapter and with the rules adopted pursuant to this chapter. 68848
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(D) Any duty or responsibility imposed upon the director of health by this chapter may be carried out by an employee of the department of health. 68851
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(E) Employees of the department of health may enter, for the 68854
purposes of investigation, any institution, residence, facility, 68855
or other structure which has been reported to the department as, 68856
or that the department has reasonable cause to believe is, 68857
operating as an adult care facility without a valid license. 68858

Sec. 3722.13. (A) Each adult care facility shall establish a 68859
written residents' rights policy containing the text of sections 68860
3722.12 and 3722.14 of the Revised Code and rules adopted by the 68861
public health council pursuant to this chapter, a discussion of 68862
the rights and responsibilities of residents under that section, 68863
and the text of any additional rule for residents promulgated by 68864
the facility. At the time of admission the manager shall give a 68865
copy of the residents' rights policy to the resident and ~~his~~ the 68866
resident's sponsor, if any, and explain the contents of the policy 68867
to them. The facility shall establish procedures for facilitating 68868
the residents' exercise of their rights. 68869

(B) Each adult care facility shall post prominently within 68870
the facility a copy of the residents' rights listed in division 68871
(B) of section 3722.12 of the Revised Code and any additional 68872
residents' rights established by rules adopted by the public 68873
health council pursuant to this chapter, ~~and~~ the addresses and 68874
telephone numbers of the state long-term care ~~facilities ombudsman~~ 68875
ombudsperson and the regional ~~ombudsman~~ long-term care 68876
ombudsperson program for the area in which the facility is 68877
located, ~~and of the central and district offices of the telephone~~ 68878
number maintained by the department of health for accepting 68879
complaints. 68880

Sec. 3722.14. (A)(1) Except as provided in division (A)(2) of 68881
this section, an adult care facility may transfer or discharge a 68882
resident, in the absence of a request from the resident, only for 68883
the following reasons: 68884

(a) Charges for the resident's accommodations and services	68885
have not been paid within thirty days after the date on which they	68886
became due;	68887
(b) The mental, emotional, or physical condition of the	68888
resident requires a level of care that the facility is unable to	68889
provide;	68890
(c) The health, safety, or welfare of the resident or of	68891
another resident requires a transfer or discharge;	68892
(d) The facility's license has been revoked or renewal has	68893
been denied pursuant to this chapter;	68894
(e) The owner closes the facility;	68895
<u>(f) The resident is relocated as the result of a court's</u>	68896
<u>order issued under section 3722.09 of the Revised Code as part of</u>	68897
<u>the injunctive relief granted against a facility that is operating</u>	68898
<u>without a license;</u>	68899
<u>(g) The resident is receiving publicly funded mental health</u>	68900
<u>services and the facility's mental health resident program</u>	68901
<u>participation agreement is terminated by the facility or ADAMHS</u>	68902
<u>board.</u>	68903
(2) An adult family home may transfer or discharge a resident	68904
if transfer or discharge is required for the health, safety, or	68905
welfare of an individual who resides in the home but is not a	68906
resident for whom supervision or personal services are provided.	68907
(B)(1) The facility shall give a resident thirty days advance	68908
notice, in writing, of a proposed transfer or discharge, except	68909
that if the transfer or discharge is for a reason given in	68910
divisions <u>(A)(1)(b) to (g) or (A)(2) to (5)</u> of this section and an	68911
emergency exists, the notice need not be given thirty days in	68912
advance. The resident may request and the director of health shall	68913
conduct a hearing if the transfer or discharge is based upon	68914

~~division (A)(1), (2), or (3) of this section. The public health council shall adopt rules governing the procedure for conducting such a hearing.~~ The facility shall state in the written notice the reasons for the proposed transfer or discharge. If the resident is entitled to a hearing as specified in division (B)(2) of this section, the written notice shall outline the procedure for the resident to follow in requesting a hearing.

(2) A resident may request a hearing if a proposed transfer or discharge is based on reason given in division (A)(1)(a) to (c) or (A)(2) of this section. If the resident seeks a hearing, ~~he~~ the resident shall submit a request to the director not later than ten days after receiving the written notice. The director shall hold the hearing not later than ten days after receiving the request. A representative of the director shall preside over the hearing and shall issue a written recommendation of action to be taken by the director not later than three days after the hearing. The director shall issue an order regarding the transfer or discharge not later than two days after receipt of the recommendation. The order may prohibit or place conditions on the discharge or transfer. In the case of a transfer, the order may require that the transfer be to an institution or facility specified by the director. The hearing is not subject to section 121.22 of the Revised Code. The public health council shall adopt rules governing any additional procedures necessary for conducting the hearing.

(C)(1) The owner of an adult care facility who is closing the facility shall inform the director of health in writing at least thirty days prior to the proposed date of closing. At the same time, the owner or manager shall inform each resident, ~~his~~ the resident's guardian, ~~his~~ the resident's sponsor, or any organization or agency acting on behalf of the resident, of the closing of the facility and the date of the closing.

(2) Immediately upon receiving notice that a facility is to

be closed, the director shall monitor the transfer of residents to 68947
other facilities and ensure that residents' rights are protected. 68948
The director shall notify the ~~ombudsman~~ ombudsperson in the region 68949
in which the facility is located of the closing. 68950

(3) All charges shall be prorated as of the date on which the 68951
facility closes. If payments have been made in advance, the 68952
payments for services not rendered shall be refunded to the 68953
resident or the resident's guardian not later than seven days 68954
after the closing of the facility. 68955

(4) Immediately upon the closing of a facility, the owner 68956
shall surrender the license to the director, and the license shall 68957
be canceled. 68958

Sec. 3722.15. (A) The following may enter an adult care 68959
facility at any time: 68960

(1) Employees designated by the director of health; 68961

(2) Employees designated by the director of aging; 68962

(3) Employees designated by the attorney general; 68963

(4) Employees designated by a county department of job and 68964
family services to implement sections 5101.60 to 5101.71 of the 68965
Revised Code; 68966

(5) Persons employed pursuant to division (M) of section 68967
173.01 of the Revised Code in the long-term care ~~facilities~~ 68968
ombudsperson program; 68969

(6) Employees of the department of mental health designated 68970
by the director of mental health; 68971

(7) Employees of a mental health agency, ~~if~~ under any of the 68972
following circumstances: 68973

(a) When the agency has a client residing in the facility; 68974

(b) When the agency is acting as an agent of an ADAMHS board 68975

other than the board with which it is under contract; 68976

(c) When there is a mental health resident program 68977
participation agreement between the facility and the ADAMHS board 68978
with which the agency is under contract. 68979

(8) Employees of ~~a~~ an ADAMHS board of alcohol, drug 68980
~~addiction, and mental health services, when~~ under any of the 68981
following circumstances: 68982

(a) When authorized by section 340.05 of the Revised Code ~~or~~ 68983
~~if an individual;~~ 68984

(b) When a resident of the facility is receiving mental 68985
health services provided by ~~the~~ that ADAMHS board or another 68986
ADAMHS board pursuant to division (A)(8)(b) of section 340.03 of 68987
the Revised Code ~~or~~; 68988

(c) When a resident of the facility is receiving services 68989
from a mental health agency under contract with ~~the~~ that ADAMHS 68990
board resides in the facility or another ADAMHS board; 68991

(d) When there is a mental health resident program 68992
participation agreement between the facility and that ADAMHS 68993
board. 68994

~~These~~ The employees specified in divisions (A)(1) to (8) of 68995
this section shall be afforded access to all records of the 68996
facility, including records pertaining to residents, and may copy 68997
the records. Neither these employees nor the director of health 68998
shall release, without consent, any information obtained from the 68999
records of an adult care facility that reasonably would tend to 69000
identify a specific resident of the facility, except as ordered by 69001
a court of competent jurisdiction. 69002

(B) The following persons may enter any adult care facility 69003
during reasonable hours: 69004

(1) A resident's sponsor; 69005

(2) Residents' rights advocates;	69006
(3) A resident's attorney;	69007
(4) A minister, priest, rabbi, or other person ministering to a resident's religious needs;	69008 69009
(5) A physician or other person providing health care services to a resident;	69010 69011
(6) Employees authorized by county departments of job and family services and local boards of health or health departments to enter adult care facilities;	69012 69013 69014
(7) A prospective resident and prospective resident's sponsor.	69015 69016
(C) The manager of an adult care facility may require a person seeking to enter the facility to present identification sufficient to identify the person as an authorized person under this section.	69017 69018 69019 69020
Sec. 3722.16. (A) No person shall:	69021
(1) Operate an adult care facility unless the facility is validly licensed by the director of health under section 3722.04 of the Revised Code;	69022 69023 69024
(2) Admit to an adult care facility more residents than the number authorized in the facility's license;	69025 69026
(3) Admit a resident to an adult care facility after the director has issued an order pursuant to section 3722.07 of the Revised Code suspending admissions to the facility. Violation of division (A)(3) of this section is cause for revocation of the facility's license.	69027 69028 69029 69030 69031
(4) Interfere with any authorized inspection of an adult care facility conducted pursuant to section 3722.02 or 3722.04 of the Revised Code;	69032 69033 69034

(5) Admit to an adult care facility a resident requiring publicly funded mental health services, unless both of the following conditions are met: 69035
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(a) The ADAMHS board serving the alcohol, drug addiction, and mental health service district in which the facility is located is notified; 69038
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(b) The facility and ADAMHS board have entered into a mental health resident program participation agreement by using the standardized form approved by the director of mental health under section 5119.613 of the Revised Code. 69041
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(6) Violate any of the provisions of this chapter or any of the rules adopted pursuant to it. 69045
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(B) No adult care facility shall provide, or admit or retain any resident in need of, skilled nursing care unless all of the following conditions are ~~the case~~ met: 69047
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(1) The care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. 69050
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(2) The care will be provided by one or more of the following: 69053
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(a) A home health agency certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 69055
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(b) A hospice care program licensed under Chapter 3712. of the Revised Code; 69058
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(c) A nursing home licensed under Chapter 3721. of the Revised Code and owned and operated by the same person and located on the same site as the adult care facility; 69060
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(d) A mental health agency or, pursuant to division (A)(8)(b) of section 340.03 of the Revised Code, a an ADAMHS board ~~of~~ 69063
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~~alcohol, drug addiction, and mental health services.~~ 69065

~~(2)(3) Each individual employed by, under contract with, or otherwise used by any of the entities specified in division (B)(2) of this section to perform the skilled nursing care is authorized under the laws of this state to perform the care by being appropriately licensed, as specified in rules adopted under division (G) of this section.~~ 69066
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~~(4) The staff of the home health agency, hospice care program, nursing home, mental health agency, or board of alcohol, drug addiction, and mental health services one or more entities providing the skilled nursing care does not train the adult care facility staff to provide the skilled nursing care;~~ 69072
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~~(3)(5) The individual to whom the skilled nursing care is provided is suffering from a short-term illness;~~ 69077
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~~(4)(6) If the skilled nursing care is to be provided by the nursing staff of a nursing home, all of the following are the case:~~ 69079
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(a) The adult care facility evaluates the individual receiving the skilled nursing care at least once every seven days to determine whether the individual should be transferred to a nursing home; 69082
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(b) The adult care facility meets at all times staffing requirements established by rules adopted under section 3722.10 of the Revised Code; 69086
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(c) The nursing home does not include the cost of providing skilled nursing care to the adult care facility residents in a cost report filed under section 5111.26 of the Revised Code; 69089
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(d) The nursing home meets at all times the nursing home licensure staffing ratios established by rules adopted under section 3721.04 of the Revised Code; 69092
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69094

(e) The nursing home staff providing skilled nursing care to adult care facility residents are registered nurses or licensed practical nurses licensed under Chapter 4723. of the Revised Code and meet the personnel qualifications for nursing home staff established by rules adopted under section 3721.04 of the Revised Code;

(f) The skilled nursing care is provided in accordance with rules established for nursing homes under section 3721.04 of the Revised Code;

(g) The nursing home meets the skilled nursing care needs of the adult care facility residents;

(h) Using the nursing home's nursing staff does not prevent the nursing home or adult care facility from meeting the needs of the nursing home and adult care facility residents in a quality and timely manner.

(7) No adult care facility staff shall provide skilled nursing care.

Notwithstanding section 3721.01 of the Revised Code, an adult care facility in which residents receive skilled nursing care as described in division (B) of this section is not a nursing home.
~~No adult care facility shall provide skilled nursing care.~~

(C) A home health agency or hospice care program that provides skilled nursing care pursuant to division (B) of this section may not be associated with the adult care facility unless the facility is part of a home for the aged as defined in section 5701.13 of the Revised Code or the adult care facility is owned and operated by the same person and located on the same site as a nursing home licensed under Chapter 3721. of the Revised Code that is associated with the home health agency or hospice care program. In addition, the following requirements shall be met:

(1) The adult care facility shall evaluate the individual

receiving the skilled nursing care not less than once every seven 69126
days to determine whether the individual should be transferred to 69127
a nursing home; 69128

(2) If the costs of providing the skilled nursing care are 69129
included in a cost report filed pursuant to section 5111.26 of the 69130
Revised Code by the nursing home that is part of the same home for 69131
the aged, the home health agency or hospice care program shall not 69132
seek reimbursement for the care under the medical assistance 69133
program established under Chapter 5111. of the Revised Code. 69134

(D)~~(1)~~ No person knowingly shall place or recommend placement 69135
of any person in an adult care facility that is operating without 69136
a license. 69137

~~(2)~~(E) No employee of a unit of local or state government, 69138
ADAMHS board of alcohol, drug addiction, and mental health 69139
services, mental health agency, or PASSPORT administrative agency 69140
shall place or recommend placement of any person in an adult care 69141
facility if the employee knows that any of the following: 69142

(1) That the facility cannot meet the needs of the potential 69143
resident; 69144

(2) That placement of the resident would cause the facility 69145
to exceed its licensed capacity; 69146

(3) That an enforcement action initiated by the director of 69147
health is pending and may result in the revocation of or refusal 69148
to renew the facility's license; 69149

(4) That the potential resident is receiving or is eligible 69150
for publicly funded mental health services and the facility has 69151
not entered into a mental health resident program participation 69152
agreement. 69153

~~(3)~~(F) No person who has reason to believe that an adult care 69154
facility is operating without a license shall fail to report this 69155

information to the director of health. 69156

~~(E)~~(G) In accordance with Chapter 119. of the Revised Code, 69157
the public health council shall adopt rules ~~that define for~~ 69158
purposes of division (B) of this section that do all of the 69159
following: 69160

(1) Define a short-term illness for purposes of division 69161
(B)~~(3)~~(5) of this section ~~and specify;~~ 69162

(2) Specify, consistent with rules pertaining to home health 69163
care adopted by the director of job and family services under the 69164
medical assistance program established under Chapter 5111. of the 69165
Revised Code and Title XIX of the "Social Security Act," 49 Stat. 69166
620 (1935), 42 U.S.C. 301, as amended, what constitutes a 69167
part-time, intermittent basis for purposes of division (B)(1) of 69168
this section; 69169

(3) Specify what constitutes being appropriately licensed for 69170
purposes of division (B)(3) of this section. 69171

Sec. 3722.17. (A) Any person who believes that an adult care 69172
facility is in violation of this chapter or of any of the rules 69173
promulgated pursuant to it may report the information to the 69174
director of health. The director shall investigate each report 69175
made under this section or section 3722.16 of the Revised Code and 69176
shall inform the facility of the results of the investigation. 69177
When investigating a report made pursuant to section 340.05 of the 69178
Revised Code, the director shall consult with the ADAMHS board ~~of~~ 69179
~~alcohol, drug addiction, and mental health services~~ that made the 69180
report. The director shall keep a record of the investigation and 69181
the action taken as a result of the investigation. 69182

The director shall not reveal, without consent, the identity 69183
of a person who makes a report under this section or division 69184
~~(D)~~(3)(G) of section 3722.16 of the Revised Code, the identity of 69185

a specific resident or residents referred to in such a report, or 69186
any other information that could reasonably be expected to reveal 69187
the identity of the person making the report or the resident or 69188
residents referred to in the report, except that the director may 69189
provide this information to a government agency responsible for 69190
enforcing laws applying to adult care facilities. 69191

(B) Any person who believes that a resident's rights under 69192
sections 3722.12 to 3722.15 of the Revised Code have been violated 69193
may report the information to the state ~~or regional~~ long-term care 69194
~~facilities~~ ombudsperson, the regional long-term care ombudsperson 69195
program for the area in which the facility is located, or ~~to~~ the 69196
director of health. If the person believes that the resident has 69197
mental illness or severe mental disability and is suffering abuse 69198
or neglect, the person may report the information to the ADAMHS 69199
~~board of alcohol, drug addiction, and mental health services~~ 69200
serving the alcohol, drug addiction, and mental health service 69201
district in which the adult care facility is located or a mental 69202
health agency under contract with the board in addition to or 69203
instead of the ombudsperson, regional program, or director. 69204

(C) Any person who makes a report pursuant to division (A) or 69205
(B) of this section or division ~~(D)-(3)-(G)~~ of section 3722.16 of 69206
the Revised Code or any person who participates in an 69207
administrative or judicial proceeding resulting from such a report 69208
is immune from any civil liability or criminal liability, other 69209
than perjury, that might otherwise be incurred or imposed as a 69210
result of these actions, unless the person has acted in bad faith 69211
or with malicious purpose. 69212

Sec. 3722.18. Before an adult care facility admits a 69213
prospective resident who the owner or manager of the facility 69214
knows has been assessed as having a mental illness or severe 69215
mental disability, the owner or manager ~~shall do~~ is subject to 69216

~~both of the following in accordance with rules adopted under~~ 69217
~~division (A)(12) of section 3722.10 of the Revised Code:~~ 69218

(A) If the prospective resident is referred to the facility 69219
by a mental health agency or ADAMHS board ~~of alcohol, drug~~ 69220
~~addiction, and mental health services, do the following:~~ 69221

~~(1) Except in an emergency and only until the date an owner~~ 69222
~~or manager of an adult care facility must begin to follow~~ 69223
~~procedures under division (A)(2) of this section, enter into an~~ 69224
~~affiliation agreement with the agency or board. An affiliation~~ 69225
~~agreement with the agency is subject to the board's approval. An~~ 69226
~~affiliation agreement must be consistent with the residential~~ 69227
~~portion of the board's community mental health plan submitted to~~ 69228
~~the department of mental health under section 340.03 of the~~ 69229
~~Revised Code.~~ 69230

~~(2) Beginning on the date specified in rules adopted under~~ 69231
~~division (A)(12) of section 3722.10 of the Revised Code, the owner~~ 69232
~~or manager shall follow procedures established in those rules~~ 69233
~~adopted under division (A)(12) of section 3722.10 of the Revised~~ 69234
~~Code regarding referrals and effective arrangements for ongoing~~ 69235
~~mental health services.~~ 69236

(B) If the prospective resident is not referred to the 69237
facility by a mental health agency or ADAMHS board ~~of alcohol,~~ 69238
~~drug addiction, and mental health services, document that the~~ 69239
~~owner or manager has offered shall offer to assist the prospective~~ 69240
~~resident in obtaining appropriate mental health services and~~ 69241
~~document the offer of assistance in accordance with rules adopted~~ 69242
~~under division (A)(12) of section 3722.10 of the Revised Code.~~ 69243

69244

Sec. 3722.99. Whoever violates division (A) ~~or (B)(1)~~ of 69245
section 3722.16 of the Revised Code shall be fined ~~five hundred~~ 69246
~~two thousand~~ dollars for a first offense; for each subsequent 69247

offense, such person shall be fined ~~one~~ five thousand dollars. 69248

Whoever violates division (C) of section 3722.12 or division 69249
~~(A)(2), (3), (4), (5) or (6), (B), (C), (D), (E), or (F)~~ of 69250
section 3722.16 of the Revised Code shall be fined ~~one~~ five 69251
hundred dollars for a first offense; for each subsequent offense, 69252
such person shall be fined ~~five hundred~~ one thousand dollars. 69253

Sec. 3727.02. (A) No person and no political subdivision, 69254
agency, or instrumentality of this state shall operate a hospital 69255
unless it is certified under Title XVIII of the "Social Security 69256
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or is 69257
accredited by ~~the joint commission or the American osteopathic~~ 69258
~~association~~ a national accrediting organization approved by the 69259
centers for medicare and medicaid services and the director of 69260
health. 69261

(B) No person and no political subdivision, agency, or 69262
instrumentality of this state shall hold out as a hospital any 69263
health facility that is not certified or accredited as required in 69264
division (A) of this section. 69265

Sec. ~~3727.05~~ 3727.04. The director of health may petition the 69266
court of common pleas of the county in which a hospital is located 69267
for an order enjoining any person or any political subdivision, 69268
agency, or instrumentality of this state from violating section 69269
3727.02 of the Revised Code. Irrespective of any other remedy the 69270
director may have in law or equity, the court may grant the order 69271
upon a showing that the respondent named in the petition is 69272
violating section 3727.02 of the Revised Code. 69273

Sec. ~~3701.71~~ 3727.05. ~~To comply with the Social Security Act~~ 69274
~~Amendments of 1950, known as Public Law 734 81st Congress, the~~ 69275
~~Ohio~~ The department of health ~~is hereby designated as the state~~ 69276
~~authority responsible for establishing and maintaining~~ shall 69277

establish, maintain, and enforce minimum standards for ~~voluntary~~ 69278
~~and governmental hospitals every hospital and in units for every~~ 69279
unit providing medical and nursing care in city and county 69280
institutions. 69281

Sec. ~~3701.72~~ 3727.051. ~~Subject to the provisions of sections~~ 69282
~~119.01 to 119.13 inclusive, of the Revised Code, the~~ The Ohio 69283
department of health ~~shall have the power to~~ may adopt reasonable 69284
rules and ~~regulations to establish and maintain such minimum~~ 69285
standards implement section 3727.05 of the Revised Code. The rules 69286
shall be adopted under Chapter 119. of the Revised Code. 69287

Sec. 3727.052. All prosecutions and proceedings by the 69288
department of health for a violation of the minimum standards 69289
established under section 3727.05 of the Revised Code, a violation 69290
of any of the rules adopted under section 3727.051 of the Revised 69291
Code, or a violation of any order issued by the department to 69292
enforce those standards or rules shall be instituted by the 69293
director of health. All fines or judgments the department collects 69294
shall be paid into the state treasury to the credit of the general 69295
revenue fund. 69296

The director may petition the court of common pleas for 69297
injunctive or other appropriate relief requiring any person 69298
committing the alleged violation to comply with the applicable 69299
standard, rule, or order. The court of common pleas of the county 69300
in which the offense is alleged to be occurring may grant such 69301
injunctive or other appropriate relief as the equities of the case 69302
require. 69303

Sec. ~~3727.04~~ 3727.053. In addition to any other inspections 69304
authorized by law, the director of health may inspect any hospital 69305
if there are substantial allegations or evidence of a significant 69306
deficiency or deficiencies that would, if found to be present, 69307

adversely affect the health or safety of its patients and may make 69308
such other inspections as are necessary to enforce this chapter. 69309

Sec. 3729.07. The licensor of a recreational vehicle park, 69310
recreation camp, or combined park-camp may charge a fee for an 69311
annual license to operate such a park, camp, or park-camp. In the 69312
case of a temporary park-camp, the licensor may charge a fee for a 69313
license to operate the temporary park-camp for the period 69314
specified in division (A) of section 3729.05 of the Revised Code. 69315
The fees for both types of licenses shall be determined in 69316
accordance with section 3709.09 of the Revised Code and shall 69317
include the cost of licensing and all inspections. 69318

Except for the fee for a temporary park-camp license, the fee 69319
also shall include any additional amount determined by rule of the 69320
public health council, which shall be collected and transmitted by 69321
the board of health to the ~~treasurer of state to be credited to~~ 69322
~~the general operations fund created in section 3701.83 of the~~ 69323
~~Revised Code~~ director of health pursuant to section 3709.092 of 69324
the Revised Code and used only for the purpose of administering 69325
and enforcing this chapter and rules adopted under it. The portion 69326
of any fee retained by the board of health shall be paid into a 69327
special fund and used only for the purpose of administering and 69328
enforcing this chapter and rules adopted under it. 69329

Sec. 3733.02. (A)(1) The public health council, subject to 69330
Chapter 119. of the Revised Code, shall adopt, and has the 69331
exclusive power to adopt, rules of uniform application throughout 69332
the state governing the review of plans, issuance of flood plain 69333
management permits, and issuance of licenses for manufactured home 69334
parks; the location, layout, density, construction, drainage, 69335
sanitation, safety, and operation of those parks; and notices of 69336
flood events concerning, and flood protection at, those parks. The 69337
rules pertaining to flood plain management shall be consistent 69338

with and not less stringent than the flood plain management 69339
criteria of the national flood insurance program adopted under the 69340
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 69341
4001, as amended. The rules shall not apply to the construction, 69342
erection, or manufacture of any building to which section 3781.06 69343
of the Revised Code is applicable. 69344

(2) The rules pertaining to manufactured home parks 69345
constructed after June 30, 1971, shall specify that each home must 69346
be placed on its lot to provide not less than fifteen feet between 69347
the side of one home and the side of another home, ten feet 69348
between the end of one home and the side of another home, and five 69349
feet between the ends of two homes placed end to end. 69350

(3) The ~~department of health~~ manufactured homes commission 69351
shall determine compliance with the installation, blocking, 69352
tiedown, foundation, and base support system standards for 69353
manufactured housing located in manufactured home parks adopted by 69354
the ~~manufactured homes~~ commission pursuant to section 4781.04 of 69355
the Revised Code. All inspections of the installation, blocking, 69356
tiedown, foundation, and base support systems of manufactured 69357
housing in a manufactured home park that the department of health 69358
or a licensor conducts shall be conducted by a person who has 69359
completed an installation training course approved by the 69360
manufactured homes commission pursuant to division (B)(12) of 69361
section 4781.04 of the Revised Code. 69362

As used in division (A)(3) of this section, "manufactured 69363
housing" has the same meaning as in section 4781.01 of the Revised 69364
Code. 69365

(B) The public health council, in accordance with Chapter 69366
119. of the Revised Code, shall adopt rules of uniform application 69367
throughout the state establishing requirements and procedures in 69368
accordance with which the director of health may authorize 69369
licensors for the purposes of sections 3733.022 and 3733.025 of 69370

the Revised Code. The rules shall include at least provisions 69371
under which a licensor may enter into contracts for the purpose of 69372
fulfilling the licensor's responsibilities under either or both of 69373
those sections. 69374

Sec. 3733.04. The licensor of a manufactured home park may 69375
charge a fee for an annual license to operate such a park. The fee 69376
for a license shall be determined in accordance with section 69377
3709.09 of the Revised Code and shall include the cost of 69378
licensing and all inspections. 69379

The fee also shall include any additional amount determined 69380
by rule of the public health council, which shall be collected and 69381
transmitted by the board of health to the ~~treasurer of state to be~~ 69382
~~credited to the general operations fund created in section 3701.83~~ 69383
~~of the Revised Code~~ director of health pursuant to section 69384
3709.092 of the Revised Code and used only for the purpose of 69385
administering and enforcing sections 3733.01 to 3733.08 of the 69386
Revised Code and the rules adopted under those sections. The 69387
portion of any fee retained by the board of health shall be paid 69388
into a special fund and used only for the purpose of administering 69389
and enforcing sections 3733.01 to 3733.08 of the Revised Code and 69390
the rules adopted thereunder. 69391

Sec. 3733.25. Any fee for the license required by section 69392
3733.24 of the Revised Code shall be determined in accordance with 69393
section 3709.09 of the Revised Code. The license fee shall include 69394
any additional amount determined by rule of the public health 69395
council, which shall be collected and transmitted by the board of 69396
health ~~district~~ to the director of health ~~for deposit in the state~~ 69397
~~treasury to the credit of the general operations fund created in~~ 69398
~~section 3701.83 of the Revised Code~~ pursuant to section 3709.092 69399
of the Revised Code and shall be used by the director to 69400
administer and enforce sections 3733.21 to 3733.30 of the Revised 69401

Code and rules adopted thereunder. The portion of any fee retained 69402
by the health district shall be paid into a special fund which is 69403
hereby created in each health district and shall be used only by 69404
the board for the purpose of administering and enforcing sections 69405
3733.21 to 3733.30 of the Revised Code and the rules adopted 69406
thereunder. The health district may charge additional reasonable 69407
fees for the collection and bacteriological examination of any 69408
necessary water samples taken from a marina. 69409

Sec. 3733.43. (A) Except as otherwise provided in this 69410
division, prior to the fifteenth day of April in each year, every 69411
person who intends to operate an agricultural labor camp shall 69412
make application to the licensor for a license to operate such 69413
camp, effective for the calendar year in which it is issued. The 69414
licensor may accept an application on or after the fifteenth day 69415
of April. The license fees specified in this division shall be 69416
submitted to the licensor with the application for a license. No 69417
agricultural labor camp shall be operated in this state without a 69418
license. Any person operating an agricultural labor camp without a 69419
current and valid agricultural labor camp license is not excepted 69420
from compliance with sections 3733.41 to 3733.49 of the Revised 69421
Code by holding a valid and current hotel license. Each person 69422
proposing to open an agricultural labor camp shall submit with the 69423
application for a license any plans required by any rule adopted 69424
under section 3733.42 of the Revised Code. The For any license 69425
issued on or after July 1, 2009, the annual license fee is 69426
~~seventy-five~~ one hundred fifty dollars, unless the application for 69427
a license is made on or after the fifteenth day of April in any 69428
given year, in which case the annual license fee is one hundred 69429
sixty-six dollars. ~~An~~ For any license issued on or after July 1, 69430
2009, an additional fee of ~~ten~~ twenty dollars per housing unit per 69431
year shall be assessed to defray the costs of enforcing sections 69432
3733.41 to 3733.49 of the Revised Code, unless the application for 69433

a license is made on or after the fifteenth day of April in any 69434
given year, in which case an additional fee of ~~fifteen~~ forty-two 69435
dollars and fifty cents per housing unit shall be assessed. All 69436
fees collected under this division shall be deposited in the state 69437
treasury to the credit of the general operations fund created in 69438
section 3701.83 of the Revised Code and shall be used for the 69439
administration and enforcement of sections 3733.41 to 3733.49 of 69440
the Revised Code and rules adopted thereunder. 69441

(B) Any license under this section may be denied, suspended, 69442
or revoked by the licensor for violation of sections 3733.41 to 69443
3733.49 of the Revised Code or the rules adopted thereunder. 69444
Unless there is an immediate serious public health hazard, no 69445
denial, suspension, or revocation of a license shall be made 69446
effective until the person operating the agricultural labor camp 69447
has been given notice in writing of the specific violations and a 69448
reasonable time to make corrections. When the licensor determines 69449
that an immediate serious public health hazard exists, the 69450
licensor shall issue an order denying or suspending the license 69451
without a prior hearing. 69452

(C) All proceedings under this section are subject to Chapter 69453
119. of the Revised Code except as provided in section 3733.431 of 69454
the Revised Code. 69455

(D) Every occupant of an agricultural labor camp shall keep 69456
that part of the dwelling unit, and premises thereof, that the 69457
occupant occupies and controls in a clean and sanitary condition. 69458

Sec. 3734.05. (A)(1) Except as provided in divisions (A)(4), 69459
(8), and (9) of this section, no person shall operate or maintain 69460
a solid waste facility without a license issued under this 69461
division by the board of health of the health district in which 69462
the facility is located or by the director of environmental 69463
protection when the health district in which the facility is 69464

located is not on the approved list under section 3734.08 of the Revised Code. 69465
69466

During the month of December, but before the first day of 69467
January of the next year, every person proposing to continue to 69468
operate an existing solid waste facility shall procure a license 69469
under this division to operate the facility for that year from the 69470
board of health of the health district in which the facility is 69471
located or, if the health district is not on the approved list 69472
under section 3734.08 of the Revised Code, from the director. The 69473
application for such a license shall be submitted to the board of 69474
health or to the director, as appropriate, on or before the last 69475
day of September of the year preceding that for which the license 69476
is sought. In addition to the application fee prescribed in 69477
division (A)(2) of this section, a person who submits an 69478
application after that date shall pay an additional ten per cent 69479
of the amount of the application fee for each week that the 69480
application is late. Late payment fees accompanying an application 69481
submitted to the board of health shall be credited to the special 69482
fund of the health district created in division (B) of section 69483
3734.06 of the Revised Code, and late payment fees accompanying an 69484
application submitted to the director shall be credited to the 69485
general revenue fund. A person who has received a license, upon 69486
sale or disposition of a solid waste facility, and upon consent of 69487
the board of health and the director, may have the license 69488
transferred to another person. The board of health or the director 69489
may include such terms and conditions in a license or revision to 69490
a license as are appropriate to ensure compliance with this 69491
chapter and rules adopted under it. The terms and conditions may 69492
establish the authorized maximum daily waste receipts for the 69493
facility. Limitations on maximum daily waste receipts shall be 69494
specified in cubic yards of volume for the purpose of regulating 69495
the design, construction, and operation of solid waste facilities. 69496
Terms and conditions included in a license or revision to a 69497

license by a board of health shall be consistent with, and pertain 69498
only to the subjects addressed in, the rules adopted under 69499
division (A) of section 3734.02 and division (D) of section 69500
3734.12 of the Revised Code. 69501

(2)(a) Except as provided in divisions (A)(2)(b), (8), and 69502
(9) of this section, each person proposing to open a new solid 69503
waste facility or to modify an existing solid waste facility shall 69504
submit an application for a permit with accompanying detail plans 69505
and specifications to the environmental protection agency for 69506
required approval under the rules adopted by the director pursuant 69507
to division (A) of section 3734.02 of the Revised Code and 69508
applicable rules adopted under division (D) of section 3734.12 of 69509
the Revised Code at least two hundred seventy days before proposed 69510
operation of the facility and shall concurrently make application 69511
for the issuance of a license under division (A)(1) of this 69512
section with the board of health of the health district in which 69513
the proposed facility is to be located. 69514

(b) On and after the effective date of the rules adopted 69515
under division (A) of section 3734.02 of the Revised Code and 69516
division (D) of section 3734.12 of the Revised Code governing 69517
solid waste transfer facilities, each person proposing to open a 69518
new solid waste transfer facility or to modify an existing solid 69519
waste transfer facility shall submit an application for a permit 69520
with accompanying engineering detail plans, specifications, and 69521
information regarding the facility and its method of operation to 69522
the environmental protection agency for required approval under 69523
those rules at least two hundred seventy days before commencing 69524
proposed operation of the facility and concurrently shall make 69525
application for the issuance of a license under division (A)(1) of 69526
this section with the board of health of the health district in 69527
which the facility is located or proposed. 69528

(c) Each application for a permit under division (A)(2)(a) or 69529

(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (A)(1) or (2) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special fund of the health district created in division (B) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (A)(1), (2), (3), or (4) of section 3734.06 of the Revised Code.

(d) As used in divisions (A)(2)(d), (e), and (f) of this section, "modify" means any of the following:

(i) Any increase of more than ten per cent in the total capacity of a solid waste facility;

(ii) Any expansion of the limits of solid waste placement at a solid waste facility;

(iii) Any increase in the depth of excavation at a solid waste facility;

(iv) Any change in the technique of waste receipt or type of waste received at a solid waste facility that may endanger human health, as determined by the director by rules adopted in accordance with Chapter 119. of the Revised Code.

Not later than thirty-five days after submitting an application under division (A)(2)(a) or (b) of this section for a

permit to open a new or modify an existing solid waste facility, 69561
the applicant, in conjunction with an officer or employee of the 69562
environmental protection agency, shall hold a public meeting on 69563
the application within the county in which the new or modified 69564
solid waste facility is or is proposed to be located or within a 69565
contiguous county. Not less than thirty days before holding the 69566
public meeting on the application, the applicant shall publish 69567
notice of the meeting in each newspaper of general circulation 69568
that is published in the county in which the facility is or is 69569
proposed to be located. If no newspaper of general circulation is 69570
published in the county, the applicant shall publish the notice in 69571
a newspaper of general circulation in the county. The notice shall 69572
contain the date, time, and location of the public meeting and a 69573
general description of the proposed new or modified facility. Not 69574
later than five days after publishing the notice, the applicant 69575
shall send by certified mail a copy of the notice and the date the 69576
notice was published to the director and the legislative authority 69577
of each municipal corporation, township, and county, and to the 69578
chief executive officer of each municipal corporation, in which 69579
the facility is or is proposed to be located. At the public 69580
meeting, the applicant shall provide information and describe the 69581
application and respond to comments or questions concerning the 69582
application, and the officer or employee of the agency shall 69583
describe the permit application process. At the public meeting, 69584
any person may submit written or oral comments on or objections to 69585
the application. Not more than thirty days after the public 69586
meeting, the applicant shall provide the director with a copy of a 69587
transcript of the full meeting, copies of any exhibits, displays, 69588
or other materials presented by the applicant at the meeting, and 69589
the original copy of any written comments submitted at the 69590
meeting. 69591

(e) Except as provided in division (A)(2)(f) of this section, 69592
prior to taking an action, other than a proposed or final denial, 69593

upon an application submitted under division (A)(2)(a) of this 69594
section for a permit to open a new or modify an existing solid 69595
waste facility, the director shall hold a public information 69596
session and a public hearing on the application within the county 69597
in which the new or modified solid waste facility is or is 69598
proposed to be located or within a contiguous county. If the 69599
application is for a permit to open a new solid waste facility, 69600
the director shall hold the hearing not less than fourteen days 69601
after the information session. If the application is for a permit 69602
to modify an existing solid waste facility, the director may hold 69603
both the information session and the hearing on the same day 69604
unless any individual affected by the application requests in 69605
writing that the information session and the hearing not be held 69606
on the same day, in which case the director shall hold the hearing 69607
not less than fourteen days after the information session. The 69608
director shall publish notice of the public information session or 69609
public hearing not less than thirty days before holding the 69610
information session or hearing, as applicable. The notice shall be 69611
published in each newspaper of general circulation that is 69612
published in the county in which the facility is or is proposed to 69613
be located. If no newspaper of general circulation is published in 69614
the county, the director shall publish the notice in a newspaper 69615
of general circulation in the county. The notice shall contain the 69616
date, time, and location of the information session or hearing, as 69617
applicable, and a general description of the proposed new or 69618
modified facility. At the public information session, an officer 69619
or employee of the environmental protection agency shall describe 69620
the status of the permit application and be available to respond 69621
to comments or questions concerning the application. At the public 69622
hearing, any person may submit written or oral comments on or 69623
objections to the approval of the application. The applicant, or a 69624
representative of the applicant who has knowledge of the location, 69625
construction, and operation of the facility, shall attend the 69626

information session and public hearing to respond to comments or 69627
questions concerning the facility directed to the applicant or 69628
representative by the officer or employee of the environmental 69629
protection agency presiding at the information session and 69630
hearing. 69631

(f) The solid waste management policy committee of a county 69632
or joint solid waste management district may adopt a resolution 69633
requesting expeditious consideration of a specific application 69634
submitted under division (A)(2)(a) of this section for a permit to 69635
modify an existing solid waste facility within the district. The 69636
resolution shall make the finding that expedited consideration of 69637
the application without the public information session and public 69638
hearing under division (A)(2)(e) of this section is in the public 69639
interest and will not endanger human health, as determined by the 69640
director by rules adopted in accordance with Chapter 119. of the 69641
Revised Code. Upon receiving such a resolution, the director, at 69642
the director's discretion, may issue a final action upon the 69643
application without holding a public information session or public 69644
hearing pursuant to division (A)(2)(e) of this section. 69645

(3) Except as provided in division (A)(10) of this section, 69646
and unless the owner or operator of any solid waste facility, 69647
other than a solid waste transfer facility or a compost facility 69648
that accepts exclusively source separated yard wastes, that 69649
commenced operation on or before July 1, 1968, has obtained an 69650
exemption from the requirements of division (A)(3) of this section 69651
in accordance with division (G) of section 3734.02 of the Revised 69652
Code, the owner or operator shall submit to the director an 69653
application for a permit with accompanying engineering detail 69654
plans, specifications, and information regarding the facility and 69655
its method of operation for approval under rules adopted under 69656
division (A) of section 3734.02 of the Revised Code and applicable 69657
rules adopted under division (D) of section 3734.12 of the Revised 69658

Code in accordance with the following schedule:	69659
(a) Not later than September 24, 1988, if the facility is located in the city of Garfield Heights or Parma in Cuyahoga county;	69660 69661 69662
(b) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;	69663 69664 69665
(c) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn or Cuyahoga Heights in Cuyahoga county;	69666 69667 69668 69669
(d) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Garfield Heights, Parma, Brooklyn, and Cuyahoga Heights;	69670 69671 69672 69673
(e) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;	69674 69675 69676
(f) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (A)(3)(a) to (e) of this section;	69677 69678 69679
(g) Notwithstanding divisions (A)(3)(a) to (f) of this section, not later than December 31, 1990, if the facility is a solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and if the facility disposes of more than one hundred thousand tons of solid wastes per year, provided that any such facility shall be subject to division (A)(5) of this section.	69680 69681 69682 69683 69684 69685 69686 69687 69688 69689

(4) Except as provided in divisions (A)(8), (9), and (10) of this section, unless the owner or operator of any solid waste facility for which a permit was issued after July 1, 1968, but before January 1, 1980, has obtained an exemption from the requirements of division (A)(4) of this section under division (G) of section 3734.02 of the Revised Code, the owner or operator shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under those rules.

(5) The director may issue an order in accordance with Chapter 3745. of the Revised Code to the owner or operator of a solid waste facility requiring the person to submit to the director updated engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code if, in the director's judgment, conditions at the facility constitute a substantial threat to public health or safety or are causing or contributing to or threatening to cause or contribute to air or water pollution or soil contamination. Any person who receives such an order shall submit the updated engineering detail plans, specifications, and information to the director within one hundred eighty days after the effective date of the order.

(6) The director shall act upon an application submitted under division (A)(3) or (4) of this section and any updated engineering plans, specifications, and information submitted under division (A)(5) of this section within one hundred eighty days after receiving them. If the director denies any such permit application, the order denying the application or disapproving the plans shall include the requirements that the owner or operator

submit a plan for closure and post-closure care of the facility to 69722
the director for approval within six months after issuance of the 69723
order, cease accepting solid wastes for disposal or transfer at 69724
the facility, and commence closure of the facility not later than 69725
one year after issuance of the order. If the director determines 69726
that closure of the facility within that one-year period would 69727
result in the unavailability of sufficient solid waste management 69728
facility capacity within the county or joint solid waste 69729
management district in which the facility is located to dispose of 69730
or transfer the solid waste generated within the district, the 69731
director in the order of denial or disapproval may postpone 69732
commencement of closure of the facility for such period of time as 69733
the director finds necessary for the board of county commissioners 69734
or directors of the district to secure access to or for there to 69735
be constructed within the district sufficient solid waste 69736
management facility capacity to meet the needs of the district, 69737
provided that the director shall certify in the director's order 69738
that postponing the date for commencement of closure will not 69739
endanger ground water or any property surrounding the facility, 69740
allow methane gas migration to occur, or cause or contribute to 69741
any other type of environmental damage. 69742

If an emergency need for disposal capacity that may affect 69743
public health and safety exists as a result of closure of a 69744
facility under division (A)(6) of this section, the director may 69745
issue an order designating another solid waste facility to accept 69746
the wastes that would have been disposed of at the facility to be 69747
closed. 69748

(7) If the director determines that standards more stringent 69749
than those applicable in rules adopted under division (A) of 69750
section 3734.02 of the Revised Code and division (D) of section 69751
3734.12 of the Revised Code, or standards pertaining to subjects 69752
not specifically addressed by those rules, are necessary to ensure 69753

that a solid waste facility constructed at the proposed location 69754
will not cause a nuisance, cause or contribute to water pollution, 69755
or endanger public health or safety, the director may issue a 69756
permit for the facility with such terms and conditions as the 69757
director finds necessary to protect public health and safety and 69758
the environment. If a permit is issued, the director shall state 69759
in the order issuing it the specific findings supporting each such 69760
term or condition. 69761

(8) Divisions (A)(1), (2)(a), (3), and (4) of this section do 69762
not apply to a solid waste compost facility that accepts 69763
exclusively source separated yard wastes and that is registered 69764
under division (C) of section 3734.02 of the Revised Code or, 69765
unless otherwise provided in rules adopted under division (N)(3) 69766
of section 3734.02 of the Revised Code, to a solid waste compost 69767
facility if the director has adopted rules establishing an 69768
alternative system for authorizing the establishment, operation, 69769
or modification of a solid waste compost facility under that 69770
division. 69771

(9) Divisions (A)(1) to (7) of this section do not apply to 69772
scrap tire collection, storage, monocell, monofill, and recovery 69773
facilities. The approval of plans and specifications, as 69774
applicable, and the issuance of registration certificates, 69775
permits, and licenses for those facilities are subject to sections 69776
3734.75 to 3734.78 of the Revised Code, as applicable, and section 69777
3734.81 of the Revised Code. 69778

(10) Divisions (A)(3) and (4) of this section do not apply to 69779
a solid waste incinerator that was placed into operation on or 69780
before October 12, 1994, and that is not authorized to accept and 69781
treat infectious wastes pursuant to division (B) of this section. 69782

(B)(1) Each person who is engaged in the business of treating 69783
infectious wastes for profit at a treatment facility located off 69784
the premises where the wastes are generated that is in operation 69785

on August 10, 1988, and who proposes to continue operating the 69786
facility shall submit to the board of health of the health 69787
district in which the facility is located an application for a 69788
license to operate the facility. 69789

Thereafter, no person shall operate or maintain an infectious 69790
waste treatment facility without a license issued by the board of 69791
health of the health district in which the facility is located or 69792
by the director when the health district in which the facility is 69793
located is not on the approved list under section 3734.08 of the 69794
Revised Code. 69795

(2)(a) During the month of December, but before the first day 69796
of January of the next year, every person proposing to continue to 69797
operate an existing infectious waste treatment facility shall 69798
procure a license to operate the facility for that year from the 69799
board of health of the health district in which the facility is 69800
located or, if the health district is not on the approved list 69801
under section 3734.08 of the Revised Code, from the director. The 69802
application for such a license shall be submitted to the board of 69803
health or to the director, as appropriate, on or before the last 69804
day of September of the year preceding that for which the license 69805
is sought. In addition to the application fee prescribed in 69806
division (B)(2)(c) of this section, a person who submits an 69807
application after that date shall pay an additional ten per cent 69808
of the amount of the application fee for each week that the 69809
application is late. Late payment fees accompanying an application 69810
submitted to the board of health shall be credited to the special 69811
infectious waste fund of the health district created in division 69812
(C) of section 3734.06 of the Revised Code, and late payment fees 69813
accompanying an application submitted to the director shall be 69814
credited to the general revenue fund. A person who has received a 69815
license, upon sale or disposition of an infectious waste treatment 69816
facility and upon consent of the board of health and the director, 69817

may have the license transferred to another person. The board of 69818
health or the director may include such terms and conditions in a 69819
license or revision to a license as are appropriate to ensure 69820
compliance with the infectious waste provisions of this chapter 69821
and rules adopted under them. 69822

(b) Each person proposing to open a new infectious waste 69823
treatment facility or to modify an existing infectious waste 69824
treatment facility shall submit an application for a permit with 69825
accompanying detail plans and specifications to the environmental 69826
protection agency for required approval under the rules adopted by 69827
the director pursuant to section 3734.021 of the Revised Code two 69828
hundred seventy days before proposed operation of the facility and 69829
concurrently shall make application for a license with the board 69830
of health of the health district in which the facility is or is 69831
proposed to be located. Not later than ninety days after receiving 69832
a completed application under division (B)(2)(b) of this section 69833
for a permit to open a new infectious waste treatment facility or 69834
modify an existing infectious waste treatment facility to expand 69835
its treatment capacity, or receiving a completed application under 69836
division (A)(2)(a) of this section for a permit to open a new 69837
solid waste incineration facility, or modify an existing solid 69838
waste incineration facility to also treat infectious wastes or to 69839
increase its infectious waste treatment capacity, that pertains to 69840
a facility for which a notation authorizing infectious waste 69841
treatment is included or proposed to be included in the solid 69842
waste incineration facility's license pursuant to division (B)(3) 69843
of this section, the director shall hold a public hearing on the 69844
application within the county in which the new or modified 69845
infectious waste or solid waste facility is or is proposed to be 69846
located or within a contiguous county. Not less than thirty days 69847
before holding the public hearing on the application, the director 69848
shall publish notice of the hearing in each newspaper that has 69849
general circulation and that is published in the county in which 69850

the facility is or is proposed to be located. If there is no newspaper that has general circulation and that is published in the county, the director shall publish the notice in a newspaper of general circulation in the county. The notice shall contain the date, time, and location of the public hearing and a general description of the proposed new or modified facility. At the public hearing, any person may submit written or oral comments on or objections to the approval or disapproval of the application. The applicant, or a representative of the applicant who has knowledge of the location, construction, and operation of the facility, shall attend the public hearing to respond to comments or questions concerning the facility directed to the applicant or representative by the officer or employee of the environmental protection agency presiding at the hearing.

(c) Each application for a permit under division (B)(2)(b) of this section shall be accompanied by a nonrefundable application fee of four hundred dollars that shall be credited to the general revenue fund. Each application for an annual license under division (B)(2)(a) of this section shall be accompanied by a nonrefundable application fee of one hundred dollars. If the application for an annual license is submitted to a board of health on the approved list under section 3734.08 of the Revised Code, the application fee shall be credited to the special infectious waste fund of the health district created in division (C) of section 3734.06 of the Revised Code. If the application for an annual license is submitted to the director, the application fee shall be credited to the general revenue fund. If a permit or license is issued, the amount of the application fee paid shall be deducted from the amount of the permit fee due under division (Q) of section 3745.11 of the Revised Code or the amount of the license fee due under division (C) of section 3734.06 of the Revised Code.

(d) The owner or operator of any infectious waste treatment facility that commenced operation on or before July 1, 1968, shall submit to the director an application for a permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation for approval under rules adopted under section 3734.021 of the Revised Code in accordance with the following schedule:

(i) Not later than December 24, 1988, if the facility is located in Delaware, Greene, Guernsey, Hamilton, Madison, Mahoning, Ottawa, or Vinton county;

(ii) Not later than March 24, 1989, if the facility is located in Champaign, Clinton, Columbiana, Huron, Paulding, Stark, or Washington county, or is located in the city of Brooklyn, Cuyahoga Heights, or Parma in Cuyahoga county;

(iii) Not later than June 24, 1989, if the facility is located in Adams, Auglaize, Coshocton, Darke, Harrison, Lorain, Lucas, or Summit county or is located in Cuyahoga county outside the cities of Brooklyn, Cuyahoga Heights, and Parma;

(iv) Not later than September 24, 1989, if the facility is located in Butler, Carroll, Erie, Lake, Portage, Putnam, or Ross county;

(v) Not later than December 24, 1989, if the facility is located in a county not listed in divisions (B)(2)(d)(i) to (iv) of this section.

The owner or operator of an infectious waste treatment facility required to submit a permit application under division (B)(2)(d) of this section is not required to pay any permit application fee under division (B)(2)(c) of this section, or permit fee under division (Q) of section 3745.11 of the Revised Code, with respect thereto unless the owner or operator also proposes to modify the facility.

(e) The director may issue an order in accordance with 69914
Chapter 3745. of the Revised Code to the owner or operator of an 69915
infectious waste treatment facility requiring the person to submit 69916
to the director updated engineering detail plans, specifications, 69917
and information regarding the facility and its method of operation 69918
for approval under rules adopted under section 3734.021 of the 69919
Revised Code if, in the director's judgment, conditions at the 69920
facility constitute a substantial threat to public health or 69921
safety or are causing or contributing to or threatening to cause 69922
or contribute to air or water pollution or soil contamination. Any 69923
person who receives such an order shall submit the updated 69924
engineering detail plans, specifications, and information to the 69925
director within one hundred eighty days after the effective date 69926
of the order. 69927

(f) The director shall act upon an application submitted 69928
under division (B)(2)(d) of this section and any updated 69929
engineering plans, specifications, and information submitted under 69930
division (B)(2)(e) of this section within one hundred eighty days 69931
after receiving them. If the director denies any such permit 69932
application or disapproves any such updated engineering plans, 69933
specifications, and information, the director shall include in the 69934
order denying the application or disapproving the plans the 69935
requirement that the owner or operator cease accepting infectious 69936
wastes for treatment at the facility. 69937

(3) Division (B) of this section does not apply to an 69938
infectious waste treatment facility that meets any of the 69939
following conditions: 69940

(a) Is owned or operated by the generator of the wastes and 69941
exclusively treats, by methods, techniques, and practices 69942
established by rules adopted under division (C)(1) or (3) of 69943
section 3734.021 of the Revised Code, wastes that are generated at 69944
any premises owned or operated by that generator regardless of 69945

whether the wastes are generated on the same premises where the generator's treatment facility is located or, if the generator is a hospital as defined in section 3727.01 of the Revised Code, infectious wastes that are described in division (A)(1)(g), (h), or (i) of section 3734.021 of the Revised Code;

(b) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(c) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(i) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(ii) Chapter 918. of the Revised Code;

(iii) Chapter 953. of the Revised Code.

Nothing in division (B) of this section requires a facility that holds a license issued under division (A) of this section as a solid waste facility and that also treats infectious wastes by the same method, technique, or process to obtain a license under division (B) of this section as an infectious waste treatment facility. However, the solid waste facility license for the facility shall include the notation that the facility also treats infectious wastes.

On and after the effective date of the amendments to the rules adopted under division (C)(2) of section 3734.021 of the Revised Code that are required by Section 6 of Substitute House Bill No. 98 of the 120th General Assembly, the director shall not issue a permit to open a new solid waste incineration facility unless the proposed facility complies with the requirements for the location of new infectious waste incineration facilities established in the required amendments to those rules.

(C) Except for a facility or activity described in division 69976
(E)(3) of section 3734.02 of the Revised Code, a person who 69977
proposes to establish or operate a hazardous waste facility shall 69978
submit a complete application for a hazardous waste facility 69979
installation and operation permit and accompanying detail plans, 69980
specifications, and such information as the director may require 69981
to the environmental protection agency at least one hundred eighty 69982
days before the proposed beginning of operation of the facility. 69983
The applicant shall notify by certified mail the legislative 69984
authority of each municipal corporation, township, and county in 69985
which the facility is proposed to be located of the submission of 69986
the application within ten days after the submission or at such 69987
earlier time as the director may establish by rule. If the 69988
application is for a proposed new hazardous waste disposal or 69989
thermal treatment facility, the applicant also shall give actual 69990
notice of the general design and purpose of the facility to the 69991
legislative authority of each municipal corporation, township, and 69992
county in which the facility is proposed to be located at least 69993
ninety days before the permit application is submitted to the 69994
environmental protection agency. 69995

In accordance with rules adopted under section 3734.12 of the 69996
Revised Code, prior to the submission of a complete application 69997
for a hazardous waste facility installation and operation permit, 69998
the applicant shall hold at least one meeting in the township or 69999
municipal corporation in which the facility is proposed to be 70000
located, whichever is geographically closer to the proposed 70001
location of the facility. The meeting shall be open to the public 70002
and shall be held to inform the community of the proposed 70003
hazardous waste management activities and to solicit questions 70004
from the community concerning the activities. 70005

(D)(1) Except as provided in section 3734.123 of the Revised 70006
Code, upon receipt of a complete application for a hazardous waste 70007

facility installation and operation permit under division (C) of 70008
this section, the director shall consider the application and 70009
accompanying information to determine whether the application 70010
complies with agency rules and the requirements of division (D)(2) 70011
of this section. After making a determination, the director shall 70012
issue either a draft permit or a notice of intent to deny the 70013
permit. The director, in accordance with rules adopted under 70014
section 3734.12 of the Revised Code or with rules adopted to 70015
implement Chapter 3745. of the Revised Code, shall provide public 70016
notice of the application and the draft permit or the notice of 70017
intent to deny the permit, provide an opportunity for public 70018
comments, and, if significant interest is shown, schedule a public 70019
meeting in the county in which the facility is proposed to be 70020
located and give public notice of the date, time, and location of 70021
the public meeting in a newspaper of general circulation in that 70022
county. 70023

(2) The director shall not approve an application for a 70024
hazardous waste facility installation and operation permit or an 70025
application for a modification under division (I)(3) of this 70026
section unless the director finds and determines as follows: 70027

(a) The nature and volume of the waste to be treated, stored, 70028
or disposed of at the facility; 70029

(b) That the facility complies with the director's hazardous 70030
waste standards adopted pursuant to section 3734.12 of the Revised 70031
Code; 70032

(c) That the facility represents the minimum adverse 70033
environmental impact, considering the state of available 70034
technology and the nature and economics of various alternatives, 70035
and other pertinent considerations; 70036

(d) That the facility represents the minimum risk of all of 70037
the following: 70038

(i) Fires or explosions from treatment, storage, or disposal methods;	70039 70040
(ii) Release of hazardous waste during transportation of hazardous waste to or from the facility;	70041 70042
(iii) Adverse impact on the public health and safety.	70043
(e) That the facility will comply with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them;	70044 70045 70046
(f) That if the owner of the facility, the operator of the facility, or any other person in a position with the facility from which the person may influence the installation and operation of the facility has been involved in any prior activity involving transportation, treatment, storage, or disposal of hazardous waste, that person has a history of compliance with this chapter and Chapters 3704. and 6111. of the Revised Code and all rules and standards adopted under them, the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and all regulations adopted under it, and similar laws and rules of other states if any such prior operation was located in another state that demonstrates sufficient reliability, expertise, and competency to operate a hazardous waste facility under the applicable provisions of this chapter and Chapters 3704. and 6111. of the Revised Code, the applicable rules and standards adopted under them, and terms and conditions of a hazardous waste facility installation and operation permit, given the potential for harm to the public health and safety and the environment that could result from the irresponsible operation of the facility. For off-site facilities, as defined in section 3734.41 of the Revised Code, the director may use the investigative reports of the attorney general prepared pursuant to section 3734.42 of the Revised Code as a basis for making a finding and determination under division (D)(2)(f) of this section.	70047 70048 70049 70050 70051 70052 70053 70054 70055 70056 70057 70058 70059 70060 70061 70062 70063 70064 70065 70066 70067 70068 70069 70070

(g) That the active areas within a new hazardous waste facility where acute hazardous waste as listed in 40 C.F.R. 261.33 (e), as amended, or organic waste that is toxic and is listed under 40 C.F.R. 261, as amended, is being stored, treated, or disposed of and where the aggregate of the storage design capacity and the disposal design capacity of all hazardous waste in those areas is greater than two hundred fifty thousand gallons, are not located or operated within any of the following:

(i) Two thousand feet of any residence, school, hospital, jail, or prison;

(ii) Any naturally occurring wetland;

(iii) Any flood hazard area if the applicant cannot show that the facility will be designed, constructed, operated, and maintained to prevent washout by a one-hundred-year flood.

Division (D)(2)(g) of this section does not apply to the facility of any applicant who demonstrates to the director that the limitations specified in that division are not necessary because of the nature or volume of the waste and the manner of management applied, the facility will impose no substantial danger to the health and safety of persons occupying the structures listed in division (D)(2)(g)(i) of this section, and the facility is to be located or operated in an area where the proposed hazardous waste activities will not be incompatible with existing land uses in the area.

(h) That the facility will not be located within the boundaries of a state park established or dedicated under Chapter 1541. of the Revised Code, a state park purchase area established under section 1541.02 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the

United States department of the interior, located in this state, 70102
or any candidate area located in this state identified for 70103
potential inclusion in the national park system in the edition of 70104
the "national park system plan" submitted under paragraph (b) of 70105
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 70106
U.S.C.A. 1a-5, as amended, current at the time of filing of the 70107
application for the permit, unless the facility will be used 70108
exclusively for the storage of hazardous waste generated within 70109
the park or recreation area in conjunction with the operation of 70110
the park or recreation area. Division (D)(2)(h) of this section 70111
does not apply to the facility of any applicant for modification 70112
of a permit unless the modification application proposes to 70113
increase the land area included in the facility or to increase the 70114
quantity of hazardous waste that will be treated, stored, or 70115
disposed of at the facility. 70116

(3) Not later than one hundred eighty days after the end of 70117
the public comment period, the director, without prior hearing, 70118
shall issue or deny the permit in accordance with Chapter 3745. of 70119
the Revised Code. If the director approves an application for a 70120
hazardous waste facility installation and operation permit, the 70121
director shall issue the permit, upon such terms and conditions as 70122
the director finds are necessary to ensure the construction and 70123
operation of the hazardous waste facility in accordance with the 70124
standards of this section. 70125

(E)÷ No political subdivision of this state shall require any 70126
additional zoning or other approval, consent, permit, certificate, 70127
or condition for the construction or operation of a hazardous 70128
waste facility authorized by a hazardous waste facility 70129
installation and operation permit issued pursuant to this chapter, 70130
nor shall any political subdivision adopt or enforce any law, 70131
ordinance, or rule that in any way alters, impairs, or limits the 70132
authority granted in the permit. 70133

(F) The director may issue a single hazardous waste facility installation and operation permit to a person who operates two or more adjoining facilities where hazardous waste is stored, treated, or disposed of if the application includes detail plans, specifications, and information on all facilities. For the purposes of this section, "adjoining" means sharing a common boundary, separated only by a public road, or in such proximity that the director determines that the issuance of a single permit will not create a hazard to the public health or safety or the environment.

(G) No person shall falsify or fail to keep or submit any plans, specifications, data, reports, records, manifests, or other information required to be kept or submitted to the director by this chapter or the rules adopted under it.

(H)(1) Each person who holds an installation and operation permit issued under this section and who wishes to obtain a permit renewal shall submit a completed application for an installation and operation permit renewal and any necessary accompanying general plans, detail plans, specifications, and such information as the director may require to the director no later than one hundred eighty days prior to the expiration date of the existing permit or upon a later date prior to the expiration of the existing permit if the permittee can demonstrate good cause for the late submittal. The director shall consider the application and accompanying information, inspection reports of the facility, results of performance tests, a report regarding the facility's compliance or noncompliance with the terms and conditions of its permit and rules adopted by the director under this chapter, and such other information as is relevant to the operation of the facility and shall issue a draft renewal permit or a notice of intent to deny the renewal permit. The director, in accordance with rules adopted under this section or with rules adopted to

implement Chapter 3745. of the Revised Code, shall give public 70166
notice of the application and draft renewal permit or notice of 70167
intent to deny the renewal permit, provide for the opportunity for 70168
public comments within a specified time period, schedule a public 70169
meeting in the county in which the facility is located if 70170
significant interest is shown, and give public notice of the 70171
public meeting. 70172

(2) Within sixty days after the public meeting or close of 70173
the public comment period, the director, without prior hearing, 70174
shall issue or deny the renewal permit in accordance with Chapter 70175
3745. of the Revised Code. The director shall not issue a renewal 70176
permit unless the director determines that the facility under the 70177
existing permit has a history of compliance with this chapter, 70178
rules adopted under it, the existing permit, or orders entered to 70179
enforce such requirements that demonstrates sufficient 70180
reliability, expertise, and competency to operate the facility 70181
henceforth under this chapter, rules adopted under it, and the 70182
renewal permit. If the director approves an application for a 70183
renewal permit, the director shall issue the permit subject to the 70184
payment of the annual permit fee required under division (E) of 70185
section 3734.02 of the Revised Code and upon such terms and 70186
conditions as the director finds are reasonable to ensure that 70187
continued operation, maintenance, closure, and post-closure care 70188
of the hazardous waste facility are in accordance with the rules 70189
adopted under section 3734.12 of the Revised Code. 70190

(3) An installation and operation permit renewal application 70191
submitted to the director that also contains or would constitute 70192
an application for a modification shall be acted upon by the 70193
director in accordance with division (I) of this section in the 70194
same manner as an application for a modification. In approving or 70195
disapproving the renewal portion of a permit renewal application 70196
containing an application for a modification, the director shall 70197

apply the criteria established under division (H)(2) of this section. 70198
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(4) An application for renewal or modification of a permit that does not contain an application for a modification as described in divisions (I)(3)(a) to (d) of this section shall not be subject to division (D)(2) of this section. 70200
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(I)(1) As used in this section, "modification" means a change or alteration to a hazardous waste facility or its operations that is inconsistent with or not authorized by its existing permit or authorization to operate. Modifications shall be classified as Class 1, 2, or 3 modifications in accordance with rules adopted under division (K) of this section. Modifications classified as Class 3 modifications, in accordance with rules adopted under that division, shall be further classified by the director as either Class 3 modifications that are to be approved or disapproved by the director under divisions (I)(3)(a) to (d) of this section or as Class 3 modifications that are to be approved or disapproved by the director under division (I)(5) of this section. Not later than thirty days after receiving a request for a modification under division (I)(4) of this section that is not listed in Appendix I to 40 C.F.R. 270.42 or in rules adopted under division (K) of this section, the director shall classify the modification and shall notify the owner or operator of the facility requesting the modification of the classification. Notwithstanding any other law to the contrary, any modification that involves the transfer of a hazardous waste facility installation and operation permit to a new owner or operator for an off-site facility as defined in section 3734.41 of the Revised Code shall be classified as a Class 3 modification. The transfer of a hazardous waste facility installation and operation permit to a new owner or operator for a facility that is not an off-site facility shall be classified as a Class 1 modification requiring prior approval of the director. 70204
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(2) Except as provided in section 3734.123 of the Revised Code, a hazardous waste facility installation and operation permit may be modified at the request of the director or upon the written request of the permittee only if any of the following applies:

(a) The permittee desires to accomplish alterations, additions, or deletions to the permitted facility or to undertake alterations, additions, deletions, or activities that are inconsistent with or not authorized by the existing permit;

(b) New information or data justify permit conditions in addition to or different from those in the existing permit;

(c) The standards, criteria, or rules upon which the existing permit is based have been changed by new, amended, or rescinded standards, criteria, or rules, or by judicial decision after the existing permit was issued, and the change justifies permit conditions in addition to or different from those in the existing permit;

(d) The permittee proposes to transfer the permit to another person.

(3) The director shall approve or disapprove an application for a modification in accordance with division (D)(2) of this section and rules adopted under division (K) of this section for all of the following categories of Class 3 modifications:

(a) Authority to conduct treatment, storage, or disposal at a site, location, or tract of land that has not been authorized for the proposed category of treatment, storage, or disposal activity by the facility's permit;

(b) Modification or addition of a hazardous waste management unit, as defined in rules adopted under section 3734.12 of the Revised Code, that results in an increase in a facility's storage capacity of more than twenty-five per cent over the capacity authorized by the facility's permit, an increase in a facility's

treatment rate of more than twenty-five per cent over the rate so 70261
authorized, or an increase in a facility's disposal capacity over 70262
the capacity so authorized. The authorized disposal capacity for a 70263
facility shall be calculated from the approved design plans for 70264
the disposal units at that facility. In no case during a five-year 70265
period shall a facility's storage capacity or treatment rate be 70266
modified to increase by more than twenty-five per cent in the 70267
aggregate without the director's approval in accordance with 70268
division (D)(2) of this section. Notwithstanding any provision of 70269
division (I) of this section to the contrary, a request for 70270
modification of a facility's annual total waste receipt limit 70271
shall be classified and approved or disapproved by the director 70272
under division (I)(5) of this section. 70273

(c) Authority to add any of the following categories of 70274
regulated activities not previously authorized at a facility by 70275
the facility's permit: storage at a facility not previously 70276
authorized to store hazardous waste, treatment at a facility not 70277
previously authorized to treat hazardous waste, or disposal at a 70278
facility not previously authorized to dispose of hazardous waste; 70279
or authority to add a category of hazardous waste management unit 70280
not previously authorized at the facility by the facility's 70281
permit. Notwithstanding any provision of division (I) of this 70282
section to the contrary, a request for authority to add or to 70283
modify an activity or a hazardous waste management unit for the 70284
purposes of performing a corrective action shall be classified and 70285
approved or disapproved by the director under division (I)(5) of 70286
this section. 70287

(d) Authority to treat, store, or dispose of waste types 70288
listed or characterized as reactive or explosive, in rules adopted 70289
under section 3734.12 of the Revised Code, or any acute hazardous 70290
waste listed in 40 C.F.R. 261.33(e), as amended, at a facility not 70291
previously authorized to treat, store, or dispose of those types 70292

of wastes by the facility's permit unless the requested authority 70293
is limited to wastes that no longer exhibit characteristics 70294
meeting the criteria for listing or characterization as reactive 70295
or explosive wastes, or for listing as acute hazardous waste, but 70296
still are required to carry those waste codes as established in 70297
rules adopted under section 3734.12 of the Revised Code because of 70298
the requirements established in 40 C.F.R. 261(a) and (e), as 70299
amended, that is, the "mixture," "derived-from," or "contained-in" 70300
regulations. 70301

(4) A written request for a modification from the permittee 70302
shall be submitted to the director and shall contain such 70303
information as is necessary to support the request. Requests for 70304
modifications shall be acted upon by the director in accordance 70305
with this section and rules adopted under it. 70306

(5) Class 1 modification applications that require prior 70307
approval of the director, as provided in division (I)(1) of this 70308
section or as determined in accordance with rules adopted under 70309
division (K) of this section, Class 2 modification applications, 70310
and Class 3 modification applications that are not described in 70311
divisions (I)(3)(a) to (d) of this section shall be approved or 70312
disapproved by the director in accordance with rules adopted under 70313
division (K) of this section. The board of county commissioners of 70314
the county, the board of township trustees of the township, and 70315
the city manager or mayor of the municipal corporation in which a 70316
hazardous waste facility is located shall receive notification of 70317
any application for a modification for that facility and shall be 70318
considered as interested persons with respect to the director's 70319
consideration of the application. 70320

~~For those modification applications for a transfer of a 70321
permit to a new owner or operator of a facility, the director also 70322
shall determine that, if the transferee owner or operator has been 70323
involved in any prior activity involving the transportation, 70324~~

~~treatment, storage, or disposal of hazardous waste, the transferee 70325
owner or operator has a history of compliance with this chapter 70326
and Chapters 3704. and 6111. of the Revised Code and all rules and 70327
standards adopted under them, the "Resource Conservation and 70328
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 70329
amended, and all regulations adopted under it, and similar laws 70330
and rules of another state if the transferee owner or operator 70331
owns or operates a facility in that state, that demonstrates 70332
sufficient reliability, expertise, and competency to operate a 70333
hazardous waste facility under this chapter and Chapters 3704. and 70334
6111. of the Revised Code, all rules and standards adopted under 70335
them, and terms and conditions of a hazardous waste facility 70336
installation and operation permit, given the potential for harm to 70337
the public health and safety and the environment that could result 70338
from the irresponsible operation of the facility. A permit may be 70339
transferred to a new owner or operator only pursuant to a Class 3 70340
permit modification. 70341~~

~~As used in division (I)(5) of this section: 70342~~

~~(a) "Owner" means the person who owns a majority or 70343
controlling interest in a facility. 70344~~

~~(b) "Operator" means the person who is responsible for the 70345
overall operation of a facility. 70346~~

The director shall approve or disapprove an application for a 70347
Class 1 modification that requires the director's approval within 70348
sixty days after receiving the request for modification. The 70349
director shall approve or disapprove an application for a Class 2 70350
modification within three hundred days after receiving the request 70351
for modification. The director shall approve or disapprove an 70352
application for a Class 3 modification within three hundred 70353
sixty-five days after receiving the request for modification. 70354

(6) The approval or disapproval by the director of a Class 1 70355

modification application is not a final action that is appealable 70356
under Chapter 3745. of the Revised Code. The approval or 70357
disapproval by the director of a Class 2 modification or a Class 3 70358
modification is a final action that is appealable under that 70359
chapter. In approving or disapproving a request for a 70360
modification, the director shall consider all comments pertaining 70361
to the request that are received during the public comment period 70362
and the public meetings. The administrative record for appeal of a 70363
final action by the director in approving or disapproving a 70364
request for a modification shall include all comments received 70365
during the public comment period relating to the request for 70366
modification, written materials submitted at the public meetings 70367
relating to the request, and any other documents related to the 70368
director's action. 70369

(7) Notwithstanding any other provision of law to the 70370
contrary, a change or alteration to a hazardous waste facility 70371
described in division (E)(3)(a) or (b) of section 3734.02 of the 70372
Revised Code, or its operations, is a modification for the 70373
purposes of this section. An application for a modification at 70374
such a facility shall be submitted, classified, and approved or 70375
disapproved in accordance with divisions (I)(1) to (6) of this 70376
section in the same manner as a modification to a hazardous waste 70377
facility installation and operation permit. 70378

(J)(1) Except as provided in division (J)(2) of this section, 70379
an owner or operator of a hazardous waste facility that is 70380
operating in accordance with a permit by rule under rules adopted 70381
by the director under division (E)(3)(b) of section 3734.02 of the 70382
Revised Code shall submit either a hazardous waste facility 70383
installation and operation permit application for the facility or 70384
a modification application, whichever is required under division 70385
(J)(1)(a) or (b) of this section, within one hundred eighty days 70386
after the director has requested the application or upon a later 70387

date if the owner or operator demonstrates to the director good 70388
cause for the late submittal. 70389

(a) If the owner or operator does not have a hazardous waste 70390
facility installation and operation permit for any hazardous waste 70391
treatment, storage, or disposal activities at the facility, the 70392
owner or operator shall submit an application for such a permit to 70393
the director for the activities authorized by the permit by rule. 70394
Notwithstanding any other provision of law to the contrary, the 70395
director shall approve or disapprove the application for the 70396
permit in accordance with the procedures governing the approval or 70397
disapproval of permit renewals under division (H) of this section. 70398

(b) If the owner or operator has a hazardous waste facility 70399
installation and operation permit for hazardous waste treatment, 70400
storage, or disposal activities at the facility other than those 70401
authorized by the permit by rule, the owner or operator shall 70402
submit to the director a request for modification in accordance 70403
with division (I) of this section. Notwithstanding any other 70404
provision of law to the contrary, the director shall approve or 70405
disapprove the modification application in accordance with 70406
division (I)(5) of this section. 70407

(2) The owner or operator of a boiler or industrial furnace 70408
that is conducting thermal treatment activities in accordance with 70409
a permit by rule under rules adopted by the director under 70410
division (E)(3)(b) of section 3734.02 of the Revised Code shall 70411
submit a hazardous waste facility installation and operation 70412
permit application if the owner or operator does not have such a 70413
permit for any hazardous waste treatment, storage, or disposal 70414
activities at the facility or, if the owner or operator has such a 70415
permit for hazardous waste treatment, storage, or disposal 70416
activities at the facility other than thermal treatment activities 70417
authorized by the permit by rule, a modification application to 70418
add those activities authorized by the permit by rule, whichever 70419

is applicable, within one hundred eighty days after the director 70420
has requested the submission of the application or upon a later 70421
date if the owner or operator demonstrates to the director good 70422
cause for the late submittal. The application shall be accompanied 70423
by information necessary to support the request. The director 70424
shall approve or disapprove an application for a hazardous waste 70425
facility installation and operation permit in accordance with 70426
division (D) of this section and approve or disapprove an 70427
application for a modification in accordance with division (I)(3) 70428
of this section, except that the director shall not disapprove an 70429
application for the thermal treatment activities on the basis of 70430
the criteria set forth in division (D)(2)(g) or (h) of this 70431
section. 70432

(3) As used in division (J) of this section: 70433

(a) "Modification application" means a request for a 70434
modification submitted in accordance with division (I) of this 70435
section. 70436

(b) "Thermal treatment," "boiler," and "industrial furnace" 70437
have the same meanings as in rules adopted under section 3734.12 70438
of the Revised Code. 70439

(K) The director shall adopt, and may amend, suspend, or 70440
rescind, rules in accordance with Chapter 119. of the Revised Code 70441
in order to implement divisions (H) and (I) of this section. 70442
Except when in actual conflict with this section, rules governing 70443
the classification of and procedures for the modification of 70444
hazardous waste facility installation and operation permits shall 70445
be substantively and procedurally identical to the regulations 70446
governing hazardous waste facility permitting and permit 70447
modifications adopted under the "Resource Conservation and 70448
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 70449
amended. 70450

~~Sec. 3734.28. All~~ Except as otherwise provided in section 70451
3734.282 of the Revised Code, moneys collected under sections 70452
3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 of the 70453
Revised Code and ~~natural resource damages collected by the state~~ 70454
under the "Comprehensive Environmental Response, Compensation, and 70455
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 70456
amended, shall be paid into the state treasury to the credit of 70457
the hazardous waste clean-up fund, which is hereby created. In 70458
addition, any moneys recovered for costs paid from the fund for 70459
activities described in ~~division~~ divisions (A)(1) and (2) of 70460
section 3745.12 of the Revised Code shall be credited to the fund. 70461
The environmental protection agency shall use the moneys in the 70462
fund for the purposes set forth in division (D) of section 70463
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 70464
3734.26, and 3734.27, ~~and, through October 15, 2005,~~ divisions 70465
(A)(1) and (2) of section 3745.12, and Chapter 3746. of the 70466
Revised Code, including any related enforcement expenses. In 70467
addition, the agency shall use the moneys in the fund to pay the 70468
state's long-term operation and maintenance costs or matching 70469
share for actions taken under the "Comprehensive Environmental 70470
Response, Compensation, and Liability Act of 1980," as amended. If 70471
those moneys are reimbursed by grants or other moneys from the 70472
United States or any other person, the moneys shall be placed in 70473
the fund and not in the general revenue fund. 70474

The director of environmental protection may enter into 70475
contracts and grant agreements with federal, state, or local 70476
government agencies, nonprofit organizations, and colleges and 70477
universities for the purpose of carrying out the responsibilities 70478
of the environmental protection agency for which money may be 70479
expended from the fund. 70480

~~Sec. 3734.281. Notwithstanding any provision of law to the~~ 70481

~~contrary, any moneys set aside by the state for the cleanup and~~ 70482
~~remediation of the Ashtabula river; any~~ Except as otherwise 70483
provided in section 3734.282 of the Revised Code, moneys collected 70484
from judgements for the state or settlements ~~made by~~ with the 70485
director of environmental protection, including those associated 70486
with bankruptcies, related to actions brought under Chapter 3714. 70487
and section 3734.13, 3734.20, 3734.22, 6111.03, or 6111.04 of the 70488
Revised Code; and ~~any~~ moneys received under the "Comprehensive 70489
Environmental Response, Compensation, and Liability Act of 1980," 70490
94 Stat. 2767, 42 U.S.C. ~~9602~~ 9601 et seq., as amended, may be 70491
paid into the state treasury to the credit of the environmental 70492
protection remediation fund, which is hereby created. The 70493
environmental protection agency shall use the moneys in the fund 70494
only for the purpose of remediating conditions at a hazardous 70495
waste facility, a solid waste facility, a construction and 70496
demolition debris facility licensed under Chapter 3714. of the 70497
Revised Code, or another location at which the director has reason 70498
to believe there is a substantial threat to public health or 70499
safety or the environment. Remediation may include the direct and 70500
indirect costs associated with the overseeing, supervising, 70501
performing, verifying, or reviewing of remediation activities by 70502
agency employees. All investment earnings of the fund shall be 70503
credited to the fund. 70504

The director of environmental protection may enter into 70505
contracts and grant agreements with federal, state, or local 70506
government agencies, nonprofit organizations, and colleges and 70507
universities for the purpose of carrying out the responsibilities 70508
of the environmental protection agency for which money may be 70509
expended from the fund. 70510

Sec. 3734.282. All money collected by the state for natural 70511
resources damages under the "Comprehensive Environmental Response, 70512
Compensation, and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 70513

9601 et seq., as amended, the "Oil Pollution Act of 1990," 104 70514
Stat. 484, 33 U.S.C. 2701 et seq., as amended, the "Clean Water 70515
Act," 86 Stat. 862, 33 U.S.C. 1321, as amended, or any other 70516
applicable federal or state law shall be paid into the state 70517
treasury to the credit of the natural resource damages fund, which 70518
is hereby created. The director of environmental protection shall 70519
use money in the fund only in accordance with the purposes of and 70520
the limitations on natural resources damages set forth in the 70521
"Comprehensive Environmental Response, Compensation, and Liability 70522
Act of 1980," as amended, the "Oil Pollution Act of 1990," as 70523
amended, the "Clean Water Act," as amended, or another applicable 70524
federal or state law. All investment earnings of the fund shall be 70525
credited to the fund. 70526

The director of environmental protection may enter into 70527
contracts and grant agreements with federal, state, or local 70528
government agencies, nonprofit organizations, and colleges and 70529
universities for the purpose of carrying out the director's 70530
responsibilities for which money may be expended from the fund. 70531

Sec. 3734.53. (A) The solid waste management plan of any 70532
county or joint solid waste management district shall be prepared 70533
in a format prescribed by the director of environmental protection 70534
and shall provide for compliance with the objectives of the state 70535
solid waste management plan and rules adopted under section 70536
3734.50 of the Revised Code. The plan shall provide for, 70537
demonstrate, and certify the availability of and access to 70538
sufficient solid waste management facility capacity to meet the 70539
solid waste management needs of the district for the ten-year 70540
period covered by the plan. The solid waste management policy 70541
committee of a county or joint district created in section 3734.54 70542
of the Revised Code may prepare and submit a solid waste 70543
management plan that covers and makes the required demonstration 70544

for a longer period of time. 70545

The solid waste management plan shall contain all of the 70546
following: 70547

(1) An inventory of the sources, composition, and quantities 70548
of solid wastes generated in the district during the current year; 70549

(2) An inventory of all existing facilities where solid 70550
wastes are being disposed of, all resource recovery facilities, 70551
and all recycling activities within the district. The inventory 70552
shall identify each such facility or activity and, for each 70553
disposal facility, shall estimate the remaining disposal capacity 70554
available at the facility. The inventory shall be accompanied by a 70555
map that shows the location of each such existing facility or 70556
activity. 70557

(3) An inventory of existing solid waste collection systems 70558
and routes, transportation systems and routes, and transfer 70559
facilities within the district. The inventory shall identify the 70560
entities engaging in solid waste collection within the district. 70561

(4) An inventory of open dumping sites for solid wastes, 70562
including solid wastes consisting of scrap tires, and facilities 70563
for the disposal of fly ash and bottom ash, foundry sand, and slag 70564
within the district. The inventory shall identify each such site 70565
or facility and shall be accompanied by a map that shows the 70566
location of each of them. 70567

(5) A projection of population changes within the district 70568
during the next ten years; 70569

(6) For each year of the forecast period, projections of the 70570
amounts and composition of solid wastes that will be generated 70571
within the district, the amounts of solid wastes originating 70572
outside the district that will be brought into the district for 70573
disposal or resource recovery, the nature of industrial activities 70574
within the district, and the effect of newly regulated waste 70575

streams, solid waste minimization activities, and solid waste recycling and reuse activities on solid waste generation rates. For each year of the forecast period, projections of waste quantities shall be compiled as an aggregate quantity of wastes.

(7) An identification of the additional solid waste management facilities and the amount of additional capacity needed to dispose of the quantities of wastes projected in division (A)(6) of this section;

(8) A strategy for identification of sites for the additional solid waste management facilities and capacity identified under division (A)(7) of this section;

(9) An analysis and comparison of the capital and operating costs of the solid waste disposal facilities, solid waste resource recovery facilities, and solid waste recycling and reuse activities necessary to meet the solid waste management needs of the district, projected in five- and ten-year increments;

(10) An analysis of expenses for which the district is liable under section 3734.35 of the Revised Code;

(11) A projection of solid waste transfer facilities that will be needed in conjunction with existing solid waste facilities and those projected under division (A)(7) of this section;

(12) Such other projections as the district considers necessary or appropriate to ascertain and meet the solid waste management needs of the district during the period covered by the plan;

(13) A schedule for implementation of the plan that, when applicable, contains all of the following:

(a) An identification of the solid waste disposal, transfer, and resource recovery facilities and recycling activities contained in the plan where solid wastes generated within or

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transported into the district will be taken for disposal, 70606
transfer, resource recovery, or recycling. An initial or amended 70607
plan prepared and ordered to be implemented by the director under 70608
section 3734.521, 3734.55, or 3734.56 of the Revised Code may 70609
designate solid waste disposal, transfer, or resource recovery 70610
facilities or recycling activities that are owned by a municipal 70611
corporation, county, county or joint solid waste management 70612
district, township, or township waste disposal district created 70613
under section 505.28 of the Revised Code for which debt issued 70614
under Chapter 133., 343., or 6123. of the Revised Code is 70615
outstanding where solid wastes generated within or transported 70616
into the district shall be taken for disposal, transfer, resource 70617
recovery, or recycling. 70618

(b) A schedule for closure of existing solid waste 70619
facilities, expansion of existing facilities, and establishment of 70620
new facilities. The schedule for expansion of existing facilities 70621
or establishment of new facilities shall include, without 70622
limitation, the approximate dates for filing applications for 70623
appropriate permits to install or modify those facilities under 70624
section 3734.05 of the Revised Code. 70625

(c) A schedule for implementation of solid waste recycling, 70626
reuse, and reduction programs needed to meet the waste reduction, 70627
recycling, reuse, and minimization objectives of the state solid 70628
waste management plan and rules adopted by the director under 70629
section 3734.50 of the Revised Code; 70630

(d) The methods of financing implementation of the plan and a 70631
demonstration of the availability of financial resources for that 70632
purpose. 70633

(14) A program for providing informational or technical 70634
assistance regarding source reduction to solid waste generators, 70635
or particular categories of solid waste generators, within the 70636
district. The plan shall set forth the types of assistance to be 70637

provided by the district and the specific categories of generators 70638
that are to be served. The district has the sole discretion to 70639
determine the types of assistance that are to be provided under 70640
the program and the categories of generators to be served by it. 70641

(B) In addition to the information, projections, 70642
demonstrations, and certification required by division (A) of this 70643
section, a plan shall do all of the following: 70644

(1) Establish the schedule of fees, if any, to be levied 70645
under divisions (B)(1) to (3) of section 3734.57 of the Revised 70646
Code; 70647

(2) Establish the fee, if any, to be levied under division 70648
(A) of section 3734.573 of the Revised Code; 70649

(3) Contain provisions governing the allocation among the 70650
purposes enumerated in divisions (G)(1) to (10) of section 3734.57 70651
of the Revised Code of the moneys credited to the special fund of 70652
the district under division (G) of that section that are available 70653
for expenditure by the district under that division. The plan 70654
shall do all of the following: 70655

(a) Ensure that sufficient of the moneys so credited to and 70656
available from the special fund are available for use by the solid 70657
waste management policy committee of the district at the time the 70658
moneys are needed to monitor implementation of the plan and 70659
conduct its periodic review and amendment as required under 70660
section 3734.56 of the Revised Code; 70661

(b) Contain provisions governing the allocation and 70662
distribution of moneys credited to and available from the special 70663
fund of the district to health districts within the county or 70664
joint district that have approved programs under section 3734.08 70665
of the Revised Code for the purposes of division (G)(3) of section 70666
3734.57 of the Revised Code; 70667

(c) Contain provisions governing the allocation and 70668

distribution of moneys credited to and available from the special 70669
fund of the district to the county in which solid waste facilities 70670
are or are to be located and operated under the plan for the 70671
purposes of division (G)(4) of section 3734.57 of the Revised 70672
Code; 70673

(d) Contain provisions governing the allocation and 70674
distribution, pursuant to contracts entered into for that purpose, 70675
of moneys credited to and available from the special fund of the 70676
district to boards of health within the district in which solid 70677
waste facilities contained in the district's plan are located for 70678
the purposes of division (G)(5) of section 3734.57 of the Revised 70679
Code. 70680

(4) Incorporate all solid waste recycling activities that 70681
were in operation within the district on the effective date of the 70682
plan. 70683

(C) The solid waste management plan of a county or joint 70684
district may provide for the adoption of rules under division (G) 70685
of section 343.01 of the Revised Code after approval of the plan 70686
under section 3734.521 or 3734.55 of the Revised Code doing any or 70687
all of the following: 70688

(1) Prohibiting or limiting the receipt at facilities ~~covered~~ 70689
~~by the plan~~ located within the solid waste management district of 70690
solid wastes generated outside the district or outside a 70691
prescribed service area consistent with the projections under 70692
divisions (A)(6) and (7) of this section, ~~except that.~~ However, 70693
rules adopted by a board under division (C)(1) of this section may 70694
be adopted and enforced with respect to facilities in the solid 70695
waste management district that are not owned by a county or the 70696
solid waste management district only if the board submits an 70697
application to the director of environmental protection that 70698
demonstrates that there is insufficient capacity to dispose of all 70699
solid wastes that are generated within the district at the 70700

facilities located within the district and the director approves 70701
the application. The demonstration in the application shall be 70702
based on projections contained in the plan or amended plan of the 70703
district. The director shall establish the form of the 70704
application. The approval or disapproval of such an application by 70705
the director is an action that is appealable under section 3745.04 70706
of the Revised Code. 70707

In addition, the director of environmental protection may 70708
issue an order modifying a rule authorized to be adopted under 70709
division (C)(1) of this section to allow the disposal in the 70710
district of wastes from another county or joint solid waste 70711
management district if all of the following apply: 70712

(a) The district in which the wastes were generated does not 70713
have sufficient capacity to dispose of solid wastes generated 70714
within it for six months following the date of the director's 70715
order; 70716

(b) No new solid waste facilities will begin operation during 70717
those six months in the district in which the wastes were 70718
generated and, despite good faith efforts to do so, it is 70719
impossible to site new solid waste facilities within the district 70720
because of its high population density; 70721

(c) The district in which the wastes were generated has made 70722
good faith efforts to negotiate with other districts to 70723
incorporate its disposal needs within those districts' solid waste 70724
management plans, including efforts to develop joint facilities 70725
authorized under section 343.02 of the Revised Code, and the 70726
efforts have been unsuccessful; 70727

(d) The district in which the wastes were generated has 70728
located a facility willing to accept the district's solid wastes 70729
for disposal within the receiving district; 70730

(e) The district in which the wastes were generated has 70731

demonstrated to the director that the conditions specified in 70732
divisions (C)(1)(a) to (d) of this section have been met; 70733

(f) The director finds that the issuance of the order will be 70734
consistent with the state solid waste management plan and that 70735
receipt of the out-of-district wastes will not limit the capacity 70736
of the receiving district to dispose of its in-district wastes to 70737
less than eight years. Any order issued under division (C)(1) of 70738
this section shall not become final until thirty days after it has 70739
been served by certified mail upon the county or joint solid waste 70740
management district that will receive the out-of-district wastes. 70741

(2) Governing the maintenance, protection, and use of solid 70742
waste collection, storage, disposal, transfer, recycling, 70743
processing, and resource recovery facilities within the district 70744
and requiring the submission of general plans and specifications 70745
for the construction, enlargement, or modification of any such 70746
facility to the board of county commissioners or board of 70747
directors of the district for review and approval as complying 70748
with the plan or amended plan of the district; 70749

(3) Governing development and implementation of a program for 70750
the inspection of solid wastes generated outside the boundaries of 70751
the state that are being disposed of at solid waste facilities 70752
included in the district's plan; 70753

(4) Exempting the owner or operator of any existing or 70754
proposed solid waste facility provided for in the plan from 70755
compliance with any amendment to a township zoning resolution 70756
adopted under section 519.12 of the Revised Code or to a county 70757
rural zoning resolution adopted under section 303.12 of the 70758
Revised Code that rezoned or redistricted the parcel or parcels 70759
upon which the facility is to be constructed or modified and that 70760
became effective within two years prior to the filing of an 70761
application for a permit required under division (A)(2)(a) of 70762
section 3734.05 of the Revised Code to open a new or modify an 70763

existing solid waste facility. 70764

(D) Except for the inventories required by divisions (A)(1), 70765
(2), and (4) of this section and the projections required by 70766
division (A)(6) of this section, neither this section nor the 70767
solid waste management plan of a county or joint district applies 70768
to the construction, operation, use, repair, or maintenance of 70769
either of the following: 70770

(1) A solid waste facility owned by a generator of solid 70771
wastes when the solid waste facility exclusively disposes of solid 70772
wastes generated at one or more premises owned by the generator 70773
regardless of whether the facility is located on a premises where 70774
the wastes are generated; 70775

(2) A facility that exclusively disposes of wastes that are 70776
generated from the combustion of coal, or from the combustion of 70777
primarily coal in combination with scrap tires, that is not 70778
combined in any way with garbage at one or more premises owned by 70779
the generator. 70780

(E)(1) The initial solid waste management plans prepared by 70781
county or joint districts under section 3734.521 of the Revised 70782
Code and the amended plans prepared under section 3734.521 or 70783
3734.56 of the Revised Code shall contain a clear statement as to 70784
whether the board of county commissioners or directors is 70785
authorized to or precluded from establishing facility designations 70786
under section 343.014 of the Revised Code. 70787

(2) A policy committee that is preparing a draft or revised 70788
draft plan under section 3734.55 of the Revised Code on October 70789
29, 1993, may include in the draft or revised draft plan only one 70790
of the following pertaining to the solid waste facilities or 70791
recycling activities where solid wastes generated within or 70792
transported into the district are to be taken for disposal, 70793
transfer, resource recovery, or recycling: 70794

(a) The designations required under former division	70795
(A)(12)(a) of this section as it existed prior to October 29,	70796
1993;	70797
(b) The identifications required in division (A)(12)(a) of	70798
this section and the statement required under division (E)(1) of	70799
this section;	70800
(c) Both of the following:	70801
(i) The designations required under former division	70802
(A)(12)(a) of this section as it existed prior to October 29,	70803
1993, except that those designations only shall pertain to solid	70804
waste disposal, transfer, or resource recovery facilities or	70805
recycling activities that are owned by a municipal corporation,	70806
county, county or joint solid waste management district, township,	70807
or township waste disposal district created under section 505.28	70808
of the Revised Code for which debt issued under Chapter 133.,	70809
343., or 6123. of the Revised Code is outstanding;	70810
(ii) The identifications required under division (A)(12)(a)	70811
of this section, and the statement required under division (E)(1)	70812
of this section, pertaining to the solid waste facilities and	70813
recycling activities described in division (A) of section 343.014	70814
of the Revised Code.	70815
(F) Notwithstanding section 3734.01 of the Revised Code,	70816
"solid wastes" does not include scrap tires and "facility" does	70817
not include any scrap tire collection, storage, monocell,	70818
monofill, or recovery facility in either of the following	70819
circumstances:	70820
(1) For the purposes of an initial plan prepared and ordered	70821
to be implemented by the director under section 3734.55 of the	70822
Revised Code;	70823
(2) For the purposes of an initial or amended plan prepared	70824
and ordered to be implemented by the director under division (D)	70825

or (F)(1) or (2) of section 3734.521 of the Revised Code in 70826
connection with a change in district composition as defined in 70827
that section that involves an existing district that is operating 70828
under either an initial plan approved or prepared and ordered to 70829
be implemented under section 3734.55 of the Revised Code or an 70830
initial or amended plan approved or prepared and ordered to be 70831
implemented under section 3734.521 of the Revised Code that does 70832
not provide for the management of scrap tires and scrap tire 70833
facilities. 70834

(G) Notwithstanding section 3734.01 of the Revised Code, and 70835
except as provided in division (A)(4) of this section, "solid 70836
wastes" need not include scrap tires and "facility" need not 70837
include any scrap tire collection, storage, monocell, monofill, or 70838
recovery facility in either of the following circumstances: 70839

(1) For the purposes of an initial plan prepared under 70840
sections 3734.54 and 3734.55 of the Revised Code unless the solid 70841
waste management policy committee preparing the initial plan 70842
chooses to include the management of scrap tires and scrap tire 70843
facilities in the plan; 70844

(2) For the purposes of a preliminary demonstration of 70845
capacity as defined in section 3734.521 of the Revised Code, if 70846
any, and an initial or amended plan prepared under that section by 70847
the solid waste management policy committee of a solid waste 70848
management district resulting from proceedings for a change in 70849
district composition under sections 343.012 and 3734.521 of the 70850
Revised Code that involves an existing district that is operating 70851
either under an initial plan approved or prepared and ordered to 70852
be implemented under section 3734.55 of the Revised Code or under 70853
an initial or amended plan approved or prepared and ordered to be 70854
implemented under section 3734.521 of the Revised Code that does 70855
not provide for the management of scrap tires and scrap tire 70856
facilities unless the solid waste management policy committee of 70857

the district resulting from the change chooses to include the 70858
management of scrap tires and scrap tire facilities in the 70859
preliminary demonstration of capacity, if any, and the initial or 70860
amended plan prepared under section 3734.521 of the Revised Code 70861
in connection with the change proceedings. 70862

If a policy committee chooses to include the management of 70863
scrap tires and scrap tire facilities in an initial plan pursuant 70864
to division (G)(1) of this section, the initial plan shall 70865
incorporate all of the elements required under this section, and 70866
may incorporate any of the elements authorized under this section, 70867
for the purpose of managing solid wastes that consist of scrap 70868
tires and solid waste facilities that are scrap tire collection, 70869
storage, monocell, monofill, or recovery facilities. If a policy 70870
committee chooses to provide for the management of scrap tires and 70871
scrap tire facilities pursuant to division (G)(2) of this section, 70872
the preliminary demonstration of capacity, if one is required, 70873
shall incorporate all of the elements required under division 70874
(E)(1) or (2) of section 3734.521 of the Revised Code, as 70875
appropriate, for the purpose of managing solid wastes that consist 70876
of scrap tires and solid waste facilities that are scrap tire 70877
collection, storage, monocell, monofill, or recovery facilities. 70878
The initial or amended plan also shall incorporate all of the 70879
elements required under this section, and may incorporate any of 70880
the elements authorized under this section, for the purpose of 70881
managing solid wastes that consist of scrap tires and solid waste 70882
facilities that are scrap tire collection, storage, monocell, 70883
monofill, or recovery facilities. 70884

(H) Neither this section nor the solid waste management plan 70885
of a county or joint district applies to the construction, 70886
operation, use, repair, or maintenance of any compost facility 70887
that exclusively composts raw rendering material. 70888

Sec. 3734.57. (A) The following fees are hereby levied on the 70889
transfer or disposal of solid wastes in this state: 70890

(1) One dollar per ton on and after July 1, 2003, through 70891
June 30, ~~2010~~ 2012, one-half of the proceeds of which shall be 70892
deposited in the state treasury to the credit of the hazardous 70893
waste facility management fund created in section 3734.18 of the 70894
Revised Code and one-half of the proceeds of which shall be 70895
deposited in the state treasury to the credit of the hazardous 70896
waste clean-up fund created in section 3734.28 of the Revised 70897
Code; 70898

(2) An additional one dollar per ton on and after July 1, 70899
2003, through June 30, ~~2010~~ 2012, the proceeds of which shall be 70900
deposited in the state treasury to the credit of the solid waste 70901
fund, which is hereby created. The environmental protection agency 70902
shall use money in the solid waste fund to pay the costs of 70903
administering and enforcing the laws pertaining to solid wastes, 70904
infectious wastes, and construction and demolition debris, 70905
including, without limitation, ground water evaluations related to 70906
solid wastes, infectious wastes, and construction and demolition 70907
debris, under this chapter and Chapter 3714. of the Revised Code 70908
and any rules adopted under them, providing compliance assistance 70909
to small businesses, and paying a share of the administrative 70910
costs of the environmental protection agency pursuant to section 70911
3745.014 of the Revised Code. 70912

(3) An additional one dollar and fifty cents per ton on and 70913
after July 1, 2005, through June 30, ~~2010~~ 2012, the proceeds of 70914
which shall be deposited in the state treasury to the credit of 70915
the environmental protection fund created in section 3745.015 of 70916
the Revised Code; 70917

(4) An additional one dollar per ton on and after August 1, 70918
2009, through June 30, 2012, the proceeds of which shall be 70919

deposited in the state treasury to the credit of the environmental 70920
protection fund; 70921

(5) An additional twenty-five cents per ton on and after 70922
August 1, 2009, through June 30, 2012, the proceeds of which shall 70923
be deposited in the state treasury to the credit of the soil and 70924
water conservation district assistance fund created in section 70925
1515.14 of the Revised Code. 70926

In the case of solid wastes that are taken to a solid waste 70927
transfer facility located in this state prior to being transported 70928
for disposal at a solid waste disposal facility located in this 70929
state or outside of this state, the fees levied under this 70930
division shall be collected by the owner or operator of the 70931
transfer facility as a trustee for the state. The amount of fees 70932
required to be collected under this division at such a transfer 70933
facility shall equal the total tonnage of solid wastes received at 70934
the facility multiplied by the fees levied under this division. In 70935
the case of solid wastes that are not taken to a solid waste 70936
transfer facility located in this state prior to being transported 70937
to a solid waste disposal facility, the fees shall be collected by 70938
the owner or operator of the solid waste disposal facility as a 70939
trustee for the state. The amount of fees required to be collected 70940
under this division at such a disposal facility shall equal the 70941
total tonnage of solid wastes received at the facility that was 70942
not previously taken to a solid waste transfer facility located in 70943
this state multiplied by the fees levied under this division. Fees 70944
levied under this division do not apply to materials separated 70945
from a mixed waste stream for recycling by a generator or 70946
materials removed from the solid waste stream through recycling, 70947
as "recycling" is defined in rules adopted under section 3734.02 70948
of the Revised Code. 70949

The owner or operator of a solid waste transfer facility or 70950
disposal facility, as applicable, shall prepare and file with the 70951

director of environmental protection each month a return 70952
indicating the total tonnage of solid wastes received at the 70953
facility during that month and the total amount of the fees 70954
required to be collected under this division during that month. In 70955
addition, the owner or operator of a solid waste disposal facility 70956
shall indicate on the return the total tonnage of solid wastes 70957
received from transfer facilities located in this state during 70958
that month for which the fees were required to be collected by the 70959
transfer facilities. The monthly returns shall be filed on a form 70960
prescribed by the director. Not later than thirty days after the 70961
last day of the month to which a return applies, the owner or 70962
operator shall mail to the director the return for that month 70963
together with the fees required to be collected under this 70964
division during that month as indicated on the return or may 70965
submit the return and fees electronically in a manner approved by 70966
the director. If the return is filed and the amount of the fees 70967
due is paid in a timely manner as required in this division, the 70968
owner or operator may retain a discount of three-fourths of one 70969
per cent of the total amount of the fees that are required to be 70970
paid as indicated on the return. 70971

The owner or operator may request an extension of not more 70972
than thirty days for filing the return and remitting the fees, 70973
provided that the owner or operator has submitted such a request 70974
in writing to the director together with a detailed description of 70975
why the extension is requested, the director has received the 70976
request not later than the day on which the return is required to 70977
be filed, and the director has approved the request. If the fees 70978
are not remitted within thirty days after the last day of the 70979
month to which the return applies or are not remitted by the last 70980
day of an extension approved by the director, the owner or 70981
operator shall not retain the three-fourths of one per cent 70982
discount and shall pay an additional ten per cent of the amount of 70983
the fees for each month that they are late. For purposes of 70984

calculating the late fee, the first month in which fees are late 70985
begins on the first day after the deadline has passed for timely 70986
submitting the return and fees, and one additional month shall be 70987
counted every thirty days thereafter. 70988

The owner or operator of a solid waste facility may request a 70989
refund or credit of fees levied under this division and remitted 70990
to the director that have not been paid to the owner or operator. 70991
Such a request shall be made only if the fees have not been 70992
collected by the owner or operator, have become a debt that has 70993
become worthless or uncollectable for a period of six months or 70994
more, and may be claimed as a deduction, including a deduction 70995
claimed if the owner or operator keeps accounts on an accrual 70996
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 70997
U.S.C. 166, as amended, and regulations adopted under it. Prior to 70998
making a request for a refund or credit, an owner or operator 70999
shall make reasonable efforts to collect the applicable fees. A 71000
request for a refund or credit shall not include any costs 71001
resulting from those efforts to collect unpaid fees. 71002

A request for a refund or credit of fees shall be made in 71003
writing, on a form prescribed by the director, and shall be 71004
supported by evidence that may be required in rules adopted by the 71005
director under this chapter. After reviewing the request, and if 71006
the request and evidence submitted with the request indicate that 71007
a refund or credit is warranted, the director shall grant a refund 71008
to the owner or operator or shall permit a credit to be taken by 71009
the owner or operator on a subsequent monthly return submitted by 71010
the owner or operator. The amount of a refund or credit shall not 71011
exceed an amount that is equal to ninety days' worth of fees owed 71012
to an owner or operator by a particular debtor of the owner or 71013
operator. A refund or credit shall not be granted by the director 71014
to an owner or operator more than once in any twelve-month period 71015
for fees owed to the owner or operator by a particular debtor. 71016

If, after receiving a refund or credit from the director, an owner or operator receives payment of all or part of the fees, the owner or operator shall remit the fees with the next monthly return submitted to the director together with a written explanation of the reason for the submittal.

For purposes of computing the fees levied under this division or division (B) of this section, any solid waste transfer or disposal facility that does not use scales as a means of determining gate receipts shall use a conversion factor of three cubic yards per ton of solid waste or one cubic yard per ton for baled waste, as applicable.

The fees levied under this division and divisions (B) and (C) of this section are in addition to all other applicable fees and taxes and shall be paid by the customer or a political subdivision to the owner or operator of a solid waste transfer or disposal facility. In the alternative, the fees shall be paid by a customer or political subdivision to a transporter of waste who subsequently transfers the fees to the owner or operator of such a facility. The fees shall be paid notwithstanding the existence of any provision in a contract that the customer or a political subdivision may have with the owner or operator or with a transporter of waste to the facility that would not require or allow such payment regardless of whether the contract was entered prior to or after the effective date of this amendment. For those purposes, "customer" means a person who contracts with, or utilizes the solid waste services of, the owner or operator of a solid waste transfer or disposal facility or a transporter of solid waste to such a facility.

(B) For the purposes specified in division (G) of this section, the solid waste management policy committee of a county or joint solid waste management district may levy fees upon the following activities:

(1) The disposal at a solid waste disposal facility located 71049
in the district of solid wastes generated within the district; 71050

(2) The disposal at a solid waste disposal facility within 71051
the district of solid wastes generated outside the boundaries of 71052
the district, but inside this state; 71053

(3) The disposal at a solid waste disposal facility within 71054
the district of solid wastes generated outside the boundaries of 71055
this state. 71056

The solid waste management plan of the county or joint 71057
district approved under section 3734.521 or 3734.55 of the Revised 71058
Code and any amendments to it, or the resolution adopted under 71059
this division, as appropriate, shall establish the rates of the 71060
fees levied under divisions (B)(1), (2), and (3) of this section, 71061
if any, and shall specify whether the fees are levied on the basis 71062
of tons or cubic yards as the unit of measurement. A solid waste 71063
management district that levies fees under this division on the 71064
basis of cubic yards shall do so in accordance with division (A) 71065
of this section. 71066

The fee levied under division (B)(1) of this section shall be 71067
not less than one dollar per ton nor more than two dollars per 71068
ton, the fee levied under division (B)(2) of this section shall be 71069
not less than two dollars per ton nor more than four dollars per 71070
ton, and the fee levied under division (B)(3) of this section 71071
shall be not more than the fee levied under division (B)(1) of 71072
this section. 71073

Prior to the approval of the solid waste management plan of a 71074
district under section 3734.55 of the Revised Code, the solid 71075
waste management policy committee of a district may levy fees 71076
under this division by adopting a resolution establishing the 71077
proposed amount of the fees. Upon adopting the resolution, the 71078
committee shall deliver a copy of the resolution to the board of 71079

county commissioners of each county forming the district and to 71080
the legislative authority of each municipal corporation and 71081
township under the jurisdiction of the district and shall prepare 71082
and publish the resolution and a notice of the time and location 71083
where a public hearing on the fees will be held. Upon adopting the 71084
resolution, the committee shall deliver written notice of the 71085
adoption of the resolution; of the amount of the proposed fees; 71086
and of the date, time, and location of the public hearing to the 71087
director and to the fifty industrial, commercial, or institutional 71088
generators of solid wastes within the district that generate the 71089
largest quantities of solid wastes, as determined by the 71090
committee, and to their local trade associations. The committee 71091
shall make good faith efforts to identify those generators within 71092
the district and their local trade associations, but the 71093
nonprovision of notice under this division to a particular 71094
generator or local trade association does not invalidate the 71095
proceedings under this division. The publication shall occur at 71096
least thirty days before the hearing. After the hearing, the 71097
committee may make such revisions to the proposed fees as it 71098
considers appropriate and thereafter, by resolution, shall adopt 71099
the revised fee schedule. Upon adopting the revised fee schedule, 71100
the committee shall deliver a copy of the resolution doing so to 71101
the board of county commissioners of each county forming the 71102
district and to the legislative authority of each municipal 71103
corporation and township under the jurisdiction of the district. 71104
Within sixty days after the delivery of a copy of the resolution 71105
adopting the proposed revised fees by the policy committee, each 71106
such board and legislative authority, by ordinance or resolution, 71107
shall approve or disapprove the revised fees and deliver a copy of 71108
the ordinance or resolution to the committee. If any such board or 71109
legislative authority fails to adopt and deliver to the policy 71110
committee an ordinance or resolution approving or disapproving the 71111
revised fees within sixty days after the policy committee 71112

delivered its resolution adopting the proposed revised fees, it 71113
shall be conclusively presumed that the board or legislative 71114
authority has approved the proposed revised fees. The committee 71115
shall determine if the resolution has been ratified in the same 71116
manner in which it determines if a draft solid waste management 71117
plan has been ratified under division (B) of section 3734.55 of 71118
the Revised Code. 71119

The committee may amend the schedule of fees levied pursuant 71120
to a resolution adopted and ratified under this division by 71121
adopting a resolution establishing the proposed amount of the 71122
amended fees. The committee may repeal the fees levied pursuant to 71123
such a resolution by adopting a resolution proposing to repeal 71124
them. Upon adopting such a resolution, the committee shall proceed 71125
to obtain ratification of the resolution in accordance with this 71126
division. 71127

Not later than fourteen days after declaring the new fees to 71128
be ratified or the fees to be repealed under this division, the 71129
committee shall notify by certified mail the owner or operator of 71130
each solid waste disposal facility that is required to collect the 71131
fees of the ratification and the amount of the fees or of the 71132
repeal of the fees. Collection of any fees shall commence or 71133
collection of repealed fees shall cease on the first day of the 71134
second month following the month in which notification is sent to 71135
the owner or operator. 71136

Fees levied under this division also may be established, 71137
amended, or repealed by a solid waste management policy committee 71138
through the adoption of a new district solid waste management 71139
plan, the adoption of an amended plan, or the amendment of the 71140
plan or amended plan in accordance with sections 3734.55 and 71141
3734.56 of the Revised Code or the adoption or amendment of a 71142
district plan in connection with a change in district composition 71143
under section 3734.521 of the Revised Code. 71144

Not later than fourteen days after the director issues an order approving a district's solid waste management plan, amended plan, or amendment to a plan or amended plan that establishes, amends, or repeals a schedule of fees levied by the district, the committee shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees of the approval of the plan or amended plan, or the amendment to the plan, as appropriate, and the amount of the fees, if any. In the case of an initial or amended plan approved under section 3734.521 of the Revised Code in connection with a change in district composition, other than one involving the withdrawal of a county from a joint district, the committee, within fourteen days after the change takes effect pursuant to division (G) of that section, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fees that the change has taken effect and of the amount of the fees, if any. Collection of any fees shall commence or collection of repealed fees shall cease on the first day of the second month following the month in which notification is sent to the owner or operator.

If, in the case of a change in district composition involving the withdrawal of a county from a joint district, the director completes the actions required under division (G)(1) or (3) of section 3734.521 of the Revised Code, as appropriate, forty-five days or more before the beginning of a calendar year, the policy committee of each of the districts resulting from the change that obtained the director's approval of an initial or amended plan in connection with the change, within fourteen days after the director's completion of the required actions, shall notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the district's fees that the change is to take effect on the first day of January immediately following the issuance of the notice and of the amount of the fees

or amended fees levied under divisions (B)(1) to (3) of this 71178
section pursuant to the district's initial or amended plan as so 71179
approved or, if appropriate, the repeal of the district's fees by 71180
that initial or amended plan. Collection of any fees set forth in 71181
such a plan or amended plan shall commence on the first day of 71182
January immediately following the issuance of the notice. If such 71183
an initial or amended plan repeals a schedule of fees, collection 71184
of the fees shall cease on that first day of January. 71185

If, in the case of a change in district composition involving 71186
the withdrawal of a county from a joint district, the director 71187
completes the actions required under division (G)(1) or (3) of 71188
section 3734.521 of the Revised Code, as appropriate, less than 71189
forty-five days before the beginning of a calendar year, the 71190
director, on behalf of each of the districts resulting from the 71191
change that obtained the director's approval of an initial or 71192
amended plan in connection with the change proceedings, shall 71193
notify by certified mail the owner or operator of each solid waste 71194
disposal facility that is required to collect the district's fees 71195
that the change is to take effect on the first day of January 71196
immediately following the mailing of the notice and of the amount 71197
of the fees or amended fees levied under divisions (B)(1) to (3) 71198
of this section pursuant to the district's initial or amended plan 71199
as so approved or, if appropriate, the repeal of the district's 71200
fees by that initial or amended plan. Collection of any fees set 71201
forth in such a plan or amended plan shall commence on the first 71202
day of the second month following the month in which notification 71203
is sent to the owner or operator. If such an initial or amended 71204
plan repeals a schedule of fees, collection of the fees shall 71205
cease on the first day of the second month following the month in 71206
which notification is sent to the owner or operator. 71207

If the schedule of fees that a solid waste management 71208
district is levying under divisions (B)(1) to (3) of this section 71209

is amended or repealed, the fees in effect immediately prior to 71210
the amendment or repeal shall continue to be collected until 71211
collection of the amended fees commences or collection of the 71212
repealed fees ceases, as applicable, as specified in this 71213
division. In the case of a change in district composition, money 71214
so received from the collection of the fees of the former 71215
districts shall be divided among the resulting districts in 71216
accordance with division (B) of section 343.012 of the Revised 71217
Code and the agreements entered into under division (B) of section 71218
343.01 of the Revised Code to establish the former and resulting 71219
districts and any amendments to those agreements. 71220

For the purposes of the provisions of division (B) of this 71221
section establishing the times when newly established or amended 71222
fees levied by a district are required to commence and the 71223
collection of fees that have been amended or repealed is required 71224
to cease, "fees" or "schedule of fees" includes, in addition to 71225
fees levied under divisions (B)(1) to (3) of this section, those 71226
levied under section 3734.573 or 3734.574 of the Revised Code. 71227

(C) For the purposes of defraying the added costs to a 71228
municipal corporation or township of maintaining roads and other 71229
public facilities and of providing emergency and other public 71230
services, and compensating a municipal corporation or township for 71231
reductions in real property tax revenues due to reductions in real 71232
property valuations resulting from the location and operation of a 71233
solid waste disposal facility within the municipal corporation or 71234
township, a municipal corporation or township in which such a 71235
solid waste disposal facility is located may levy a fee of not 71236
more than twenty-five cents per ton on the disposal of solid 71237
wastes at a solid waste disposal facility located within the 71238
boundaries of the municipal corporation or township regardless of 71239
where the wastes were generated. 71240

The legislative authority of a municipal corporation or 71241

township may levy fees under this division by enacting an 71242
ordinance or adopting a resolution establishing the amount of the 71243
fees. Upon so doing the legislative authority shall mail a 71244
certified copy of the ordinance or resolution to the board of 71245
county commissioners or directors of the county or joint solid 71246
waste management district in which the municipal corporation or 71247
township is located or, if a regional solid waste management 71248
authority has been formed under section 343.011 of the Revised 71249
Code, to the board of trustees of that regional authority, the 71250
owner or operator of each solid waste disposal facility in the 71251
municipal corporation or township that is required to collect the 71252
fee by the ordinance or resolution, and the director of 71253
environmental protection. Although the fees levied under this 71254
division are levied on the basis of tons as the unit of 71255
measurement, the legislative authority, in its ordinance or 71256
resolution levying the fees under this division, may direct that 71257
the fees be levied on the basis of cubic yards as the unit of 71258
measurement based upon a conversion factor of three cubic yards 71259
per ton generally or one cubic yard per ton for baled wastes. 71260

Not later than five days after enacting an ordinance or 71261
adopting a resolution under this division, the legislative 71262
authority shall so notify by certified mail the owner or operator 71263
of each solid waste disposal facility that is required to collect 71264
the fee. Collection of any fee levied on or after March 24, 1992, 71265
shall commence on the first day of the second month following the 71266
month in which notification is sent to the owner or operator. 71267

(D)(1) The fees levied under divisions (A), (B), and (C) of 71268
this section do not apply to the disposal of solid wastes that: 71269

(a) Are disposed of at a facility owned by the generator of 71270
the wastes when the solid waste facility exclusively disposes of 71271
solid wastes generated at one or more premises owned by the 71272
generator regardless of whether the facility is located on a 71273

premises where the wastes are generated; 71274

(b) Are disposed of at facilities that exclusively dispose of 71275
wastes that are generated from the combustion of coal, or from the 71276
combustion of primarily coal in combination with scrap tires, that 71277
is not combined in any way with garbage at one or more premises 71278
owned by the generator. 71279

(2) Except as provided in section 3734.571 of the Revised 71280
Code, any fees levied under division (B)(1) of this section apply 71281
to solid wastes originating outside the boundaries of a county or 71282
joint district that are covered by an agreement for the joint use 71283
of solid waste facilities entered into under section 343.02 of the 71284
Revised Code by the board of county commissioners or board of 71285
directors of the county or joint district where the wastes are 71286
generated and disposed of. 71287

(3) When solid wastes, other than solid wastes that consist 71288
of scrap tires, are burned in a disposal facility that is an 71289
incinerator or energy recovery facility, the fees levied under 71290
divisions (A), (B), and (C) of this section shall be levied upon 71291
the disposal of the fly ash and bottom ash remaining after burning 71292
of the solid wastes and shall be collected by the owner or 71293
operator of the sanitary landfill where the ash is disposed of. 71294

(4) When solid wastes are delivered to a solid waste transfer 71295
facility, the fees levied under divisions (B) and (C) of this 71296
section shall be levied upon the disposal of solid wastes 71297
transported off the premises of the transfer facility for disposal 71298
and shall be collected by the owner or operator of the solid waste 71299
disposal facility where the wastes are disposed of. 71300

(5) The fees levied under divisions (A), (B), and (C) of this 71301
section do not apply to sewage sludge that is generated by a waste 71302
water treatment facility holding a national pollutant discharge 71303
elimination system permit and that is disposed of through 71304

incineration, land application, or composting or at another 71305
resource recovery or disposal facility that is not a landfill. 71306

(6) The fees levied under divisions (A), (B), and (C) of this 71307
section do not apply to solid wastes delivered to a solid waste 71308
composting facility for processing. When any unprocessed solid 71309
waste or compost product is transported off the premises of a 71310
composting facility and disposed of at a landfill, the fees levied 71311
under divisions (A), (B), and (C) of this section shall be 71312
collected by the owner or operator of the landfill where the 71313
unprocessed waste or compost product is disposed of. 71314

(7) When solid wastes that consist of scrap tires are 71315
processed at a scrap tire recovery facility, the fees levied under 71316
divisions (A), (B), and (C) of this section shall be levied upon 71317
the disposal of the fly ash and bottom ash or other solid wastes 71318
remaining after the processing of the scrap tires and shall be 71319
collected by the owner or operator of the solid waste disposal 71320
facility where the ash or other solid wastes are disposed of. 71321

(8) The director of environmental protection may issue an 71322
order exempting from the fees levied under this section solid 71323
wastes, including, but not limited to, scrap tires, that are 71324
generated, transferred, or disposed of as a result of a contract 71325
providing for the expenditure of public funds entered into by the 71326
administrator or regional administrator of the United States 71327
environmental protection agency, the director of environmental 71328
protection, or the director of administrative services on behalf 71329
of the director of environmental protection for the purpose of 71330
remediating conditions at a hazardous waste facility, solid waste 71331
facility, or other location at which the administrator or regional 71332
administrator or the director of environmental protection has 71333
reason to believe that there is a substantial threat to public 71334
health or safety or the environment or that the conditions are 71335
causing or contributing to air or water pollution or soil 71336

contamination. An order issued by the director of environmental 71337
protection under division (D)(8) of this section shall include a 71338
determination that the amount of the fees not received by a solid 71339
waste management district as a result of the order will not 71340
adversely impact the implementation and financing of the 71341
district's approved solid waste management plan and any approved 71342
amendments to the plan. Such an order is a final action of the 71343
director of environmental protection. 71344

(E) The fees levied under divisions (B) and (C) of this 71345
section shall be collected by the owner or operator of the solid 71346
waste disposal facility where the wastes are disposed of as a 71347
trustee for the county or joint district and municipal corporation 71348
or township where the wastes are disposed of. Moneys from the fees 71349
levied under division (B) of this section shall be forwarded to 71350
the board of county commissioners or board of directors of the 71351
district in accordance with rules adopted under division (H) of 71352
this section. Moneys from the fees levied under division (C) of 71353
this section shall be forwarded to the treasurer or such other 71354
officer of the municipal corporation as, by virtue of the charter, 71355
has the duties of the treasurer or to the fiscal officer of the 71356
township, as appropriate, in accordance with those rules. 71357

(F) Moneys received by the treasurer or other officer of the 71358
municipal corporation under division (E) of this section shall be 71359
paid into the general fund of the municipal corporation. Moneys 71360
received by the fiscal officer of the township under that division 71361
shall be paid into the general fund of the township. The treasurer 71362
or other officer of the municipal corporation or the township 71363
fiscal officer, as appropriate, shall maintain separate records of 71364
the moneys received from the fees levied under division (C) of 71365
this section. 71366

(G) Moneys received by the board of county commissioners or 71367
board of directors under division (E) of this section or section 71368

3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 71369
shall be paid to the county treasurer, or other official acting in 71370
a similar capacity under a county charter, in a county district or 71371
to the county treasurer or other official designated by the board 71372
of directors in a joint district and kept in a separate and 71373
distinct fund to the credit of the district. If a regional solid 71374
waste management authority has been formed under section 343.011 71375
of the Revised Code, moneys received by the board of trustees of 71376
that regional authority under division (E) of this section shall 71377
be kept by the board in a separate and distinct fund to the credit 71378
of the district. Moneys in the special fund of the county or joint 71379
district arising from the fees levied under division (B) of this 71380
section and the fee levied under division (A) of section 3734.573 71381
of the Revised Code shall be expended by the board of county 71382
commissioners or directors of the district in accordance with the 71383
district's solid waste management plan or amended plan approved 71384
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 71385
exclusively for the following purposes: 71386

(1) Preparation of the solid waste management plan of the 71387
district under section 3734.54 of the Revised Code, monitoring 71388
implementation of the plan, and conducting the periodic review and 71389
amendment of the plan required by section 3734.56 of the Revised 71390
Code by the solid waste management policy committee; 71391

(2) Implementation of the approved solid waste management 71392
plan or amended plan of the district, including, without 71393
limitation, the development and implementation of solid waste 71394
recycling or reduction programs; 71395

(3) Providing financial assistance to boards of health within 71396
the district, if solid waste facilities are located within the 71397
district, for enforcement of this chapter and rules, orders, and 71398
terms and conditions of permits, licenses, and variances adopted 71399
or issued under it, other than the hazardous waste provisions of 71400

this chapter and rules adopted and orders and terms and conditions 71401
of permits issued under those provisions; 71402

(4) Providing financial assistance to each county within the 71403
district to defray the added costs of maintaining roads and other 71404
public facilities and of providing emergency and other public 71405
services resulting from the location and operation of a solid 71406
waste facility within the county under the district's approved 71407
solid waste management plan or amended plan; 71408

(5) Pursuant to contracts entered into with boards of health 71409
within the district, if solid waste facilities contained in the 71410
district's approved plan or amended plan are located within the 71411
district, for paying the costs incurred by those boards of health 71412
for collecting and analyzing samples from public or private water 71413
wells on lands adjacent to those facilities; 71414

(6) Developing and implementing a program for the inspection 71415
of solid wastes generated outside the boundaries of this state 71416
that are disposed of at solid waste facilities included in the 71417
district's approved solid waste management plan or amended plan; 71418

(7) Providing financial assistance to boards of health within 71419
the district for the enforcement of section 3734.03 of the Revised 71420
Code or to local law enforcement agencies having jurisdiction 71421
within the district for enforcing anti-littering laws and 71422
ordinances; 71423

(8) Providing financial assistance to boards of health of 71424
health districts within the district that are on the approved list 71425
under section 3734.08 of the Revised Code to defray the costs to 71426
the health districts for the participation of their employees 71427
responsible for enforcement of the solid waste provisions of this 71428
chapter and rules adopted and orders and terms and conditions of 71429
permits, licenses, and variances issued under those provisions in 71430
the training and certification program as required by rules 71431

adopted under division (L) of section 3734.02 of the Revised Code; 71432

(9) Providing financial assistance to individual municipal 71433
corporations and townships within the district to defray their 71434
added costs of maintaining roads and other public facilities and 71435
of providing emergency and other public services resulting from 71436
the location and operation within their boundaries of a 71437
composting, energy or resource recovery, incineration, or 71438
recycling facility that either is owned by the district or is 71439
furnishing solid waste management facility or recycling services 71440
to the district pursuant to a contract or agreement with the board 71441
of county commissioners or directors of the district; 71442

(10) Payment of any expenses that are agreed to, awarded, or 71443
ordered to be paid under section 3734.35 of the Revised Code and 71444
of any administrative costs incurred pursuant to that section. In 71445
the case of a joint solid waste management district, if the board 71446
of county commissioners of one of the counties in the district is 71447
negotiating on behalf of affected communities, as defined in that 71448
section, in that county, the board shall obtain the approval of 71449
the board of directors of the district in order to expend moneys 71450
for administrative costs incurred. 71451

Prior to the approval of the district's solid waste 71452
management plan under section 3734.55 of the Revised Code, moneys 71453
in the special fund of the district arising from the fees shall be 71454
expended for those purposes in the manner prescribed by the solid 71455
waste management policy committee by resolution. 71456

Notwithstanding division (G)(6) of this section as it existed 71457
prior to October 29, 1993, or any provision in a district's solid 71458
waste management plan prepared in accordance with division 71459
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 71460
prior to that date, any moneys arising from the fees levied under 71461
division (B)(3) of this section prior to January 1, 1994, may be 71462
expended for any of the purposes authorized in divisions (G)(1) to 71463

(10) of this section. 71464

(H) The director shall adopt rules in accordance with Chapter 71465
119. of the Revised Code prescribing procedures for collecting and 71466
forwarding the fees levied under divisions (B) and (C) of this 71467
section to the boards of county commissioners or directors of 71468
county or joint solid waste management districts and to the 71469
treasurers or other officers of municipal corporations and the 71470
fiscal officers of townships. The rules also shall prescribe the 71471
dates for forwarding the fees to the boards and officials and may 71472
prescribe any other requirements the director considers necessary 71473
or appropriate to implement and administer divisions (A), (B), and 71474
(C) of this section. 71475

Sec. 3734.573. (A) For the purposes specified in division (G) 71476
of section 3734.57 of the Revised Code, the solid waste management 71477
policy committee of a county or joint solid waste management 71478
district may levy a fee on the generation of solid wastes within 71479
the district. 71480

The initial or amended solid waste management plan of the 71481
county or joint district approved under section 3734.521, 3734.55, 71482
or 3734.56 of the Revised Code, an amendment to the district's 71483
plan adopted under division (E) of section 3734.56 of the Revised 71484
Code, or the resolution adopted and ratified under division (B) of 71485
this section shall establish the rate of the fee levied under this 71486
division and shall specify whether the fee is levied on the basis 71487
of tons or cubic yards as the unit of measurement. 71488

(B) Prior to the approval under division (A) of section 71489
3734.56 of the Revised Code of the first amended plan that the 71490
district is required to submit for approval under that section, 71491
the approval of an initial plan under section 3734.521 of the 71492
Revised Code, the approval of an amended plan under section 71493
3734.521 or division (D) of section 3734.56 of the Revised Code, 71494

or the amendment of the district's plan under division (E) of 71495
section 3734.56 of the Revised Code, the solid waste management 71496
policy committee of a county or joint district that is operating 71497
under an initial plan approved under section 3734.55 of the 71498
Revised Code, or one for which approval of its initial plan is 71499
pending before the director of environmental protection on October 71500
29, 1993, under section 3734.55 of the Revised Code, may levy a 71501
fee under division (A) of this section by adopting and obtaining 71502
ratification of a resolution establishing the amount of the fee. A 71503
policy committee that, after December 1, 1993, concurrently 71504
proposes to levy a fee under division (A) of this section and to 71505
amend the fees levied by the district under divisions (B)(1) to 71506
(3) of section 3734.57 of the Revised Code may adopt and obtain 71507
ratification of one resolution proposing to do both. The 71508
requirements and procedures set forth in division (B) of section 71509
3734.57 of the Revised Code governing the adoption, amendment, and 71510
repeal of resolutions levying fees under divisions (B)(1) to (3) 71511
of that section, the ratification of those resolutions, and the 71512
notification of owners and operators of solid waste facilities 71513
required to collect fees levied under those divisions govern the 71514
adoption of the resolutions authorized to be adopted under this 71515
division, the ratification thereof, and the notification of owners 71516
and operators required to collect the fees, except as otherwise 71517
specifically provided in division (C) of this section. 71518

(C) Any initial or amended plan of a district adopted under 71520
section 3734.521 or 3734.56 of the Revised Code, or resolution 71521
adopted under division (B) of this section, that proposes to levy 71522
a fee under division (A) of this section that exceeds five dollars 71523
per ton shall be ratified in accordance with the provisions of 71524
section 3734.55 or division (B) of section 3734.57 of the Revised 71525
Code, as applicable, except that such an initial or amended plan 71526
or resolution shall be approved by a combination of municipal 71527

corporations and townships with a combined population within the 71528
boundaries of the district comprising at least seventy-five per 71529
cent, rather than at least sixty per cent, of the total population 71530
of the district. 71531

(D) The policy committee of a county or joint district may 71532
amend the fee levied by the district under division (A) of this 71533
section by adopting and obtaining ratification of a resolution 71534
establishing the amount of the amended fee. The policy committee 71535
may abolish the fee or an amended fee established under this 71536
division by adopting and obtaining ratification of a resolution 71537
proposing to repeal it. The requirements and procedures under 71538
division (B) and, if applicable, division (C) of this section 71539
govern the adoption and ratification of a resolution authorized to 71540
be adopted under this division and the notification of owners and 71541
operators of solid waste facilities required to collect the fees. 71542

(E) Collection of a fee or amended fee levied under division 71543
(A) or (D) of this section shall commence or cease in accordance 71544
with division (B) of section 3734.57 of the Revised Code. If a 71545
district is levying a fee under section 3734.572 of the Revised 71546
Code, collection of that fee shall cease on the date on which 71547
collection of the fee levied under division (A) of this section 71548
commences in accordance with division (B) of section 3734.57 of 71549
the Revised Code. 71550

(F) In the case of solid wastes that are taken to a solid 71551
waste transfer facility prior to being transported to a solid 71552
waste disposal facility for disposal, the fee levied under 71553
division (A) of this section shall be collected by the owner or 71554
operator of the transfer facility as a trustee for the district. 71555
In the case of solid wastes that are not taken to a solid waste 71556
transfer facility prior to being transported to a solid waste 71557
disposal facility, the fee shall be collected by the owner or 71558
operator of the solid waste disposal facility where the wastes are 71559

disposed of. An owner or operator of a solid waste transfer or 71560
disposal facility who is required to collect the fee shall collect 71561
and forward the fee to the district in accordance with section 71562
3734.57 of the Revised Code and rules adopted under division (H) 71563
of that section. 71564

If the owner or operator of a solid waste transfer or 71565
disposal facility who did not receive notice pursuant to division 71566
(B) of this section to collect the fee levied by a district under 71567
division (A) of this section receives solid wastes generated in 71568
the district, the owner or operator, within thirty days after 71569
receiving the wastes, shall send written notice of that fact to 71570
the board of county commissioners or directors of the district. 71571
Within thirty days after receiving such a notice, the board of 71572
county commissioners or directors shall send written notice to the 71573
owner or operator indicating whether the district is levying a fee 71574
under division (A) of this section and, if so, the amount of the 71575
fee. 71576

(G) Moneys received by a district levying a fee under 71577
division (A) of this section shall be credited to the special fund 71578
of the district created in division (G) of section 3734.57 of the 71579
Revised Code and shall be used exclusively for the purposes 71580
specified in that division. Prior to the approval under division 71581
(A) of section 3734.56 of the Revised Code of the first amended 71582
plan that the district is required to submit for approval under 71583
that section, the approval of an initial plan under section 71584
3734.521 of the Revised Code, the approval of an amended plan 71585
under that section or division (D) of section 3734.56 of the 71586
Revised Code, or the amendment of the district's plan under 71587
division (E) of section 3734.56 of the Revised Code, moneys 71588
credited to the special fund arising from the fee levied pursuant 71589
to a resolution adopted and ratified under division (B) of this 71590
section shall be expended for those purposes in the manner 71591

prescribed by the solid waste management policy committee by 71592
resolution. 71593

(H) The fee levied under division (A) of this section does 71594
not apply to the management of solid wastes that: 71595

(1) Are disposed of at a facility owned by the generator of 71596
the wastes when the solid waste facility exclusively disposes of 71597
solid wastes generated at one or more premises owned by the 71598
generator regardless of whether the facility is located on a 71599
premises where the wastes were generated; 71600

(2) Are disposed of at facilities that exclusively dispose of 71601
wastes that are generated from the combustion of coal, or from the 71602
combustion of primarily coal in combination with scrap tires, that 71603
is not combined in any way with garbage at one or more premises 71604
owned by the generator. 71605

(I) When solid wastes that are burned in a disposal facility 71606
that is an incinerator or energy recovery facility are delivered 71607
to a solid waste transfer facility prior to being transported to 71608
the incinerator or energy recovery facility where they are burned, 71609
the fee levied under division (A) of this section shall be levied 71610
on the wastes delivered to the transfer facility. 71611

(J) When solid wastes that are burned in a disposal facility 71612
that is an incinerator or energy recovery facility are not 71613
delivered to a solid waste transfer facility prior to being 71614
transported to the incinerator or energy recovery facility where 71615
they are burned, the fee levied under division (A) of this section 71616
shall be levied on the wastes delivered to the incinerator or 71617
energy recovery facility. 71618

(K) The fee levied under division (A) of this section does 71619
not apply to sewage sludge that is generated by a waste water 71620
treatment facility holding a national pollutant discharge 71621
elimination system permit and that is disposed of through 71622

incineration, land application, or composting or at another 71623
resource recovery or disposal facility that is not a landfill. 71624

(L) The fee levied under division (A) of this section does 71625
not apply to ~~yard waste~~ solid waste delivered to a solid waste 71626
composting facility for processing ~~or to a solid waste transfer~~ 71627
~~facility. If any unprocessed solid waste or compost product is~~ 71628
transported off the premises of a composting facility for disposal 71629
at a landfill, the fee levied under division (A) of this section 71630
applies and shall be collected by the owner or operator of the 71631
landfill. 71632

(M) The fee levied under division (A) of this section does 71633
not apply to materials separated from a mixed waste stream for 71634
recycling by the generator or materials removed from the solid 71635
waste stream as a result of recycling, as "recycling" is defined 71636
in rules adopted under section 3734.02 of the Revised Code. 71637

(N) The director of environmental protection may issue an 71638
order exempting from the fees levied under this section solid 71639
wastes, including, but not limited to, scrap tires, that are 71640
generated, transferred, or disposed of as a result of a contract 71641
providing for the expenditure of public funds entered into by the 71642
administrator or regional administrator of the United States 71643
environmental protection agency, the director of environmental 71644
protection, or the director of administrative services on behalf 71645
of the director of environmental protection for the purpose of 71646
remediating conditions at a hazardous waste facility, solid waste 71647
facility, or other location at which the administrator or regional 71648
administrator or the director of environmental protection has 71649
reason to believe that there is a substantial threat to public 71650
health or safety or the environment or that the conditions are 71651
causing or contributing to air or water pollution or soil 71652
contamination. An order issued by the director of environmental 71653
protection under this division shall include a determination that 71654

the amount of fees not received by a solid waste management 71655
district as a result of the order will not adversely impact the 71656
implementation and financing of the district's approved solid 71657
waste ~~management~~ management plan and any approved amendments to the 71658
plan. Such an order is a final action of the director of 71659
environmental protection. 71660

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 71661
facility license issued under section 3734.81 of the Revised Code 71662
shall be in accordance with the following schedule: 71663

Daily Design	Annual	71664
Input Capacity	License	71665
(Tons)	Fee	71666
1 or less	\$ 100	71667
2 to 25	500	71668
26 to 50	1,000	71669
51 to 100	1,500	71670
101 to 200	2,500	71671
201 to 500	3,500	71672
501 or more	5,500	71673

For the purpose of determining the applicable license fee 71674
under this division, the daily design input capacity shall be the 71675
quantity of scrap tires the facility is designed to process daily 71676
as set forth in the registration certificate or permit for the 71677
facility, and any modifications to the permit, if applicable, 71678
issued under section 3734.78 of the Revised Code. 71679

(B) The annual fee for a scrap tire monocell or monofill 71680
facility license shall be in accordance with the following 71681
schedule: 71682

Authorized Maximum	Annual	71683
Daily Waste Receipt	License	71684
(Tons)	Fee	71685

100 or less	\$ 5,000	71686
101 to 200	12,500	71687
201 to 500	30,000	71688
501 or more	60,000	71689

For the purpose of determining the applicable license fee 71690
under this division, the authorized maximum daily waste receipt 71691
shall be the maximum amount of scrap tires the facility is 71692
authorized to receive daily that is established in the permit for 71693
the facility, and any modification to that permit, issued under 71694
section 3734.77 of the Revised Code. 71695

(C)(1) Except as otherwise provided in division (C)(2) of 71696
this section, the annual fee for a scrap tire storage facility 71697
license shall equal one thousand dollars times the number of acres 71698
on which scrap tires are to be stored at the facility during the 71699
license year, as set forth on the application for the annual 71700
license, except that the total annual license fee for any such 71701
facility shall not exceed three thousand dollars. 71702

(2) The annual fee for a scrap tire storage facility license 71703
for a storage facility that is owned or operated by a motor 71704
vehicle salvage dealer licensed under Chapter 4738. of the Revised 71705
Code is one hundred dollars. 71706

(D)(1) Except as otherwise provided in division (D)(2) of 71707
this section, the annual fee for a scrap tire collection facility 71708
license is two hundred dollars. 71709

(2) The annual fee for a scrap tire collection facility 71710
license for a collection facility that is owned or operated by a 71711
motor vehicle salvage dealer licensed under Chapter 4738. of the 71712
Revised Code is fifty dollars. 71713

(E) Except as otherwise provided in divisions (C)(2) and 71714
(D)(2) of this section, the same fees apply to private operators 71715
and to the state and its political subdivisions and shall be paid 71716

within thirty days after the issuance of a license. The fees 71717
include the cost of licensing, all inspections, and other costs 71718
associated with the administration of the scrap tire provisions of 71719
this chapter and rules adopted under them. Each license shall 71720
specify that it is conditioned upon payment of the applicable fee 71721
to the board of health or the director of environmental 71722
protection, as appropriate, within thirty days after the issuance 71723
of the license. 71724

(F) The board of health shall retain fifteen thousand dollars 71725
of each license fee collected by the board under division (B) of 71726
this section, or the entire amount of any such fee that is less 71727
than fifteen thousand dollars, and the entire amount of each 71728
license fee collected by the board under divisions (A), (C), and 71729
(D) of this section. The moneys retained shall be paid into a 71730
special fund, which is hereby created in each health district, and 71731
used solely to administer and enforce the scrap tire provisions of 71732
this chapter and rules adopted under them. The remainder, if any, 71733
of each license fee collected by the board under division (B) of 71734
this section shall be transmitted to the director within 71735
forty-five days after receipt of the fee. 71736

(G) The director shall transmit the moneys received by the 71737
director from license fees collected under division (B) of this 71738
section to the treasurer of state to be credited to the scrap tire 71739
management fund, which is hereby created in the state treasury. 71740
The fund shall consist of all federal moneys received by the 71741
environmental protection agency for the scrap tire management 71742
program; all grants, gifts, and contributions made to the director 71743
for that program; and all other moneys that may be provided by law 71744
for that program. The director shall use moneys in the fund as 71745
follows: 71746

(1) ~~Expend not more than seven hundred fifty thousand dollars~~ 71747
~~during each fiscal year~~ amounts determined necessary by the 71748

director to implement, administer, and enforce the scrap tire provisions of this chapter and rules adopted under them; 71749
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(2) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire grant fund created in section 1502.12 of the Revised Code for ~~the purposes specified in that section;~~ supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes. In addition, during a fiscal year, the director of environmental protection may request the director of budget and management to, and the director of budget and management shall, transfer up to an additional five hundred thousand dollars to the scrap tire grant fund for scrap tire amnesty events and scrap tire cleanup events. 71751
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(3) ~~Expend not more than three million dollars per year during fiscal years 2002 and 2003 to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than three million dollars may be expended in fiscal years 2002 and 2003 for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. During each subsequent fiscal year the director shall expend not more than four million five hundred thousand dollars to conduct removal actions under section 3734.85 of the Revised Code and to make grants to boards of health under section 3734.042 of the Revised Code. However, more than four million five hundred thousand dollars may be expended in a fiscal year for the purposes of division (G)(3) of this section if more moneys are collected from the fee levied under division (A)(2) of section 3734.901 of the Revised Code. The director shall request the approval of the controlling board prior to the use of the moneys to conduct~~ 71763
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~~removal actions under section 3734.85 of the Revised Code. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if it finds that the proposed removal actions are in accordance with the priorities set forth in division (B) of section 3734.85 of the Revised Code and that the costs of conducting them are reasonable. Controlling board approval is not required for grants made to boards of health under section 3734.042 of the Revised Code.~~

~~(H) If, during a fiscal year, more than seven million dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer one half of those excess moneys to the scrap tire grant fund. The director shall expend the remaining excess moneys in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code in accordance with the procedures established under division (I) of this section.~~

~~(I) After the actions in divisions (C)(1) to (3) and (H) of this section are completed during each prior fiscal year, the director may expend up to the balance remaining from prior fiscal years in the scrap tire management fund to conduct removal actions under section 3734.85 of the Revised Code. Prior to using any moneys in the fund for that purpose in a fiscal year, the director shall request the approval of the controlling board for that use of the moneys. The request shall be accompanied by a plan describing the removal actions to be conducted during the fiscal year and an estimate of the costs of conducting them. The controlling board shall approve the plan only if the board finds that the proposed removal actions are in accordance with the~~

~~priorities set forth in division (B) of section 3734.85 of the~~ 71813
~~Revised Code and that the costs of conducting them are reasonable~~ 71814
After the expenditures and transfers are made under divisions 71815
(G)(1) and (2) of this section, expend the balance of the money in 71816
the scrap tire management fund remaining in each fiscal year to 71817
conduct removal actions under section 3734.85 of the Revised Code 71818
and to provide grants to boards of health under section 3734.042 71819
of the Revised Code. 71820

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 71821
defray the cost of administering and enforcing the scrap tire 71822
provisions of this chapter, rules adopted under those provisions, 71823
and terms and conditions of orders, variances, and licenses issued 71824
under those provisions; to abate accumulations of scrap tires; to 71825
make grants ~~to promote research regarding alternative methods of~~ 71826
~~recycling scrap tires and~~ supporting market development activities 71827
for scrap tires and synthetic rubber from tire manufacturing 71828
processes and tire recycling processes and to support scrap tire 71829
amnesty and cleanup events; to make loans to promote the recycling 71830
or recovery of energy from scrap tires; and to defray the costs of 71831
administering and enforcing sections 3734.90 to 3734.9014 of the 71832
Revised Code, a fee of fifty cents per tire is hereby levied on 71833
the sale of tires. The proceeds of the fee shall be deposited in 71834
the state treasury to the credit of the scrap tire management fund 71835
created in section 3734.82 of the Revised Code. The fee is levied 71836
from the first day of the calendar month that begins next after 71837
thirty days from October 29, 1993, through June 30, 2011. 71838

(2) Beginning on September 5, 2001, and ending on June 30, 71839
2011, there is hereby levied an additional fee of fifty cents per 71840
tire on the sale of tires the proceeds of which shall be deposited 71841
in the state treasury to the credit of the scrap tire management 71842
fund ~~created in section 3734.82 of the Revised Code~~ and be used 71843
exclusively for the purposes specified in division (G)(3) of that 71844

section. 71845

(B) Only one sale of the same article shall be used in 71846
computing the amount of the fee due. 71847

Sec. 3734.9010. Two per cent of all amounts paid to the 71848
treasurer of state pursuant to sections 3734.90 to 3734.9014 of 71849
the Revised Code shall be certified directly to the credit of the 71850
tire fee administrative fund, which is hereby created in the state 71851
treasury, for appropriation to the department of taxation for use 71852
in administering those sections. The remainder of the amounts paid 71853
to the treasurer of state shall be deposited ~~to the credit of the~~ 71854
~~scrap tire management fund created~~ and credited in accordance with 71855
section ~~3734.82~~ 3734.901 of the Revised Code. 71856

Sec. 3737.71. Each insurance company doing business in this 71857
state shall pay to the state in installments, at the time of 71858
making the payments required by section 5729.05 of the Revised 71859
Code, in addition to the taxes required to be paid by it, 71860
three-fourths of one per cent on the gross premium receipts 71861
derived from fire insurance and that portion of the premium 71862
reasonably allocable to insurance against the hazard of fire 71863
included in other coverages except life and sickness and accident 71864
insurance, after deducting return premiums paid and considerations 71865
received for reinsurances as shown by the annual statement of such 71866
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 71867
the Revised Code. The money received shall be paid into the state 71868
treasury to the credit of the state fire marshal's fund, which is 71869
hereby created. The fund shall be used for the maintenance and 71870
administration of the office of the fire marshal and the Ohio fire 71871
academy established by section 3737.33 of the Revised Code. If the 71872
director of commerce certifies to the director of budget and 71873
management that the cash balance in the state fire marshal's fund 71874
is in excess of the amount needed to pay ongoing operating 71875

expenses, the director of commerce, with the approval of the 71876
director of budget and management, may use the excess amount to 71877
acquire by purchase, lease, or otherwise, real property or 71878
interests in real property to be used for the benefit of the 71879
office of the state fire marshal, or to construct, acquire, 71880
enlarge, equip, furnish, or improve the fire marshal's office 71881
facilities or the facilities of the Ohio fire academy. The state 71882
fire marshal's fund shall be assessed a proportionate share of the 71883
administrative costs of the department of commerce in accordance 71884
with procedures prescribed by the director of commerce and 71885
approved by the director of budget and management. Such assessment 71886
shall be paid from the state fire marshal's fund to the division 71887
of administration fund. 71888

Notwithstanding any other provision in this section, if the 71889
director of budget and management determines at any time that the 71890
money in the state fire marshal's fund exceeds the amount 71891
necessary to defray ongoing operating expenses in a fiscal year, 71892
the director may transfer the excess to the general revenue fund . 71893
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Sec. 3743.04. (A) The license of a manufacturer of fireworks 71895
is effective for one year beginning on the first day of December. 71896
The state fire marshal shall issue or renew a license only on that 71897
date and at no other time. If a manufacturer of fireworks wishes 71898
to continue manufacturing fireworks at the designated fireworks 71899
plant after its then effective license expires, it shall apply no 71900
later than the first day of October for a new license pursuant to 71901
section 3743.02 of the Revised Code. The state fire marshal shall 71902
send a written notice of the expiration of its license to a 71903
licensed manufacturer at least three months before the expiration 71904
date. 71905

(B) If, during the effective period of its licensure, a 71906

licensed manufacturer of fireworks wishes to construct, locate, or 71907
relocate any buildings or other structures on the premises of its 71908
fireworks plant, to make any structural change or renovation in 71909
any building or other structure on the premises of its fireworks 71910
plant, or to change the nature of its manufacturing of fireworks 71911
so as to include the processing of fireworks, the manufacturer 71912
shall notify the state fire marshal in writing. The state fire 71913
marshal may require a licensed manufacturer also to submit 71914
documentation, including, but not limited to, plans covering the 71915
proposed construction, location, relocation, structural change or 71916
renovation, or change in manufacturing of fireworks, if the state 71917
fire marshal determines the documentation is necessary for 71918
evaluation purposes in light of the proposed construction, 71919
location, relocation, structural change or renovation, or change 71920
in manufacturing of fireworks. 71921

Upon receipt of the notification and additional documentation 71922
required by the state fire marshal, the state fire marshal shall 71923
inspect the premises of the fireworks plant to determine if the 71924
proposed construction, location, relocation, structural change or 71925
renovation, or change in manufacturing of fireworks conforms to 71926
sections 3743.02 to 3743.08 of the Revised Code and the rules 71927
adopted by the state fire marshal pursuant to section 3743.05 of 71928
the Revised Code. The state fire marshal shall issue a written 71929
authorization to the manufacturer for the construction, location, 71930
relocation, structural change or renovation, or change in 71931
manufacturing of fireworks if the state fire marshal determines, 71932
upon the inspection and a review of submitted documentation, that 71933
the construction, location, relocation, structural change or 71934
renovation, or change in manufacturing of fireworks conforms to 71935
those sections and rules. Upon authorizing a change in 71936
manufacturing of fireworks to include the processing of fireworks, 71937
the state fire marshal shall make notations on the manufacturer's 71938
license and in the list of licensed manufacturers in accordance 71939

with section 3743.03 of the Revised Code. 71940

On or before June 1, 1998, a licensed manufacturer shall 71941
install, in every licensed building in which fireworks are 71942
manufactured, stored, or displayed and to which the public has 71943
access, interlinked fire detection, smoke exhaust, and smoke 71944
evacuation systems that are approved by the superintendent of ~~the~~ 71945
~~division of industrial compliance~~ labor, and shall comply with 71946
floor plans showing occupancy load limits and internal circulation 71947
and egress patterns that are approved by the state fire marshal 71948
and superintendent, and that are submitted under seal as required 71949
by section 3791.04 of the Revised Code. Notwithstanding section 71950
3743.59 of the Revised Code, the construction and safety 71951
requirements established in this division are not subject to any 71952
variance, waiver, or exclusion. 71953

(C) The license of a manufacturer of fireworks authorizes the 71954
manufacturer to engage only in the following activities: 71955

(1) The manufacturing of fireworks on the premises of the 71956
fireworks plant as described in the application for licensure or 71957
in the notification submitted under division (B) of this section, 71958
except that a licensed manufacturer shall not engage in the 71959
processing of fireworks unless authorized to do so by its license. 71960

(2) To possess for sale at wholesale and sell at wholesale 71961
the fireworks manufactured by the manufacturer, to persons who are 71962
licensed wholesalers of fireworks, to out-of-state residents in 71963
accordance with section 3743.44 of the Revised Code, to residents 71964
of this state in accordance with section 3743.45 of the Revised 71965
Code, or to persons located in another state provided the 71966
fireworks are shipped directly out of this state to them by the 71967
manufacturer. A person who is licensed as a manufacturer of 71968
fireworks on June 14, 1988, also may possess for sale and sell 71969
pursuant to division (C)(2) of this section fireworks other than 71970
those the person manufactures. The possession for sale shall be on 71971

the premises of the fireworks plant described in the application 71972
for licensure or in the notification submitted under division (B) 71973
of this section, and the sale shall be from the inside of a 71974
licensed building and from no other structure or device outside a 71975
licensed building. At no time shall a licensed manufacturer sell 71976
any class of fireworks outside a licensed building. 71977

(3) Possess for sale at retail and sell at retail the 71978
fireworks manufactured by the manufacturer, other than 1.4G 71979
fireworks as designated by the state fire marshal in rules adopted 71980
pursuant to division (A) of section 3743.05 of the Revised Code, 71981
to licensed exhibitors in accordance with sections 3743.50 to 71982
3743.55 of the Revised Code, and possess for sale at retail and 71983
sell at retail the fireworks manufactured by the manufacturer, 71984
including 1.4G fireworks, to out-of-state residents in accordance 71985
with section 3743.44 of the Revised Code, to residents of this 71986
state in accordance with section 3743.45 of the Revised Code, or 71987
to persons located in another state provided the fireworks are 71988
shipped directly out of this state to them by the manufacturer. A 71989
person who is licensed as a manufacturer of fireworks on June 14, 71990
1988, may also possess for sale and sell pursuant to division 71991
(C)(3) of this section fireworks other than those the person 71992
manufactures. The possession for sale shall be on the premises of 71993
the fireworks plant described in the application for licensure or 71994
in the notification submitted under division (B) of this section, 71995
and the sale shall be from the inside of a licensed building and 71996
from no other structure or device outside a licensed building. At 71997
no time shall a licensed manufacturer sell any class of fireworks 71998
outside a licensed building. 71999

A licensed manufacturer of fireworks shall sell under 72000
division (C) of this section only fireworks that meet the 72001
standards set by the consumer product safety commission or by the 72002
American fireworks standard laboratories or that have received an 72003

EX number from the United States department of transportation. 72004

(D) The license of a manufacturer of fireworks shall be 72005
protected under glass and posted in a conspicuous place on the 72006
premises of the fireworks plant. Except as otherwise provided in 72007
this division, the license is not transferable or assignable. A 72008
license may be transferred to another person for the same 72009
fireworks plant for which the license was issued if the assets of 72010
the plant are transferred to that person by inheritance or by a 72011
sale approved by the state fire marshal. The license is subject to 72012
revocation in accordance with section 3743.08 of the Revised Code. 72013

(E) The state fire marshal shall not place the license of a 72014
manufacturer of fireworks in a temporarily inactive status while 72015
the holder of the license is attempting to qualify to retain the 72016
license. 72017

(F) Each licensed manufacturer of fireworks that possesses 72018
fireworks for sale and sells fireworks under division (C) of 72019
section 3743.04 of the Revised Code, or a designee of the 72020
manufacturer, whose identity is provided to the state fire marshal 72021
by the manufacturer, annually shall attend a continuing education 72022
program. The state fire marshal shall develop the program and the 72023
state fire marshal or a person or public agency approved by the 72024
state fire marshal shall conduct it. A licensed manufacturer or 72025
the manufacturer's designee who attends a program as required 72026
under this division, within one year after attending the program, 72027
shall conduct in-service training as approved by the state fire 72028
marshal for other employees of the licensed manufacturer regarding 72029
the information obtained in the program. A licensed manufacturer 72030
shall provide the state fire marshal with notice of the date, 72031
time, and place of all in-service training. For any program 72032
conducted under this division, the state fire marshal shall, in 72033
accordance with rules adopted by the state fire marshal under 72034
Chapter 119. of the Revised Code, establish the subjects to be 72035

taught, the length of classes, the standards for approval, and 72036
time periods for notification by the licensee to the state fire 72037
marshal of any in-service training. 72038

(G) A licensed manufacturer shall maintain comprehensive 72039
general liability insurance coverage in the amount and type 72040
specified under division (B)(2) of section 3743.02 of the Revised 72041
Code at all times. Each policy of insurance required under this 72042
division shall contain a provision requiring the insurer to give 72043
not less than fifteen days' prior written notice to the state fire 72044
marshal before termination, lapse, or cancellation of the policy, 72045
or any change in the policy that reduces the coverage below the 72046
minimum required under this division. Prior to canceling or 72047
reducing the amount of coverage of any comprehensive general 72048
liability insurance coverage required under this division, a 72049
licensed manufacturer shall secure supplemental insurance in an 72050
amount and type that satisfies the requirements of this division 72051
so that no lapse in coverage occurs at any time. A licensed 72052
manufacturer who secures supplemental insurance shall file 72053
evidence of the supplemental insurance with the state fire marshal 72054
prior to canceling or reducing the amount of coverage of any 72055
comprehensive general liability insurance coverage required under 72056
this division. 72057

(H) The state fire marshal shall adopt rules for the 72058
expansion or contraction of a licensed premises and for approval 72059
of such expansions or contractions. The boundaries of a licensed 72060
premises, including any geographic expansion or contraction of 72061
those boundaries, shall be approved by the state fire marshal in 72062
accordance with rules the state fire marshal adopts. If the 72063
licensed premises consists of more than one parcel of real estate, 72064
those parcels shall be contiguous unless an exception is allowed 72065
pursuant to division (I) of this section. 72066

(I)(1) A licensed manufacturer may expand its licensed 72067

premises within this state to include not more than two storage 72068
locations that are located upon one or more real estate parcels 72069
that are noncontiguous to the licensed premises as that licensed 72070
premises exists on the date a licensee submits an application as 72071
described below, if all of the following apply: 72072

(a) The licensee submits an application to the state fire 72073
marshal and an application fee of one hundred dollars per storage 72074
location for which the licensee is requesting approval. 72075

(b) The identity of the holder of the license remains the 72076
same at the storage location. 72077

(c) The storage location has received a valid certificate of 72078
zoning compliance as applicable and a valid certificate of 72079
occupancy for each building or structure at the storage location 72080
issued by the authority having jurisdiction to issue the 72081
certificate for the storage location, and those certificates 72082
permit the distribution and storage of fireworks regulated under 72083
this chapter at the storage location and in the buildings or 72084
structures. The storage location shall be in compliance with all 72085
other applicable federal, state, and local laws and regulations. 72086

(d) Every building or structure located upon the storage 72087
location is separated from occupied residential and nonresidential 72088
buildings or structures, railroads, highways, or any other 72089
buildings or structures on the licensed premises in accordance 72090
with the distances specified in the rules adopted by the state 72091
fire marshal pursuant to section 3743.05 of the Revised Code. 72092

(e) Neither the licensee nor any person holding, owning, or 72093
controlling a five per cent or greater beneficial or equity 72094
interest in the licensee has been convicted of or pleaded guilty 72095
to a felony under the laws of this state, any other state, or the 72096
United States, after September 29, 2005. 72097

(f) The state fire marshal approves the application for 72098

expansion. 72099

(2) The state fire marshal shall approve an application for 72100
expansion requested under division (I)(1) of this section if the 72101
state fire marshal receives the application fee and proof that the 72102
requirements of divisions (I)(1)(b) to (e) of this section are 72103
satisfied. The storage location shall be considered part of the 72104
original licensed premises and shall use the same distinct number 72105
assigned to the original licensed premises with any additional 72106
designations as the state fire marshal deems necessary in 72107
accordance with section 3743.03 of the Revised Code. 72108

(J)(1) A licensee who obtains approval for the use of a 72109
storage location in accordance with division (I) of this section 72110
shall use the storage location exclusively for the following 72111
activities, in accordance with division (C) of this section: 72112

(a) The packaging, assembling, or storing of fireworks, which 72113
shall only occur in buildings or structures approved for such 72114
hazardous uses by the building code official having jurisdiction 72115
for the storage location or, for 1.4G fireworks, in containers or 72116
trailers approved for such hazardous uses by the state fire 72117
marshal if such containers or trailers are not subject to 72118
regulation by the building code adopted in accordance with Chapter 72119
3781. of the Revised Code. All such storage shall be in accordance 72120
with the rules adopted by the state fire marshal under division 72121
(G) of section 3743.05 of the Revised Code for the packaging, 72122
assembling, and storage of fireworks. 72123

(b) Distributing fireworks to other parcels of real estate 72124
located on the manufacturer's licensed premises, to licensed 72125
wholesalers or other licensed manufacturers in this state or to 72126
similarly licensed persons located in another state or country; 72127

(c) Distributing fireworks to a licensed exhibitor of 72128
fireworks pursuant to a properly issued permit in accordance with 72129

section 3743.54 of the Revised Code. 72130

(2) A licensed manufacturer shall not engage in any sales 72131
activity, including the retail sale of fireworks otherwise 72132
permitted under division (C)(2) or (C)(3) of this section, or 72133
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 72134
storage location approved under this section. 72135

(3) A storage location may not be relocated for a minimum 72136
period of five years after the storage location is approved by the 72137
state fire marshal in accordance with division (I) of this 72138
section. 72139

(K) The licensee shall prohibit public access to the storage 72140
location. The state fire marshal shall adopt rules to describe the 72141
acceptable measures a manufacturer shall use to prohibit access to 72142
the storage site. 72143

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 72144
of this section, all retail sales of 1.4G fireworks by a licensed 72145
manufacturer or wholesaler shall only occur from an approved 72146
retail sales showroom on a licensed premises or from a 72147
representative sample showroom as described in this section on a 72148
licensed premises. For the purposes of this section, a retail sale 72149
includes the transfer of the possession of the 1.4G fireworks from 72150
the licensed manufacturer or wholesaler to the purchaser of the 72151
fireworks. 72152

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 72153
properly permitted exhibition shall occur in accordance with the 72154
provisions of the Revised Code and rules adopted by the state fire 72155
marshal under Chapter 119. of the Revised Code. Such rules shall 72156
specify, at a minimum, that the licensed exhibitor holds a license 72157
under section 3743.51 of the Revised Code, that the exhibitor 72158
possesses a valid exhibition permit issued in accordance with 72159
section 3743.54 of the Revised Code, and that the fireworks 72160

shipped are to be used at the specifically permitted exhibition. 72161

(B) All wholesale sales of fireworks by a licensed 72162
manufacturer or wholesaler shall only occur from a licensed 72163
premises to persons who intend to resell the fireworks purchased 72164
at wholesale. A wholesale sale by a licensed manufacturer or 72165
wholesaler may occur as follows: 72166

(1) The direct sale and shipment of fireworks to a person 72167
outside of this state; 72168

(2) From an approved retail sales showroom as described in 72169
this section; 72170

(3) From a representative sample showroom as described in 72171
this section; 72172

(4) By delivery of wholesale fireworks to a purchaser at a 72173
licensed premises outside of a structure or building on that 72174
premises. All other portions of the wholesale sales transaction 72175
may occur at any location on a licensed premises. 72176

(5) Any other method as described in rules adopted by the 72177
state fire marshal under Chapter 119. of the Revised Code. 72178

(C) A licensed manufacturer or wholesaler shall only sell 72179
1.4G fireworks from a representative sample showroom or a retail 72180
sales showroom. Each licensed premises shall only contain one 72181
sales structure. 72182

A representative sample showroom shall consist of a structure 72183
constructed and maintained in accordance with the nonresidential 72184
building code adopted under Chapter 3781. of the Revised Code and 72185
the fire code adopted under section 3737.82 of the Revised Code 72186
for a use and occupancy group that permits mercantile sales. A 72187
representative sample showroom shall not contain any pyrotechnics, 72188
pyrotechnic materials, fireworks, explosives, explosive materials, 72189
or any similar hazardous materials or substances. A representative 72190

sample showroom shall be used only for the public viewing of 72191
fireworks product representations, including paper materials, 72192
packaging materials, catalogs, photographs, or other similar 72193
product depictions. The delivery of product to a purchaser of 72194
fireworks at a licensed premises that has a representative sample 72195
structure shall not occur inside any structure on a licensed 72196
premises. Such product delivery shall occur on the licensed 72197
premises in a manner prescribed by rules adopted by the state fire 72198
marshal pursuant to Chapter 119. of the Revised Code. 72199

If a manufacturer or wholesaler elects to conduct sales from 72200
a retail sales showroom, the showroom structures, to which the 72201
public may have any access and in which employees are required to 72202
work, on all licensed premises, shall comply with the following 72203
safety requirements: 72204

(1) A fireworks showroom that is constructed or upon which 72205
expansion is undertaken on and after June 30, 1997, shall be 72206
equipped with interlinked fire detection, fire suppression, smoke 72207
exhaust, and smoke evacuation systems that are approved by the 72208
superintendent of ~~the division of industrial compliance~~ labor in 72209
the department of commerce. 72210

(2) A fireworks showroom that first begins to operate on or 72211
after June 30, 1997, and to which the public has access for retail 72212
purposes shall not exceed five thousand square feet in floor area. 72213
72214

(3) A newly constructed or an existing fireworks showroom 72215
structure that exists on ~~the effective date of this amendment~~ 72216
September 23, 2008, but that, on or after ~~the effective date of~~ 72217
~~this amendment~~ September 23, 2008, is altered or added to in a 72218
manner requiring the submission of plans, drawings, 72219
specifications, or data pursuant to section 3791.04 of the Revised 72220
Code, shall comply with a graphic floor plan layout that is 72221
approved by the state fire marshal and superintendent ~~of the~~ 72222

~~division of industrial compliance~~ showing width of aisles, 72223
parallel arrangement of aisles to exits, number of exits per wall, 72224
maximum occupancy load, evacuation plan for occupants, height of 72225
storage or display of merchandise, and other information as may be 72226
required by the state fire marshal and superintendent. 72227
72228

(4) A fireworks showroom structure that exists on June 30, 72229
1997, shall be in compliance on or after June 30, 1997, with floor 72230
plans showing occupancy load limits and internal circulation and 72231
egress patterns that are approved by the state fire marshal and 72232
superintendent ~~of industrial compliance~~, and that are submitted 72233
under seal as required by section 3791.04 of the Revised Code. 72234
72235

(D) The safety requirements established in division (C) of 72236
this section are not subject to any variance, waiver, or exclusion 72237
pursuant to this chapter or any applicable building code. 72238
72239

Sec. 3745.015. There is hereby created in the state treasury 72240
the environmental protection fund consisting of money credited to 72241
the fund under division (A)(3) of section 3714.073 and division 72242
(A)(3) of section 3734.57 of the Revised Code. The environmental 72243
protection agency shall use money in the fund to pay the agency's 72244
costs associated with administering and enforcing, or otherwise 72245
conducting activities under, this chapter and Chapters 3704., 72246
3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 72247
6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 72248
6119. and sections 122.65 and 1521.19 of the Revised Code. 72249

Sec. 3745.11. (A) Applicants for and holders of permits, 72250
licenses, variances, plan approvals, and certifications issued by 72251
the director of environmental protection pursuant to Chapters 72252

3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 72253
to the environmental protection agency for each such issuance and 72254
each application for an issuance as provided by this section. No 72255
fee shall be charged for any issuance for which no application has 72256
been submitted to the director. 72257

(B) Each person who is issued a permit to install prior to 72258
July 1, 2003, pursuant to rules adopted under division (F) of 72259
section 3704.03 of the Revised Code shall pay the fees specified 72260
in the following schedules: 72261

(1) Fuel-burning equipment (boilers) 72262

Input capacity (maximum) 72263

(million British thermal units per hour) Permit to install 72264

Greater than 0, but less than 10 \$ 200 72265

10 or more, but less than 100 400 72266

100 or more, but less than 300 800 72267

300 or more, but less than 500 1500 72268

500 or more, but less than 1000 2500 72269

1000 or more, but less than 5000 4000 72270

5000 or more 6000 72271

Units burning exclusively natural gas, number two fuel oil, 72272

or both shall be assessed a fee that is one-half of the applicable 72273

amount established in division (F)(1) of this section. 72274

(2) Incinerators 72275

Input capacity (pounds per hour) Permit to install 72276

0 to 100 \$ 100 72277

101 to 500 400 72278

501 to 2000 750 72279

2001 to 20,000 1000 72280

more than 20,000 2500 72281

(3)(a) Process 72282

Process weight rate (pounds per hour) Permit to install 72283

0 to 1000	\$ 200	72284
1001 to 5000	400	72285
5001 to 10,000	600	72286
10,001 to 50,000	800	72287
more than 50,000	1000	72288

In any process where process weight rate cannot be 72289
ascertained, the minimum fee shall be assessed. 72290

(b) Notwithstanding division (B)(3)(a) of this section, any 72291
person issued a permit to install pursuant to rules adopted under 72292
division (F) of section 3704.03 of the Revised Code shall pay the 72293
fees established in division (B)(3)(c) of this section for a 72294
process used in any of the following industries, as identified by 72295
the applicable four-digit standard industrial classification code 72296
according to the Standard Industrial Classification Manual 72297
published by the United States office of management and budget in 72298
the executive office of the president, 1972, as revised: 72299

1211 Bituminous coal and lignite mining; 72300

1213 Bituminous coal and lignite mining services; 72301

1411 Dimension stone; 72302

1422 Crushed and broken limestone; 72303

1427 Crushed and broken stone, not elsewhere classified; 72304

1442 Construction sand and gravel; 72305

1446 Industrial sand; 72306

3281 Cut stone and stone products; 72307

3295 Minerals and earth, ground or otherwise treated. 72308

(c) The fees established in the following schedule apply to 72309
the issuance of a permit to install pursuant to rules adopted 72310
under division (F) of section 3704.03 of the Revised Code for a 72311
process listed in division (B)(3)(b) of this section: 72312

Process weight rate (pounds per hour)	Permit to install	72313
0 to 1000	\$ 200	72314
10,001 to 50,000	300	72315
50,001 to 100,000	400	72316
100,001 to 200,000	500	72317
200,001 to 400,000	600	72318
400,001 or more	700	72319
(4) Storage tanks		72320
Gallons (maximum useful capacity)	Permit to install	72321
0 to 20,000	\$ 100	72322
20,001 to 40,000	150	72323
40,001 to 100,000	200	72324
100,001 to 250,000	250	72325
250,001 to 500,000	350	72326
500,001 to 1,000,000	500	72327
1,000,001 or greater	750	72328
(5) Gasoline/fuel dispensing facilities		72329
For each gasoline/fuel dispensing facility	Permit to install	72330
	\$ 100	72331
(6) Dry cleaning facilities		72332
For each dry cleaning facility	Permit to install	72333
(includes all units at the facility)	\$ 100	72334
(7) Registration status		72335
For each source covered by registration status	Permit to install	72336
	\$ 75	72337
(C)(1) Except as otherwise provided in division (C)(2) of this section, beginning July 1, 1994, each person who owns or operates an air contaminant source and who is required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay the fees set forth in division (C)(1) of this section. For the purposes of that division, total emissions of air contaminants may be calculated using engineering		72338 72339 72340 72341 72342 72343 72344

calculations, emissions factors, material balance calculations, or 72345
performance testing procedures, as authorized by the director. 72346

The following fees shall be assessed on the total actual 72347
emissions from a source in tons per year of the regulated 72348
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 72349
organic compounds, and lead: 72350

(a) Fifteen dollars per ton on the total actual emissions of 72351
each such regulated pollutant during the period July through 72352
December 1993, to be collected no sooner than July 1, 1994; 72353

(b) Twenty dollars per ton on the total actual emissions of 72354
each such regulated pollutant during calendar year 1994, to be 72355
collected no sooner than April 15, 1995; 72356

(c) Twenty-five dollars per ton on the total actual emissions 72357
of each such regulated pollutant in calendar year 1995, and each 72358
subsequent calendar year, to be collected no sooner than the 72359
fifteenth day of April of the year next succeeding the calendar 72360
year in which the emissions occurred. 72361

The fees levied under division (C)(1) of this section do not 72362
apply to that portion of the emissions of a regulated pollutant at 72363
a facility that exceed four thousand tons during a calendar year. 72364

(2) The fees assessed under division (C)(1) of this section 72365
are for the purpose of providing funding for the Title V permit 72366
program. 72367

(3) The fees assessed under division (C)(1) of this section 72368
do not apply to emissions from any electric generating unit 72369
designated as a Phase I unit under Title IV of the federal Clean 72370
Air Act prior to calendar year 2000. Those fees shall be assessed 72371
on the emissions from such a generating unit commencing in 72372
calendar year 2001 based upon the total actual emissions from the 72373
generating unit during calendar year 2000 and shall continue to be 72374
assessed each subsequent calendar year based on the total actual 72375

emissions from the generating unit during the preceding calendar year. 72376
72377

(4) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (C) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 72378
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 72386
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Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	72397 72400
50 or more, but less than 100	300	72401
100 or more	700	72402

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 72403
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	72417
10 or more, but less than 50	200	72418
50 or more, but less than 100	300	72419
100 or more	700	72420

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2010~~ 2012, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	72437
10 or more, but less than 20	340	72438
20 or more, but less than 30	670	72439

30 or more, but less than 40	1,010	72440
40 or more, but less than 50	1,340	72441
50 or more, but less than 60	1,680	72442
60 or more, but less than 70	2,010	72443
70 or more, but less than 80	2,350	72444
80 or more, but less than 90	2,680	72445
90 or more, but less than 100	3,020	72446
100 or more	3,350	72447

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for

the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		72504
		72505
Generating capacity (mega watts)	Permit to install	72506
0 or more, but less than 10	\$ 25	72507
10 or more, but less than 25	150	72508
25 or more, but less than 50	300	72509
50 or more, but less than 100	500	72510
100 or more, but less than 250	1000	72511
250 or more	2000	72512
(3) Incinerators		72513
Input capacity (pounds per hour)	Permit to install	72514
0 to 100	\$ 100	72515
101 to 500	500	72516
501 to 2000	1000	72517
2001 to 20,000	1500	72518
more than 20,000	3750	72519
(4)(a) Process		72520
Process weight rate (pounds per hour)	Permit to install	72521
0 to 1000	\$ 200	72522
1001 to 5000	500	72523
5001 to 10,000	750	72524
10,001 to 50,000	1000	72525
more than 50,000	1250	72526
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		72527
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		72535

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 72546
- Major group 12, coal mining; 72547
- Major group 14, mining and quarrying of nonmetallic minerals; 72548
- Industry group 204, grain mill products; 72549
- 2873 Nitrogen fertilizers; 72550
- 2874 Phosphatic fertilizers; 72551
- 3281 Cut stone and stone products; 72552
- 3295 Minerals and earth, ground or otherwise treated; 72553
- 4221 Grain elevators (storage only); 72554
- 5159 Farm related raw materials; 72555
- 5261 Retail nurseries and lawn and garden supply stores. 72556

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	72562
10,001 to 50,000	400	72563

50,001 to 100,000	500	72564
100,001 to 200,000	600	72565
200,001 to 400,000	750	72566
400,001 or more	900	72567
(5) Storage tanks		72568
Gallons (maximum useful capacity)	Permit to install	72569
0 to 20,000	\$ 100	72570
20,001 to 40,000	150	72571
40,001 to 100,000	250	72572
100,001 to 500,000	400	72573
500,001 or greater	750	72574
(6) Gasoline/fuel dispensing facilities		72575
For each gasoline/fuel		72576
dispensing facility (includes all	Permit to install	72577
units at the facility)	\$ 100	72578
(7) Dry cleaning facilities		72579
For each dry cleaning		72580
facility (includes all units	Permit to install	72581
at the facility)	\$ 100	72582
(8) Registration status		72583
For each source covered	Permit to install	72584
by registration status	\$ 75	72585
(G) An owner or operator who is responsible for an asbestos		72586
demolition or renovation project pursuant to rules adopted under		72587
section 3704.03 of the Revised Code shall pay the fees set forth		72588
in the following schedule:		72589
Action	Fee	72590
Each notification	\$75	72591
Asbestos removal	\$3/unit	72592
Asbestos cleanup	\$4/cubic yard	72593
For purposes of this division, "unit" means any combination of		72594

linear feet or square feet equal to fifty. 72595

(H) A person who is issued an extension of time for a permit 72596
to install an air contaminant source pursuant to rules adopted 72597
under division (F) of section 3704.03 of the Revised Code shall 72598
pay a fee equal to one-half the fee originally assessed for the 72599
permit to install under this section, except that the fee for such 72600
an extension shall not exceed two hundred dollars. 72601

(I) A person who is issued a modification to a permit to 72602
install an air contaminant source pursuant to rules adopted under 72603
section 3704.03 of the Revised Code shall pay a fee equal to 72604
one-half of the fee that would be assessed under this section to 72605
obtain a permit to install the source. The fee assessed by this 72606
division only applies to modifications that are initiated by the 72607
owner or operator of the source and shall not exceed two thousand 72608
dollars. 72609

(J) Notwithstanding division (B) or (F) of this section, a 72610
person who applies for or obtains a permit to install pursuant to 72611
rules adopted under division (F) of section 3704.03 of the Revised 72612
Code after the date actual construction of the source began shall 72613
pay a fee for the permit to install that is equal to twice the fee 72614
that otherwise would be assessed under the applicable division 72615
unless the applicant received authorization to begin construction 72616
under division (W) of section 3704.03 of the Revised Code. This 72617
division only applies to sources for which actual construction of 72618
the source begins on or after July 1, 1993. The imposition or 72619
payment of the fee established in this division does not preclude 72620
the director from taking any administrative or judicial 72621
enforcement action under this chapter, Chapter 3704., 3714., 72622
3734., or 6111. of the Revised Code, or a rule adopted under any 72623
of them, in connection with a violation of rules adopted under 72624
division (F) of section 3704.03 of the Revised Code. 72625

As used in this division, "actual construction of the source" 72626

means the initiation of physical on-site construction activities 72627
in connection with improvements to the source that are permanent 72628
in nature, including, without limitation, the installation of 72629
building supports and foundations and the laying of underground 72630
pipework. 72631

(K) Fifty cents per ton of each fee assessed under division 72632
(C) of this section on actual emissions from a source and received 72633
by the environmental protection agency pursuant to that division 72634
shall be deposited into the state treasury to the credit of the 72635
small business assistance fund created in section 3706.19 of the 72636
Revised Code. The remainder of the moneys received by the division 72637
pursuant to that division and moneys received by the agency 72638
pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 72639
section shall be deposited in the state treasury to the credit of 72640
the clean air fund created in section 3704.035 of the Revised 72641
Code. 72642

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 72643
or (c) of this section, a person issued a water discharge permit 72644
or renewal of a water discharge permit pursuant to Chapter 6111. 72645
of the Revised Code shall pay a fee based on each point source to 72646
which the issuance is applicable in accordance with the following 72647
schedule: 72648

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	72649
1,001 to 5000	100	72650
5,001 to 50,000	200	72651
50,001 to 100,000	300	72652
100,001 to 300,000	525	72653
over 300,000	750	72654

(b) Notwithstanding the fee schedule specified in division 72655
(L)(1)(a) of this section, the fee for a water discharge permit 72656
that is applicable to coal mining operations regulated under 72657
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Chapter 1513. of the Revised Code shall be two hundred fifty 72659
dollars per mine. 72660

(c) Notwithstanding the fee schedule specified in division 72661
(L)(1)(a) of this section, the fee for a water discharge permit 72662
for a public discharger identified by I in the third character of 72663
the permittee's NPDES permit number shall not exceed seven hundred 72664
fifty dollars. 72665

(2) A person applying for a plan approval for a wastewater 72666
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 72667
of the Revised Code shall pay a fee of one hundred dollars plus 72668
sixty-five one-hundredths of one per cent of the estimated project 72669
cost through June 30, ~~2010~~ 2012, and one hundred dollars plus 72670
two-tenths of one per cent of the estimated project cost on and 72671
after July 1, ~~2010~~ 2012, except that the total fee shall not 72672
exceed fifteen thousand dollars through June 30, ~~2010~~ 2012, and 72673
five thousand dollars on and after July 1, ~~2010~~ 2012. The fee 72674
shall be paid at the time the application is submitted. 72675

(3) A person issued a modification of a water discharge 72676
permit shall pay a fee equal to one-half the fee that otherwise 72677
would be charged for a water discharge permit, except that the fee 72678
for the modification shall not exceed four hundred dollars. 72679

(4) A person who has entered into an agreement with the 72680
director under section 6111.14 of the Revised Code shall pay an 72681
administrative service fee for each plan submitted under that 72682
section for approval that shall not exceed the minimum amount 72683
necessary to pay administrative costs directly attributable to 72684
processing plan approvals. The director annually shall calculate 72685
the fee and shall notify all persons who have entered into 72686
agreements under that section, or who have applied for agreements, 72687
of the amount of the fee. 72688

(5)(a)(i) Not later than January 30, ~~2008~~ 2010, and January 72689

30, ~~2009~~ 2011, a person holding an NPDES discharge permit issued 72690
pursuant to Chapter 6111. of the Revised Code with an average 72691
daily discharge flow of five thousand gallons or more shall pay a 72692
nonrefundable annual discharge fee. Any person who fails to pay 72693
the fee at that time shall pay an additional amount that equals 72694
ten per cent of the required annual discharge fee. 72695

(ii) The billing year for the annual discharge fee 72696
established in division (L)(5)(a)(i) of this section shall consist 72697
of a twelve-month period beginning on the first day of January of 72698
the year preceding the date when the annual discharge fee is due. 72699
In the case of an existing source that permanently ceases to 72700
discharge during a billing year, the director shall reduce the 72701
annual discharge fee, including the surcharge applicable to 72702
certain industrial facilities pursuant to division (L)(5)(c) of 72703
this section, by one-twelfth for each full month during the 72704
billing year that the source was not discharging, but only if the 72705
person holding the NPDES discharge permit for the source notifies 72706
the director in writing, not later than the first day of October 72707
of the billing year, of the circumstances causing the cessation of 72708
discharge. 72709

(iii) The annual discharge fee established in division 72710
(L)(5)(a)(i) of this section, except for the surcharge applicable 72711
to certain industrial facilities pursuant to division (L)(5)(c) of 72712
this section, shall be based upon the average daily discharge flow 72713
in gallons per day calculated using first day of May through 72714
thirty-first day of October flow data for the period two years 72715
prior to the date on which the fee is due. In the case of NPDES 72716
discharge permits for new sources, the fee shall be calculated 72717
using the average daily design flow of the facility until actual 72718
average daily discharge flow values are available for the time 72719
period specified in division (L)(5)(a)(iii) of this section. The 72720
annual discharge fee may be prorated for a new source as described 72721

in division (L)(5)(a)(ii) of this section. 72722

(b) An NPDES permit holder that is a public discharger shall 72723
pay the fee specified in the following schedule: 72724

Average daily discharge flow	Fee due by January 30, 2008 <u>2010</u> , and January 30, 2009 <u>2011</u>	
5,000 to 49,999	\$ 200	72729
50,000 to 100,000	500	72730
100,001 to 250,000	1,050	72731
250,001 to 1,000,000	2,600	72732
1,000,001 to 5,000,000	5,200	72733
5,000,001 to 10,000,000	10,350	72734
10,000,001 to 20,000,000	15,550	72735
20,000,001 to 50,000,000	25,900	72736
50,000,001 to 100,000,000	41,400	72737
100,000,001 or more	62,100	72738

Public dischargers owning or operating two or more publicly 72739
owned treatment works serving the same political subdivision, as 72740
"treatment works" is defined in section 6111.01 of the Revised 72741
Code, and that serve exclusively political subdivisions having a 72742
population of fewer than one hundred thousand shall pay an annual 72743
discharge fee under division (L)(5)(b) of this section that is 72744
based on the combined average daily discharge flow of the 72745
treatment works. 72746

(c) An NPDES permit holder that is an industrial discharger, 72747
other than a coal mining operator identified by P in the third 72748
character of the permittee's NPDES permit number, shall pay the 72749
fee specified in the following schedule: 72750

Average daily discharge flow	Fee due by January 30,	
---------------------------------	---------------------------	--

	2008 <u>2010</u> , and	72753
	January 30, 2009	72754
	<u>2011</u>	
5,000 to 49,999	\$ 250	72755
50,000 to 250,000	1,200	72756
250,001 to 1,000,000	2,950	72757
1,000,001 to 5,000,000	5,850	72758
5,000,001 to 10,000,000	8,800	72759
10,000,001 to 20,000,000	11,700	72760
20,000,001 to 100,000,000	14,050	72761
100,000,001 to 250,000,000	16,400	72762
250,000,001 or more	18,700	72763

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2008~~ 2010, and not later than January 30, ~~2009~~ 2011. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge

elimination system general or individual permit for municipal 72784
storm water discharge shall pay a nonrefundable storm water 72785
discharge fee of one hundred dollars per square mile of area 72786
permitted. The fee shall not exceed ten thousand dollars and shall 72787
be payable on or before January 30, 2004, and the thirtieth day of 72788
January of each year thereafter. Any person who fails to pay the 72789
fee on the date specified in division (L)(6) of this section shall 72790
pay an additional amount per year equal to ten per cent of the 72791
annual fee that is unpaid. 72792

(7) The director shall transmit all moneys collected under 72793
division (L) of this section to the treasurer of state for deposit 72794
into the state treasury to the credit of the surface water 72795
protection fund created in section 6111.038 of the Revised Code. 72796

(8) As used in division (L) of this section: 72797

(a) "NPDES" means the federally approved national pollutant 72798
discharge elimination system program for issuing, modifying, 72799
revoking, reissuing, terminating, monitoring, and enforcing 72800
permits and imposing and enforcing pretreatment requirements under 72801
Chapter 6111. of the Revised Code and rules adopted under it. 72802

(b) "Public discharger" means any holder of an NPDES permit 72803
identified by P in the second character of the NPDES permit number 72804
assigned by the director. 72805

(c) "Industrial discharger" means any holder of an NPDES 72806
permit identified by I in the second character of the NPDES permit 72807
number assigned by the director. 72808

(d) "Major discharger" means any holder of an NPDES permit 72809
classified as major by the regional administrator of the United 72810
States environmental protection agency in conjunction with the 72811
director. 72812

(M) Through June 30, ~~2010~~ 2012, a person applying for a 72813
license or license renewal to operate a public water system under 72814

section 6109.21 of the Revised Code shall pay the appropriate fee 72815
established under this division at the time of application to the 72816
director. Any person who fails to pay the fee at that time shall 72817
pay an additional amount that equals ten per cent of the required 72818
fee. The director shall transmit all moneys collected under this 72819
division to the treasurer of state for deposit into the drinking 72820
water protection fund created in section 6109.30 of the Revised 72821
Code. 72822

Except as provided in division (M)(4) of this section, fees 72823
required under this division shall be calculated and paid in 72824
accordance with the following schedule: 72825

(1) For the initial license required under division (A)(1) of 72826
section 6109.21 of the Revised Code for any public water system 72827
that is a community water system as defined in section 6109.01 of 72828
the Revised Code, and for each license renewal required for such a 72829
system prior to January 31, ~~2010~~ 2012, the fee is: 72830

Number of service connections	Fee amount	
Not more than 49	\$ 112	72832
50 to 99	176	72833
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	72835
2,500 to 4,999	1.48	72836
5,000 to 7,499	1.42	72837
7,500 to 9,999	1.34	72838
10,000 to 14,999	1.16	72839
15,000 to 24,999	1.10	72840
25,000 to 49,999	1.04	72841
50,000 to 99,999	.92	72842
100,000 to 149,999	.86	72843
150,000 to 199,999	.80	72844
200,000 or more	.76	72845

A public water system may determine how it will pay the total 72846

amount of the fee calculated under division (M)(1) of this 72847
section, including the assessment of additional user fees that may 72848
be assessed on a volumetric basis. 72849

As used in division (M)(1) of this section, "service 72850
connection" means the number of active or inactive pipes, 72851
goosenecks, pigtails, and any other fittings connecting a water 72852
main to any building outlet. 72853

(2) For the initial license required under division (A)(2) of 72854
section 6109.21 of the Revised Code for any public water system 72855
that is not a community water system and serves a nontransient 72856
population, and for each license renewal required for such a 72857
system prior to January 31, ~~2010~~ 2012, the fee is: 72858

Population served	Fee amount	
Fewer than 150	\$ 112	72860
150 to 299	176	72861
300 to 749	384	72862
750 to 1,499	628	72863
1,500 to 2,999	1,268	72864
3,000 to 7,499	2,816	72865
7,500 to 14,999	5,510	72866
15,000 to 22,499	9,048	72867
22,500 to 29,999	12,430	72868
30,000 or more	16,820	72869

As used in division (M)(2) of this section, "population 72870
served" means the total number of individuals receiving water from 72871
the water supply during a twenty-four-hour period for at least 72872
sixty days during any calendar year. In the absence of a specific 72873
population count, that number shall be calculated at the rate of 72874
three individuals per service connection. 72875

(3) For the initial license required under division (A)(3) of 72876
section 6109.21 of the Revised Code for any public water system 72877
that is not a community water system and serves a transient 72878

population, and for each license renewal required for such a 72879
system prior to January 31, ~~2010~~ 2012, the fee is: 72880

Number of wells supplying system	Fee amount	
1	\$112	72882
2	112	72883
3	176	72884
4	278	72885
5	568	72886
System designated as using a		72887
surface water source	792	72888

As used in division (M)(3) of this section, "number of wells 72889
supplying system" means those wells that are physically connected 72890
to the plumbing system serving the public water system. 72891

(4) A public water system designated as using a surface water 72892
source shall pay a fee of seven hundred ninety-two dollars or the 72893
amount calculated under division (M)(1) or (2) of this section, 72894
whichever is greater. 72895

(N)(1) A person applying for a plan approval for a public 72896
water supply system under section 6109.07 of the Revised Code 72897
shall pay a fee of one hundred fifty dollars plus thirty-five 72898
hundredths of one per cent of the estimated project cost, except 72899
that the total fee shall not exceed twenty thousand dollars 72900
through June 30, ~~2010~~ 2012, and fifteen thousand dollars on and 72901
after July 1, ~~2010~~ 2012. The fee shall be paid at the time the 72902
application is submitted. 72903

(2) A person who has entered into an agreement with the 72904
director under division (A)(2) of section 6109.07 of the Revised 72905
Code shall pay an administrative service fee for each plan 72906
submitted under that section for approval that shall not exceed 72907
the minimum amount necessary to pay administrative costs directly 72908
attributable to processing plan approvals. The director annually 72909
shall calculate the fee and shall notify all persons that have 72910

entered into agreements under that division, or who have applied 72911
for agreements, of the amount of the fee. 72912

(3) Through June 30, ~~2010~~ 2012, the following fee, on a per 72913
survey basis, shall be charged any person for services rendered by 72914
the state in the evaluation of laboratories and laboratory 72915
personnel for compliance with accepted analytical techniques and 72916
procedures established pursuant to Chapter 6109. of the Revised 72917
Code for determining the qualitative characteristics of water: 72918

microbiological		72919
MMO-MUG	\$2,000	72920
MF	2,100	72921
MMO-MUG and MF	2,550	72922
organic chemical	5,400	72923
trace metals	5,400	72924
standard chemistry	2,800	72925
limited chemistry	1,550	72926

On and after July 1, ~~2010~~ 2012, the following fee, on a per 72927
survey basis, shall be charged any such person: 72928

microbiological	\$ 1,650	72929
organic chemicals	3,500	72930
trace metals	3,500	72931
standard chemistry	1,800	72932
limited chemistry	1,000	72933

The fee for those services shall be paid at the time the request 72934
for the survey is made. Through June 30, ~~2010~~ 2012, an individual 72935
laboratory shall not be assessed a fee under this division more 72936
than once in any three-year period unless the person requests the 72937
addition of analytical methods or analysts, in which case the 72938
person shall pay eighteen hundred dollars for each additional 72939
survey requested. 72940

As used in division (N)(3) of this section: 72941

- (a) "MF" means microfiltration. 72942
- (b) "MMO" means minimal medium ONPG. 72943
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 72944
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 72945

The director shall transmit all moneys collected under this 72946
division to the treasurer of state for deposit into the drinking 72947
water protection fund created in section 6109.30 of the Revised 72948
Code. 72949

(O) Any person applying to the director for examination for 72950
certification as an operator of a water supply system or 72951
wastewater system under Chapter 6109. or 6111. of the Revised 72952
Code, at the time the application is submitted, shall pay an 72953
application fee of forty-five dollars through November 30, ~~2010~~ 72954
2012, and twenty-five dollars on and after December 1, ~~2010~~ 2012. 72955
Upon approval from the director that the applicant is eligible to 72956
take the examination therefor, the applicant shall pay a fee in 72957
accordance with the following schedule through November 30, ~~2010~~ 72958
2012: 72959

Class A operator	\$35	72960
Class I operator	60	72961
Class II operator	75	72962
Class III operator	85	72963
Class IV operator	100	72964

On and after December 1, ~~2010~~ 2012, the applicant shall pay a 72965
fee in accordance with the following schedule: 72966

Class A operator	\$25	72967
Class I operator	\$45	72968
Class II operator	55	72969
Class III operator	65	72970
Class IV operator	75	72971

A person shall pay a biennial certification renewal fee for 72972

each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	72975
Class I operator	35	72976
Class II operator	45	72977
Class III operator	55	72978
Class IV operator	65	72979

If a certification renewal fee is received by the director more than thirty days, but not more than one year after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	72985
Class I operator	55	72986
Class II operator	65	72987
Class III operator	75	72988
Class IV operator	85	72989

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay

an application fee under division (S)(1) of this section. On and 73005
after June 26, 2003, persons shall file such applications and pay 73006
the fee as required under sections 5709.20 to 5709.27 of the 73007
Revised Code, and proceeds from the fee shall be credited as 73008
provided in section 5709.212 of the Revised Code. 73009

(Q) Except as otherwise provided in division (R) of this 73010
section, a person issued a permit by the director for a new solid 73011
waste disposal facility other than an incineration or composting 73012
facility, a new infectious waste treatment facility other than an 73013
incineration facility, or a modification of such an existing 73014
facility that includes an increase in the total disposal or 73015
treatment capacity of the facility pursuant to Chapter 3734. of 73016
the Revised Code shall pay a fee of ten dollars per thousand cubic 73017
yards of disposal or treatment capacity, or one thousand dollars, 73018
whichever is greater, except that the total fee for any such 73019
permit shall not exceed eighty thousand dollars. A person issued a 73020
modification of a permit for a solid waste disposal facility or an 73021
infectious waste treatment facility that does not involve an 73022
increase in the total disposal or treatment capacity of the 73023
facility shall pay a fee of one thousand dollars. A person issued 73024
a permit to install a new, or modify an existing, solid waste 73025
transfer facility under that chapter shall pay a fee of two 73026
thousand five hundred dollars. A person issued a permit to install 73027
a new or to modify an existing solid waste incineration or 73028
composting facility, or an existing infectious waste treatment 73029
facility using incineration as its principal method of treatment, 73030
under that chapter shall pay a fee of one thousand dollars. The 73031
increases in the permit fees under this division resulting from 73032
the amendments made by Amended Substitute House Bill 592 of the 73033
117th general assembly do not apply to any person who submitted an 73034
application for a permit to install a new, or modify an existing, 73035
solid waste disposal facility under that chapter prior to 73036
September 1, 1987; any such person shall pay the permit fee 73037

established in this division as it existed prior to June 24, 1988. 73038
In addition to the applicable permit fee under this division, a 73039
person issued a permit to install or modify a solid waste facility 73040
or an infectious waste treatment facility under that chapter who 73041
fails to pay the permit fee to the director in compliance with 73042
division (V) of this section shall pay an additional ten per cent 73043
of the amount of the fee for each week that the permit fee is 73044
late. 73045

Permit and late payment fees paid to the director under this 73046
division shall be credited to the general revenue fund. 73047

(R)(1) A person issued a registration certificate for a scrap 73048
tire collection facility under section 3734.75 of the Revised Code 73049
shall pay a fee of two hundred dollars, except that if the 73050
facility is owned or operated by a motor vehicle salvage dealer 73051
licensed under Chapter 4738. of the Revised Code, the person shall 73052
pay a fee of twenty-five dollars. 73053

(2) A person issued a registration certificate for a new 73054
scrap tire storage facility under section 3734.76 of the Revised 73055
Code shall pay a fee of three hundred dollars, except that if the 73056
facility is owned or operated by a motor vehicle salvage dealer 73057
licensed under Chapter 4738. of the Revised Code, the person shall 73058
pay a fee of twenty-five dollars. 73059

(3) A person issued a permit for a scrap tire storage 73060
facility under section 3734.76 of the Revised Code shall pay a fee 73061
of one thousand dollars, except that if the facility is owned or 73062
operated by a motor vehicle salvage dealer licensed under Chapter 73063
4738. of the Revised Code, the person shall pay a fee of fifty 73064
dollars. 73065

(4) A person issued a permit for a scrap tire monocell or 73066
monofill facility under section 3734.77 of the Revised Code shall 73067
pay a fee of ten dollars per thousand cubic yards of disposal 73068

capacity or one thousand dollars, whichever is greater, except 73069
that the total fee for any such permit shall not exceed eighty 73070
thousand dollars. 73071

(5) A person issued a registration certificate for a scrap 73072
tire recovery facility under section 3734.78 of the Revised Code 73073
shall pay a fee of one hundred dollars. 73074

(6) A person issued a permit for a scrap tire recovery 73075
facility under section 3734.78 of the Revised Code shall pay a fee 73076
of one thousand dollars. 73077

(7) In addition to the applicable registration certificate or 73078
permit fee under divisions (R)(1) to (6) of this section, a person 73079
issued a registration certificate or permit for any such scrap 73080
tire facility who fails to pay the registration certificate or 73081
permit fee to the director in compliance with division (V) of this 73082
section shall pay an additional ten per cent of the amount of the 73083
fee for each week that the fee is late. 73084

(8) The registration certificate, permit, and late payment 73085
fees paid to the director under divisions (R)(1) to (7) of this 73086
section shall be credited to the scrap tire management fund 73087
created in section 3734.82 of the Revised Code. 73088

(S)(1) Except as provided by divisions (L), (M), (N), (O), 73089
(P), and (S)(2) of this section, division (A)(2) of section 73090
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 73091
and rules adopted under division (T)(1) of this section, any 73092
person applying for a registration certificate under section 73093
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 73094
variance, or plan approval under Chapter 3734. of the Revised Code 73095
shall pay a nonrefundable fee of fifteen dollars at the time the 73096
application is submitted. 73097

Except as otherwise provided, any person applying for a 73098
permit, variance, or plan approval under Chapter 6109. or 6111. of 73099

the Revised Code shall pay a nonrefundable fee of one hundred 73100
dollars at the time the application is submitted through June 30, 73101
~~2010~~ 2012, and a nonrefundable fee of fifteen dollars at the time 73102
the application is submitted on and after July 1, ~~2010~~ 2012. 73103
Through June 30, ~~2010~~ 2012, any person applying for a national 73104
pollutant discharge elimination system permit under Chapter 6111. 73105
of the Revised Code shall pay a nonrefundable fee of two hundred 73106
dollars at the time of application for the permit. On and after 73107
July 1, ~~2010~~ 2012, such a person shall pay a nonrefundable fee of 73108
fifteen dollars at the time of application. 73109

In addition to the application fee established under division 73110
(S)(1) of this section, any person applying for a national 73111
pollutant discharge elimination system general storm water 73112
construction permit shall pay a nonrefundable fee of twenty 73113
dollars per acre for each acre that is permitted above five acres 73114
at the time the application is submitted. However, the per acreage 73115
fee shall not exceed three hundred dollars. In addition, any 73116
person applying for a national pollutant discharge elimination 73117
system general storm water industrial permit shall pay a 73118
nonrefundable fee of one hundred fifty dollars at the time the 73119
application is submitted. 73120

The director shall transmit all moneys collected under 73121
division (S)(1) of this section pursuant to Chapter 6109. of the 73122
Revised Code to the treasurer of state for deposit into the 73123
drinking water protection fund created in section 6109.30 of the 73124
Revised Code. 73125

The director shall transmit all moneys collected under 73126
division (S)(1) of this section pursuant to Chapter 6111. of the 73127
Revised Code to the treasurer of state for deposit into the 73128
surface water protection fund created in section 6111.038 of the 73129
Revised Code. 73130

If a registration certificate is issued under section 73131

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 73132
the application fee paid shall be deducted from the amount of the 73133
registration certificate fee due under division (R)(1), (2), or 73134
(5) of this section, as applicable. 73135

If a person submits an electronic application for a 73136
registration certificate, permit, variance, or plan approval for 73137
which an application fee is established under division (S)(1) of 73138
this section, the person shall pay the applicable application fee 73139
as expeditiously as possible after the submission of the 73140
electronic application. An application for a registration 73141
certificate, permit, variance, or plan approval for which an 73142
application fee is established under division (S)(1) of this 73143
section shall not be reviewed or processed until the applicable 73144
application fee, and any other fees established under this 73145
division, are paid. 73146

(2) Division (S)(1) of this section does not apply to an 73147
application for a registration certificate for a scrap tire 73148
collection or storage facility submitted under section 3734.75 or 73149
3734.76 of the Revised Code, as applicable, if the owner or 73150
operator of the facility or proposed facility is a motor vehicle 73151
salvage dealer licensed under Chapter 4738. of the Revised Code. 73152

(T) The director may adopt, amend, and rescind rules in 73153
accordance with Chapter 119. of the Revised Code that do all of 73154
the following: 73155

(1) Prescribe fees to be paid by applicants for and holders 73156
of any license, permit, variance, plan approval, or certification 73157
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 73158
the Revised Code that are not specifically established in this 73159
section. The fees shall be designed to defray the cost of 73160
processing, issuing, revoking, modifying, denying, and enforcing 73161
the licenses, permits, variances, plan approvals, and 73162
certifications. 73163

The director shall transmit all moneys collected under rules 73164
adopted under division (T)(1) of this section pursuant to Chapter 73165
6109. of the Revised Code to the treasurer of state for deposit 73166
into the drinking water protection fund created in section 6109.30 73167
of the Revised Code. 73168

The director shall transmit all moneys collected under rules 73169
adopted under division (T)(1) of this section pursuant to Chapter 73170
6111. of the Revised Code to the treasurer of state for deposit 73171
into the surface water protection fund created in section 6111.038 73172
of the Revised Code. 73173

(2) Exempt the state and political subdivisions thereof, 73174
including education facilities or medical facilities owned by the 73175
state or a political subdivision, or any person exempted from 73176
taxation by section 5709.07 or 5709.12 of the Revised Code, from 73177
any fee required by this section; 73178

(3) Provide for the waiver of any fee, or any part thereof, 73179
otherwise required by this section whenever the director 73180
determines that the imposition of the fee would constitute an 73181
unreasonable cost of doing business for any applicant, class of 73182
applicants, or other person subject to the fee; 73183

(4) Prescribe measures that the director considers necessary 73184
to carry out this section. 73185

(U) When the director reasonably demonstrates that the direct 73186
cost to the state associated with the issuance of a permit to 73187
install, license, variance, plan approval, or certification 73188
exceeds the fee for the issuance or review specified by this 73189
section, the director may condition the issuance or review on the 73190
payment by the person receiving the issuance or review of, in 73191
addition to the fee specified by this section, the amount, or any 73192
portion thereof, in excess of the fee specified under this 73193
section. The director shall not so condition issuances for which 73194

fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section. 73195
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(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees required by this section are payable within thirty days after the issuance of an invoice for the fee by the director or the effective date of the issuance of the license, permit, variance, plan approval, or certification. If payment is late, the person responsible for payment of the fee shall pay an additional ten per cent of the amount due for each month that it is late. 73197
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(W) As used in this section, "fuel-burning equipment," "fuel-burning equipment input capacity," "incinerator," "incinerator input capacity," "process," "process weight rate," "storage tank," "gasoline dispensing facility," "dry cleaning facility," "design flow discharge," and "new source treatment works" have the meanings ascribed to those terms by applicable rules or standards adopted by the director under Chapter 3704. or 6111. of the Revised Code. 73206
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(X) As used in divisions (B), (C), (D), (E), (F), (H), (I), and (J) of this section, and in any other provision of this section pertaining to fees paid pursuant to Chapter 3704. of the Revised Code: 73214
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(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 73218
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(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 73221
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73223

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its 73224
73225

implementation or enforcement;	73226
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	73227 73228 73229 73230
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	73231 73232 73233
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	73234 73235 73236
(e) Emission and ambient monitoring;	73237
(f) Modeling, analyses, or demonstrations;	73238
(g) Preparing inventories and tracking emissions;	73239
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	73240 73241 73242 73243 73244 73245 73246
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year	73247 73248 73249 73250 73251 73252 73253 73254 73255

preceding the date on which payment of the fee is due. 73256

(2)(a) Except as provided in division (Y)(2)(d) of this 73257
section, each sewage sludge facility shall pay a minimum annual 73258
sewage sludge fee of one hundred dollars. 73259

(b) The annual sludge fee required to be paid by a sewage 73260
sludge facility that treats or disposes of exceptional quality 73261
sludge in this state shall be thirty-five per cent less per dry 73262
ton of exceptional quality sludge than the fee assessed under 73263
division (Y)(1) of this section, subject to the following 73264
exceptions: 73265

(i) Except as provided in division (Y)(2)(d) of this section, 73266
a sewage sludge facility that treats or disposes of exceptional 73267
quality sludge shall pay a minimum annual sewage sludge fee of one 73268
hundred dollars. 73269

(ii) A sewage sludge facility that treats or disposes of 73270
exceptional quality sludge shall not be required to pay the annual 73271
sludge fee for treatment or disposal in this state of exceptional 73272
quality sludge generated outside of this state and contained in 73273
bags or other containers not greater than one hundred pounds in 73274
capacity. 73275

A thirty-five per cent reduction for exceptional quality 73276
sludge applies to the maximum annual fees established under 73277
division (Y)(3) of this section. 73278

(c) A sewage sludge facility that transfers sewage sludge to 73279
another sewage sludge facility in this state for further treatment 73280
prior to disposal in this state shall not be required to pay the 73281
annual sludge fee for the tons of sewage sludge that have been 73282
transferred. In such a case, the sewage sludge facility that 73283
disposes of the sewage sludge shall pay the annual sludge fee. 73284
However, the facility transferring the sewage sludge shall pay the 73285
one-hundred-dollar minimum fee required under division (Y)(2)(a) 73286

of this section. 73287

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. 73288
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(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section. 73293
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(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows: 73297
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(a) Incineration: five thousand dollars; 73304

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars; 73305
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(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars. 73307
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(4)(a) In the case of an entity that generates sewage sludge or a sewage sludge facility that treats sewage sludge and transfers the sewage sludge to an incineration facility for disposal, the incineration facility, and not the entity generating the sewage sludge or the sewage sludge facility treating the sewage sludge, shall pay the annual sludge fee for the tons of sewage sludge that are transferred. However, the entity or facility generating or treating the sewage sludge shall pay the 73310
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one-hundred-dollar minimum fee required under division (Y)(2)(a) 73318
of this section. 73319

(b) In the case of an entity that generates sewage sludge and 73320
transfers the sewage sludge to a landfill for disposal or to a 73321
sewage sludge facility for land reclamation or surface disposal, 73322
the entity generating the sewage sludge, and not the landfill or 73323
sewage sludge facility, shall pay the annual sludge fee for the 73324
tons of sewage sludge that are transferred. 73325

(5) Not later than the first day of April of the calendar 73326
year following March 17, 2000, and each first day of April 73327
thereafter, the director shall issue invoices to persons who are 73328
required to pay the annual sludge fee. The invoice shall identify 73329
the nature and amount of the annual sludge fee assessed and state 73330
the first day of May as the deadline for receipt by the director 73331
of objections regarding the amount of the fee and the first day of 73332
July as the deadline for payment of the fee. 73333

Not later than the first day of May following receipt of an 73334
invoice, a person required to pay the annual sludge fee may submit 73335
objections to the director concerning the accuracy of information 73336
regarding the number of dry tons of sewage sludge used to 73337
calculate the amount of the annual sludge fee or regarding whether 73338
the sewage sludge qualifies for the exceptional quality sludge 73339
discount established in division (Y)(2)(b) of this section. The 73340
director may consider the objections and adjust the amount of the 73341
fee to ensure that it is accurate. 73342

If the director does not adjust the amount of the annual 73343
sludge fee in response to a person's objections, the person may 73344
appeal the director's determination in accordance with Chapter 73345
119. of the Revised Code. 73346

Not later than the first day of June, the director shall 73347
notify the objecting person regarding whether the director has 73348

found the objections to be valid and the reasons for the finding. 73349
If the director finds the objections to be valid and adjusts the 73350
amount of the annual sludge fee accordingly, the director shall 73351
issue with the notification a new invoice to the person 73352
identifying the amount of the annual sludge fee assessed and 73353
stating the first day of July as the deadline for payment. 73354

Not later than the first day of July, any person who is 73355
required to do so shall pay the annual sludge fee. Any person who 73356
is required to pay the fee, but who fails to do so on or before 73357
that date shall pay an additional amount that equals ten per cent 73358
of the required annual sludge fee. 73359

(6) The director shall transmit all moneys collected under 73360
division (Y) of this section to the treasurer of state for deposit 73361
into the surface water protection fund created in section 6111.038 73362
of the Revised Code. The moneys shall be used to defray the costs 73363
of administering and enforcing provisions in Chapter 6111. of the 73364
Revised Code and rules adopted under it that govern the use, 73365
storage, treatment, or disposal of sewage sludge. 73366

(7) Beginning in fiscal year 2001, and every two years 73367
thereafter, the director shall review the total amount of moneys 73368
generated by the annual sludge fees to determine if that amount 73369
exceeded six hundred thousand dollars in either of the two 73370
preceding fiscal years. If the total amount of moneys in the fund 73371
exceeded six hundred thousand dollars in either fiscal year, the 73372
director, after review of the fee structure and consultation with 73373
affected persons, shall issue an order reducing the amount of the 73374
fees levied under division (Y) of this section so that the 73375
estimated amount of moneys resulting from the fees will not exceed 73376
six hundred thousand dollars in any fiscal year. 73377

If, upon review of the fees under division (Y)(7) of this 73378
section and after the fees have been reduced, the director 73379
determines that the total amount of moneys collected and 73380

accumulated is less than six hundred thousand dollars, the 73381
director, after review of the fee structure and consultation with 73382
affected persons, may issue an order increasing the amount of the 73383
fees levied under division (Y) of this section so that the 73384
estimated amount of moneys resulting from the fees will be 73385
approximately six hundred thousand dollars. Fees shall never be 73386
increased to an amount exceeding the amount specified in division 73387
(Y)(7) of this section. 73388

Notwithstanding section 119.06 of the Revised Code, the 73389
director may issue an order under division (Y)(7) of this section 73390
without the necessity to hold an adjudicatory hearing in 73391
connection with the order. The issuance of an order under this 73392
division is not an act or action for purposes of section 3745.04 73393
of the Revised Code. 73394

(8) As used in division (Y) of this section: 73395

(a) "Sewage sludge facility" means an entity that performs 73396
treatment on or is responsible for the disposal of sewage sludge. 73397

(b) "Sewage sludge" means a solid, semi-solid, or liquid 73398
residue generated during the treatment of domestic sewage in a 73399
treatment works as defined in section 6111.01 of the Revised Code. 73400
"Sewage sludge" includes, but is not limited to, scum or solids 73401
removed in primary, secondary, or advanced wastewater treatment 73402
processes. "Sewage sludge" does not include ash generated during 73403
the firing of sewage sludge in a sewage sludge incinerator, grit 73404
and screenings generated during preliminary treatment of domestic 73405
sewage in a treatment works, animal manure, residue generated 73406
during treatment of animal manure, or domestic septage. 73407

(c) "Exceptional quality sludge" means sewage sludge that 73408
meets all of the following qualifications: 73409

(i) Satisfies the class A pathogen standards in 40 C.F.R. 73410
503.32(a); 73411

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	73412 73413
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	73414 73415
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	73416 73417
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	73418 73419 73420
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	73421 73422 73423
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	73424 73425 73426 73427 73428
(g) "Land reclamation" means the returning of disturbed land to productive use.	73429 73430
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	73431 73432 73433 73434
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	73435 73436 73437 73438
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if	73439 73440 73441

they are separated by a public road or highway. 73442

(k) "Annual sludge fee" means the fee assessed under division 73443
(Y)(1) of this section. 73444

(l) "Landfill" means a sanitary landfill facility, as defined 73445
in rules adopted under section 3734.02 of the Revised Code, that 73446
is licensed under section 3734.05 of the Revised Code. 73447

(m) "Preexisting land reclamation project" means a 73448
property-specific land reclamation project that has been in 73449
continuous operation for not less than five years pursuant to 73450
approval of the activity by the director and includes the 73451
implementation of a community outreach program concerning the 73452
activity. 73453

Sec. 3748.01. As used in this chapter: 73454

(A) "Byproduct material" means either of the following: 73455

(1) Any radioactive material, except special nuclear 73456
material, yielded in or made radioactive by exposure to radiation 73457
incident to the process of producing or utilizing special nuclear 73458
material; 73459

(2) The tailings or wastes produced by the extraction or 73460
concentration of uranium or thorium from any ore processed 73461
primarily for its source material content. 73462

(B) "Certified radiation expert" means an individual who has 73463
complied with all of the following: 73464

(1) Applied to the director of health for certification as a 73465
radiation expert under section 3748.12 of the Revised Code; 73466

(2) Met minimum education and experience requirements 73467
established in rules adopted under division (C) of section 3748.04 73468
of the Revised Code; 73469

(3) Been granted a certificate as a radiation expert by the 73470

director under section 3748.12 of the Revised Code. 73471

(C) "Closure" or "site closure" refers to a facility for the 73472
disposal of low-level radioactive waste or a byproduct material 73473
site, as "byproduct material" is defined in division (A)(2) of 73474
this section, and means all activities performed at a licensed 73475
operation, such as stabilization and contouring, to ensure that 73476
the site where the operation occurred is in a stable condition so 73477
that only minor custodial care, surveillance, and monitoring are 73478
necessary at the site following the termination of the licensed 73479
operation. 73480

(D) "Decommissioning" means to safely remove any licensed 73481
operation from service and reduce residual radioactivity to a 73482
level that permits release of the licensee's property for 73483
unrestricted use. With regard to a facility for the disposal of 73484
low-level radioactive waste or a byproduct material site, as 73485
"byproduct material" is defined in division (A)(2) of this 73486
section, "decommissioning" does not include the reduction of 73487
residual radioactivity to a level that permits release of the 73488
facility for unrestricted use. 73489

(E) "Director of health" includes a designee or authorized 73490
representative of the director. 73491

(F) "Disposal," with regard to low-level radioactive waste, 73492
means the permanent isolation of that waste in accordance with 73493
requirements established by the United States nuclear regulatory 73494
commission or the licensing agreement state. 73495

(G) "Disposal site" means that portion of a facility that is 73496
used for the disposal of low-level radioactive waste and that 73497
consists of disposal units and a buffer zone. "Disposal unit" 73498
means a discrete portion of such a facility into which low-level 73499
radioactive waste is placed for disposal. 73500

(H)(1) Except as provided in division (H)(2) of this section, 73501

"facility" means the state, any political subdivision, person, 73502
public or private institution, or group, or any unit of one of 73503
those entities, but does not include the federal government or any 73504
of its agencies. 73505

(2) For the purposes of the disposal of low-level radioactive 73506
waste, "facility" has the same meaning as in section 3747.01 of 73507
the Revised Code. 73508

(I) "Handle" means receive, possess, use, store, transfer, 73509
install, service, or dispose of sources of radiation unless 73510
possession is solely for the purpose of transportation. 73511

(J) "Handler" means a facility that handles sources of 73512
radiation unless possession is solely for the purpose of 73513
transportation. 73514

(K) "Inspection" means an official review, examination, or 73515
observation, including, without limitation, tests, surveys, and 73516
monitoring, that is used to determine compliance with rules, 73517
orders, requirements, and conditions of the department of health 73518
and that is conducted by the director of health. 73519

(L) "Low-level radioactive waste" has the same meaning as in 73520
section 3747.01 of the Revised Code with regard to the disposal of 73521
low-level radioactive waste. In regard to regulatory control at 73522
locations other than a disposal facility, "low-level radioactive 73523
waste" has the same meaning as in 42 U.S.C.A. 2021b. 73524

(M) "Quality assurance program" means a program providing for 73525
verification by written procedures such as testing, auditing, and 73526
inspection to ensure that deficiencies, deviations, defective 73527
equipment, or unsafe practices, or a combination thereof, relating 73528
to the use, disposal, management, or manufacture of radiation 73529
sources are identified, promptly corrected, and reported to the 73530
appropriate regulatory authorities. 73531

(N) "Radiation" means ionizing and nonionizing radiation. 73532

(1) "Ionizing radiation" means gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles, but does not include sound or radio waves or visible, infrared, or ultraviolet light. 73533
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(2) "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, or any sonic, ultrasonic, or infrasonic wave. 73537
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(O) "Radioactive material" means any solid, liquid, or gaseous material that emits ionizing radiation spontaneously. 73540
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"Radioactive material" includes accelerator-produced and naturally occurring materials and byproduct, source, and special nuclear material. 73542
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(P) "Radiation-generating equipment" means any manufactured product or device, or component of such a product or device, or any machine or system that during operation can generate or emit radiation, except those that emit radiation only from radioactive material. "Radiation-generating equipment" does not include either of the following: 73545
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(1) Diathermy machines; 73551

(2) Microwave ovens, including food service microwave ovens used for commercial and industrial uses, television receivers, electric lamps, and other household appliances and products that generate very low levels of radiation. 73552
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(Q) "Source material" means uranium, thorium, or any combination thereof in any physical or chemical form, or any ores that contain by weight at least one-twentieth of one per cent of uranium, thorium, or any combination thereof. "Source material" does not include special nuclear material. 73556
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(R) "Source of radiation" means radioactive material or radiation-generating equipment. 73561
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(S) "Special nuclear material" means either of the following: 73563

(1) Plutonium, uranium 233, uranium enriched in the isotope 73564
233 or in the isotope 235, and any other material that the United 73565
States nuclear regulatory commission determines to be special 73566
nuclear material, but does not include source material pursuant to 73567
section 51 of the "Atomic Energy Act of 1954," 68 Stat. 919, 42 73568
U.S.C.A. 2071." 73569

(2) Except for any source material, any material artificially 73570
enriched by any of the materials identified in division (S)(1) of 73571
this section. 73572

(T) "Storage" means the retention of radioactive materials, 73573
including low-level radioactive waste, prior to disposal in a 73574
manner that allows for surveillance, control, and subsequent 73575
retrieval. 73576

(U) "Medical practitioner" means a person who is authorized 73577
pursuant to Chapter 4715. of the Revised Code to practice 73578
dentistry; pursuant to Chapter 4731. of the Revised Code to 73579
practice medicine and surgery, osteopathic medicine and surgery, 73580
or podiatric medicine and surgery; or pursuant to Chapter 4734. of 73581
the Revised Code to practice chiropractic. 73582

(V) "Medical-practitioner group" means a corporation, 73583
partnership, or other business entity, other than a hospital as 73584
defined in section 3727.01 of the Revised Code, consisting of 73585
medical practitioners. 73586

Sec. 3748.04. The public health council, in accordance with 73587
Chapter 119. of the Revised Code, shall adopt and may amend or 73588
rescind rules doing all of the following: 73589

(A) Listing types of radioactive material for which licensure 73590
by its handler is required and types of radiation-generating 73591
equipment for which registration by its handler is required, and 73592

establishing requirements governing them. Rules adopted under 73593
division (A) of this section shall be compatible with applicable 73594
federal regulations and shall establish all of the following, 73595
without limitation: 73596

(1) Requirements governing both of the following: 73597

(a) The licensing and inspection of handlers of radioactive 73598
material. Standards established in rules adopted under division 73599
(A)(1)(a) of this section regarding byproduct material or any 73600
activity that results in the production of that material, to the 73601
extent practicable, shall be equivalent to or more stringent than 73602
applicable standards established by the United States nuclear 73603
regulatory commission. 73604

(b) The registration and inspection of handlers of 73605
radiation-generating equipment. Standards established in rules 73606
adopted under division (A)(1)(b) of this section, to the extent 73607
practicable, shall be equivalent to applicable standards 73608
established by the food and drug administration in the United 73609
States department of health and human services. 73610

(2) Identification of and requirements governing possession 73611
and use of specifically licensed and generally licensed quantities 73612
of radioactive material as either sealed sources or unsealed 73613
sources; 73614

(3) A procedure for the issuance of and the frequency of 73615
renewal of the licenses of handlers of radioactive material, other 73616
than a license for a facility for the disposal of low-level 73617
radioactive waste, and of the certificates of registration of 73618
handlers of radiation-generating equipment; 73619

(4) Procedures for suspending and revoking the licenses of 73620
handlers of radioactive material and the certificates of 73621
registration of handlers of radiation-generating equipment; 73622

(5) Criteria to be used by the director of health in amending 73623

the license of a handler of radioactive material or the 73624
certificate of registration of a handler of radiation-generating 73625
equipment subsequent to its issuance; 73626

(6) Criteria for achieving and maintaining compliance with 73627
this chapter and rules adopted under it by licensees and 73628
registrants; 73629

(7) Criteria governing environmental monitoring of licensed 73630
and registered activities to assess compliance with this chapter 73631
and rules adopted under it; 73632

(8) ~~Except as otherwise provided in division (A)(8) of this~~ 73633
~~section, fees~~ Fees for the both of the following: 73634

(a) The licensing of handlers of radioactive material, other 73635
than a facility facilities for the disposal of low-level 73636
radioactive waste, and the of radioactive material; 73637

(b) The registration of handlers, other than facilities that 73638
are, or are operated by, medical practitioners or 73639
medical-practitioner groups, of radiation-generating equipment and 73640
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(9) A fee schedule for their both of the following that 73642
includes fees for reviews, conducted during an inspection, of 73643
shielding plans or the adequacy of shielding: 73644

(a) The inspection of handlers of radioactive material; 73645

(b) The inspection of handlers, other than facilities that 73646
are, or are operated by, medical practitioners or 73647
medical-practitioner groups, of radiation-generating equipment. 73648
~~Rules adopted under division (A)(8) of this section shall not~~ 73649
~~revise any fees established in section 3748.07 or 3748.13 of the~~ 73650
~~Revised Code to be paid by any handler of radiation-generating~~ 73651
~~equipment that is a medical practitioner or a corporation,~~ 73652
~~partnership, or other business entity consisting of medical~~ 73653

~~practitioners, other than a hospital as defined in section 3727.01
of the Revised Code.~~ 73654
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~~As used in division (A)(8) of this section, "medical
practitioner" means a person who is authorized to practice
dentistry pursuant to Chapter 4715. of the Revised Code; medicine
and surgery, osteopathic medicine and surgery, or podiatry
pursuant to Chapter 4731. of the Revised Code; or chiropractic
pursuant to Chapter 4734. of the Revised Code.~~ 73656
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(B)(1) Identifying sources of radiation, circumstances of 73662
possession, use, or disposal of sources of radiation, and levels 73663
of radiation that constitute an unreasonable or unnecessary risk 73664
to human health or the environment; 73665

(2) Establishing requirements for the achievement and 73666
maintenance of compliance with standards for the receipt, 73667
possession, use, storage, installation, transfer, servicing, and 73668
disposal of sources of radiation to prevent levels of radiation 73669
that constitute an unreasonable or unnecessary risk to human 73670
health or the environment; 73671

(3) Requiring the maintenance of records on the receipt, use, 73672
storage, transfer, and disposal of radioactive material and on the 73673
radiological safety aspects of the use and maintenance of 73674
radiation-generating equipment. 73675

In adopting rules under divisions (A) and (B) of this 73676
section, the council shall use standards no less stringent than 73677
the "suggested state regulations for control of radiation" 73678
prepared by the conference of radiation control program directors, 73679
inc., and regulations adopted by the United States nuclear 73680
regulatory commission, the United States environmental protection 73681
agency, and the United States department of health and human 73682
services and shall consider reports of the national council on 73683
radiation protection and measurement and the relevant standards of 73684

the American national standards institute. 73685

(C) Establishing fees, procedures, and requirements for 73686
certification as a radiation expert, including all of the 73687
following, without limitation: 73688

(1) Minimum training and experience requirements; 73689

(2) Procedures for applying for certification; 73690

(3) Procedures for review of applications and issuance of 73691
certificates; 73692

(4) Procedures for suspending and revoking certification. 73693

(D) Establishing a schedule for inspection of sources of 73694
radiation and their shielding and surroundings; 73695

(E) Establishing the responsibilities of a radiation expert; 73696

(F) Establishing criteria for quality assurance programs for 73697
licensees of radioactive material and registrants of 73698
radiation-generating equipment; 73699

(G) Establishing fees to be paid by any facility that, on 73700
September 8, 1995, holds a license from the United States nuclear 73701
regulatory commission in order to provide moneys necessary for the 73702
transfer of licensing and other regulatory authority from the 73703
commission to the state pursuant to section 3748.03 of the Revised 73704
Code. Rules adopted under this division shall stipulate that fees 73705
so established do not apply to any functions dealing specifically 73706
with a facility for the disposal of low-level radioactive waste. 73707
Fees collected under this division shall be deposited into the 73708
state treasury to the credit of the general operations fund 73709
created in section 3701.83 of the Revised Code. The fees shall be 73710
used solely to administer and enforce this chapter and rules 73711
adopted under it. 73712

(H) Establishing fees to be collected annually from 73713
generators of low-level radioactive waste, which shall be based 73714

upon the volume and radioactivity of the waste generated and the 73715
costs of administering low-level radioactive waste management 73716
activities under this chapter and rules adopted under it. All fees 73717
collected under this division shall be deposited into the state 73718
treasury to the credit of the general operations fund created in 73719
section 3701.83 of the Revised Code. The fees shall be used solely 73720
to administer and enforce this chapter and rules adopted under it. 73721
Any fee required under this division that has not been paid within 73722
ninety days after the invoice date shall be assessed at two times 73723
the original invoiced fee. Any fee that has not been paid within 73724
one hundred eighty days after the invoice date shall be assessed 73725
at five times the original invoiced fee. 73726

(I) Establishing requirements governing closure, 73727
decontamination, decommissioning, reclamation, and long-term 73728
surveillance and care of a facility licensed under this chapter 73729
and rules adopted under it. Rules adopted under division (I) of 73730
this section shall include, without limitation, all of the 73731
following: 73732

(1) Standards and procedures to ensure that a licensee 73733
prepares a decommissioning funding plan that provides an adequate 73734
financial guaranty to permit the completion of all requirements 73735
governing the closure, decontamination, decommissioning, and 73736
reclamation of sites, structures, and equipment used in 73737
conjunction with a licensed activity; 73738

(2) For licensed activities where radioactive material that 73739
will require surveillance or care is likely to remain at the site 73740
after the licensed activities cease, as indicated in the 73741
application for the license submitted under section 3748.07 of the 73742
Revised Code, standards and procedures to ensure that the licensee 73743
prepares an additional decommissioning funding plan for long-term 73744
surveillance and care, before termination of the license, that 73745
provides an additional adequate financial guaranty as necessary to 73746

provide for that surveillance and care; 73747

(3) For the purposes of the decommissioning funding plans 73748
required in rules adopted under divisions (I)(1) and (2) of this 73749
section, the types of acceptable financial guaranties, which shall 73750
include bonds issued by fidelity or surety companies authorized to 73751
do business in the state, certificates of deposit, deposits of 73752
government securities, irrevocable letters or lines of credit, 73753
trust funds, escrow accounts, or other similar types of 73754
arrangements, but shall not include any arrangement that 73755
constitutes self-insurance; 73756

(4) A requirement that the decommissioning funding plans 73757
required in rules adopted under divisions (I)(1) and (2) of this 73758
section contain financial guaranties in amounts sufficient to 73759
ensure compliance with any standards established by the United 73760
States nuclear regulatory commission, or by the state if it has 73761
become an agreement state pursuant to section 3748.03 of the 73762
Revised Code, pertaining to closure, decontamination, 73763
decommissioning, reclamation, and long-term surveillance and care 73764
of licensed activities and sites of licensees. 73765

Standards established in rules adopted under division (I) of 73766
this section regarding any activity that resulted in the 73767
production of byproduct material, as defined in division (A)(2) of 73768
section 3748.01 of the Revised Code, to the extent practicable, 73769
shall be equivalent to or more stringent than standards 73770
established by the United States nuclear regulatory commission for 73771
sites at which ores were processed primarily for their source 73772
material content and at which byproduct material, as defined in 73773
division (A)(2) of section 3748.01 of the Revised Code, is 73774
deposited. 73775

(J) Establishing criteria governing inspections of a facility 73776
for the disposal of low-level radioactive waste, including, 73777
without limitation, the establishment of a resident inspector 73778

program at such a facility; 73779

(K) Establishing requirements and procedures governing the 73780
filing of complaints under section 3748.16 of the Revised Code, 73781
including, without limitation, those governing intervention in a 73782
hearing held under division (B)(3) of that section. 73783

Sec. 3748.07. (A) Every facility that proposes to handle 73784
radioactive material or radiation-generating equipment for which 73785
licensure or registration, respectively, by its handler is 73786
required shall apply in writing to the director of health on forms 73787
prescribed and provided by the director for licensure or 73788
registration. Terms and conditions of licenses and certificates of 73789
registration may be amended in accordance with rules adopted under 73790
section 3748.04 of the Revised Code or orders issued by the 73791
director pursuant to section 3748.05 of the Revised Code. 73792

(B) ~~Until rules are adopted under section 3748.04 of the~~ 73793
~~Revised Code (1) Except as provided in division (B)(2) of this~~ 73794
~~section, an application for a license, registration certificate,~~ 73795
~~or renewal of either shall be accompanied by the appropriate fee~~ 73796
~~specified in rules adopted under section 3748.04 of the Revised~~ 73797
~~Code.~~ 73798

(2) In the case of an applicant that is, or is operated by, a 73799
medical practitioner or medical-practitioner group and proposes to 73800
handle radiation-generating equipment, an application for a 73801
certificate of registration shall be accompanied by a biennial 73802
registration fee of two hundred ~~eighteen~~ sixty-two dollars and, in 73803
the case of a renewal application, a biennial renewal fee in the 73804
same amount. ~~On and after the effective date of those rules, an~~ 73805
~~applicant for a license, registration certificate, or renewal of~~ 73806
~~either shall pay the appropriate fee established in those rules.~~ 73807

(C) All fees collected under this section shall be deposited 73808
73809

in the state treasury to the credit of the general operations fund 73810
created in section 3701.83 of the Revised Code. The fees shall be 73811
used solely to administer and enforce this chapter and rules 73812
adopted under it. 73813

(D) Any fee required under this section that has not been 73814
paid within ninety days after the invoice date shall be assessed 73815
at two times the original invoiced fee. Any fee that has not been 73816
paid within one hundred eighty days after the invoice date shall 73817
be assessed at five times the original invoiced fee. 73818

~~(C)~~(E) The director shall grant a license or registration to 73819
any applicant who has paid the required fee and is in compliance 73820
with this chapter and rules adopted under it. 73821

~~Until rules are adopted under section 3748.04 of the Revised~~ 73822
~~Code, certificates of registration shall be effective for two~~ 73823
~~years from the date of issuance. On and after the effective date~~ 73824
~~of those rules~~ (F) Except as provided in division (B)(2) of this 73825
section, licenses and certificates of registration shall be 73826
effective for the applicable period established in ~~those~~ rules 73827
adopted under section 3748.04 of the Revised Code. Licenses and 73828
certificates of registration shall be renewed in accordance with 73829
the ~~standard~~ renewal procedure established in ~~Chapter 4745~~. rules 73830
adopted under section 3748.04 of the Revised Code. 73831

Sec. 3748.12. The director of health shall certify radiation 73832
experts pursuant to rules adopted under division (C) of section 73833
3748.04 of the Revised Code. The director shall issue a 73834
certificate to each person certified under this section. An 73835
individual certified by the director is qualified to develop, 73836
provide periodic review of, and conduct audits of the quality 73837
assurance program for sources of radiation for which such a 73838
program is required under division (A) of section 3748.13 of the 73839
Revised Code. 73840

The public health council shall establish an application fee 73841
for applying for certification and a biennial certification 73842
renewal fee in rules adopted under division (C) of section 3748.04 73843
of the Revised Code. ~~Until those rules are adopted, the~~ 73844
~~application fee for initial certification shall be fifty dollars~~ 73845
~~plus an additional twenty five dollars for each type of~~ 73846
~~radiation generating equipment listed in division (B) of section~~ 73847
~~3748.13 of the Revised Code for which application is being made.~~ 73848
~~The certification renewal fee shall be one hundred fifteen~~ 73849
~~dollars.~~ A certificate issued under this section shall expire two 73850
years after the date of its issuance. To maintain certification, a 73851
radiation expert shall apply to the director for renewal of 73852
certification in accordance with the standard renewal procedures 73853
established in Chapter 4745. of the Revised Code. The 73854
certification renewal fee is not required for initial 73855
certification, but shall be paid for every renewal of 73856
certification. Fees collected under this section shall be 73857
deposited into the state treasury to the credit of the general 73858
operations fund created in section 3701.83 of the Revised Code. 73859
The fees shall be used solely to administer and enforce this 73860
chapter and rules adopted under it. Any fee required under this 73861
section that has not been paid within ninety days after the 73862
invoice date shall be assessed at two times the original invoiced 73863
fee. Any fee that has not been paid within one hundred eighty days 73864
after the invoice date shall be assessed at five times the 73865
original invoiced fee. 73866

Sec. 3748.13. (A) The director of health shall inspect 73867
sources of radiation for which licensure or registration by the 73868
handler is required, and the sources' shielding and surroundings, 73869
according to the schedule established in rules adopted under 73870
division (D) of section 3748.04 of the Revised Code. In accordance 73871
with rules adopted under ~~that~~ section 3748.04 of the Revised Code, 73872

the director shall inspect all records and operating procedures of handlers that install or service sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of a violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

~~(B) Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code (1) Except as provided in division (B)(2) of this section,~~ a facility shall pay inspection fees for radioactive material and radiation-generating equipment according to the ~~following~~ schedule and categories established in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.

(2) A facility that is, or is operated by, a medical practitioner or medical-practitioner group shall pay inspection fees for radiation-generating equipment according to the following schedule and categories:

First dental x-ray tube	\$ 129.00 <u>155.00</u>	73899
Each additional dental x-ray tube at the same location	\$ 64.00 <u>77.00</u>	73900
First medical x-ray tube	\$ 256.00 <u>307.00</u>	73901
Each additional medical x-ray tube at the same location	\$ 136.00 <u>163.00</u>	73902

Each unit of ionizing radiation-generating equipment capable of operating at or above 250 kilovoltage peak	\$ 508.00 <u>610.00</u>	73903
First nonionizing radiation-generating equipment of any kind	\$ 256.00 <u>307.00</u>	73904
Each additional nonionizing radiation-generating equipment of any kind at the same location	\$ 136.00 <u>163.00</u>	73905
Assembler-maintainer inspection consisting of an inspection of records and operating procedures of handlers that install sources of radiation	\$ 317.00 <u>380.00</u>	73906
Until rules are adopted under division (A)(8) of section 3748.04 of the Revised Code, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the fee applicable under the schedule in this division. Until those rules are adopted (C)(1) Except as provided in division (C)(2) of this section, the fee for the inspection of a facility that proposes to handle radioactive material or radiation-generating equipment and is not licensed or registered, and for which no license or registration application is pending at the time of inspection, is three <u>four</u> hundred ninety five <u>seventy-four</u> dollars plus the applicable fee specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code.		73907 73908 73909 73910 73911 73912 73913 73914 73915 73916 73917 73918 73919
<u>(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred</u>		73920 73921 73922 73923 73924

seventy-four dollars plus the fee applicable under the schedule in 73925
this division (B)(2) of this section. 73926

(D)(1) Except as provided in division (D)(2) of this section, 73927
for a facility that handles radioactive material or 73928
radiation-generating equipment, the fee for an inspection to 73929
determine whether violations cited in a previous inspection have 73930
been corrected is the amount specified in rules adopted under 73931
division (A)(9) of section 3748.04 of the Revised Code. 73932

(2) For a facility that is, or is operated by, a medical 73933
practitioner or medical-practitioner group and handles 73934
radiation-generating equipment, the fee for an inspection to 73935
determine whether violations cited in a previous inspection have 73936
been corrected is fifty per cent of the applicable fee under the 73937
schedule in division (B)(2) of this section. 73938

(E) The director may conduct a review of shielding plans or 73939
the adequacy of shielding on the request of a licensee or 73940
registrant or an applicant for licensure or registration or during 73941
an inspection when the director considers a review to be 73942
necessary. ~~Until rules are adopted under division (A)(8) of~~ 73943
~~section 3748.04 of the Revised Code~~ 73944

(1) Except as provided in division (E)(2) of this section, 73945
the fee for the review is ~~six~~ the applicable amount specified in 73946
rules adopted under division (A)(9) of section 3748.04 of the 73947
Revised Code. 73948

(2) For a facility that is, or is operated by, a medical 73949
practitioner or medical-practitioner group and handles or proposes 73950
to handle radiation-generating equipment, the fee for the review 73951
is ~~seven hundred thirty-five~~ sixty-two dollars for each room where 73952
a source of radiation is used and is in addition to any other fee 73953
applicable under the schedule in ~~this~~ division (B)(2) of this 73954
section. 73955

(F) All fees shall be paid to the department of health no 73956
later than thirty days after the invoice for the fee is mailed. 73957
Fees shall be deposited in the general operations fund created in 73958
section 3701.83 of the Revised Code. The fees shall be used solely 73959
to administer and enforce this chapter and rules adopted under it. 73960

(G) Any fee required under this section that has not been 73961
paid within ninety days after the invoice date shall be assessed 73962
at two times the original invoiced fee. Any fee that has not been 73963
paid within one hundred eighty days after the invoice date shall 73964
be assessed at five times the original invoiced fee. 73965

~~(C)~~(H) If the director determines that a board of health of a 73966
city or general health district is qualified to conduct 73967
inspections of radiation-generating equipment, the director may 73968
delegate to the board, by contract, the authority to conduct such 73969
inspections. In making a determination of the qualifications of a 73970
board of health to conduct those inspections, the director shall 73971
evaluate the credentials of the individuals who are to conduct the 73972
inspections of radiation-generating equipment and the radiation 73973
detection and measuring equipment available to them for that 73974
purpose. If a contract is entered into, the board shall have the 73975
same authority to make inspections of radiation-generating 73976
equipment as the director has under this chapter and rules adopted 73977
under it. The contract shall stipulate that only individuals 73978
approved by the director as qualified shall be permitted to 73979
inspect radiation-generating equipment under the contract's 73980
provisions. The contract shall provide for such compensation for 73981
services as is agreed to by the director and the board of health 73982
of the contracting health district. The director may reevaluate 73983
the credentials of the inspection personnel and their radiation 73984
detecting and measuring equipment as often as the director 73985
considers necessary and may terminate any contract with the board 73986
of health of any health district that, in the director's opinion, 73987

is not satisfactorily performing the terms of the contract. 73988

~~(D)~~(I) The director may enter at all reasonable times upon 73989
any public or private property to determine compliance with this 73990
chapter and rules adopted under it. 73991

Sec. 3749.04. (A) No person shall operate or maintain a 73992
public swimming pool, public spa, or special-use pool without a 73993
license issued by the licensor having jurisdiction. 73994

(B) Every person who intends to operate or maintain an 73995
existing public swimming pool, public spa, or special-use pool 73996
shall, during the month of April of each year, apply to the 73997
licensor having jurisdiction for a license to operate the pool or 73998
spa. Any person proposing to operate or maintain a new or 73999
otherwise unlicensed public swimming pool, public spa, or 74000
special-use pool shall apply to the licensor having jurisdiction 74001
at least thirty days prior to the intended start of operation of 74002
the pool or spa. Within thirty days of receipt of an application 74003
for licensure of a public swimming pool, public spa, or 74004
special-use pool, the licensor shall process the application and 74005
either issue a license or otherwise respond to the applicant 74006
regarding the application. 74007

(C) Each license issued shall be effective from the date of 74008
issuance until the last day of May of the following year. 74009

(D) Each licensor administering and enforcing sections 74010
3749.01 to 3749.09 of the Revised Code and the rules adopted 74011
thereunder may establish licensing and inspection fees in 74012
accordance with section 3709.09 of the Revised Code, which shall 74013
not exceed the cost of licensing and inspecting public swimming 74014
pools, public spas, and special-use pools. 74015

(E) Except as provided in division (F) of this section and in 74016
division (B) of section 3749.07 of the Revised Code, all license 74017

fees collected by a licensor shall be deposited into a swimming 74018
pool fund, which is hereby created in each health district. The 74019
fees shall be used by the licensor solely for the purpose of 74020
administering and enforcing this chapter and the rules adopted 74021
under this chapter. 74022

(F) An annual license fee established under division (D) of 74023
this section shall include any additional amount determined by 74024
rule of the public health council, which the ~~licensor~~ board of 74025
health shall collect and transmit to the ~~treasurer of state to be~~ 74026
~~deposited in the general operations fund created by section~~ 74027
~~3701.83 of the Revised Code~~ director of health pursuant to section 74028
3709.092 of the Revised Code. The amounts collected under this 74029
division shall be administered by the director of health and shall 74030
be used solely for the administration and enforcement of this 74031
chapter and the rules adopted under this chapter. 74032

Sec. 3770.05. (A) As used in this section, "person" means any 74033
person, association, corporation, partnership, club, trust, 74034
estate, society, receiver, trustee, person acting in a fiduciary 74035
or representative capacity, instrumentality of the state or any of 74036
its political subdivisions, or any other combination of 74037
individuals meeting the requirements set forth in this section or 74038
established by rule or order of the state lottery commission. 74039

(B) The director of the state lottery commission may license 74040
any person as a lottery sales agent. No license shall be issued to 74041
any person or group of persons to engage in the sale of lottery 74042
tickets as the person's or group's sole occupation or business. 74043

Before issuing any license to a lottery sales agent, the 74044
director shall consider all of the following: 74045

(1) The financial responsibility and security of the 74046
applicant and the applicant's business or activity; 74047

(2) The accessibility of the applicant's place of business or activity to the public;	74048 74049
(3) The sufficiency of existing licensed agents to serve the public interest;	74050 74051
(4) The volume of expected sales by the applicant;	74052
(5) Any other factors pertaining to the public interest, convenience, or trust.	74053 74054
(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee:	74055 74056 74057 74058
(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;	74059 74060
(2) Has been convicted of an offense that involves illegal gambling;	74061 74062
(3) Has been found guilty of fraud or misrepresentation in any connection;	74063 74064
(4) Has been found to have violated any rule or order of the commission; or	74065 74066
(5) Has been convicted of illegal trafficking in food stamps <u>supplemental nutrition assistance program benefits</u> .	74067 74068
(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission shall refuse to grant, or shall suspend or revoke, a license if the applicant or licensee is a corporation and any of the following applies:	74069 74070 74071 74072
(1) Any of the corporation's directors, officers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section;	74073 74074 74075
(2) It appears to the director of the state lottery	74076

commission that, due to the experience, character, or general 74077
fitness of any director, officer, or controlling shareholder of 74078
the corporation, the granting of a license as a lottery sales 74079
agent would be inconsistent with the public interest, convenience, 74080
or trust; 74081

(3) The corporation is not the owner or lessee of the 74082
business at which it would conduct a lottery sales agency pursuant 74083
to the license applied for; 74084

(4) Any person, firm, association, or corporation other than 74085
the applicant or licensee shares or will share in the profits of 74086
the applicant or licensee, other than receiving dividends or 74087
distributions as a shareholder, or participates or will 74088
participate in the management of the affairs of the applicant or 74089
licensee. 74090

(E)(1) The director of the state lottery commission shall 74091
refuse to grant a license to an applicant for a lottery sales 74092
agent license and shall revoke a lottery sales agent license if 74093
the applicant or licensee is or has been convicted of a violation 74094
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 74095

(2) The director shall refuse to grant a license to an 74096
applicant for a lottery sales agent license that is a corporation 74097
and shall revoke the lottery sales agent license of a corporation 74098
if the corporation is or has been convicted of a violation of 74099
division (A) or (C)(1) of section 2913.46 of the Revised Code. 74100

(F) The director of the state lottery commission shall 74101
request the bureau of criminal identification and investigation, 74102
the department of public safety, or any other state, local, or 74103
federal agency to supply the director with the criminal records of 74104
any applicant for a lottery sales agent license, and may 74105
periodically request the criminal records of any person to whom a 74106
lottery sales agent license has been issued. At or prior to the 74107

time of making such a request, the director shall require an 74108
applicant or licensee to obtain fingerprint impressions on 74109
fingerprint cards prescribed by the superintendent of the bureau 74110
of criminal identification and investigation at a qualified law 74111
enforcement agency, and the director shall cause those fingerprint 74112
cards to be forwarded to the bureau of criminal identification and 74113
investigation, to the federal bureau of investigation, or to both 74114
bureaus. The commission shall assume the cost of obtaining the 74115
fingerprint cards. 74116

The director shall pay to each agency supplying criminal 74117
records for each investigation a reasonable fee, as determined by 74118
the agency. 74119

The commission may adopt uniform rules specifying time 74120
periods after which the persons described in divisions (C)(1) to 74121
(5) and (D)(1) to (4) of this section may be issued a license and 74122
establishing requirements for those persons to seek a court order 74123
to have records sealed in accordance with law. 74124

(G)(1) Each applicant for a lottery sales agent license shall 74125
do both of the following: 74126

(a) Pay to the state lottery commission, at the time the 74127
application is submitted, a fee in an amount that the director of 74128
the state lottery commission determines by rule adopted under 74129
Chapter 119. of the Revised Code and that the controlling board 74130
approves; 74131

(b) Prior to approval of the application, obtain a surety 74132
bond in an amount the director determines by rule adopted under 74133
Chapter 119. of the Revised Code or, alternatively, with the 74134
director's approval, deposit the same amount into a dedicated 74135
account for the benefit of the state lottery. The director also 74136
may approve the obtaining of a surety bond to cover part of the 74137
amount required, together with a dedicated account deposit to 74138

cover the remainder of the amount required. 74139

A surety bond may be with any company that complies with the 74140
bonding and surety laws of this state and the requirements 74141
established by rules of the commission pursuant to this chapter. A 74142
dedicated account deposit shall be conducted in accordance with 74143
policies and procedures the director establishes. 74144

A surety bond, dedicated account, or both, as applicable, may 74145
be used to pay for the lottery sales agent's failure to make 74146
prompt and accurate payments for lottery ticket sales, for missing 74147
or stolen lottery tickets, or for damage to equipment or materials 74148
issued to the lottery sales agent, or to pay for expenses the 74149
commission incurs in connection with the lottery sales agent's 74150
license. 74151

(2) A lottery sales agent license is effective for one year. 74152

A licensed lottery sales agent, on or before the date 74153
established by the director, shall renew the agent's license and 74154
provide at that time evidence to the director that the surety 74155
bond, dedicated account deposit, or both, required under division 74156
(G)(1)(b) of this section has been renewed or is active, whichever 74157
applies. 74158

Before the commission renews a lottery sales agent license, 74159
the lottery sales agent shall submit a renewal fee to the 74160
commission in an amount that the director determines by rule 74161
adopted under Chapter 119. of the Revised Code and that the 74162
controlling board approves. The renewal fee shall not exceed the 74163
actual cost of administering the license renewal and processing 74164
changes reflected in the renewal application. The renewal of the 74165
license is effective for up to one year. 74166

(3) A lottery sales agent license shall be complete, 74167
accurate, and current at all times during the term of the license. 74168
Any changes to an original license application or a renewal 74169

application may subject the applicant or lottery sales agent, as 74170
applicable, to paying an administrative fee that shall be in an 74171
amount that the director determines by rule adopted under Chapter 74172
119. of the Revised Code, that the controlling board approves, and 74173
that shall not exceed the actual cost of administering and 74174
processing the changes to an application. 74175

(4) The relationship between the commission and a lottery 74176
sales agent is one of trust. A lottery sales agent collects funds 74177
on behalf of the commission through the sale of lottery tickets 74178
for which the agent receives a compensation. 74179

(H) Pending a final resolution of any question arising under 74180
this section, the director of the state lottery commission may 74181
issue a temporary lottery sales agent license, subject to the 74182
terms and conditions the director considers appropriate. 74183

(I) If a lottery sales agent's rental payments for the 74184
lottery sales agent's premises are determined, in whole or in 74185
part, by the amount of retail sales the lottery sales agent makes, 74186
and if the rental agreement does not expressly provide that the 74187
amount of those retail sales includes the amounts the lottery 74188
sales agent receives from lottery ticket sales, only the amounts 74189
the lottery sales agent receives as compensation from the state 74190
lottery commission for selling lottery tickets shall be considered 74191
to be amounts the lottery sales agent receives from the retail 74192
sales the lottery sales agent makes, for the purpose of computing 74193
the lottery sales agent's rental payments. 74194

Sec. 3773.35. Any person who wishes to conduct a public or 74195
private competition that involves boxing ~~or~~, wrestling match ~~or~~ 74196
exhibition, mixed martial arts, kick boxing, tough man contests, 74197
tough guy contests, or any other form of boxing or martial arts 74198
shall apply to the Ohio athletic commission for a promoter's 74199
license. Each application shall be filed with the commission on 74200

forms provided by the commission, and shall be accompanied by an 74201
application fee as prescribed in section 3773.43 of the Revised 74202
Code and, with the exception of wrestling events, by a ~~cash bond,~~ 74203
~~certified check, bank draft, or~~ surety bond of not less than ~~five~~ 74204
twenty thousand dollars conditioned for compliance with sections 74205
3773.31 to 3773.57 of the Revised Code and the rules of the 74206
commission. ~~The applicant shall verify the application under oath.~~ 74207

74208
The commission shall prescribe the form of the application 74209
for the promoter's license. The application shall include the name 74210
of the applicant, the post office address of the applicant, and 74211
any other information the commission requires. 74212

Sec. 3773.36. Upon the proper filing of an application to 74213
conduct any public or private competition that involves boxing ~~or~~ 74214
~~wrestling matches or exhibitions~~, mixed martial arts, kick boxing, 74215
tough man contests, tough guy contests, or any other form of 74216
boxing or martial arts, accompanied by the ~~cash bond, certified~~ 74217
~~check, bank draft, or~~ surety bond ~~required by section 3773.35,~~ and 74218
the application fee ~~required by section 3773.43 of the Revised~~ 74219
~~Code, or upon the proper filing of an application to conduct any~~ 74220
public or private competition that involves wrestling accompanied 74221
by the application fee, the Ohio athletic commission shall issue a 74222
promoter's license to the applicant if it finds that the applicant 74223
is not in default on any payment, obligation, or debt payable to 74224
the state under sections 3773.31 to 3773.57 of the Revised Code, 74225
is financially responsible, and is knowledgeable in the proper 74226
conduct of such matches or exhibitions. 74227

Each license issued pursuant to this section shall bear the 74228
name of the licensee, the post office address of the licensee, the 74229
date of ~~issue~~ expiration, ~~a serial~~ an identification number 74230
designated by the commission, and the seal of the commission, ~~and~~ 74231

~~the signature of the commission chairperson.~~ 74232

A promoter's license shall expire twelve months after its 74233
date of issuance and shall become invalid on that date unless 74234
renewed. A promoter's license may be renewed upon application to 74235
the commission and upon payment of the renewal fee prescribed in 74236
section 3773.43 of the Revised Code. The commission shall renew 74237
the license unless it denies the application for renewal for one 74238
or more reasons stated in section 3123.47 or 3773.53 of the 74239
Revised Code. 74240

Sec. 3773.43. The Ohio athletic commission shall charge the 74241
following fees: 74242

(A) For an application for or renewal of a promoter's license 74243
for a public or private competition that involves boxing matches 74244
or exhibitions, mixed martial arts, kick boxing, tough man 74245
contests, tough guy contests, or any other form of boxing or 74246
martial arts, one hundred dollars. 74247

(B) For an application for or renewal of a license to 74248
participate in a public boxing match or exhibition as a 74249
contestant, or as a referee, judge, matchmaker, manager, 74250
timekeeper, trainer, or second of a contestant, twenty dollars. 74251

(C) For a permit to conduct a public boxing match or 74252
exhibition, fifty dollars. 74253

(D) For an application for or renewal of a promoter's license 74254
for professional a public or private competition that involves 74255
wrestling matches or exhibitions, two hundred dollars. 74256

(E) For a permit to conduct a professional wrestling match or 74257
exhibition, one hundred dollars. 74258

The commission, subject to the approval of the controlling 74259
board, may establish fees in excess of the amounts provided in 74260
this section, provided that such fees do not exceed the amounts 74261

permitted by this section by more than fifty per cent. 74262

The fees prescribed by this section shall be paid to the 74263
treasurer of state, who shall deposit the fees in the occupational 74264
licensing and regulatory fund. 74265

Sec. 3773.45. (A) ~~Each contestant in a public boxing match or 74266
exhibition shall be examined not more than twenty four hours 74267
before entering the ring by a licensed physician, a physician 74268
assistant, a clinical nurse specialist, a certified nurse 74269
practitioner, or a certified nurse midwife. Each contestant who 74270
has had a previous match or exhibition on or after July 27, 1981, 74271
and was knocked out at that match or exhibition shall present to 74272
the examiner a record of the physical examination performed at the 74273
conclusion of that match or exhibition. If, after reviewing such 74274
record and performing a physical examination of the contestant, 74275
the examiner determines that the contestant is physically fit to 74276
compete, the physician shall certify that fact on the contestant's 74277
physical examination form. No physician, physician assistant, 74278
clinical nurse specialist, certified nurse practitioner, or 74279
certified nurse midwife shall certify a contestant as physically 74280
fit to compete if the physician, physician assistant, clinical 74281
nurse specialist, certified nurse practitioner, or certified 74282
nurse midwife determines that the contestant was knocked out in a 74283
contest that took place within the preceding thirty days. No 74284
contestant shall compete in a public boxing match or exhibition 74285
unless the contestant has been certified as physically fit in 74286
accordance with this section. 74287~~

~~Immediately after the end of a match or exhibition, the 74288
examiner shall examine each contestant who was knocked out in the 74289
match or exhibition, and record the outcome of the match or 74290
exhibition and any physical injuries sustained by the contestant 74291
on the contestant's physical examination form. 74292~~

~~Within twenty four hours after the match or exhibition, the
examiner shall mail one copy of the examination report to the Ohio
athletic commission and one copy to the contestant. The commission
shall furnish blank copies of the examination report to the
examiner. The examiner shall answer all questions on the form. The
person conducting the match or exhibition shall compensate the
examiner. No person shall conduct such a match or exhibition
unless an examiner appointed by the commission is in attendance.
The Ohio athletic commission shall adopt, and may amend or
rescind, rules that do both of the following:~~

(1) Require the physical examination by appropriate medical
personnel of each contestant in any public competition that
involves boxing, mixed martial arts, kick boxing, karate, tough
man contests, or any other form of boxing or martial arts within a
specified time period before and after the competition to
determine whether the contestant is physically fit to compete in
the competition under specified standards, has sustained physical
injuries in the competition, or requires follow-up examination;
and

(2) Require the reporting of each examination to the
commission.

(B) No holder of a promoter's license shall conduct a boxing
match or exhibition that exceeds twelve rounds. Each round shall
be not more than three minutes in length. A period of at least one
minute, during which no boxing or sparring takes place, shall
occur between rounds.

No holder of a promoter's license or a permit issued under
section 3773.39 of the Revised Code shall allow a professional
boxer to participate in more than twelve rounds of boxing within a
period of seventy-two consecutive hours. For any match or
exhibition or for a class of contestants, the commission may limit
the number of rounds within the maximum of twelve rounds.

(C) No person shall conduct a boxing match or exhibition unless a licensed referee appointed by the commission and paid by the person is present. The referee shall direct and control the match or exhibition. Before each match or exhibition the referee shall obtain from each contestant the name of the contestant's chief second and shall hold the chief second responsible for the conduct of any assistant seconds during the match or exhibition. The referee may declare a prize, remuneration, or purse or any part thereof to which a contestant is otherwise entitled withheld if, in the referee's judgment, the contestant is not competing or did not compete honestly. A contestant may appeal the referee's decision in a hearing before the commission conducted in accordance with section 3773.52 of the Revised Code.

(D) No person shall hold or conduct a boxing match or exhibition unless three licensed judges appointed by the commission and paid by the person are present. Each judge shall render a decision at the end of each match or exhibition. The judges shall determine the outcome of the match or exhibition, and their decision shall be final.

(E) Each contestant in a boxing match or exhibition shall wear gloves weighing not less than six ounces during the boxing match or exhibition.

Sec. 3773.53. The Ohio athletic commission may revoke, suspend, or refuse to renew any license issued under sections 3773.31 to 3773.57 of the Revised Code if the licensee:

(A) Has committed an act detrimental to any sport regulated by this chapter or to the public interest, convenience, or necessity;

(B) Is associating or consorting with any person who has been convicted of a crime involving the sports regulated by the commission;

(C) Is or has been consorting with bookmakers or gamblers, or 74356
has engaged in similar pursuits; 74357

(D) Is financially irresponsible; 74358

(E) Has been found guilty of any fraud or misrepresentation 74359
in connection with any sport regulated by this chapter; 74360

(F) Has violated any law with respect to any sport regulated 74361
by this chapter or any rule or order of the commission; 74362

(G) Has engaged in any other activity that the commission 74363
determines is detrimental to any sport regulated by this chapter. 74364

The commission, in addition to any other action it may take 74365
under this chapter, may impose a fine ~~of not more than one hundred~~ 74366
~~dollars~~ in an amount to be determined by rule of the commission 74367
adopted under Chapter 119. of the Revised Code against any person 74368
licensed under sections 3773.31 to 3773.57 of the Revised Code for 74369
a violation of any of these sections or a violation of any rule or 74370
order of the commission. The amount of fines collected shall be 74371
deposited into the general revenue fund. 74372
74373

Sec. 3781.03. (A) The state fire marshal, the fire chief of a 74374
municipal corporation that has a fire department, or the fire 74375
chief of a township that has a fire department shall enforce the 74376
provisions of this chapter and Chapter 3791. of the Revised Code 74377
that relate to fire prevention. 74378

(B) The superintendent of ~~the division of industrial~~ 74379
~~compliance~~ labor, or the building inspector or commissioner of 74380
buildings in a municipal corporation, county, or township in which 74381
the building department is certified by the board of building 74382
standards under section 3781.10 of the Revised Code shall enforce 74383
in the jurisdiction of each entity all the provisions in this 74384
chapter and Chapter 3791. of the Revised Code and any rules 74385

adopted pursuant to those chapters that relate to the 74386
construction, arrangement, and erection of all buildings or parts 74387
of buildings, as defined in section 3781.06 of the Revised Code, 74388
including the sanitary condition of those buildings in relation to 74389
heating and ventilation. 74390

(C) The division of ~~industrial-compliance~~ labor in the 74391
department of commerce, boards of health of health districts, 74392
certified departments of building inspection of municipal 74393
corporations, and county building departments that have authority 74394
to perform inspections pursuant to a contract under division 74395
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 74396
3703. of the Revised Code, shall enforce this chapter and Chapter 74397
3791. of the Revised Code and the rules adopted pursuant to those 74398
chapters that relate to plumbing. Building drains are considered 74399
plumbing for the purposes of enforcement of those chapters. 74400

74401

(D)(1) In accordance with Chapter 3703. of the Revised Code, 74402
the department of the city engineer, in cities having such 74403
departments, the boards of health of health districts, or the 74404
sewer purveyor, as appropriate, shall have complete authority to 74405
supervise and regulate the entire sewerage and drainage system in 74406
the jurisdiction in which it is exercising the authority described 74407
in this division, including the building sewer and all laterals 74408
draining into the street sewers. 74409

(2) In accordance with Chapter 3703. of the Revised Code, the 74410
department of the city engineer, the boards of health of health 74411
districts, or the sewer purveyor, as appropriate, shall control 74412
and supervise the installation and construction of all drains and 74413
sewers that become a part of the sewerage system and shall issue 74414
all the necessary permits and licenses for the construction and 74415
installation of all building sewers and of all other lateral 74416
drains that empty into the main sewers. The department of the city 74417

engineer, the boards of health of health districts, and the sewer 74418
purveyor, as appropriate, shall keep a permanent record of the 74419
installation and location of every drain and sewer of the drainage 74420
and sewerage system of the jurisdiction in which it has exercised 74421
the authority described in this division. 74422

(E) This section does not exempt any officer or department 74423
from the obligation to enforce this chapter and Chapter 3791. of 74424
the Revised Code. 74425

Sec. 3781.10. (A)(1) The board of building standards shall 74426
formulate and adopt rules governing the erection, construction, 74427
repair, alteration, and maintenance of all buildings or classes of 74428
buildings specified in section 3781.06 of the Revised Code, 74429
including land area incidental to those buildings, the 74430
construction of industrialized units, the installation of 74431
equipment, and the standards or requirements for materials used in 74432
connection with those buildings. The board shall incorporate those 74433
rules into separate residential and nonresidential building codes. 74434
The standards shall relate to the conservation of energy and the 74435
safety and sanitation of those buildings. 74436

(2) The rules governing nonresidential buildings are the 74437
lawful minimum requirements specified for those buildings and 74438
industrialized units, except that no rule other than as provided 74439
in division (C) of section 3781.108 of the Revised Code that 74440
specifies a higher requirement than is imposed by any section of 74441
the Revised Code is enforceable. The rules governing residential 74442
buildings are uniform requirements for residential buildings in 74443
any area with a building department certified to enforce the state 74444
residential building code. In no case shall any local code or 74445
regulation differ from the state residential building code unless 74446
that code or regulation addresses subject matter not addressed by 74447
the state residential building code or is adopted pursuant to 74448

section 3781.01 of the Revised Code. 74449

(3) The rules adopted pursuant to this section are complete, 74450
lawful alternatives to any requirements specified for buildings or 74451
industrialized units in any section of the Revised Code. The board 74452
shall, on its own motion or on application made under sections 74453
3781.12 and 3781.13 of the Revised Code, formulate, propose, 74454
adopt, modify, amend, or repeal the rules to the extent necessary 74455
or desirable to effectuate the purposes of sections 3781.06 to 74456
3781.18 of the Revised Code. 74457

(B) The board shall report to the general assembly proposals 74458
for amendments to existing statutes relating to the purposes 74459
declared in section 3781.06 of the Revised Code that public health 74460
and safety and the development of the arts require and shall 74461
recommend any additional legislation to assist in carrying out 74462
fully, in statutory form, the purposes declared in that section. 74463
The board shall prepare and submit to the general assembly a 74464
summary report of the number, nature, and disposition of the 74465
petitions filed under sections 3781.13 and 3781.14 of the Revised 74466
Code. 74467

(C) On its own motion or on application made under sections 74468
3781.12 and 3781.13 of the Revised Code, and after thorough 74469
testing and evaluation, the board shall determine by rule that any 74470
particular fixture, device, material, process of manufacture, 74471
manufactured unit or component, method of manufacture, system, or 74472
method of construction complies with performance standards adopted 74473
pursuant to section 3781.11 of the Revised Code. The board shall 74474
make its determination with regard to adaptability for safe and 74475
sanitary erection, use, or construction, to that described in any 74476
section of the Revised Code, wherever the use of a fixture, 74477
device, material, method of manufacture, system, or method of 74478
construction described in that section of the Revised Code is 74479
permitted by law. The board shall amend or annul any rule or issue 74480

an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments and the personnel of those building departments, and persons and employees of individuals, firms, or corporations as described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce

the nonresidential building code, or to enforce both the 74513
residential and the nonresidential building codes. Any department, 74514
personnel, or person may enforce only the type of building code 74515
for which certified. 74516

(3) The board shall not require a building department, its 74517
personnel, or any persons that it employs to be certified for 74518
residential building code enforcement if that building department 74519
does not enforce the state residential building code. The board 74520
shall specify, in rules adopted pursuant to Chapter 119. of the 74521
Revised Code, the requirements for certification for residential 74522
and nonresidential building code enforcement, which shall be 74523
consistent with this division. The requirements for residential 74524
and nonresidential certification may differ. Except as otherwise 74525
provided in this division, the requirements shall include, but are 74526
not limited to, the satisfactory completion of an initial 74527
examination and, to remain certified, the completion of a 74528
specified number of hours of continuing building code education 74529
within each three-year period following the date of certification 74530
which shall be not less than thirty hours. The rules shall provide 74531
that continuing education credits and certification issued by the 74532
council of American building officials, national model code 74533
organizations, and agencies or entities the board recognizes are 74534
acceptable for purposes of this division. The rules shall specify 74535
requirements that are compatible, to the extent possible, with 74536
requirements the council of American building officials and 74537
national model code organizations establish. 74538

(4) The board shall establish and collect a certification and 74539
renewal fee for building department personnel, and persons and 74540
employees of persons, firms, or corporations as described in this 74541
section, who are certified pursuant to this division. 74542

(5) Any individual certified pursuant to this division shall 74543
complete the number of hours of continuing building code education 74544

that the board requires or, for failure to do so, forfeit 74545
certification. 74546

(6) This division does not require or authorize the board to 74547
certify personnel of municipal, township, and county building 74548
departments, and persons and employees of persons, firms, or 74549
corporations as described in this section, whose responsibilities 74550
do not include the exercise of enforcement authority, the approval 74551
of plans and specifications, or making inspections under the state 74552
residential and nonresidential building codes. 74553

(7) Enforcement authority for approval of plans and 74554
specifications and enforcement authority for inspections may be 74555
exercised, and plans and specifications may be approved and 74556
inspections may be made on behalf of a municipal corporation, 74557
township, or county, by any of the following who the board of 74558
building standards certifies: 74559

(a) Officers or employees of the municipal corporation, 74560
township, or county; 74561

(b) Persons, or employees of persons, firms, or corporations, 74562
pursuant to a contract to furnish architectural, engineering, or 74563
other services to the municipal corporation, township, or county; 74564

(c) Officers or employees of, and persons under contract 74565
with, a municipal corporation, township, county, health district, 74566
or other political subdivision, pursuant to a contract to furnish 74567
architectural, engineering, or other services. 74568

(8) Municipal, township, and county building departments have 74569
jurisdiction within the meaning of sections 3781.03, 3791.04, and 74570
4104.43 of the Revised Code, only with respect to the types of 74571
buildings and subject matters for which they are certified under 74572
this section. 74573

(9) Certification shall be granted upon application by the 74574
municipal corporation, the board of township trustees, or the 74575

board of county commissioners and approval of that application by 74576
the board of building standards. The application shall set forth: 74577

(a) Whether the certification is requested for residential or 74578
nonresidential buildings, or both; 74579

(b) The number and qualifications of the staff composing the 74580
building department; 74581

(c) The names, addresses, and qualifications of persons, 74582
firms, or corporations contracting to furnish work or services 74583
pursuant to division (E)(7)(b) of this section; 74584

(d) The names of any other municipal corporation, township, 74585
county, health district, or political subdivision under contract 74586
to furnish work or services pursuant to division (E)(7) of this 74587
section; 74588

(e) The proposed budget for the operation of the building 74589
department. 74590

(10) The board of building standards shall adopt rules 74591
governing all of the following: 74592

(a) The certification of building department personnel and 74593
persons and employees of persons, firms, or corporations 74594
exercising authority pursuant to division (E)(7) of this section. 74595
The rules shall disqualify any employee of the department or 74596
person who contracts for services with the department from 74597
performing services for the department when that employee or 74598
person would have to pass upon, inspect, or otherwise exercise 74599
authority over any labor, material, or equipment the employee or 74600
person furnishes for the construction, alteration, or maintenance 74601
of a building or the preparation of working drawings or 74602
specifications for work within the jurisdictional area of the 74603
department. The department shall provide other similarly qualified 74604
personnel to enforce the residential and nonresidential building 74605
codes as they pertain to that work. 74606

(b) The minimum services to be provided by a certified building department. 74607
74608

(11) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards. 74609
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(12) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code. 74618
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(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code. 74625
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(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of 74633
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approval or disapproval as provided in section 3781.12 of the Revised Code. 74639
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(H) The residential construction advisory committee shall 74641
provide the board with a proposal for a state residential building 74642
code that the committee recommends pursuant to division ~~(C)~~(D)(1) 74643
of section 4740.14 of the Revised Code. Upon receiving a 74644
recommendation from the committee that is acceptable to the board, 74645
the board shall adopt rules establishing that code as the state 74646
residential building code. 74647

(I) The committee shall provide the board with proposed rules 74648
to update or amend the state residential building code or to 74649
update or amend rules that the board adopts pursuant to division 74650
(E) of this section that relate to the certification of entities 74651
that enforce the state residential building code that the 74652
committee recommends pursuant to division (D)(2) of section 74653
4740.14 of the Revised Code. 74654

(J) The board shall cooperate with the director of job and 74655
family services when the director promulgates rules pursuant to 74656
section 5104.05 of the Revised Code regarding safety and 74657
sanitation in type A family day-care homes. 74658

~~(J)~~(K) The board shall adopt rules to implement the 74659
requirements of section 3781.108 of the Revised Code. 74660

Sec. 3781.102. (A) Any county or municipal building 74661
department certified pursuant to division (E) of section 3781.10 74662
of the Revised Code as of September 14, 1970, and that, as of that 74663
date, was inspecting single-family, two-family, and three-family 74664
residences, and any township building department certified 74665
pursuant to division (E) of section 3781.10 of the Revised Code, 74666
is hereby declared to be certified to inspect single-family, 74667
two-family, and three-family residences containing industrialized 74668
units, and shall inspect the buildings or classes of buildings 74669

subject to division (E) of section 3781.10 of the Revised Code. 74670

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(B) Each board of county commissioners may adopt, by 74672

resolution, rules establishing standards and providing for the 74673

licensing of electrical and heating, ventilating, and air 74674

conditioning contractors who are not required to hold a valid and 74675

unexpired license pursuant to Chapter 4740. of the Revised Code. 74676

Rules adopted by a board of county commissioners pursuant to 74677

this division may be enforced within the unincorporated areas of 74678

the county and within any municipal corporation where the 74679

legislative authority of the municipal corporation has contracted 74680

with the board for the enforcement of the county rules within the 74681

municipal corporation pursuant to section 307.15 of the Revised 74682

Code. The rules shall not conflict with rules adopted by the board 74683

of building standards pursuant to section 3781.10 of the Revised 74684

Code or by the department of commerce pursuant to Chapter 3703. of 74685

the Revised Code. This division does not impair or restrict the 74686

power of municipal corporations under Section 3 of Article XVIII, 74687

Ohio Constitution, to adopt rules concerning the erection, 74688

construction, repair, alteration, and maintenance of buildings and 74689

structures or of establishing standards and providing for the 74690

licensing of specialty contractors pursuant to section 715.27 of 74691

the Revised Code. 74692

A board of county commissioners, pursuant to this division, 74693

may require all electrical contractors and heating, ventilating, 74694

and air conditioning contractors, other than those who hold a 74695

valid and unexpired license issued pursuant to Chapter 4740. of 74696

the Revised Code, to successfully complete an examination, test, 74697

or demonstration of technical skills, and may impose a fee and 74698

additional requirements for a license to engage in their 74699

respective occupations within the jurisdiction of the board's 74700

rules under this division. 74701

(C) No board of county commissioners shall require any 74702
specialty contractor who holds a valid and unexpired license 74703
issued pursuant to Chapter 4740. of the Revised Code to 74704
successfully complete an examination, test, or demonstration of 74705
technical skills in order to engage in the type of contracting for 74706
which the license is held, within the unincorporated areas of the 74707
county and within any municipal corporation whose legislative 74708
authority has contracted with the board for the enforcement of 74709
county regulations within the municipal corporation, pursuant to 74710
section 307.15 of the Revised Code. 74711

(D) A board may impose a fee for registration of a specialty 74712
contractor who holds a valid and unexpired license issued pursuant 74713
to Chapter 4740. of the Revised Code before that specialty 74714
contractor may engage in the type of contracting for which the 74715
license is held within the unincorporated areas of the county and 74716
within any municipal corporation whose legislative authority has 74717
contracted with the board for the enforcement of county 74718
regulations within the municipal corporation, pursuant to section 74719
307.15 of the Revised Code, provided that the fee is the same for 74720
all specialty contractors who wish to engage in that type of 74721
contracting. If a board imposes such a fee, the board immediately 74722
shall permit a specialty contractor who presents proof of holding 74723
a valid and unexpired license and pays the required fee to engage 74724
in the type of contracting for which the license is held within 74725
the unincorporated areas of the county and within any municipal 74726
corporation whose legislative authority has contracted with the 74727
board for the enforcement of county regulations within the 74728
municipal corporation, pursuant to section 307.15 of the Revised 74729
Code. 74730

(E) The political subdivision associated with each municipal, 74731
township, and county building department the board of building 74732

standards certifies pursuant to division (E) of section 3781.10 of 74733
the Revised Code may prescribe fees to be paid by persons, 74734
political subdivisions, or any department, agency, board, 74735
commission, or institution of the state, for the acceptance and 74736
approval of plans and specifications, and for the making of 74737
inspections, pursuant to sections 3781.03 and 3791.04 of the 74738
Revised Code. 74739

(F) Each political subdivision that prescribes fees pursuant 74740
to division (E) of this section shall collect, on behalf of the 74741
board of building standards, fees equal to the following: 74742

(1) Three per cent of the fees the political subdivision 74743
collects in connection with nonresidential buildings; 74744

(2) One per cent of the fees the political subdivision 74745
collects in connection with residential buildings. 74746

(G)(1) The board shall adopt rules, in accordance with 74747
Chapter 119. of the Revised Code, specifying the manner in which 74748
the fee assessed pursuant to division (F) of this section shall be 74749
collected and remitted monthly to the board. The board shall pay 74750
the fees into the state treasury to the credit of the ~~industrial~~ 74751
~~compliance labor~~ operating fund created in section 121.084 of the 74752
Revised Code. 74753

(2) All money credited to the ~~industrial compliance labor~~ 74754
operating fund under this division shall be used exclusively for 74755
the following: 74756

(a) Operating costs of the board; 74757

(b) Providing services, including educational programs, for 74758
the building departments that are certified by the board pursuant 74759
to division (E) of section 3781.10 of the Revised Code; 74760

(c) Paying the expenses of the residential construction 74761
advisory committee, including the expenses of committee members as 74762

provided in section 4740.14 of the Revised Code. 74763

(H) A board of county commissioners that adopts rules 74764
providing for the licensing of electrical and heating, 74765
ventilating, and air conditioning contractors, pursuant to 74766
division (B) of this section, may accept, for purposes of 74767
satisfying the requirements of rules adopted under that division, 74768
a valid and unexpired license issued pursuant to Chapter 4740. of 74769
the Revised Code that is held by an electrical or heating, 74770
ventilating, and air conditioning contractor, for the 74771
construction, replacement, maintenance, or repair of one-family, 74772
two-family, or three-family dwelling houses or accessory 74773
structures incidental to those dwelling houses. 74774

(I) A board of county commissioners shall not register a 74775
specialty contractor who is required to hold a license under 74776
Chapter 4740. of the Revised Code but does not hold a valid 74777
license issued under that chapter. 74778

(J) As used in this section, "specialty contractor" means a 74779
heating, ventilating, and air conditioning contractor, 74780
refrigeration contractor, electrical contractor, plumbing 74781
contractor, or hydronics contractor, as those contractors are 74782
described in Chapter 4740. of the Revised Code. 74783

Sec. 3781.11. (A) The rules of the board of building 74784
standards shall: 74785

(1) For nonresidential buildings, provide uniform minimum 74786
standards and requirements, and for residential buildings, provide 74787
standards and requirements that are uniform throughout the state, 74788
for construction and construction materials, including 74789
construction of industrialized units, to make residential and 74790
nonresidential buildings safe and sanitary as defined in section 74791
3781.06 of the Revised Code; 74792

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a

workshop or factory that is not otherwise being altered, repaired, 74824
or added to if all of the following apply: 74825

(a) The workshop or factory otherwise satisfies the 74826
requirements of section 3781.06 of the Revised Code. 74827

(b) The part of the workshop or factory altered, repaired, or 74828
added conforms to all rules of the board existing on the date of 74829
plan approval of the repair, alteration, or addition. 74830

(B) The rules of the board shall supersede and govern any 74831
order, standard, or rule of the division of ~~industrial compliance~~ 74832
labor in the department of commerce, division of the state fire 74833
marshal, the department of health, and of counties and townships, 74834
in all cases where such orders, standards, or rules are in 74835
conflict with the rules of the board, except that rules adopted 74836
and orders issued by the state fire marshal pursuant to Chapter 74837
3743. of the Revised Code prevail in the event of a conflict. 74838

(C) The construction, alteration, erection, and repair of 74839
buildings including industrialized units, and the materials and 74840
devices of any kind used in connection with them and the heating 74841
and ventilating of them and the plumbing and electric wiring in 74842
them shall conform to the statutes of this state or the rules 74843
adopted and promulgated by the board, and to provisions of local 74844
ordinances not inconsistent therewith. Any building, structure, or 74845
part thereof, constructed, erected, altered, manufactured, or 74846
repaired not in accordance with the statutes of this state or with 74847
the rules of the board, and any building, structure, or part 74848
thereof in which there is installed, altered, or repaired any 74849
fixture, device, and material, or plumbing, heating, or 74850
ventilating system, or electric wiring not in accordance with such 74851
statutes or rules is a public nuisance. 74852

(D) As used in this section: 74853

(1) "Nonpublic school" means a chartered school for which 74854

minimum standards are prescribed by the state board of education 74855
pursuant to division (D) of section 3301.07 of the Revised Code. 74856

(2) "Workshop or factory" includes manufacturing, mechanical, 74857
electrical, mercantile, art, and laundering establishments, 74858
printing, telegraph, and telephone offices, railroad depots, and 74859
memorial buildings, but does not include hotels and tenement and 74860
apartment houses. 74861

Sec. 3781.12. (A)(1) Any person may petition the board of 74862
building standards to adopt, amend, or annul a rule adopted 74863
pursuant to section 3781.10 of the Revised Code, or to permit the 74864
use of any particular fixture, device, material, system, method of 74865
manufacture, product of a manufacturing process, or method or 74866
manner of construction or installation that complies with 74867
performance standards adopted pursuant to section 3781.11 of the 74868
Revised Code, as regards the purposes declared in section 3781.06 74869
of the Revised Code, of the fixtures, devices, materials, systems, 74870
or methods or manners of construction, manufacture or installation 74871
described in any section of the Revised Code relating to those 74872
purposes, where the use is permitted by law. 74873

(2) Any person may petition the residential construction 74874
advisory committee to recommend a rule to update or amend the 74875
state residential building code or to update or amend rules that 74876
the board adopts pursuant to division (E) of section 3781.10 of 74877
the Revised Code that relate to the certification of entities that 74878
enforce the state residential building code. 74879

(B) Upon petition, the board shall cause to be conducted 74880
testing and evaluation that the board determines desirable of any 74881
fixture, device, material, system, assembly or product of a 74882
manufacturing process, or method or manner of construction or 74883
installation sought to be used under the rules the board adopts 74884
pursuant to section 3781.10 of the Revised Code. 74885

(C) If the board, after hearing, determines it advisable to 74886
adopt the rule, amendment, or annulment, or to permit the use of 74887
the materials or assemblages petitioned for, it shall give at 74888
least thirty days' notice of the time and place of a public 74889
hearing as provided by section 119.03 of the Revised Code. No rule 74890
shall be adopted, amended, or annulled or the use of materials or 74891
assemblages authorized until after the public hearing. A copy of 74892
every rule, amendment, or annulment, and a copy of every approved 74893
material or assembly authorization signed by the chairperson of 74894
the board of building standards and sealed with the seal of the 74895
department of commerce shall, after final adoption or 74896
authorization by the board, be filed with the secretary of state 74897
and published as the board determines. The issuance of the 74898
authorization for the use of the materials or assemblages 74899
described in the petition constitutes approval for their use 74900
anywhere in this state. Any rule, amendment, or annulment does not 74901
take effect until a date the board fixes and states. No rule, 74902
amendment, or annulment applies to any building for which the 74903
plans or drawings, specifications, and data were approved prior to 74904
the time the rule, amendment, or annulment becomes effective. All 74905
hearings of the board are open to the public. Each member of the 74906
board may administer oaths in the performance of the member's 74907
duties. 74908

Sec. 3781.19. There is hereby established in the department 74909
of commerce a board of building appeals consisting of five members 74910
who shall be appointed by the governor with the advice and consent 74911
of the senate. Terms of office shall be for four years, commencing 74912
on the fourteenth day of October and ending on the thirteenth day 74913
of October. Each member shall hold office from the date of 74914
appointment until the end of the term for which the member was 74915
appointed. Any member appointed to fill a vacancy occurring prior 74916
to the expiration of the term for which the member's predecessor 74917

was appointed shall hold office for the remainder of such term. 74918
Any member shall continue in office subsequent to the expiration 74919
date of the member's term until a successor takes office, or until 74920
a period of sixty days has elapsed, whichever occurs first. One 74921
member shall be an attorney-at-law, admitted to the bar of this 74922
state and of the remaining members, one shall be a registered 74923
architect and one shall be a professional engineer, each of whom 74924
shall be duly licensed to practice their respective professions in 74925
this state, one shall be a fire prevention officer qualified under 74926
section 3737.66 of the Revised Code, and one shall be a person 74927
with recognized ability in the plumbing or pipefitting profession. 74928
No member of the board of building standards shall be a member of 74929
the board of building appeals. Each member shall be paid an amount 74930
fixed pursuant to Chapter 124. of the Revised Code per diem. The 74931
department shall provide and assign to the board such employees as 74932
are required by the board to perform its functions. The board may 74933
adopt its own rules of procedure not inconsistent with sections 74934
3781.06 to 3781.18 and 3791.04 of the Revised Code, and may change 74935
them in its discretion. The board may establish reasonable fees, 74936
based on actual costs for administration of filing and processing, 74937
not to exceed two hundred dollars, for the costs of filing and 74938
processing appeals. A full and complete record of all proceedings 74939
of the board shall be kept and be open to public inspection. 74940

In the enforcement by any department of the state or any 74941
political subdivision of this chapter and Chapter 3791., and 74942
sections 3737.41, 3737.42, 4104.02, 4104.06, 4104.43, 4104.44, 74943
4104.45, 4105.011, and 4105.11 of the Revised Code and any rule 74944
made thereunder, such department is the agency referred to in 74945
sections 119.07, 119.08, and 119.10 of the Revised Code. 74946

The appropriate municipal or county board of appeals, where 74947
one exists, certified pursuant to section 3781.20 of the Revised 74948
Code shall conduct the adjudication hearing referred to in 74949

sections 119.09 to 119.13 and required by section 3781.031 of the Revised Code. If there is no certified municipal or county board of appeals, the board of building appeals shall conduct the adjudication hearing. If the adjudication hearing concerns section 3781.111 of the Revised Code or any rule made thereunder, reasonable notice of the time, date, place, and subject of the hearing shall be given to any local corporation, association, or other organization composed of or representing handicapped persons, as defined in section 3781.111 of the Revised Code, or if there is no local organization, then to any statewide corporation, association, or other organization composed of or representing handicapped persons.

In addition to the provisions of Chapter 119. of the Revised Code, the municipal, county, or state board of building appeals, as the agency conducting the adjudication hearing, may reverse or modify the order of the enforcing agency if it finds that the order is contrary to this chapter and Chapters 3791. and 4104., and sections 3737.41, 3737.42, 4105.011, and 4105.11 of the Revised Code and any rule made thereunder or to a fair interpretation or application of such laws or any rule made thereunder, or that a variance from the provisions of such laws or any rule made thereunder, in the specific case, will not be contrary to the public interest where a literal enforcement of such provisions will result in unnecessary hardship.

The state board of building appeals or a certified municipal or county board of appeals shall render its decision within thirty days after the date of the adjudication hearing. Following the adjudication hearing, any municipal or county officer, official municipal or county board, or person who was a party to the hearing before the municipal or county board of appeals may apply to the state board of appeals for a de novo hearing before the state board, or may appeal directly to the court of common pleas

pursuant to section 3781.031 of the Revised Code. 74982

In addition, any local corporation, association, or other 74983
organization composed of or representing handicapped persons as 74984
defined in section 3781.111 of the Revised Code, or, if no local 74985
corporation, association, or organization exists, then any 74986
statewide corporation, association, or other organization composed 74987
of or representing handicapped persons may apply for the de novo 74988
hearing or appeal to the court of common pleas from any decision 74989
of a certified municipal or county board of appeals interpreting, 74990
applying, or granting a variance from section 3781.111 of the 74991
Revised Code and any rule made thereunder. Application for a de 74992
novo hearing before the state board shall be made no later than 74993
thirty days after the municipal or county board renders its 74994
decision. 74995

The state board of building appeals or the appropriate 74996
certified local board of building appeals shall grant variances 74997
and exemptions from the requirements of section 3781.108 of the 74998
Revised Code in accordance with rules adopted by the board of 74999
building standards pursuant to division ~~(J)~~(K) of section 3781.10 75000
of the Revised Code. 75001

The state board of building appeals or the appropriate 75002
certified local board of building appeals shall, in granting a 75003
variance or exemption from section 3781.108 of the Revised Code, 75004
in addition to any other considerations the state or the 75005
appropriate local board determines appropriate, consider the 75006
architectural and historical significance of the building. 75007

Sec. 3783.05. The board of building standards, in accordance 75008
with Chapters 119., 3781., and 3791. of the Revised Code, shall 75009
adopt, amend, or repeal such rules as may be reasonably necessary 75010
to administer this chapter. All fees collected by the board 75011
pursuant to this chapter shall be paid into the state treasury to 75012

the credit of the ~~industrial compliance~~ labor operating fund 75013
created in section 121.084 of the Revised Code. 75014

Sec. 3791.02. No owner, or person having the control as an 75015
officer or member of a board or committee or otherwise of any 75016
opera house, hall, theater, church, schoolhouse, college, academy, 75017
seminary, infirmary, sanitarium, children's home, hospital, 75018
medical institute, asylum, memorial building, armory, assembly 75019
hall, or other building for the assemblage or betterment of people 75020
shall fail to obey any order of the state fire marshal, boards of 75021
health of city and general health districts, the building 75022
inspector or commissioner in cities having a building inspection 75023
department, or the superintendent of ~~the division of industrial~~ 75024
~~compliance~~ labor in the department of commerce under Chapters 75025
3781. and 3791. of the Revised Code or rules or regulations 75026
adopted pursuant thereto. 75027

Whoever violates this section shall be fined not more than 75028
one thousand dollars. 75029

Sec. 3791.04. (A)(1) Before beginning the construction, 75030
erection, or manufacture of any building to which section 3781.06 75031
of the Revised Code applies, including all industrialized units, 75032
the owner of that building, in addition to any other submission 75033
required by law, shall submit plans or drawings, specifications, 75034
and data prepared for the construction, erection, equipment, 75035
alteration, or addition that indicate the portions that have been 75036
approved pursuant to section 3781.12 of the Revised Code and for 75037
which no further approval is required, to the municipal, township, 75038
or county building department having jurisdiction unless one of 75039
the following applies: 75040

(a) If no municipal, township, or county building department 75041
certified for nonresidential buildings pursuant to division (E) of 75042

section 3781.10 of the Revised Code has jurisdiction, the owner 75043
shall make the submissions described in division (A)(1) of this 75044
section to the superintendent of ~~the division of industrial~~ 75045
~~compliance~~ labor. 75046

(b) If no certified municipal, township, or county building 75047
department certified for residential buildings pursuant to 75048
division (E) of section 3781.10 of the Revised Code has 75049
jurisdiction, the owner is not required to make the submissions 75050
described in division (A)(1) of this section. 75051

(2)(a) The seal of an architect registered under Chapter 75052
4703. of the Revised Code or an engineer registered under Chapter 75053
4733. of the Revised Code is required for any plans, drawings, 75054
specifications, or data submitted for approval, unless the plans, 75055
drawings, specifications, or data are permitted to be prepared by 75056
persons other than registered architects pursuant to division (C) 75057
or (D) of section 4703.18 of the Revised Code, or by persons other 75058
than registered engineers pursuant to division (C) or (D) of 75059
section 4733.18 of the Revised Code. 75060

(b) No seal is required for any plans, drawings, 75061
specifications, or data submitted for approval for any residential 75062
buildings, as defined in section 3781.06 of the Revised Code, or 75063
erected as industrialized one-, two-, or three-family units or 75064
structures within the meaning of "industrialized unit" as defined 75065
in section 3781.06 of the Revised Code. 75066

(c) No seal is required for approval of the installation of 75067
replacement equipment or systems that are similar in type or 75068
capacity to the equipment or systems being replaced. No seal is 75069
required for approval for any new construction, improvement, 75070
alteration, repair, painting, decorating, or other modification of 75071
any buildings or structures subject to sections 3781.06 to 3781.18 75072
and 3791.04 of the Revised Code if the proposed work does not 75073
involve technical design analysis, as defined by rule adopted by 75074

the board of building standards. 75075

(B) No owner shall proceed with the construction, erection, 75076
alteration, or equipment of any building until the plans or 75077
drawings, specifications, and data have been approved as this 75078
section requires, or the industrialized unit inspected at the 75079
point of origin. No plans or specifications shall be approved or 75080
inspection approval given unless the building represented would, 75081
if constructed, repaired, erected, or equipped, comply with 75082
Chapters 3781. and 3791. of the Revised Code and any rule made 75083
under those chapters. 75084

(C) The approval of plans or drawings and specifications or 75085
data pursuant to this section is invalid if construction, 75086
erection, alteration, or other work upon the building has not 75087
commenced within twelve months of the approval of the plans or 75088
drawings and specifications. One extension shall be granted for an 75089
additional twelve-month period if the owner requests at least ten 75090
days in advance of the expiration of the permit and upon payment 75091
of a fee not to exceed one hundred dollars. If in the course of 75092
construction, work is delayed or suspended for more than six 75093
months, the approval of plans or drawings and specifications or 75094
data is invalid. Two extensions shall be granted for six months 75095
each if the owner requests at least ten days in advance of the 75096
expiration of the permit and upon payment of a fee for each 75097
extension of not more than one hundred dollars. Before any work 75098
may continue on the construction, erection, alteration, or 75099
equipment of any building for which the approval is invalid, the 75100
owner of the building shall resubmit the plans or drawings and 75101
specifications for approval pursuant to this section. 75102

(D) Subject to section 3791.042 of the Revised Code, the 75103
board of building standards or the legislative authority of a 75104
municipal corporation, township, or county, by rule, may regulate 75105
the requirements for the submission of plans and specifications to 75106

the respective enforcing departments and for processing by those 75107
departments. The board of building standards or the legislative 75108
authority of a municipal corporation, township, or county may 75109
adopt rules to provide for the approval, subject to section 75110
3791.042 of the Revised Code, by the department having 75111
jurisdiction of the plans for construction of a foundation or any 75112
other part of a building or structure before the complete plans 75113
and specifications for the entire building or structure are 75114
submitted. When any plans are approved by the department having 75115
jurisdiction, the structure and every particular represented by 75116
and disclosed in those plans shall, in the absence of fraud or a 75117
serious safety or sanitation hazard, be conclusively presumed to 75118
comply with Chapters 3781. and 3791. of the Revised Code and any 75119
rule issued pursuant to those chapters, if constructed, altered, 75120
or repaired in accordance with those plans and any rule in effect 75121
at the time of approval. 75122

(E) The approval of plans and specifications, including 75123
inspection of industrialized units, under this section is a 75124
"license" and the failure to approve plans or specifications as 75125
submitted or to inspect the unit at the point of origin within 75126
thirty days after the plans or specifications are filed or the 75127
request to inspect the industrialized unit is made, the 75128
disapproval of plans and specifications, or the refusal to approve 75129
an industrialized unit following inspection at the point of origin 75130
is "an adjudication order denying the issuance of a license" 75131
requiring an "adjudication hearing" as provided by sections 119.07 75132
to 119.13 of the Revised Code and as modified by sections 3781.031 75133
and 3781.19 of the Revised Code. An adjudication order denying the 75134
issuance of a license shall specify the reasons for that denial. 75135

(F) The board of building standards shall not require the 75136
submission of site preparation plans or plot plans to the division 75137
of ~~industrial-compliance~~ labor when industrialized units are used 75138

exclusively as one-, two-, or three-family dwellings. 75139

(G) Notwithstanding any procedures the board establishes, if 75140
the agency having jurisdiction objects to any portion of the plans 75141
or specifications, the owner or the owner's representative may 75142
request the agency to issue conditional approval to proceed with 75143
construction up to the point of the objection. Approval shall be 75144
issued only when the objection results from conflicting 75145
interpretations of the rules of the board of building standards 75146
rather than the application of specific technical requirements of 75147
the rules. Approval shall not be issued where the correction of 75148
the objection would cause extensive changes in the building design 75149
or construction. The giving of conditional approval is a 75150
"conditional license" to proceed with construction up to the point 75151
where the construction or materials objected to by the agency are 75152
to be incorporated into the building. No construction shall 75153
proceed beyond that point without the prior approval of the agency 75154
or another agency that conducts an adjudication hearing relative 75155
to the objection. The agency having jurisdiction shall specify its 75156
objections to the plans or specifications, which is an 75157
"adjudication order denying the issuance of a license" and may be 75158
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 75159
and as modified by sections 3781.031 and 3781.19 of the Revised 75160
Code. 75161

(H) A certified municipal, township, or county building 75162
department having jurisdiction, or the superintendent ~~of the~~ 75163
~~division of industrial compliance~~, as appropriate, shall review 75164
any plans, drawings, specifications, or data described in this 75165
section that are submitted to it or to the superintendent. 75166

(I) No owner or persons having control as an officer, or as a 75167
member of a board or committee, or otherwise, of a building to 75168
which section 3781.06 of the Revised Code is applicable, and no 75169
architect, designer, engineer, builder, contractor, subcontractor, 75170

or any officer or employee of a municipal, township, or county building department shall violate this section. 75171
75172

(J) Whoever violates this section shall be fined not more than five hundred dollars. 75173
75174

Sec. 3791.05. No owner, lessee, agent, factor, architect, or contractor engaged in and having supervision or charge of the building, erection, or construction of a block, building, or structure, shall neglect or refuse to place or have placed upon the joists of each story thereof, as soon as joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and from thereon of all mechanics, laborers, and other persons engaged upon the work of construction or supervision, or in placing materials for such construction. 75175
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Whoever violates this section shall be fined not less than twenty-five nor more than two hundred dollars. 75184
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Each day that such person neglects or refuses to have such counter floors so placed, after notice is given by a building inspector, a chief inspector, or deputy inspector of the city building inspection department in cities where such department is organized, or by the superintendent of ~~the division of industrial compliance labor~~ of the state, in cities where such departments are not organized, or from a person whose life or personal safety may be endangered by such neglect or refusal, is a separate offense. 75186
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Sec. 3791.07. (A) The board of building standards may establish such reasonable inspection fee schedules as it determines necessary or desirable relating to the inspection of all plans and specifications submitted for approval to the division of ~~industrial compliance labor~~, and all industrialized units inspected at the point of origin and at the construction 75195
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site of the building. The inspection fee schedule established 75201
shall bear some reasonable relationship to the cost of 75202
administering and enforcing the provisions of Chapters 3781. and 75203
3791. of the Revised Code. 75204

(B) In addition to the fee assessed in division (A) of this 75205
section, the board shall assess a fee of not more than five 75206
dollars for each application for acceptance and approval of plans 75207
and specifications and for making inspections pursuant to section 75208
3791.04 of the Revised Code. The board shall adopt rules, in 75209
accordance with Chapter 119. of the Revised Code, specifying the 75210
manner by which the superintendent of ~~the division of industrial~~ 75211
~~compliance~~ labor shall collect and remit to the board the fees 75212
assessed under this division and requiring that remittance of the 75213
fees be made at least quarterly. 75214

(C) Any person who fails to pay an inspection fee required 75215
for any inspection conducted by the department of commerce 75216
pursuant to Chapters 3781. and 3791. of the Revised Code, except 75217
for fees charged for the inspection of plans and specifications, 75218
within forty-five days after the inspection is conducted, shall 75219
pay a late payment fee equal to twenty-five per cent of the 75220
inspection fee. 75221

(D) The board shall pay the fees assessed under this section 75222
into the state treasury to the credit of the ~~industrial compliance~~ 75223
labor operating fund created in section 121.084 of the Revised 75224
Code. 75225

Sec. 3793.02. (A) The department of alcohol and drug 75226
addiction services shall promote, assist in developing, and 75227
coordinate or conduct programs of education and research for the 75228
prevention of alcohol and drug addiction, the prevention of 75229
gambling addiction, the treatment, including intervention, of 75230
alcoholics and persons who abuse drugs of abuse, including 75231

anabolic steroids, and the treatment, including intervention, of 75232
persons with gambling addictions. Programs established by the 75233
department shall include abstinence-based prevention and treatment 75234
programs. 75235

(B) In addition to the other duties prescribed by this 75236
chapter, the department shall do all of the following: 75237

(1) Promote and coordinate efforts in the provision of 75238
alcohol and drug addiction services and of gambling addiction 75239
services by other state agencies, as defined in section 1.60 of 75240
the Revised Code; courts; hospitals; clinics; physicians in 75241
private practice; public health authorities; boards of alcohol, 75242
drug addiction, and mental health services; alcohol and drug 75243
addiction programs; law enforcement agencies; gambling addiction 75244
programs; and related groups; 75245

(2) Provide for education and training in prevention, 75246
diagnosis, treatment, and control of alcohol and drug addiction 75247
and of gambling addiction for medical students, physicians, 75248
nurses, social workers, professional counselors, psychologists, 75249
and other persons who provide alcohol and drug addiction services 75250
or gambling addiction services; 75251

(3) Provide training and consultation for persons who 75252
supervise alcohol and drug addiction programs and facilities or 75253
gambling addiction programs and facilities; 75254

(4) Develop measures for evaluating the effectiveness of 75255
alcohol and drug addiction services, including services that use 75256
methadone treatment, and of gambling addiction services, and for 75257
increasing the accountability of alcohol and drug addiction 75258
programs and of gambling addiction programs; 75259

(5) Provide to each court of record, and biennially update, a 75260
list of the treatment and education programs within that court's 75261

jurisdiction that the court may require an offender, sentenced 75262
pursuant to section 4511.19 of the Revised Code, to attend; 75263

(6) ~~Print and distribute~~ Make the warning sign described in 75264
sections 3313.752, 3345.41, and 3707.50 of the Revised Code 75265
available on the department's internet web site; 75266

(7) Provide a program of gambling addiction services on 75267
behalf of the state lottery commission, pursuant to an agreement 75268
entered into with the director of the commission under division 75269
(K) of section 3770.02 of the Revised Code. 75270

(C) The department may accept and administer grants from 75271
public or private sources for carrying out any of the duties 75272
enumerated in this section. 75273

(D) Pursuant to Chapter 119. of the Revised Code, the 75274
department shall adopt a rule defining the term "intervention" as 75275
it is used in this chapter in connection with alcohol and drug 75276
addiction services and in connection with gambling addiction 75277
services. The department may adopt other rules as necessary to 75278
implement the requirements of this chapter. 75279

Sec. 3793.04. The department of alcohol and drug addiction 75280
services shall develop, administer, and revise as necessary a 75281
comprehensive statewide alcohol and drug addiction services plan 75282
for the implementation of this chapter. The plan shall emphasize 75283
abstinence from the use of alcohol and drugs of abuse as the 75284
primary goal of alcohol and drug addiction services. The council 75285
on alcohol and drug addiction services shall advise the department 75286
in the development and implementation of the plan. 75287

The plan shall provide for the allocation of state and 75288
federal funds for service furnished by alcohol and drug addiction 75289
programs under contract with boards of alcohol, drug addiction, 75290
and mental health services and for distribution of the funds to 75291

such boards. The plan shall specify the methodology that the 75292
department will use for determining how funds will be allocated 75293
and distributed. A portion of the funds shall be allocated on the 75294
basis of the ratio of the population of each alcohol, drug 75295
addiction, and mental health service district to the total 75296
population of the state as determined from the most recent federal 75297
census or the most recent official estimate made by the United 75298
States census bureau. 75299

The plan shall ensure that alcohol and drug addiction 75300
services of a high quality are accessible to, and responsive to 75301
the needs of, all persons, especially those who are members of 75302
underserved groups, including, but not limited to, African 75303
Americans, Hispanics, native Americans, Asians, juvenile and adult 75304
offenders, women, and persons with special services needs due to 75305
age or disability. The plan shall include a program to promote and 75306
protect the rights of those who receive services. 75307

To aid in formulating the plan and in evaluating the 75308
effectiveness and results of alcohol and drug addiction services, 75309
the department, in consultation with the department of mental 75310
health, shall establish and maintain an information system or 75311
systems. The department of alcohol and drug addiction services 75312
shall specify the information that must be provided by boards of 75313
alcohol, drug addiction, and mental health services and by alcohol 75314
and drug addiction programs for inclusion in the system. The 75315
department shall not collect any personal information ~~for the~~ 75316
~~purpose of identifying by name any person who receives a service~~ 75317
~~through a board, from the boards except as required or permitted~~ 75318
~~by the state or federal law to validate appropriate reimbursement~~ 75319
for purposes related to payment, health care operations, program 75320
and service evaluation, reporting activities, research, system 75321
administration, and oversight. 75322

In consultation with boards, programs, and persons receiving 75323

services, the department shall establish guidelines for the use of 75324
state and federal funds and for the boards' development of plans 75325
for services required by sections 340.033 and 3793.05 of the 75326
Revised Code. 75327

In any fiscal year, the department shall spend, or allocate 75328
to boards, for methadone maintenance programs or any similar 75329
programs not more than eight per cent of the total amount 75330
appropriated to the department for the fiscal year. 75331

Sec. 3793.21. (A) The department of alcohol and drug 75332
addiction services shall annually establish a limit on the amount 75333
or portion of state and federal funds provided by the department 75334
to boards of alcohol, drug addiction, and mental health services 75335
that may be used for a board's administrative functions. The 75336
department may deny state or federal funds to a board that exceeds 75337
the limit established by the department. Administrative functions 75338
for which funds may be provided may include continuous quality 75339
improvement, utilization review, resource development, fiscal 75340
administration, general administration, and any other 75341
administrative function required by Chapter 340. of the Revised 75342
Code. 75343

(B) Any state or federal funds used for board administrative 75344
functions shall be from the funds allocated by the department to 75345
the boards according to the methodology specified by the 75346
department under the plan described in section 3793.04 of the 75347
Revised Code. 75348

(C) The director of alcohol and drug addiction services may 75349
waive the limit described by this section for a board of alcohol, 75350
drug addiction, and mental health services if, based on the 75351
board's prior written request, the director determines that an 75352
exception to the limit is warranted. 75353

(D) Each board shall submit an annual report to the 75354

department detailing its use of state and federal funds for the 75355
administrative functions of the board. 75356

Sec. 3901.38. As used in this section and sections 3901.381 75357
to 3901.3814 of the Revised Code: 75358

(A) "Beneficiary" means any policyholder, subscriber, member, 75359
employee, or other person who is eligible for benefits under a 75360
benefits contract. 75361

(B) "Benefits contract" means a sickness and accident 75362
insurance policy providing hospital, surgical, or medical expense 75363
coverage, or a health insuring corporation contract or other 75364
policy or agreement under which a third-party payer agrees to 75365
reimburse for covered health care or dental services rendered to 75366
beneficiaries, up to the limits and exclusions contained in the 75367
benefits contract. 75368

(C) "Hospital" has the same meaning as in section 3727.01 of 75369
the Revised Code. 75370

(D) "Medicaid managed care organization" means a managed care 75371
organization that has a contract with the department of job and 75372
family services pursuant to section 5111.17 of the Revised Code. 75373

(E) "Provider" means a hospital, nursing home, physician, 75374
podiatrist, dentist, pharmacist, chiropractor, or other health 75375
care provider entitled to reimbursement by a third-party payer for 75376
services rendered to a beneficiary under a benefits contract. 75377

~~(E)~~(F) "Reimburse" means indemnify, make payment, or 75378
otherwise accept responsibility for payment for health care 75379
services rendered to a beneficiary, or arrange for the provision 75380
of health care services to a beneficiary. 75381

~~(F)~~(G) "Third-party payer" means any of the following: 75382

(1) An insurance company; 75383

(2) A health insuring corporation;	75384
(3) A labor organization;	75385
(4) An employer;	75386
(5) An intermediary organization, as defined in section	75387
1751.01 of the Revised Code, that is not a health delivery network	75388
contracting solely with self-insured employers;	75389
(6) An administrator subject to sections 3959.01 to 3959.16	75390
of the Revised Code;	75391
(7) A health delivery network, as defined in section 1751.01	75392
of the Revised Code;	75393
(8) <u>A medicaid managed care organization;</u>	75394
(9) Any other person that is obligated pursuant to a benefits	75395
contract to reimburse for covered health care services rendered to	75396
beneficiaries under such contract.	75397
Sec. 3901.383. (A) A provider and a third-party payer may do	75398
either of the following:	75399
(1) Enter into a contractual agreement under which time	75400
periods shorter than those set forth in section 3901.381 of the	75401
Revised Code are applicable to the third-party payer in paying a	75402
claim for any amount due for health care services rendered by the	75403
provider;	75404
(2) Enter into a contractual agreement under which the timing	75405
of payments by the third-party payer is not directly related to	75406
the receipt of a claim form. The contractual arrangement may	75407
include periodic interim payment arrangements, capitation payment	75408
arrangements, or other periodic payment arrangements acceptable to	75409
the provider and the third-party payer. Under a capitation payment	75410
arrangement, the third-party payer shall begin paying the	75411
capitated amounts to the beneficiary's primary care provider not	75412

later than sixty days after the date the beneficiary selects or is assigned to the provider. Under any other contractual periodic payment arrangement, the contractual agreement shall state, with specificity, the timing of payments by the third-party payer.

~~(B) Regardless of whether a third party payer is exempted under division (D) of section 3901.3814 from sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code, a~~ A provider and the a third-party payer, including a third-party payer that provides coverage under the medicaid program, shall not enter into a contractual arrangement under which time periods longer than those provided for in paragraph (c)(1) of 42 C.F.R. 447.46 are applicable to the third-party payer in paying a claim for any amount due for health care services rendered by the provider.

Sec. 3901.3812. (A) If, after completion of an examination involving information collected from a six-month period, the superintendent finds that a third-party payer has committed a series of violations that, taken together, constitutes a consistent pattern or practice of violating division (A) of section 3901.3811 of the Revised Code, the superintendent may impose on the third-party payer any of the administrative remedies specified in division (B) of this section. In making a finding under this division, the superintendent shall apply the error tolerance standards for claims processing contained in the market conduct examiners handbook issued by the national association of insurance commissioners in effect at the time the claims were processed.

Before imposing an administrative remedy, the superintendent shall provide written notice to the third-party payer informing the third-party payer of the reasons for the superintendent's finding, the administrative remedy the superintendent proposes to impose, and the opportunity to submit a written request for an

administrative hearing regarding the finding and proposed remedy. 75444
If the third-party payer requests a hearing, the superintendent 75445
shall conduct the hearing in accordance with Chapter 119. of the 75446
Revised Code not later than fifteen days after receipt of the 75447
request. 75448

(B)(1) In imposing administrative remedies under division (A) 75449
of this section for violations of section 3901.381 of the Revised 75450
Code, the superintendent may do any of the following: 75451

(a) Levy a monetary penalty in an amount determined in 75452
accordance with division (B)(3) of this section; 75453

(b) Order the payment of interest directly to the provider in 75454
accordance with section 3901.389 of the Revised Code; 75455

(c) Order the third-party payer to cease and desist from 75456
engaging in the violations; 75457

(d) If a monetary penalty is not levied under division 75458
(B)(1)(a) of this section, impose any of the administrative 75459
remedies provided for in section 3901.22 of the Revised Code, 75460
other than those specified in divisions (D)(4) and (5) and (G) of 75461
that section. 75462

(2) In imposing administrative remedies under division (A) of 75463
this section for violations of sections 3901.384 to 3901.3810 of 75464
the Revised Code, the superintendent may do any of the following: 75465
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(a) Levy a monetary penalty in an amount determined in 75467
accordance with division (B)(3) of this section; 75468

(b) Order the payment of interest directly to the provider in 75469
accordance with section 3901.38 of the Revised Code; 75470

(c) Order the third-party payer to cease and desist from 75471
engaging in the violations; 75472

(d) If a monetary penalty is not levied under division 75473

(B)(2)(a) of this section, impose any of the administrative 75474
remedies provided for in section 3901.22 of the Revised Code, 75475
other than those specified in divisions (D)(4) and (5) and (G) of 75476
that section. For violations of sections 3901.384 to 3901.3810 of 75477
the Revised Code that did not comply with section 3901.381 of the 75478
Revised Code, the superintendent may also use section 3901.22 of 75479
the Revised Code except divisions (D)(4) and (5) of that section. 75480

(3) A finding by the superintendent that a third-party payer 75481
has committed a series of violations that, taken together, 75482
constitutes a consistent pattern or practice of violating division 75483
(A) of section 3901.3811 of the Revised Code, shall constitute a 75484
single offense for purposes of levying a fine under division 75485
(B)(1)(a) and (B)(2)(a) of this section. For a first offense, the 75486
superintendent may levy a fine of not more than one hundred 75487
thousand dollars. For a second offense that occurs on or earlier 75488
than four years from the first offense, the superintendent may 75489
levy a fine of not more than one hundred fifty thousand dollars. 75490
For a third or additional offense that occurs on or earlier than 75491
seven years after a first offense, the superintendent may levy a 75492
fine of not more than three hundred thousand dollars. In 75493
determining the amount of a fine to be levied within the specified 75494
limits, the superintendent shall consider the following factors: 75495

(a) The extent and frequency of the violations; 75496

(b) Whether the violations were due to circumstances beyond 75497
the third-party payer's control; 75498

(c) Any remedial actions taken by the third-party payer to 75499
prevent future violations; 75500

(d) The actual or potential harm to others resulting from the 75501
violations; 75502

(e) If the third-party payer knowingly and willingly 75503
committed the violations; 75504

(f) The third-party payer's financial condition;	75505
(g) Any other factors the superintendent considers appropriate.	75506 75507
(C) The remedies imposed by the superintendent under this section are in addition to, and not in lieu of, such other remedies as providers and beneficiaries may otherwise have by law.	75508 75509 75510
(D) Any fine collected under this section shall be paid into the state treasury as follows:	75511 75512
(1) Twenty-five per cent of the total to the credit of the department of insurance operating fund created by section 3901.021 of the Revised Code;	75513 75514 75515
(2) Sixty-five per cent of the total to the credit of the general revenue fund;	75516 75517
(3) Ten per cent of the total to the credit of claims processing education fund <u>account</u> , which is hereby created <u>within the department of insurance operating fund created by section 3901.021 of the Revised Code.</u>	75518 75519 75520 75521
All money credited to the claims processing education fund <u>account</u> shall be used by the department of insurance to make technical assistance available to third-party payers, providers, and beneficiaries for effective implementation of the provisions of sections 3901.38 and 3901.381 to 3901.3814 of the Revised Code.	75522 75523 75524 75525 75526
Sec. 3901.3814. <u>(A)</u> Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:	75527 75528
(A) <u>(1)</u> Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;	75529 75530
(B) <u>(2)</u> An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or	75531 75532 75533

otherwise precludes the application of any provisions of those sections to the plan and its administrators; 75534
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~~(C)(3)~~ A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 75536
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~~(D)~~ A third party payer for coverage provided under the medicaid program operated under Title XIX of the "Social Security Act," except that if a federal waiver applied for under section 5111.178 of the Revised Code is granted or the director of job and family services determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46; 75540
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~~(E)(4)~~ A third-party payer for coverage provided under the tricare program offered by the United States department of defense.; 75551
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~~(F)(5)~~ A third-party payer for coverage provided under the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code. 75554
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(B) The application of sections 3901.38 to 3901.3813 of the Revised Code to medicaid managed care organizations neither affects the department of job and family services' authority under section 5111.01 of the Revised Code to act as the single state medicaid agency nor affects the department's authority to enter into contracts with managed care organizations under section 5111.17 of the Revised Code. 75557
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Sec. 3903.77. (A) Every property and casualty insurance 75564
company doing business in this state, except as exempted by rule 75565
adopted by the superintendent of insurance, annually, shall cause 75566
to be prepared by an actuary, appointed by the company, the 75567
following documents: 75568

(1) An actuarial opinion that certifies to the current 75569
adequacy of the insurance company's reserves and that shall be 75570
entitled a "statement of actuarial opinion"; 75571

(2) A summary that shall be in support of the statement of 75572
actuarial opinion and that shall be entitled an "actuarial opinion 75573
summary." An insurance company licensed but not domiciled in this 75574
state need not include the actuarial opinion summary in its 75575
submissions to the superintendent but shall make the summary 75576
available to the superintendent upon request. 75577

(B) The insurance company annually shall submit the documents 75578
prepared pursuant to division (A) of this section to the 75579
superintendent in accordance with the national association of 75580
insurance commissioners' property and casualty annual statement 75581
instructions. The documents shall accompany the insurance 75582
company's annual financial statement described in section 3901.77 75583
of the Revised Code. 75584

(C)(1) Every property and casualty insurance company doing 75585
business in this state shall prior to preparation of the statement 75586
of actuarial opinion and the actuarial opinion summary prepare an 75587
actuarial report and underlying work papers to support the 75588
statement of actuarial opinion and the actuarial opinion summary 75589
required under division (A) of this section in accordance with the 75590
national association of insurance commissioners' property and 75591
casualty statement instructions. The insurance company shall make 75592
the actuarial report and underlying work papers available to the 75593
superintendent upon request. 75594

(2) If an insurance company fails to provide the actuarial report or work papers at the request of the superintendent pursuant to division (C)(1) of this section or the superintendent determines that the actuarial report or work papers provided are unacceptable, the superintendent may contract with a qualified actuary at the expense of the insurance company to review the statement of actuarial opinion provided by the insurance company pursuant to division (A) of this section and the basis for that opinion and to prepare an actuarial report and work papers. 75595
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(D) Except in cases of fraud or willful misconduct on the part of the actuary, no actuary appointed by an insurance company to prepare the statement of actuarial opinion and actuarial opinion summary required under division (A) of this section is liable for damages to any person except the insurance company and the superintendent for any act, error, omission, decision, or conduct with respect to the actuary's opinion. 75604
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(E) The statement of actuarial opinion required under division (A) of this section is a public document and a public record as defined in section 149.43 of the Revised Code. However, the actuarial opinion summary, actuarial report, work papers, and any documents, materials or other information provided in support of the statement of actuarial opinion are privileged and confidential, are not a public record, and are not subject to subpoena or to discovery, and are not admissible in evidence in any private civil action. 75611
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Neither the superintendent nor any person who receives documents, materials, or other information required to be kept confidential under this division while acting under the authority of the superintendent shall testify in any private civil action concerning any documents, materials, or other information required to be kept confidential under this division. 75620
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This section shall not be construed to limit the 75626

superintendent's authority to release documents to the actuarial 75627
board for counseling and discipline so long as the documents are 75628
necessary for the purpose of professional disciplinary proceedings 75629
and the actuarial board for counseling and discipline establishes 75630
procedures satisfactory to the superintendent for preserving the 75631
confidentiality of the documents. Neither shall this section be 75632
construed to limit the superintendent's authority to use 75633
documents, materials, nor other information in furtherance of any 75634
regulatory or legal action brought as part of the superintendent's 75635
official duties. 75636

(F) In order to assist in the performance of the 75637
superintendent's duties, the superintendent may do all of the 75638
following: 75639

(1) Share documents, materials, or other information, 75640
including any documents, materials, or other information required 75641
to be kept confidential under division (E) of this section, with 75642
other state, federal, and international regulatory and law 75643
enforcement agencies and with the national association of 75644
insurance commissioners including its affiliates and subsidiaries 75645
if the recipient agrees to maintain the confidentiality and 75646
privileged status of the document, material, or other information 75647
and has the legal authority to maintain confidentiality; 75648

(2) Receive documents, materials, or other information, 75649
including otherwise confidential and privileged documents, 75650
materials, and information from other state, federal, and 75651
international regulatory and law enforcement agencies and from the 75652
national association of insurance commissioners including its 75653
affiliates and subsidiaries. The superintendent shall maintain the 75654
confidentiality and privileged status of any document, material, 75655
or other information received with notice of confidential and 75656
privileged status under the laws of the jurisdiction that is the 75657
source of the document, material, or information. 75658

(3) Enter into agreements consistent with divisions (E) and (F) of this section for the sharing and use of information. 75659
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(G) No waiver of any privilege or claim of confidentiality of documents, materials, or other information shall occur as a result of any disclosure to the superintendent under this section or as a result of any sharing of documents, materials, or other information authorized by the superintendent under division (G) of this section. 75661
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(H) As used in this section, "qualified actuary" means a person who is a member in good standing of the American academy of actuaries and who meets the requirements identified in the national association of insurance commissioners' property and casualty statement instructions. 75667
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Sec. 3923.021. (A) As used in this section, ~~"benefits:~~ 75672

(1) "Benefits provided are not unreasonable in relation to the premium charged" means the rates were calculated in accordance with sound actuarial principles. 75673
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(2) "Individual policy of sickness and accident insurance" includes sickness and accident insurance made available by insurers in the individual market to individuals, with or without family members or dependents, through group policies issued to one or more associations or entities. 75676
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(B) With respect to any filing, made pursuant to section 3923.02 of the Revised Code, of any premium rates for any individual policy of sickness and accident insurance or certificates made available by an insurer to individuals in the individual market through a group policy or for any indorsement or rider pertaining thereto, the superintendent of insurance may, within thirty days after filing: 75681
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(1) Disapprove such filing after finding that the benefits 75688

provided are unreasonable in relation to the premium charged. Such 75689
disapproval shall be effected by written order of the 75690
superintendent, a copy of which shall be mailed to the insurer 75691
that has made the filing. In the order, the superintendent shall 75692
specify the reasons for the disapproval and state that a hearing 75693
will be held within fifteen days after requested in writing by the 75694
insurer. If a hearing is so requested, the superintendent shall 75695
also give such public notice as the superintendent considers 75696
appropriate. The superintendent, within fifteen days after the 75697
commencement of any hearing, shall issue a written order, a copy 75698
of which shall be mailed to the insurer that has made the filing, 75699
either affirming the prior disapproval or approving such filing 75700
after finding that the benefits provided are not unreasonable in 75701
relation to the premium charged. 75702

(2) Set a date for a public hearing to commence no later than 75703
forty days after the filing. The superintendent shall give the 75704
insurer making the filing twenty days' written notice of the 75705
hearing and shall give such public notice as the superintendent 75706
considers appropriate. The superintendent, within twenty days 75707
after the commencement of a hearing, shall issue a written order, 75708
a copy of which shall be mailed to the insurer that has made the 75709
filing, either approving such filing if the superintendent finds 75710
that the benefits provided are not unreasonable in relation to the 75711
premium charged, or disapproving such filing if the superintendent 75712
finds that the benefits provided are unreasonable in relation to 75713
the premium charged. This division does not apply to any insurer 75714
organized or transacting the business of insurance under Chapter 75715
3907. or 3909. of the Revised Code. 75716

(3) Take no action, in which case such filing shall be deemed 75717
to be approved and shall become effective upon the thirty-first 75718
day after such filing, unless the superintendent has previously 75719
given to the insurer a written approval. 75720

(C) At any time after any filing has been approved pursuant 75721
to this section, the superintendent may, after a hearing of which 75722
at least twenty days' written notice has been given to the insurer 75723
that has made such filing and for which such public notice as the 75724
superintendent considers appropriate has been given, withdraw 75725
approval of such filing after finding that the benefits provided 75726
are unreasonable in relation to the premium charged. Such 75727
withdrawal of approval shall be effected by written order of the 75728
superintendent, a copy of which shall be mailed to the insurer 75729
that has made the filing, which shall state the ground for such 75730
withdrawal and the date, not less than forty days after the date 75731
of such order, when the withdrawal or approval shall become 75732
effective. 75733

(D) The superintendent may retain at the insurer's expense 75734
such attorneys, actuaries, accountants, and other experts not 75735
otherwise a part of the superintendent's staff as shall be 75736
reasonably necessary to assist in the preparation for and conduct 75737
of any public hearing under this section. The expense for 75738
retaining such experts and the expenses of the department of 75739
insurance incurred in connection with such public hearing shall be 75740
assessed against the insurer in an amount not to exceed one 75741
one-hundredth of one per cent of the sum of premiums earned plus 75742
net realized investment gain or loss of such insurer as reflected 75743
in the most current annual statement on file with the 75744
superintendent. Any person retained shall be under the direction 75745
and control of the superintendent and shall act in a purely 75746
advisory capacity. 75747

Sec. 3923.022. (A) As used in this section: 75748

(1)(a) "Administrative expense" means the amount resulting 75749
from the following: the amount of premiums ~~received~~ earned by the 75750
insurer for sickness and accident insurance business plus the 75751

amount of losses recovered from reinsurance coverage minus the sum 75752
of the amount of claims for losses paid; the amount of losses 75753
incurred but not reported; the amount ~~paid~~ incurred for state 75754
fees, federal and state taxes, and reinsurance; and the incurred 75755
costs and expenses related, either directly or indirectly, to the 75756
payment of commissions, measures to control fraud, and managed 75757
care. 75758

(b) "Administrative expense" does not include any amounts 75759
collected, or administrative expenses incurred, by an insurer for 75760
the administration of an employee health benefit plan subject to 75761
regulation by the federal "Employee Retirement Income Security Act 75762
of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended. "Amounts 75763
collected or administrative expenses incurred" means the total 75764
amount paid to an administrator for the administration and payment 75765
of claims minus the sum of the amount of claims for losses paid 75766
and the amount of losses incurred but not reported. 75767

(2) "Insurer" means any insurance company authorized under 75768
Title XXXIX of the Revised Code to do the business of sickness and 75769
accident insurance in this state. 75770

(3) "Sickness and accident insurance business" does not 75771
include coverage provided by an insurer for specific diseases or 75772
accidents only; any hospital indemnity, medicare supplement, 75773
long-term care, disability income, one-time-limited-duration 75774
policy of no longer than six months, or other policy that offers 75775
only supplemental benefits; or coverage provided to individuals 75776
who are not residents of this state. 75777

(4) "Individual business" includes both individual sickness 75778
and accident insurance and sickness and accident insurance made 75779
available by insurers in the individual market to individuals, 75780
with or without family members or dependents, through group 75781
policies issued to one or more associations or entities. 75782

(B) Notwithstanding section 3941.14 of the Revised Code, ~~the~~ 75783
~~following apply to every insurer:~~ 75784

~~(1) For calendar year 1993, each insurer shall have aggregate~~ 75785
~~administrative expenses of no more than forty per cent of the~~ 75786
~~premium income of the insurer, based on the premiums received in~~ 75787
~~that year on the sickness and accident insurance business of the~~ 75788
~~insurer.~~ 75789

~~(2) For calendar year 1994, each insurer shall have aggregate~~ 75790
~~administrative expenses of no more than thirty per cent of the~~ 75791
~~premium income of the insurer, based on the premiums received in~~ 75792
~~that year on the sickness and accident insurance business of the~~ 75793
~~insurer.~~ 75794

~~(3) For calendar year 1995, each insurer shall have aggregate~~ 75795
~~administrative expenses of no more than twenty five per cent of~~ 75796
~~the premium income of the insurer, based on the premiums received~~ 75797
~~in that year on the sickness and accident insurance business of~~ 75798
~~the insurer.~~ 75799

~~(4) For calendar year 1996 and every calendar year~~ 75800
~~thereafter, each insurer shall have aggregate administrative~~ 75801
~~expenses of no more than twenty per cent of the premium income of~~ 75802
~~the insurer, based on the premiums ~~received~~ earned in that year on~~ 75803
~~the sickness and accident insurance business of the insurer.~~ 75804

(C)(1) Each insurer, on the first day of January or within 75805
sixty days thereafter, shall annually prepare, under oath, and 75806
deposit in the office of the superintendent of insurance a 75807
statement of the aggregate administrative expenses of the insurer, 75808
based on the premiums ~~received~~ earned in the immediately preceding 75809
calendar year on the sickness and accident insurance business of 75810
the insurer. The statement shall itemize and separately detail all 75811
of the following information with respect to the insurer's 75812
sickness and accident insurance business: 75813

<u>(a) The amount of premiums earned by the insurer both before and after any costs related to the insurer's purchase of reinsurance coverage;</u>	75814
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	75816
<u>(b) The total amount of claims for losses paid by the insurer both before and after reimbursement from reinsurance coverage;</u>	75817
	75818
<u>(c) The amount of any losses incurred by the insurer but not reported by the insurer in the current or prior year;</u>	75819
	75820
<u>(d) The amount of costs incurred by the insurer for state fees and federal and state taxes;</u>	75821
	75822
<u>(e) The amount of costs incurred by the insurer for reinsurance coverage;</u>	75823
	75824
<u>(f) The amount of costs incurred by the insurer that are related to the insurer's payment of commissions;</u>	75825
	75826
<u>(g) The amount of costs incurred by the insurer that are related to the insurer's fraud prevention measures;</u>	75827
	75828
<u>(h) The amount of costs incurred by the insurer that are related to managed care; and</u>	75829
	75830
<u>(i) Any other administrative expenses incurred by the insurer.</u>	75831
	75832
<u>(2) The statement also shall include all of the information required under division (C)(1) of this section separately detailed for the insurer's individual business, small group business, and large group business.</u>	75833
	75834
	75835
	75836
(D) No insurer shall fail to comply with division (B) of this section.	75837
	75838
(E) If the superintendent determines that an insurer has violated division (D) of this section, the superintendent, pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code, may order the suspension of the insurer's license to do the business of sickness and accident	75839
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	75841
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	75843

insurance in this state until the superintendent is satisfied that 75844
the insurer is in compliance with ~~division (B)~~ of this section. If 75845
the insurer continues to do the business of sickness and accident 75846
insurance in this state while under the suspension order, the 75847
superintendent shall order the insurer to pay one thousand dollars 75848
for each day of the violation. 75849

(F) Any money collected by the superintendent under division 75850
(E) of this section shall be deposited by ~~him~~ the superintendent 75851
into the state treasury to the credit of the department of 75852
insurance operating fund. 75853

Sec. 3923.122. (A) Every policy of group sickness and 75854
accident insurance providing hospital, surgical, or medical 75855
expense coverage for other than specific diseases or accidents 75856
only, and delivered, issued for delivery, or renewed in this state 75857
on or after January 1, 1976, shall include a provision giving each 75858
insured the option to convert to the following: 75859

(1) In the case of an individual who is not a federally 75860
eligible individual, any of the individual policies of hospital, 75861
surgical, or medical expense insurance then being issued by the 75862
insurer with benefit limits not to exceed those in effect under 75863
the group policy; 75864

(2) In the case of a federally eligible individual, a basic 75865
or standard plan established ~~by the board of directors of the Ohio~~ 75866
~~health reinsurance program~~ in accordance with section 3924.10 of 75867
the Revised Code or plans substantially similar to the basic and 75868
standard plan in benefit design and scope of covered services. For 75869
purposes of division (A)(2) of this section, the superintendent of 75870
insurance shall determine whether a plan is substantially similar 75871
to the basic or standard plan in benefit design and scope of 75872
covered services. 75873

(B) An option for conversion to an individual policy shall be 75874

available without evidence of insurability to every insured, 75875
including any person eligible under division (D) of this section, 75876
who terminates employment or membership in the group holding the 75877
policy after having been continuously insured thereunder for at 75878
least one year. 75879

Upon receipt of the insured's written application and upon 75880
payment of at least the first quarterly premium not later than 75881
thirty-one days after the termination of coverage under the group 75882
policy, the insurer shall issue a converted policy on a form then 75883
available for conversion. The premium shall be in accordance with 75884
the insurer's table of premium rates in effect on the later of the 75885
following dates: 75886

(1) The effective date of the converted policy; 75887

(2) The date of application therefor; and shall be applicable 75888
to the class of risk to which each person covered belongs and to 75889
the form and amount of the policy at the person's then attained 75890
age. However, premiums charged federally eligible individuals may 75891
not exceed an amount that is ~~two~~ one and one-half times the 75892
~~midpoint of the standard~~ base rate charged any other individual of 75893
a group to which the insurer is currently accepting new business 75894
and for which similar copayments and deductibles are applied. 75895

At the election of the insurer, a separate converted policy 75896
may be issued to cover any dependent of an employee or member of 75897
the group. 75898

Except as provided in division (H) of this section, any 75899
converted policy shall become effective as of the day following 75900
the date of termination of insurance under the group policy. 75901

Any probationary or waiting period set forth in the converted 75902
policy is deemed to commence on the effective date of the 75903
insured's coverage under the group policy. 75904

(C) No insurer shall be required to issue a converted policy 75905

to any person who is, or is eligible to be, covered for benefits	75906
at least comparable to the group policy under:	75907
(1) Title XVIII of the Social Security Act, as amended or	75908
superseded;	75909
(2) Any act of congress or law under this or any other state	75910
of the United States that duplicates coverage offered under	75911
division (C)(1) of this section;	75912
(3) Any policy that duplicates coverage offered under	75913
division (C)(1) of this section;	75914
(4) Any other group sickness and accident insurance providing	75915
hospital, surgical, or medical expense coverage for other than	75916
specific diseases or accidents only.	75917
(D) The option for conversion shall be available:	75918
(1) Upon the death of the employee or member, to the	75919
surviving spouse with respect to such of the spouse and dependents	75920
as are then covered by the group policy;	75921
(2) To a child solely with respect to the child upon	75922
attaining the limiting age of coverage under the group policy	75923
while covered as a dependent thereunder;	75924
(3) Upon the divorce, dissolution, or annulment of the	75925
marriage of the employee or member, to the divorced spouse, or	75926
former spouse in the event of annulment, of such employee or	75927
member, or upon the legal separation of the spouse from such	75928
employee or member, to the spouse.	75929
Persons possessing the option for conversion pursuant to this	75930
division shall be considered members for the purposes of division	75931
(H) of this section.	75932
(E) If coverage is continued under a group policy on an	75933
employee following retirement prior to the time the employee is,	75934
or is eligible to be, covered by Title XVIII of the Social	75935

Security Act, the employee may elect, in lieu of the continuance 75936
of group insurance, to have the same conversion rights as would 75937
apply had the employee's insurance terminated at retirement by 75938
reason of termination of employment. 75939

(F) If the insurer and the group policyholder agree upon one 75940
or more additional plans of benefits to be available for converted 75941
policies, the applicant for the converted policy may elect such a 75942
plan in lieu of a converted policy. 75943

(G) The converted policy may contain provisions for avoiding 75944
duplication of benefits provided pursuant to divisions (C)(1), 75945
(2), (3), and (4) of this section or provided under any other 75946
insured or noninsured plan or program. 75947

(H) If an employee or member becomes entitled to obtain a 75948
converted policy pursuant to this section, and if the employee or 75949
member has not received notice of the conversion privilege at 75950
least fifteen days prior to the expiration of the thirty-one-day 75951
conversion period provided in division (B) of this section, then 75952
the employee or member has an additional period within which to 75953
exercise the privilege. This additional period shall expire 75954
fifteen days after the employee or member receives notice, but in 75955
no event shall the period extend beyond sixty days after the 75956
expiration of the thirty-one-day conversion period. 75957

Written notice presented to the employee or member, or mailed 75958
by the policyholder to the last known address of the employee or 75959
member as indicated on its records, constitutes notice for the 75960
purpose of this division. In the case of a person who is eligible 75961
for a converted policy under division (D)(2) or (D)(3) of this 75962
section, a policyholder shall not be responsible for presenting or 75963
mailing such notice, unless such policyholder has actual knowledge 75964
of the person's eligibility for a converted policy. 75965

If an additional period is allowed by an employee or member 75966

for the exercise of a conversion privilege, and if written 75967
application for the converted policy, accompanied by at least the 75968
first quarterly premium, is made after the expiration of the 75969
thirty-one-day conversion period, but within the additional period 75970
allowed an employee or member in accordance with this division, 75971
the effective date of the converted policy shall be the date of 75972
application. 75973

(I) The converted policy may provide that any hospital, 75974
surgical, or medical expense benefits otherwise payable with 75975
respect to any person may be reduced by the amount of any such 75976
benefits payable under the group policy for the same loss after 75977
termination of coverage. 75978

(J) The converted policy may contain: 75979

(1) Any exclusion, reduction, or limitation contained in the 75980
group policy or customarily used in individual policies issued by 75981
the insurer; 75982

(2) Any provision permitted in this section; 75983

(3) Any other provision not prohibited by law. 75984

Any provision required or permitted in this section may be 75985
made a part of any converted policy by means of an endorsement or 75986
rider. 75987

(K) The time limit specified in a converted policy for 75988
certain defenses with respect to any person who was covered by a 75989
group policy shall commence on the effective date of such person's 75990
coverage under the group policy. 75991

(L) No insurer shall use deterioration of health as the basis 75992
for refusing to renew a converted policy. 75993

(M) No insurer shall use age or health status as the basis 75994
for refusing to renew a converted policy. 75995

(N) A converted policy made available pursuant to this 75996

section shall, if delivery of the policy is to be made in this 75997
state, comply with this section. If delivery of a converted policy 75998
is to be made in another state, it may be on a form offered by the 75999
insurer in the jurisdiction where the delivery is to be made and 76000
which provides benefits substantially in compliance with those 76001
required in a policy delivered in this state. 76002

(0) As used in this section, ~~"federally:~~ 76003

(1) "Base rate" means, as to any health benefit plan that is 76004
issued by an insurer in the individual market, the lowest premium 76005
rate for new or existing business prescribed by the insurer for 76006
the same or similar coverage under a plan or arrangement covering 76007
any individual with similar case characteristics. 76008

(2) "Federally eligible individual" means an eligible 76009
individual as defined in 45 C.F.R. 148.103. 76010

Sec. 3923.24. ~~Every~~ (A) Notwithstanding section 3901.71 of 76011
the Revised Code, every certificate furnished by an insurer in 76012
connection with, or pursuant to any provision of, any group 76013
sickness and accident insurance policy delivered, issued for 76014
delivery, renewed, or used in this state on or after January 1, 76015
1972, and every policy of sickness and accident insurance 76016
delivered, issued for delivery, renewed, or used in this state on 76017
or after January 1, 1972, and every multiple employer welfare 76018
arrangement offering an insurance program, which provides that 76019
coverage of an unmarried dependent child of a parent or legal 76020
guardian will terminate upon attainment of the limiting age for 76021
dependent children specified in the contract shall also provide in 76022
substance ~~that~~ both of the following: 76023

(1) Once an unmarried child has attained the limiting age for 76024
dependent children, as provided in the policy, upon the request of 76025
the insured, the insurer shall offer to cover the unmarried child 76026
until the child attains twenty-nine years of age if all of the 76027

following are true: 76028

(a) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education. 76029
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(b) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 76032
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(c) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 76035
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(2) That attainment of ~~such~~ the limiting age for dependent children shall not operate to terminate the coverage of ~~such a dependent~~ child if the child is and continues to be both of the following: 76039
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~~(A)~~(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 76043
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~~(B)~~(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 76045
76046

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 76047
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(C) Nothing in this section shall require an insurer to cover a dependent child who is mentally retarded or physically handicapped if the contract is underwritten on evidence of 76055
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76057

insurability based on health factors set forth in the application, 76058
or if such dependent child does not satisfy the conditions of the 76059
contract as to any requirement for evidence of insurability or 76060
other provision of the contract, satisfaction of which is required 76061
for coverage thereunder to take effect. In any such case, the 76062
terms of the contract shall apply with regard to the coverage or 76063
exclusion of the dependent from such coverage. Nothing in this 76064
section shall apply to accidental death or dismemberment benefits 76065
provided by any such policy of sickness and accident insurance. 76066

(D) Nothing in this section shall do any of the following: 76067

(1) Require that any policy offer coverage for dependent 76068
children or provide coverage for an unmarried dependent child's 76069
children as dependents on the policy; 76070

(2) Require an employer to pay for any part of the premium 76071
for an unmarried dependent child that has attained the limiting 76072
age for dependents, as provided in the policy; 76073

(3) Require an employer to offer health insurance coverage to 76074
the dependents of any employee. 76075

(E) This section does not apply to any policies or 76076
certificates covering only accident, credit, dental, disability 76077
income, long-term care, hospital indemnity, medicare supplement, 76078
specified disease, or vision care; coverage under a 76079
one-time-limited-duration policy of not longer than six months; 76080
coverage issued as a supplement to liability insurance; insurance 76081
arising out of a workers' compensation or similar law; automobile 76082
medical-payment insurance; or insurance under which benefits are 76083
payable with or without regard to fault and that is statutorily 76084
required to be contained in any liability insurance policy or 76085
equivalent self-insurance. 76086

(F) As used in this section, "health benefit plan" has the 76087
same meaning as in section 3924.01 of the Revised Code and also 76088

includes both of the following: 76089

(1) A public employee benefit plan; 76090

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 76091
76092

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following: 76093
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(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-nine years of age if all of the following are true: 76098
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76102

(a) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education. 76103
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(b) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 76106
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76108

(c) The child is not eligible for coverage under the medicaid program established under Chapter 5111. of the Revised Code or the medicare program established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395. 76109
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 76113
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76116

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap; 76117
76118

(b) Primarily dependent upon the plan member for support and maintenance. 76119
76120

(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 76121
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(C) Nothing in this section shall do any of the following: 76128

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 76129
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 76133
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 76136
76137

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance. 76138
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(E) As used in this section, "health benefit plan" has the 76149

same meaning as in section 3924.01 of the Revised Code and also 76150
includes both of the following: 76151

(1) A public employee benefit plan; 76152

(2) A health benefit plan as regulated under the "Employee 76153
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 76154

Sec. 3923.57. Notwithstanding any provision of this chapter, 76155
every individual policy of sickness and accident insurance that is 76156
delivered, issued for delivery, or renewed in this state is 76157
subject to the following conditions, as applicable: 76158

(A) Pre-existing conditions provisions shall not exclude or 76159
limit coverage for a period beyond twelve months following the 76160
policyholder's effective date of coverage and may only relate to 76161
conditions during the six months immediately preceding the 76162
effective date of coverage. 76163

(B) In determining whether a pre-existing conditions 76164
provision applies to a policyholder or dependent, each policy 76165
shall credit the time the policyholder or dependent was covered 76166
under a previous policy, contract, or plan if the previous 76167
coverage was continuous to a date not more than ~~thirty~~ sixty-three 76168
days prior to the effective date of the new coverage, exclusive of 76169
any applicable service waiting period under the policy. 76170

(C)(1) Except as otherwise provided in division (C) of this 76171
section, an insurer that provides an individual sickness and 76172
accident insurance policy to an individual shall renew or continue 76173
in force such coverage at the option of the individual. 76174

(2) An insurer may nonrenew or discontinue coverage of an 76175
individual in the individual market based only on one or more of 76176
the following reasons: 76177

(a) The individual failed to pay premiums or contributions in 76178
accordance with the terms of the policy or the insurer has not 76179

received timely premium payments. 76180

(b) The individual performed an act or practice that 76181
constitutes fraud or made an intentional misrepresentation of 76182
material fact under the terms of the policy. 76183

(c) The insurer is ceasing to offer coverage in the 76184
individual market in accordance with division (D) of this section 76185
and the applicable laws of this state. 76186

(d) If the insurer offers coverage in the market through a 76187
network plan, the individual no longer resides, lives, or works in 76188
the service area, or in an area for which the insurer is 76189
authorized to do business; provided, however, that such coverage 76190
is terminated uniformly without regard to any health 76191
status-related factor of covered individuals. 76192

(e) If the coverage is made available in the individual 76193
market only through one or more bona fide associations, the 76194
membership of the individual in the association, on the basis of 76195
which the coverage is provided, ceases; provided, however, that 76196
such coverage is terminated under division (C)(2)(e) of this 76197
section uniformly without regard to any health status-related 76198
factor of covered individuals. 76199

An insurer offering coverage to individuals solely through 76200
membership in a bona fide association shall not be deemed, by 76201
virtue of that offering, to be in the individual market for 76202
purposes of sections 3923.58 and 3923.581 of the Revised Code. 76203
Such an insurer shall not be required to accept applicants for 76204
coverage in the individual market pursuant to sections 3923.58 and 76205
3923.581 of the Revised Code unless the insurer also offers 76206
coverage to individuals other than through bona fide associations. 76207

(3) An insurer may cancel or decide not to renew the coverage 76208
of a dependent of an individual if the dependent has performed an 76209
act or practice that constitutes fraud or made an intentional 76210

misrepresentation of material fact under the terms of the coverage 76211
and if the cancellation or nonrenewal is not based, either 76212
directly or indirectly, on any health status-related factor in 76213
relation to the dependent. 76214

(D)(1) If an insurer decides to discontinue offering a 76215
particular type of health insurance coverage offered in the 76216
individual market, coverage of such type may be discontinued by 76217
the insurer if the insurer does all of the following: 76218

(a) Provides notice to each individual provided coverage of 76219
this type in such market of the discontinuation at least ninety 76220
days prior to the date of the discontinuation of the coverage; 76221

(b) Offers to each individual provided coverage of this type 76222
in such market, the option to purchase any other individual health 76223
insurance coverage currently being offered by the insurer for 76224
individuals in that market; 76225

(c) In exercising the option to discontinue coverage of this 76226
type and in offering the option of coverage under division 76227

(D)(1)(b) of this section, acts uniformly without regard to any 76228
health status-related factor of covered individuals or of 76229
individuals who may become eligible for such coverage. 76230

(2) If an insurer elects to discontinue offering all health 76231
insurance coverage in the individual market in this state, health 76232
insurance coverage may be discontinued by the insurer only if both 76233
of the following apply: 76234

(a) The insurer provides notice to the department of 76235
insurance and to each individual of the discontinuation at least 76236
one hundred eighty days prior to the date of the expiration of the 76237
coverage. 76238

(b) All health insurance delivered or issued for delivery in 76239
this state in such market is discontinued and coverage under that 76240
health insurance in that market is not renewed. 76241

(3) In the event of a discontinuation under division (D)(2) 76242
of this section in the individual market, the insurer shall not 76243
provide for the issuance of any health insurance coverage in the 76244
market and this state during the five-year period beginning on the 76245
date of the discontinuation of the last health insurance coverage 76246
not so renewed. 76247

(E) Notwithstanding divisions (C) and (D) of this section, an 76248
insurer may, at the time of coverage renewal, modify the health 76249
insurance coverage for a policy form offered to individuals in the 76250
individual market if the modification is consistent with the law 76251
of this state and effective on a uniform basis among all 76252
individuals with that policy form. 76253

(F) Such policies are subject to sections 2743 and 2747 of 76254
the "Health Insurance Portability and Accountability Act of 1996," 76255
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-43 and 76256
300gg-47, as amended. 76257

(G) Sections 3924.031 and 3924.032 of the Revised Code shall 76258
apply to sickness and accident insurance policies offered in the 76259
individual market in the same manner as they apply to health 76260
benefit plans offered in the small employer market. 76261

In accordance with 45 C.F.R. 148.102, divisions (C) to (G) of 76262
this section also apply to all group sickness and accident 76263
insurance policies that are not sold in connection with an 76264
employment-related group health plan and that provide more than 76265
short-term, limited duration coverage. 76266

In applying divisions (C) to (G) of this section with respect 76267
to health insurance coverage that is made available by an insurer 76268
in the individual market to individuals only through one or more 76269
associations, the term "individual" includes the association of 76270
which the individual is a member. 76271

For purposes of this section, any policy issued pursuant to 76272

division (C) of section 3923.13 of the Revised Code in connection 76273
with a public or private college or university student health 76274
insurance program is considered to be issued to a bona fide 76275
association. 76276

As used in this section, "bona fide association" has the same 76277
meaning as in section 3924.03 of the Revised Code, and "health 76278
status-related factor" and "network plan" have the same meanings 76279
as in section 3924.031 of the Revised Code. 76280

This section does not apply to any policy that provides 76281
coverage for specific diseases or accidents only, or to any 76282
hospital indemnity, medicare supplement, long-term care, 76283
disability income, one-time-limited-duration policy of no longer 76284
than six months, or other policy that offers only supplemental 76285
benefits. 76286

Sec. 3923.58. (A) As used in sections 3923.58 and 3923.59 of 76287
the Revised Code: 76288

(1) "Health "Base rate" means, as to any health benefit plan 76289
that is issued by an insurer in the individual market, the lowest 76290
premium rate for new or existing business prescribed by the 76291
insurer for the same or similar coverage under a plan or 76292
arrangement covering any individual with similar case 76293
characteristics. 76294

(2) "Carrier," "health benefit plan," and "MEWA" have the 76295
same meanings as in section 3924.01 of the Revised Code. 76296

~~(2)~~(3) "Insurer" means any sickness and accident insurance 76297
company authorized to do business in this state, or MEWA 76298
authorized to issue insured health benefit plans in this state. 76299
"Insurer" does not include any health insuring corporation that is 76300
owned or operated by an insurer. 76301

~~(3)~~(4) "Ohio health care basic and standard plans" means 76302

those plans established under section 3924.10 of the Revised Code. 76303

(5) "Pre-existing conditions provision" means a policy 76304
provision that excludes or limits coverage for charges or expenses 76305
incurred during a specified period following the insured's 76306
effective date of coverage as to a condition which, during a 76307
specified period immediately preceding the effective date of 76308
coverage, had manifested itself in such a manner as would cause an 76309
ordinarily prudent person to seek medical advice, diagnosis, care, 76310
or treatment or for which medical advice, diagnosis, care, or 76311
treatment was recommended or received, or a pregnancy existing on 76312
the effective date of coverage. 76313

(B) Beginning in January of each year, insurers in the 76314
business of issuing individual policies of sickness and accident 76315
insurance as contemplated by section 3923.021 of the Revised Code, 76316
except individual policies issued pursuant to section 3923.122 of 76317
the Revised Code, shall accept applicants for open enrollment 76318
coverage, as set forth in this division, in the order in which 76319
they apply for coverage and subject to the limitation set forth in 76320
division (G) of this section. Insurers shall accept for coverage 76321
pursuant to this section individuals to whom both of the following 76322
conditions apply: 76323

(1) The individual is not applying for coverage as an 76324
employee of an employer, as a member of an association, or as a 76325
member of any other group. 76326

(2) The individual is not covered, and is not eligible for 76327
coverage, under any other private or public health benefits 76328
arrangement, including the medicare program established under 76329
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 76330
U.S.C.A. 301, as amended, or any other act of congress or law of 76331
this or any other state of the United States that provides 76332
benefits comparable to the benefits provided under this section, 76333
any medicare supplement policy, or any continuation of coverage 76334

policy under state or federal law. 76335

(C) An insurer shall offer to any individual accepted under 76336
this section the Ohio health care basic and standard plans 76337
~~established by the board of directors of the Ohio health~~ 76338
~~reinsurance program under division (A) of section 3924.10 of the~~ 76339
~~Revised Code~~ or health benefit plans that are substantially 76340
similar to the Ohio health care basic and standard plans in 76341
benefit plan design and scope of covered services. 76342

An insurer may offer other health benefit plans in addition 76343
to, but not in lieu of, the plans required to be offered under 76344
this division. A basic health benefit plan shall provide, at a 76345
minimum, the coverage provided by the Ohio health care basic plan 76346
or any health benefit plan that is substantially similar to the 76347
Ohio health care basic plan in benefit plan design and scope of 76348
covered services. A standard health benefit plan shall provide, at 76349
a minimum, the coverage provided by the Ohio health care standard 76350
plan or any health benefit plan that is substantially similar to 76351
the Ohio health care standard plan in benefit plan design and 76352
scope of covered services. 76353

For purposes of this division, the superintendent of 76354
insurance shall determine whether a health benefit plan is 76355
substantially similar to the Ohio health care basic and standard 76356
plans in benefit plan design and scope of covered services. 76357

(D)(1) Health benefit plans issued under this section may 76358
establish pre-existing conditions provisions that exclude or limit 76359
coverage for a period of up to twelve months following the 76360
individual's effective date of coverage and that may relate only 76361
to conditions during the six months immediately preceding the 76362
effective date of coverage. 76363

(2) In determining whether a pre-existing conditions 76364
provision applies to a policyholder or dependent, each policy 76365

shall credit the time the policyholder or dependent was covered 76366
under a previous policy, contract, or plan if the previous 76367
coverage was continuous to a date not more than sixty-three days 76368
prior to the effective date of the new coverage, exclusive of any 76369
applicable service waiting period under the policy. 76370

(E) Premiums charged to individuals under this section may 76371
not exceed an amount that is ~~two~~ one and one-half times the 76372
~~highest base rate charged for coverage offered to~~ any other 76373
individual to which the insurer is currently accepting new 76374
business, and for which similar copayments and deductibles are 76375
applied. 76376

(F) In offering health benefit plans under this section, an 76377
insurer may require the purchase of health benefit plans that 76378
condition the reimbursement of health services upon the use of a 76379
specific network of providers. 76380

(G)(1) ~~In no event shall an~~ An insurer shall not be required 76381
to accept new applicants under this section if the total number of 76382
new insureds accepted annually under this section ~~individuals who,~~ 76383
~~in the aggregate, would cause the insurer to have a total number~~ 76384
~~of new insureds that is more than~~ and section 3923.581 of the 76385
Revised Code exceeds four and one-half per cent of ~~its~~ the 76386
insurer's total number of insured individuals and nonemployer 76387
group insureds in this state per year, ~~as contemplated by section~~ 76388
~~3923.021 of the Revised Code,~~ calculated as of the immediately 76389
preceding thirty-first day of December and excluding the insurer's 76390
medicare supplement policies and conversion or continuation of 76391
coverage policies under state or federal law and any policies 76392
described in division (L) of this section. 76393

(2) An officer of the insurer shall certify to the department 76394
of insurance when it has met the enrollment limit set forth in 76395
division (G)(1) of this section. Upon providing such 76396
certification, the insurer shall be relieved of its open 76397

enrollment requirement under this section for the remainder of the 76398
calendar year. 76399

(H) An insurer shall not be required to accept under this 76400
section applicants who, at the time of enrollment, are confined to 76401
a health care facility because of chronic illness, permanent 76402
injury, or other infirmity that would cause economic impairment to 76403
the insurer if the applicants were accepted,~~or~~. An insurer shall 76404
not be required to make the effective date of benefits for 76405
individuals accepted under this section earlier than ninety days 76406
after the date of acceptance, except that when the individual had 76407
prior coverage with a health benefit plan that was terminated by a 76408
carrier because the carrier exited the market and the individual 76409
was accepted for open enrollment under this section within 76410
sixty-three days of that termination, the effective date of 76411
benefits shall be the date of enrollment. 76412

(I) The requirements of this section do not apply to any 76413
insurer that is currently in a state of supervision, insolvency, 76414
or liquidation. If an insurer demonstrates to the satisfaction of 76415
the superintendent that the requirements of this section would 76416
place the insurer in a state of supervision, insolvency, or 76417
liquidation, the superintendent may waive or modify the 76418
requirements of division (B) or (G) of this section. The actions 76419
of the superintendent under this division shall be effective for a 76420
period of not more than one year. At the expiration of such time, 76421
a new showing of need for a waiver or modification by the insurer 76422
shall be made before a new waiver or modification is issued or 76423
imposed. 76424

(J) No hospital, health care facility, or health care 76425
practitioner, and no person who employs any health care 76426
practitioner, shall balance bill any individual or dependent of an 76427
individual for any health care supplies or services provided to 76428
the individual or dependent who is insured under a policy issued 76429

under this section. The hospital, health care facility, or health care practitioner, or any person that employs the health care practitioner, shall accept payments made to it by the insurer under the terms of the policy or contract insuring or covering such individual as payment in full for such health care supplies or services.

As used in this division, "hospital" has the same meaning as in section 3727.01 of the Revised Code; "health care practitioner" has the same meaning as in section 4769.01 of the Revised Code; and "balance bill" means charging or collecting an amount in excess of the amount reimbursable or payable under the policy or health care service contract issued to an individual under this section for such health care supply or service. "Balance bill" does not include charging for or collecting copayments or deductibles required by the policy or contract.

(K) An insurer ~~shall~~ may pay an agent a commission in the amount of not more than five per cent of the premium charged for initial placement or for otherwise securing the issuance of a policy or contract issued to an individual under this section, and not more than four per cent of the premium charged for the renewal of such a policy or contract. The superintendent may adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to enforce this division.

(L) This section does not apply to any policy that provides coverage for specific diseases or accidents only, or to any hospital indemnity, medicare supplement, long-term care, disability income, one-time-limited-duration policy of no longer than six months, or other policy that offers only supplemental benefits.

Sec. 3923.581. (A) As used in this section:

(1) "Base rate" means, as to any health benefit plan that is

issued by a carrier in the individual market, the lowest premium rate for new or existing business prescribed by the carrier for the same or similar coverage under a plan or arrangement covering any individual with similar case characteristics. 76461
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(2) "Carrier," "health benefit plan," "MEWA," and "pre-existing conditions provision" have the same meanings as in section 3924.01 of the Revised Code. 76465
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~~(2)~~(3) "Federally eligible individual" means an eligible individual as defined in 45 C.F.R. 148.103. 76468
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~~(3)~~(4) "Health status-related factor" means any of the following: 76470
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(a) Health status; 76472

(b) Medical condition, including both physical and mental illnesses; 76473
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(c) Claims experience; 76475

(d) Receipt of health care; 76476

(e) Medical history; 76477

(f) Genetic information; 76478

(g) Evidence of insurability, including conditions arising out of acts of domestic violence; 76479
76480

(h) Disability. 76481

~~(4) "Midpoint rate" means, for individuals with similar case characteristics and plan designs and as determined by the applicable carrier for a rating period, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.~~ 76482
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(5) "Network plan" means a health benefit plan of a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in 76487
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whole or in part, through a defined set of providers under 76490
contract with the carrier. 76491

(6) "Ohio health care basic and standard plans" means those 76492
plans established under section 3924.10 of the Revised Code. 76493

(B) Beginning in January of each year, carriers in the 76494
business of issuing health benefit plans to individuals or 76495
nonemployer groups shall accept federally eligible individuals for 76496
open enrollment coverage, as provided in this section, in the 76497
order in which they apply for coverage and subject to the 76498
limitation set forth in division (J) of this section. 76499

(C) No carrier shall do either of the following: 76500

(1) Decline to offer such coverage to, or deny enrollment of, 76501
such individuals; 76502

(2) Apply any pre-existing conditions provision to such 76503
coverage. 76504

(D) A carrier shall offer to federally eligible individuals 76505
the Ohio health care basic and standard plan established by the 76506
board of directors of the Ohio health reinsurance program plans or 76507
plans substantially similar to the basic and standard plan plans 76508
in benefit design and scope of covered services. For purposes of 76509
this division, the superintendent of insurance shall determine 76510
whether a plan is substantially similar to the basic or standard 76511
plan in benefit design and scope of covered services. 76512

(E) Premiums charged to individuals under this section may 76513
not exceed an amount that is ~~two~~ one and one-half times the 76514
midpoint base rate charged for coverage offered to any other 76515
individual to which the carrier is currently accepting new 76516
business, and for which similar copayments and deductibles are 76517
applied. 76518

(F) If a carrier offers a health benefit plan in the 76519

individual market through a network plan, the carrier may do both 76520
of the following: 76521

(1) Limit the federally eligible individuals that may apply 76522
for such coverage to those who live, work, or reside in the 76523
service area of the network plan; 76524

(2) Within the service area of the network plan, deny the 76525
coverage to federally eligible individuals if the carrier has 76526
demonstrated both of the following to the superintendent: 76527

(a) The carrier will not have the capacity to deliver 76528
services adequately ~~to~~ to any additional individuals because of the 76529
carrier's obligations to existing group contract holders and 76530
individuals. 76531

(b) The carrier is applying division (F)(2) of this section 76532
uniformly to all federally eligible individuals without regard to 76533
any health status-related factor of those individuals. 76534

(G) A carrier that, pursuant to division (F)(2) of this 76535
section, denies coverage to an individual in the service area of a 76536
network plan, shall not offer coverage in the individual market 76537
within that service area for at least one hundred eighty days 76538
after the date the coverage is denied. 76539

(H) A carrier may refuse to issue health benefit plans to 76540
federally eligible individuals if the carrier has demonstrated 76541
both of the following to the superintendent: 76542

(1) The carrier does not have the financial reserves 76543
necessary to underwrite additional coverage. 76544

(2) The carrier is applying division (H) of this section 76545
uniformly to all federally eligible individuals in this state 76546
consistent with the applicable laws and rules of this state and 76547
without regard to any health status-related factor relating to 76548
those individuals. 76549

(I) A carrier that, pursuant to division (H) of this section, 76550
refuses to issue health benefit plans to federally eligible 76551
individuals, shall not offer health benefit plans in the 76552
individual market in this state for at least one hundred eighty 76553
days after the date the coverage is denied or until the carrier 76554
has demonstrated to the superintendent that the carrier has 76555
sufficient financial reserves to underwrite additional coverage, 76556
whichever is later. 76557

(J)(1) Except as provided in division (J)(2) of this section, 76558
a carrier shall not be required to accept ~~annually new applicants~~ 76559
under this section ~~federally eligible individuals who, in the~~ 76560
~~aggregate, would cause the carrier to have a total number of new~~ 76561
~~insureds that is more than~~ if the total number of new insureds 76562
accepted annually under this section and section 3923.58 of the 76563
Revised Code exceeds four and one-half per cent of its the 76564
carrier's total number of insured individuals and nonemployer 76565
~~groups~~ group insureds in this state per year, calculated as of the 76566
immediately preceding thirty-first day of December and excluding 76567
the carrier's medicare supplement policies and conversion or 76568
continuation of coverage policies under state or federal law and 76569
any policies described in division ~~(M)~~(L) of section 3923.58 of 76570
the Revised Code. 76571

(2) An officer of the carrier shall certify to the department 76572
of insurance when it has met the enrollment limit set forth in 76573
division (J)(1) of this section. Upon providing such 76574
certification, the carrier shall be relieved of its open 76575
enrollment requirement under this section for the remainder of the 76576
calendar year unless, prior to the end of the calendar year, all 76577
the carriers subject to this section have individually met the 76578
enrollment limit set forth in division (J)(1) of this section. In 76579
that event, carriers shall again accept applicants for open 76580
enrollment coverage pursuant to this section, subject to ~~the~~ an 76581

additional enrollment limit equal to that set forth in division 76582
(J)(1) of this section. 76583

(K) The superintendent may provide for the application of 76584
this section on a service-area-specific basis. 76585

(L) The requirements of this section do not apply to any 76586
health benefit plan described in division ~~(M)~~(L) of section 76587
3923.58 of the Revised Code. 76588

(M) A carrier may pay an agent a commission in the amount of 76589
not more than five per cent of the premium charged for initial 76590
placement or for otherwise securing the issuance of a policy or 76591
contract issued to an individual under this section, and not more 76592
than four per cent of the premium charged for the renewal of such 76593
a policy or contract. The superintendent may adopt, in accordance 76594
with Chapter 119. of the Revised Code, such rules as are necessary 76595
to enforce this division. 76596

Sec. 3923.66. (A) As used in sections 3923.66 to 3923.70 of 76597
the Revised Code: 76598

(1) "Clinical peer" and "physician" have the same meanings as 76599
in section 1751.77 of the Revised Code. 76600

(2) "Authorized person" means a parent, guardian, or other 76601
person authorized to act on behalf of an insured with respect to 76602
health care decisions. 76603

(B) Sections 3923.66 to 3923.70 of the Revised Code do not 76604
apply to any individual or group policy of sickness and accident 76605
insurance covering only accident, credit, dental, disability 76606
income, long-term care, hospital indemnity, medicare supplement, 76607
medicare, tricare, specified disease, or vision care; coverage 76608
issued as a supplement to liability insurance; insurance arising 76609
out of workers' compensation or similar law; automobile medical 76610
payment insurance; or insurance under which benefits are payable 76611

with or without regard to fault and which is statutorily required 76612
to be contained in any liability insurance policy or equivalent 76613
self-insurance. 76614

(C) The superintendent of insurance shall establish and 76615
maintain a system for receiving and reviewing requests for review 76616
from insureds who have been denied coverage of a health care 76617
service on the grounds that the service is not a service covered 76618
under the terms of the insured's policy or certificate. 76619

On receipt of a written request from an insured or authorized 76620
person, the superintendent shall consider whether the health care 76621
service is a service covered under the terms of the insured's 76622
policy or certificate, except that the superintendent shall not 76623
conduct a review under this section unless the insured has 76624
exhausted the insurer's internal review process. The insurer and 76625
the insured or authorized person shall provide the superintendent 76626
with any information required by the superintendent that is in 76627
their possession and is germane to the review. 76628

Unless the superintendent is not able to do so because making 76629
the determination requires resolution of a medical issue, the 76630
superintendent shall determine whether the health care service at 76631
issue is a service covered under the terms of the insured's policy 76632
or certificate. The superintendent shall notify the insured, or 76633
authorized person, and the insurer of its determination or that it 76634
is not able to make a determination because the determination 76635
requires the resolution of a medical issue. 76636

If the superintendent notifies the insurer that making the 76637
determination requires the resolution of a medical issue, the 76638
insurer shall ~~afford the insured an opportunity for~~ initiate an 76639
external review under section 3923.67 or 3923.68 of the Revised 76640
Code. If the superintendent notifies the insurer that the health 76641
care service is not a covered service, the insurer is not required 76642
to cover the service or afford the insured an external review. 76643

Sec. 3923.67. (A) Except as provided in divisions (B) and (C) 76644
of this section, an insurer shall afford an insured an opportunity 76645
for an external review of a coverage denial when requested by the 76646
insured or authorized person, if both of the following are the 76647
case: 76648

(1) The insurer has denied, reduced, or terminated coverage 76649
for what would be a covered health care service except that the 76650
insurer has determined that the health care service is not 76651
medically necessary. 76652

(2) Except in the case of expedited review, the proposed 76653
service, plus any ancillary services and follow-up care, will cost 76654
the insured more than five hundred dollars if the proposed service 76655
is not covered by the insurer. 76656

External review shall be conducted in accordance with this 76657
section, except that if an insured with a terminal condition meets 76658
all of the criteria of division (A) of section 3923.68 of the 76659
Revised Code, an external review shall be conducted under that 76660
section. 76661

(B) An insured need not be afforded a review under this 76662
section in any of the following circumstances: 76663

(1) The superintendent of insurance has determined under 76664
section 3923.66 of the Revised Code that the health care service 76665
is not a service covered under the terms of the insured's policy 76666
or certificate. 76667

(2) The insured has failed to exhaust the insurer's internal 76668
review process. 76669

(3) The insured has previously afforded an external review 76670
for the same denial of coverage, and no new clinical information 76671
has been submitted to the insurer. 76672

(C)(1) An insurer may deny a request from an insured for an 76673

external review of an adverse decision from the insurer's internal 76674
appeal process if it is requested later than ~~sixty one hundred~~ 76675
eighty days after receipt ~~by the insured~~ of notice ~~from the~~ 76676
~~superintendent of insurance under section 3923.66 of the Revised~~ 76677
~~Code that making a determination requires the resolution of a~~ 76678
~~medical issue~~ from the insurer of the adverse decision. An 76679
external review may be requested by the insured, an authorized 76680
person, the insured's provider, or a health care facility 76681
rendering health care service to the insured. The insured may 76682
request a review without the approval of the provider or the 76683
health care facility rendering the health care service. The 76684
provider or health care facility may not request a review without 76685
the prior consent of the insured. 76686

(2) An external review must be requested in writing, except 76687
that if the insured has a condition that requires expedited 76688
review, the review may be requested orally or by electronic means. 76689
When an oral or electronic request for review is made, written 76690
confirmation of the request must be submitted to the insurer not 76691
later than five days after the request is made. 76692

Except in the case of an expedited review, a request for an 76693
external review must be accompanied by written certification from 76694
the insured's provider or the health care facility rendering the 76695
health care service to the insured that the proposed service, plus 76696
any ancillary services and follow-up care, will cost the insured 76697
more than five hundred dollars if the proposed service is not 76698
covered by the insurer. 76699

(3) For an expedited review, the insured's provider must 76700
certify that the insured's condition could, in the absence of 76701
immediate medical attention, result in any of the following: 76702

(a) Placing the health of the insured or, with respect to a 76703
pregnant woman, the health of the insured or the unborn child, in 76704
serious jeopardy; 76705

(b) Serious impairment to bodily functions;	76706
(c) Serious dysfunction of any bodily organ or part.	76707
(D) The procedures used in conducting an external review	76708
shall include all of the following:	76709
(1) The review shall be conducted by an independent review	76710
organization assigned by the superintendent of insurance under	76711
section 3901.80 of the Revised Code.	76712
(2) Except as provided in divisions (D)(3) and (4) of this	76713
section, neither the clinical peer nor any health care facility	76714
with which the clinical peer is affiliated shall have any	76715
professional, familial, or financial affiliation with any of the	76716
following:	76717
(a) The insurer or any officer, director, or managerial	76718
employee of the insurer;	76719
(b) The insured, the insured's provider, or the practice	76720
group of the insured's provider;	76721
(c) The health care facility at which the health care service	76722
requested by the insured would be provided;	76723
(d) The development or manufacture of the principal drug,	76724
device, procedure, or therapy proposed for the insured.	76725
(3) Division (D)(2) of this section does not prohibit a	76726
clinical peer from conducting a review under any of the following	76727
circumstances:	76728
(a) The clinical peer is affiliated with an academic medical	76729
center that provides health care services to insureds of the	76730
insurer.	76731
(b) The clinical peer has staff privileges at a health care	76732
facility that provides health care services to insureds of the	76733
insurer.	76734

(c) The clinical peer has a contractual relationship with the insurer but was not involved with the insurer's coverage decision. 76735
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(4) Division (D)(2) of this section does not prohibit the insurer from paying the independent review organization for the conduct of the review. 76737
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(5) An insured shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer. 76740
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(6)(a) The insurer shall provide to the independent review organization conducting the review a copy of those records in its possession that are relevant to the insured's medical condition and the review. 76743
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Records shall be used solely for the purpose of this division. At the request of the independent review organization, the insurer, insured, provider, or health care facility rendering health care services to the insured shall provide any additional information the independent review organization requests to complete the review. A request for additional information may be made in writing, orally, or by electronic means. The independent review organization shall submit the request to the insured and insurer. If a request is submitted orally or by electronic means to an insured or insurer, not later than five days after the request is submitted, the independent review organization shall provide written confirmation of the request. If the review was initiated by a provider or health care facility, a copy of the request shall be submitted to the provider or health care facility. 76747
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(b) An independent review organization is not required to make a decision if it has not received any requested information that it considers necessary to complete a review. An independent review organization that does not make a decision for this reason 76762
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shall notify the insured and the insurer that a decision is not being made. The notice may be made in writing, orally, or by electronic means. An oral or electronic notice shall be confirmed in writing not later than five days after the oral or electronic notice is made. If the review was initiated by a provider or health care facility, a copy of the notice shall be submitted to the provider or health care facility.

(7) The insurer may elect to cover the service requested and terminate the review. The insurer shall notify the insured and all other parties involved with the decision by mail, or with the consent or approval of the insured, by electronic means.

(8) In making its decision, an independent review organization conducting the review shall take into account all of the following:

(a) Information submitted by the insurer, the insured, the insured's provider, and the health care facility rendering the health care service, including the following:

(i) The insured's medical records;

(ii) The standards, criteria, and clinical rationale used by the insurer to make its decision.

(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;

(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national

medical societies. 76797

(9)(a) In the case of an expedited review, the independent 76798
review organization shall issue a written decision not later than 76799
seven days after the filing of the request for review. In all 76800
other cases, the independent review organization shall issue a 76801
written decision not later than thirty days after the filing of 76802
the request. The independent review organization shall send a copy 76803
of its decision to the insurer and the insured. If the insured's 76804
provider or the health care facility rendering health care 76805
services to the insured requested the review, the independent 76806
review organization shall also send a copy of its decision to the 76807
insured's provider or the health care facility. 76808

(b) The independent review organization's decision shall 76809
include a description of the insured's condition and the principal 76810
reasons for the decision and an explanation of the clinical 76811
rationale for the decision. 76812

(E) The independent review organization shall base its 76813
decision on the information submitted under division (D)(8) of 76814
this section. In making its decision, the independent review 76815
organization shall consider safety, efficacy, appropriateness, and 76816
cost-effectiveness. 76817

(F) The insurer shall provide any coverage determined by the 76818
independent review organization's decision to be medically 76819
necessary, subject to the other terms, limitations, and conditions 76820
of the insured's policy or certificate. 76821

Sec. 3923.68. (A) Each insurer shall establish a reasonable 76822
external, independent review process to examine the insurer's 76823
coverage decisions for insureds who meet all of the following 76824
criteria: 76825

(1) The insured has a terminal condition that, according to 76826

the current diagnosis of the insured's physician, has a high 76827
probability of causing death within two years. 76828

(2) The insured requests a review not later than ~~sixty one~~ sixty one 76829
hundred eighty days after receipt by the insured of notice from 76830
the ~~superintendent of insurance under section 3923.66 of the~~ 76831
~~Revised Code that making a determination requires resolution of a~~ 76832
~~medical issue~~ insurer of the adverse decision. 76833

(3) The insured's physician certifies that the insured has 76834
the condition described in division (A)(1) of this section and any 76835
of the following situations are applicable: 76836

(a) Standard therapies have not been effective in improving 76837
the condition of the insured. 76838

(b) Standard therapies are not medically appropriate for the 76839
insured. 76840

(c) There is no standard therapy covered by the insurer that 76841
is more beneficial than therapy described in division (A)(4) of 76842
this section. 76843

(4) The insured's physician has recommended a drug, device, 76844
procedure, or other therapy that the physician certifies, in 76845
writing, is likely to be more beneficial to the insured, in the 76846
physician's opinion, than standard therapies, or the insured has 76847
requested a therapy that has been found in a preponderance of 76848
peer-reviewed published studies to be associated with effective 76849
clinical outcomes for the same condition. 76850

(5) The insured has been denied coverage by the insurer for a 76851
drug, device, procedure, or other therapy recommended or requested 76852
pursuant to division (A)(4) of this section, and has exhausted the 76853
insurer's internal review process. 76854

(6) The drug, device, procedure, or other therapy, for which 76855
coverage has been denied, would be a covered health care service 76856

except for the insurer's determination that the drug, device, 76857
procedure, or other therapy is experimental or investigational. 76858

(B) A review shall be requested in writing, except that if 76859
the insured's physician determines that a therapy would be 76860
significantly less effective if not promptly initiated, the review 76861
may be requested orally or by electronic means. When an oral or 76862
electronic request for review is made, written confirmation of the 76863
request shall be submitted to the insurer not later than five days 76864
after the oral or written request is submitted. 76865

(C) The external, independent review process established by 76866
an insurer shall meet all of the following criteria: 76867

(1) Except as provided in division (E) of this section, the 76868
process shall afford all insureds who meet the criteria set forth 76869
in division (A) of this section the opportunity to have the 76870
insurer's decision to deny coverage of the recommended or 76871
requested therapy reviewed under the process. Each eligible 76872
insured shall be notified of that opportunity within thirty 76873
business days after the insurer denies coverage. 76874

(2) The review shall be conducted by an independent review 76875
organization assigned by the superintendent of insurance under 76876
section 3901.80 of the Revised Code. 76877

The independent review organization shall select a panel to 76878
conduct the review, which panel shall be composed of at least 76879
three physicians or other providers who, through clinical 76880
experience in the past three years, are experts in the treatment 76881
of the insured's medical condition and knowledgeable about the 76882
recommended or requested therapy. 76883

In either of the following circumstances, an exception may be 76884
made to the requirement that the review be conducted by an expert 76885
panel composed of a minimum of three physicians or other 76886
providers: 76887

(a) A review may be conducted by an expert panel composed of 76888
only two physicians or other providers if an insured has consented 76889
in writing to a review by the smaller panel. 76890

(b) A review may be conducted by a single expert physician or 76891
other provider if only the expert physician or other provider is 76892
available for the review. 76893

(3) Neither the insurer nor the insured shall choose, or 76894
control the choice of, the physician or other provider experts. 76895

(4) The selected experts, any health care facility with which 76896
an expert is affiliated, and the independent review organization 76897
arranging for the experts' review shall not have any professional, 76898
familial, or financial affiliation with any of the following: 76899

(a) The insurer or any officer, director, or managerial 76900
employee of the insurer; 76901

(b) The insured, the insured's physician, ~~of~~ or the practice 76902
group of the insured's physician; 76903

(c) The health care facility at which the recommended or 76904
requested therapy would be provided; 76905

(d) The development or manufacture of the principal drug, 76906
device, procedure, or therapy involved in the recommended or 76907
requested therapy. 76908

However, experts affiliated with academic medical centers who 76909
provide health care services to insureds of the insurer may serve 76910
as experts on the review panel. Further, experts with staff 76911
privileges at a health care facility that provides health care 76912
services to insureds of the insurer, as well as experts who have a 76913
contractual relationship with the insurer, but who were not 76914
involved with the insurer's denial of coverage for the therapy 76915
under review, may serve as experts on the review panel. These 76916
nonaffiliation provisions do not preclude an insurer from paying 76917

for the experts' review, as specified in division (C)(5) of this section. 76918
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(5) Insureds shall not be required to pay for any part of the cost of the review. The cost of the review shall be borne by the insurer. 76920
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(6) The insurer shall provide to the independent review organization arranging for the experts' review a copy of those records in the insurer's possession that are relevant to the insured's medical condition and the review. The records shall be disclosed solely to the expert reviewers and shall be used solely for the purpose of this section. At the request of the expert reviewers, the insurer or the physician requesting the therapy shall provide any additional information that the expert reviewers request to complete the review. An expert reviewer is not required to render an opinion if the reviewer has not received any requested information that the reviewer considers necessary to complete the review. 76923
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(7)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the insurer and the insured. If the insured's provider or the health care facility rendering health care services to the insured requested the review, the independent review organization shall also send a copy of its decision to the insured's provider or the health care facility. 76935
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(b) In conducting the review, the experts on the panel shall take into account all of the following: 76946
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(i) Information submitted by the insurer, the insured, and 76948

the insured's physician, including the insured's medical records 76949
and the standards, criteria, and clinical rationale used by the 76950
insurer to reach its coverage decision; 76951

(ii) Findings, studies, research, and other relevant 76952
documents of government agencies and nationally recognized 76953
organizations; 76954

(iii) Relevant findings in peer-reviewed medical or 76955
scientific literature and published opinions of nationally 76956
recognized medical experts; 76957

(iv) Clinical guidelines adopted by relevant national medical 76958
societies; 76959

(v) Safety, efficacy, appropriateness, and cost 76960
effectiveness. 76961

(8) Each expert on the panel shall provide the independent 76962
review organization with a professional opinion as to whether 76963
there is sufficient evidence to demonstrate that the recommended 76964
or requested therapy is likely to be more beneficial to the 76965
insured than standard therapies. 76966

(9) Each expert's opinion shall be presented in written form 76967
and shall include the following information: 76968

(a) A description of the insured's condition; 76969

(b) A description of the indicators relevant to determining 76970
whether there is sufficient evidence to demonstrate that the 76971
recommended or requested therapy is more likely than not to be 76972
more beneficial to the insured than standard therapies; 76973

(c) A description and analysis of any relevant findings 76974
published in peer-reviewed medical or scientific literature or the 76975
published opinions of medical experts or specialty societies; 76976

(d) A description of the insured's suitability to receive the 76977
recommended or requested therapy according to a treatment protocol 76978

in a clinical trial, if applicable. 76979

(10) The independent review organization shall provide the 76980
insurer with the opinions of the experts. The insurer shall make 76981
the experts' opinions available to the insured and the insured's 76982
physician, upon request. 76983

(11) The opinion of the majority of the experts on the panel, 76984
rendered pursuant to division (C)(8) of this section, is binding 76985
on the insurer with respect to that insured. If the opinions of 76986
the experts on the panel are evenly divided as to whether the 76987
therapy should be covered, the insurer's final decision shall be 76988
in favor of coverage. If less than a majority of the experts on 76989
the panel recommend coverage of the therapy, the insurer may, in 76990
its discretion, cover the therapy. However, any coverage provided 76991
pursuant to division (C)(11) of this section is subject to the 76992
terms, limitations, and conditions of the insured's policy or 76993
certificate with the insurer. 76994

(12) The insurer shall have written policies describing the 76995
external, independent review process. 76996

(D) If an insurer's initial denial of coverage for a therapy 76997
recommended or requested pursuant to division (A)(3) of this 76998
section is based upon an external, independent review of that 76999
therapy meeting the requirements of division (C) of this section, 77000
this section shall not be a basis for requiring a second external, 77001
independent review of the recommended or requested therapy. 77002

(E) At any time during the external, independent review 77003
process, the insurer may elect to cover the recommended or 77004
requested health care service and terminate the review. The 77005
insurer shall notify the insured and all other parties involved by 77006
mail or, with consent or approval of the insured, by electronic 77007
means. 77008

(F) The insurer shall annually file a certificate with the 77009

superintendent of insurance certifying its compliance with the 77010
requirements of this section. 77011

Sec. 3923.75. (A) As used in sections 3923.75 to 3923.79 of 77012
the Revised Code: 77013

(1) "Clinical peer" and "physician" have the same meanings as 77014
in section 1751.77 of the Revised Code. 77015

(2) "Authorized person" means a parent, guardian, or other 77016
person authorized to act on behalf of a plan member with respect 77017
to health care decisions. 77018

(B) Sections 3923.75 to 3923.79 of the Revised Code do not 77019
apply to any public employee benefit plan covering only accident, 77020
credit, dental, disability income, long-term care, hospital 77021
indemnity, medicare supplement, medicare, tricare, specified 77022
disease, or vision care; coverage issued as a supplement to 77023
liability insurance; insurance arising out of workers' 77024
compensation or similar law; automobile medical payment insurance; 77025
or insurance under which benefits are payable with or without 77026
regard to fault and which is statutorily required to be contained 77027
in any liability insurance policy or equivalent self-insurance. 77028

(C) The superintendent of insurance shall establish and 77029
maintain a system for receiving and reviewing requests for review 77030
from plan members who have been denied coverage of a health care 77031
service on the grounds that the service is not a service covered 77032
under the terms of the public employee benefit plan. 77033

On receipt of a written request from a plan member or 77034
authorized person, the superintendent shall consider whether the 77035
health care service is a service covered under the terms of the 77036
plan, except that the superintendent shall not conduct a review 77037
under this section unless the plan member has exhausted the plan's 77038
internal review process. The plan and the plan member or 77039

authorized person shall provide the superintendent with any 77040
information required by the superintendent that is in their 77041
possession and is germane to the review. 77042

Unless the superintendent is not able to do so because making 77043
the determination requires resolution of a medical issue, the 77044
superintendent shall determine whether the health care service at 77045
issue is a service covered under the terms of the plan. The 77046
superintendent shall notify the plan member, or authorized person, 77047
and the plan of its determination or that it is not able to make a 77048
determination because the determination requires the resolution of 77049
a medical issue. 77050

If the superintendent notifies the plan that making the 77051
determination requires the resolution of a medical issue, the plan 77052
shall ~~afford the plan member~~ initiate an ~~opportunity for~~ external 77053
review under section 3923.76 or 3923.77 of the Revised Code. If 77054
the superintendent notifies the plan that the health care service 77055
is not a covered service, the plan is not required to cover the 77056
service or afford the plan member an external review. 77057

Sec. 3923.76. (A) Except as provided in divisions (B) and (C) 77058
of this section, a public employee benefit plan shall afford a 77059
plan member an opportunity for an external review of a coverage 77060
denial when requested by the plan member or authorized person, if 77061
both of the following are the case: 77062

(1) The plan has denied, reduced, or terminated coverage for 77063
what would be a covered health care service except that the plan 77064
has determined that the health care service is not medically 77065
necessary. 77066

(2) Except in the case of expedited review, the proposed 77067
service, plus any ancillary services and follow-up care, will cost 77068
the plan member more than five hundred dollars if the proposed 77069
service is not covered by the plan. 77070

External review shall be conducted in accordance with this 77071
section, except that if a plan member with a terminal condition 77072
meets all of the criteria of division (A) of section 3923.77 of 77073
the Revised Code, an external review shall be conducted under that 77074
section. 77075

(B) A plan member need not be afforded a review under this 77076
section in any of the following circumstances: 77077

(1) The superintendent of insurance has determined under 77078
section 3923.75 of the Revised Code that the health care service 77079
is not a service covered under the terms of the plan. 77080

(2) The plan member has failed to exhaust the plan's internal 77081
review process. 77082

(3) The plan member has previously been afforded an external 77083
review for the same denial of coverage, and no new clinical 77084
information has been submitted to the plan. 77085

(C)(1) A plan may deny a request from a plan member for an 77086
external review of an adverse decision from the plan's internal 77087
appeal process if it is requested later than ~~sixty~~ one hundred 77088
eighty days after receipt by the plan member of notice from the 77089
~~superintendent of insurance under section 3923.75 of the Revised~~ 77090
~~Code that making the determination requires the resolution of a~~ 77091
medical issue plan of the adverse decision. An external review may 77092
be requested by the plan member, an authorized person, the plan 77093
member's provider, or a health care facility rendering health care 77094
service to the plan member. The plan member may request a review 77095
without the approval of the provider or the health care facility 77096
rendering the health care service. The provider or health care 77097
facility may not request a review without the prior consent of the 77098
plan member. 77099

(2) An external review must be requested in writing, except 77100
that if the plan member has a condition that requires expedited 77101

review, the review may be requested orally or by electronic means. 77102
When an oral or electronic request for review is made, written 77103
confirmation of the request must be submitted to the plan not 77104
later than five days after the request is made. 77105

Except in the case of an expedited review, a request for an 77106
external review must be accompanied by written certification from 77107
the plan member's provider or the health care facility rendering 77108
the health care service to the plan member that the proposed 77109
service, plus any ancillary services and follow-up care, will cost 77110
the plan member more than five hundred dollars if the proposed 77111
service is not covered by the plan. 77112

(3) For an expedited review, the plan member's provider must 77113
certify that the plan member's condition could, in the absence of 77114
immediate medical attention, result in any of the following: 77115

(a) Placing the health of the plan member or, with respect to 77116
a pregnant woman, the health of the plan member or the unborn 77117
child, in serious jeopardy; 77118

(b) Serious impairment to bodily functions; 77119

(c) Serious dysfunction of any bodily organ or part. 77120

(D) The procedures used in conducting an external review 77121
shall include all of the following: 77122

(1) The review shall be conducted by an independent review 77123
organization assigned by the superintendent of insurance under 77124
section 3901.80 of the Revised Code. 77125

(2) Except as provided in divisions (D)(3) and (4) of this 77126
section, neither the clinical peer nor any health care facility 77127
with which the clinical peer is affiliated shall have any 77128
professional, familial, or financial affiliation with any of the 77129
following: 77130

(a) The plan or any officer, director, or managerial employee 77131

of the plan; 77132

(b) The plan member, the plan member's provider, or the 77133
practice group of the plan member's provider; 77134

(c) The health care facility at which the health care service 77135
requested by the plan member would be provided; 77136

(d) The development or manufacture of the principal drug, 77137
device, procedure, or therapy proposed for the plan member. 77138

(3) Division (D)(2) of this section does not prohibit a 77139
clinical peer from conducting a review under any of the following 77140
circumstances: 77141

(a) The clinical peer is affiliated with an academic medical 77142
center that provides health care services to members of the plan. 77143

(b) The clinical peer has staff privileges at a health care 77144
facility that provides health care services to members of the 77145
plan. 77146

(c) The clinical peer has a contractual relationship with the 77147
plan but was not involved with the plan's coverage decision. 77148

(4) Division (D)(2) of this section does not prohibit the 77149
plan from paying the independent review organization for the 77150
conduct of the review. 77151

(5) A plan member shall not be required to pay for any part 77152
of the cost of the review. The cost of the review shall be borne 77153
by the plan. 77154

(6)(a) The plan shall provide to the independent review 77155
organization conducting the review a copy of those records in its 77156
possession that are relevant to the plan member's medical 77157
condition and the review. 77158

Records shall be used solely for the purpose of this 77159
division. At the request of the independent review organization, 77160
the plan, plan member, provider, or health care facility rendering 77161

health care services to the plan member shall provide any 77162
additional information the independent review organization 77163
requests to complete the review. A request for additional 77164
information may be made in writing, orally, or by electronic 77165
means. The independent review organization shall submit the 77166
request to the plan member and the plan. If a request is submitted 77167
orally or by electronic means to a plan member or plan, not later 77168
than five days after the request is submitted, the independent 77169
review organization shall provide written confirmation of the 77170
request. If the review was initiated by a provider or health care 77171
facility, a copy of the request shall be submitted to the provider 77172
or health care facility. 77173

(b) An independent review organization is not required to 77174
make a decision if it has not received any requested information 77175
that it considers necessary to complete a review. An independent 77176
review organization that does not make a decision for this reason 77177
shall notify the plan member and the plan that a decision is not 77178
being made. The notice may be made in writing, orally, or by 77179
electronic means. An oral or electronic notice shall be confirmed 77180
in writing not later than five days after the oral or electronic 77181
notice is made. If the review was initiated by a provider or 77182
health care facility, a copy of the notice shall be submitted to 77183
the provider or health care facility. 77184

(7) The plan may elect to cover the service requested and 77185
terminate the review. The plan shall notify the plan member and 77186
all other parties involved with the decision by mail, or with the 77187
consent or approval of the plan member, by electronic means. 77188

(8) In making its decision, an independent review 77189
organization conducting the review shall take into account all of 77190
the following: 77191

(a) Information submitted by the plan, the plan member, the 77192
plan member's provider, and the health care facility rendering the 77193

health care service, including the following:	77194
(i) The plan member's medical records;	77195
(ii) The standards, criteria, and clinical rationale used by the plan to make its decision.	77196 77197
(b) Findings, studies, research, and other relevant documents of government agencies and nationally recognized organizations, including the national institutes of health or any board recognized by the national institutes of health, the national cancer institute, the national academy of sciences, the United States food and drug administration, the health care financing administration of the United States department of health and human services, and the agency for health care policy and research;	77198 77199 77200 77201 77202 77203 77204 77205
(c) Relevant findings in peer-reviewed medical or scientific literature, published opinions of nationally recognized medical experts, and clinical guidelines adopted by relevant national medical societies.	77206 77207 77208 77209
(9)(a) In the case of an expedited review, the independent review organization shall issue a written decision not later than seven days after the filing of the request for review. In all other cases, the independent review organization shall issue a written decision not later than thirty days after the filing of the request. The independent review organization shall send a copy of its decision to the plan and the plan member. If the plan member's provider or the health care facility rendering health care services to the plan member requested the review, the independent review organization shall also send a copy of its decision to the plan member's provider or the health care facility.	77210 77211 77212 77213 77214 77215 77216 77217 77218 77219 77220 77221
(b) The independent review organization's decision shall include a description of the plan member's condition and the principal reasons for the decision and an explanation of the	77222 77223 77224

clinical rationale for the decision. 77225

(E) The independent review organization shall base its 77226
decision on the information submitted under division (D)(8) of 77227
this section. In making its decision, the independent review 77228
organization shall consider safety, efficacy, appropriateness, and 77229
cost-effectiveness. 77230

(F) The plan shall provide any coverage determined by the 77231
independent review organization's decision to be medically 77232
necessary, subject to the other terms, limitations, and conditions 77233
of the plan. 77234

Sec. 3923.77. (A) Each public employee benefit plan shall 77235
establish a reasonable external review process to examine the 77236
plan's coverage decisions for plan members who meet all of the 77237
following criteria: 77238

(1) The plan member has a terminal condition that, according 77239
to the current diagnosis of the plan member's physician, has a 77240
high probability of causing death within two years. 77241

(2) The plan member requests a review not later than ~~sixty~~ 77242
one hundred eighty days after receipt by the plan member of notice 77243
from the ~~superintendent of insurance under section 3923.75 of the~~ 77244
~~Revised Code that making a determination requires resolution of a~~ 77245
medical issue plan of the adverse decision. 77246

(3) The plan member's physician certifies that the plan 77247
member has the condition described in division (A)(1) of this 77248
section and any of the following situations are applicable: 77249

(a) Standard therapies have not been effective in improving 77250
the condition of the plan member. 77251

(b) Standard therapies are not medically appropriate for the 77252
plan member. 77253

(c) There is no standard therapy covered by the plan that is 77254

more beneficial than therapy described in division (A)(4) of this section. 77255
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(4) The plan member's physician has recommended a drug, device, procedure, or other therapy that the physician certifies, in writing, is likely to be more beneficial to the plan member, in the physician's opinion, than standard therapies, or the plan member has requested a therapy that has been found in a preponderance of peer-reviewed published studies to be associated with effective clinical outcomes for the same condition. 77257
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(5) The plan member has been denied coverage by the plan for a drug, device, procedure, or other therapy recommended or requested pursuant to division (A)(4) of this section, and has exhausted all internal appeals. 77264
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(6) The drug, device, procedure, or other therapy, for which coverage has been denied, would be a covered health care service except for the plan's determination that the drug, device, procedure, or other therapy is experimental or investigational. 77268
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(B) A review shall be requested in writing, except that if the plan member's physician determines that a therapy would be significantly less effective if not promptly initiated, the review may be requested orally or by electronic means. When an oral or electronic request for review is made, written confirmation of the request shall be submitted to the plan not later than five days after the oral or written request is submitted. For an expedited review, the plan member's provider must certify that the requested or recommended therapy would be significantly less effective if not promptly initiated. 77272
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(C) The external review process established by a plan shall meet all of the following criteria: 77282
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(1) Except as provided in division (E) of this section, the process shall afford all plan members who meet the criteria set 77284
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forth in division (A) of this section the opportunity to have the 77286
plan's decision to deny coverage of the recommended or requested 77287
therapy reviewed under the process. Each eligible plan member 77288
shall be notified of that opportunity within thirty business days 77289
after the plan denies coverage. 77290

(2) The review shall be conducted by an independent review 77291
organization assigned by the superintendent of insurance under 77292
section 3901.80 of the Revised Code. The independent review 77293
organization shall select a panel to conduct the review, which 77294
panel shall be composed of at least three physicians or other 77295
providers who, through clinical experience in the past three 77296
years, are experts in the treatment of the plan member's medical 77297
condition and knowledgeable about the recommended or requested 77298
therapy. If the independent review organization retained by the 77299
plan is an academic medical center, the panel may include experts 77300
affiliated with or employed by the academic medical center. 77301

In either of the following circumstances, an exception may be 77302
made to the requirement that the review be conducted by an expert 77303
panel composed of a minimum of three physicians or other 77304
providers: 77305

(a) A review may be conducted by an expert panel composed of 77306
only two physicians or other providers if a plan member has 77307
consented in writing to a review by the smaller panel. 77308

(b) A review may be conducted by a single expert physician or 77309
other provider if only the expert physician or other provider is 77310
available for the review. 77311

(3) Neither the plan nor the plan member shall choose, or 77312
control the choice of, the physician or other provider experts. 77313

(4) The selected experts, any health care facility with which 77314
an expert is affiliated, and the independent review organization 77315
arranging for the experts' review shall not have any professional, 77316

familial, or financial affiliation with any of the following: 77317

(a) The plan or any officer, director, or managerial employee 77318
of the plan; 77319

(b) The plan member, the plan member's physician, or the 77320
practice group of the plan member's physician; 77321

(c) The health care facility at which the recommended or 77322
requested therapy would be provided; 77323

(d) The development or manufacture of the principal drug, 77324
device, procedure, or therapy involved in the recommended or 77325
requested therapy. However, experts affiliated with academic 77326
medical centers who provide health care services to members of the 77327
plan may serve as experts on the review panel. Further, experts 77328
with staff privileges at a health care facility that provides 77329
health care services to members of the plan, as well as experts 77330
who have a contractual relationship with the plan, but who were 77331
not involved with the plan's denial of coverage for the therapy 77332
under review, may serve as experts on the review panel. These 77333
nonaffiliation provisions do not preclude a plan from paying for 77334
the experts' review, as specified in division (C)(5) of this 77335
section. 77336

(5) Plan members shall not be required to pay for any part of 77337
the cost of the review. The cost of the review shall be borne by 77338
the plan. 77339

(6) The plan shall provide to the independent review 77340
organization arranging for the experts' review a copy of those 77341
records in the plan's possession that are relevant to the plan 77342
member's medical condition and the review. The records shall be 77343
disclosed solely to the expert reviewers and shall be used solely 77344
for the purpose of this section. At the request of the expert 77345
reviewers, the plan or the physician requesting the therapy shall 77346
provide any additional information that the expert reviewers 77347

request to complete the review. An expert reviewer is not required 77348
to render an opinion if the reviewer has not received any 77349
requested information that the reviewer considers necessary to 77350
complete the review. 77351

(7)(a) In the case of an expedited review, the independent 77352
review organization shall issue a written decision not later than 77353
seven days after the filing of the request for review. In all 77354
other cases, the independent review organization shall issue a 77355
written decision not later than thirty days after the filing of 77356
the request. The independent review organization shall send a copy 77357
of its decision to the plan and the plan member. If the plan 77358
member's provider or the health care facility rendering health 77359
care services to the plan member requested the review, the 77360
independent review organization shall also send a copy of its 77361
decision to the plan member's provider or the health care 77362
facility. 77363

(b) In conducting the review, the experts on the panel shall 77364
take into account all of the following: 77365

(i) Information submitted by the plan, the plan member, and 77366
the plan member's physician, including the plan member's medical 77367
records and the standards, criteria, and clinical rationale used 77368
by the plan to reach its coverage decision; 77369

(ii) Findings, studies, research, and other relevant 77370
documents of government agencies and nationally recognized 77371
organizations; 77372

(iii) Relevant findings in peer-reviewed medical or 77373
scientific literature and published opinions of nationally 77374
recognized medical experts; 77375

(iv) Clinical guidelines adopted by relevant national medical 77376
societies; 77377

(v) Safety, efficacy, appropriateness, and 77378

cost_effectiveness. 77379

(8) Each expert on the panel shall provide the independent 77380
review organization with a professional opinion as to whether 77381
there is sufficient evidence to demonstrate that the recommended 77382
or requested therapy is likely to be more beneficial to the plan 77383
member than standard therapies. 77384

(9) Each expert's opinion shall be presented in written form 77385
and shall include the following information: 77386

(a) A description of the plan member's condition; 77387

(b) A description of the indicators relevant to determining 77388
whether there is sufficient evidence to demonstrate that the 77389
recommended or requested therapy is more likely than not to be 77390
more beneficial to the plan member than standard therapies; 77391

(c) A description and analysis of any relevant findings 77392
published in peer-reviewed medical or scientific literature or the 77393
published opinions of medical experts or specialty societies; 77394

(d) A description of the plan member's suitability to receive 77395
the recommended or requested therapy according to a treatment 77396
protocol in a clinical trial, if applicable. 77397

(10) The independent review organization shall provide the 77398
plan with the opinions of the experts. The plan shall make the 77399
experts' opinions available to the plan member and the plan 77400
member's physician, upon request. 77401

(11) The opinion of the majority of the experts on the panel, 77402
rendered pursuant to division (C)(8) of this section, is binding 77403
on the plan with respect to that plan member. If the opinions of 77404
the experts on the panel are evenly divided as to whether the 77405
therapy should be covered, the plan's final decision shall be in 77406
favor of coverage. If less than a majority of the experts on the 77407
panel recommend coverage of the therapy, the plan may, in its 77408

discretion, cover the therapy. However, any coverage provided 77409
pursuant to division (C)(11) of this section is subject to the 77410
terms, limitations, and conditions of the plan. 77411

(12) The plan shall have written policies describing the 77412
external review process. 77413

(D) If a plan's initial denial of coverage for a therapy 77414
recommended or requested pursuant to division (A)(3) of this 77415
section is based upon an external review of that therapy meeting 77416
the requirements of division (C) of this section, this section 77417
shall not be a basis for requiring a second external review of the 77418
recommended or requested therapy. 77419

(E) At any time during the external review process, the plan 77420
may elect to cover the recommended or requested health care 77421
service and terminate the review. The plan shall notify the plan 77422
member and all other parties involved by mail or, with consent or 77423
approval of the plan member, by electronic means. 77424

(F) The plan shall annually file a certificate with the 77425
superintendent of insurance certifying its compliance with the 77426
requirements of this section. 77427

Sec. 3923.84. (A) Notwithstanding section 3901.71 of the 77428
Revised Code, no individual or group policy of sickness and 77429
accident insurance that is delivered, issued for delivery, or 77430
renewed in this state or public employee benefit plan established 77431
or modified in this state shall exclude coverage for the screening 77432
and diagnosis of autism spectrum disorders or for any of the 77433
following services when those services are medically necessary and 77434
are prescribed, provided, or ordered for an individual diagnosed 77435
with an autism spectrum disorder by a health care professional 77436
licensed or certified under the laws of this state to prescribe, 77437
provide, or order such services: 77438

<u>(1) Habilitative or rehabilitative care;</u>	77439
<u>(2) Pharmacy care if the policy, contract, or agreement provides coverage for other prescription drug services;</u>	77440 77441
<u>(3) Psychiatric care;</u>	77442
<u>(4) Psychological care;</u>	77443
<u>(5) Therapeutic care;</u>	77444
<u>(6) Counseling services;</u>	77445
<u>(7) Any additional treatments or therapies adopted by the director of mental retardation and developmental disabilities pursuant to division (I)(4) of this section.</u>	77446 77447 77448
<u>(B) Coverage provided under this section shall be delineated in a treatment plan developed by the attending psychologist or physician and shall not be subject to any limits on the number or duration of visits an individual may make to any autism services provider, except as indicated in the treatment plan, if the services are medically necessary.</u>	77449 77450 77451 77452 77453 77454
<u>(C) Coverage provided under this section may be subject to any copayment, deductible, and coinsurance provisions of the policy or plan to the extent that other medical services covered by the policy or plan are subject to those provisions. Coverage provided under this section may be subject to a yearly maximum limitation of thirty-six thousand dollars on claims paid for services related to coverage provided under this section.</u>	77455 77456 77457 77458 77459 77460 77461
<u>(D)(1) Not more than once every six months, an insurer may request a review of any treatment provided under this section unless the insured's licensed physician or licensed psychologist agrees that more frequent review is necessary. The insurer shall pay for any review requested under this division.</u>	77462 77463 77464 77465 77466
<u>(2) If requested by the insurer, the provider shall provide the insurer with an annual treatment plan.</u>	77467 77468

(3) Inpatient services are not subject to the six-month review limitation under division (D)(1) of this section. 77469
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(E) This section shall not be construed as limiting benefits otherwise available under an individual's policy or plan. 77471
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(F) This section shall not be construed as affecting any obligation to provide services to an individual under an individualized family service plan developed under 20 U.S.C. 1436 or individualized service plan developed under section 5126.31 of the Revised Code, or affecting the duty of a public school to provide a child with a disability with a free appropriate public education under the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1400 et seq., as amended, and Chapter 3323. of the Revised Code. 77473
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(G) This section does not apply to the offer or renewal of any individual or group policy of sickness and accident insurance that provides coverage for specific diseases or accidents only, or to any hospital indemnity, medicare supplement, medicare, tricare, long-term care, disability income, one-time limited duration policy of not longer than six months, or other policy that offers only supplemental benefits. 77482
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(H) A public employee benefit plan or insurer that offers a policy of sickness and accident insurance is not required to offer the coverage required under division (A) of this section if all of the following apply: 77489
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(1) The insurer or public employee benefit plan submits documentation certified by an independent member of the American academy of actuaries to the superintendent of insurance showing that incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per 77493
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cent per year. 77500

(2) The insurer or public employee benefit plan submits a signed letter from an independent member of the American academy of actuaries to the superintendent of insurance opining that the increase in costs described in division (D)(1) of this section could reasonably justify an increase of more than one per cent in the annual premiums or rates charged by the insurer or public employee benefit plan for the coverage of all covered services. 77501
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(3) The superintendent of insurance makes the following determinations from the documentation and opinion submitted pursuant to divisions (D)(1) and (2) of this section: 77508
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(a) Incurred claims for the coverage required under division (A) of this section for a period of at least six months independently caused the costs for claims and administrative expenses for the coverage of all covered services to increase by more than one per cent per year. 77511
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(b) The increase in costs reasonably justifies an increase of more than one per cent in the annual premiums or rates charged by the insurer or public employee benefit plan for the coverage of all covered services. 77516
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Any determination made by the superintendent under this division is subject to Chapter 119. of the Revised Code. 77520
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(I)(1) The director of mental retardation and developmental disabilities shall convene a committee on the coverage of autism spectrum disorders to investigate and recommend treatments or therapies for autism spectrum disorders that the committee believes should be included in the services that health benefit plans and public employee benefit plans are required to cover under division (A) of this section and the qualifications of the providers of those treatments or therapies. 77522
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(2) The committee shall consist of nine members appointed by 77530

the director of mental retardation and developmental disabilities 77531
including the director of mental retardation and developmental 77532
disabilities, the director of health, at least one licensed 77533
physician, licensed psychologist, and parent of an individual 77534
diagnosed with an autism spectrum disorder. 77535

(3) The committee shall serve at the pleasure of the 77536
director. 77537

(4) The committee shall submit its recommendations to the 77538
director of mental retardation and developmental disabilities. The 77539
director may adopt rules in accordance with Chapter 119. of the 77540
Revised Code to include additional treatments or therapies for 77541
autism spectrum disorders in the services that health benefit 77542
plans and public employee benefit plans are required to cover 77543
under division (A) of this section. 77544

(J) As used in this section: 77545

(1) "Applied behavior analysis" means the design, 77546
implementation, and evaluation of environmental modifications 77547
using behavioral stimuli and consequences to produce socially 77548
significant improvement in human behavior, including, but not 77549
limited to, the use of direct observation, measurement, and 77550
functional analysis of the relationship between environment and 77551
behavior. 77552

(2) "Autism services provider" means any person whose 77553
professional scope of practice allows treatment of autism spectrum 77554
disorders, whose services are delineated in the treatment plan 77555
under division (B) of this section, and of whom one of the 77556
following is true: 77557

(a) The person is licensed, certified, or registered by an 77558
appropriate agency of this state to perform the services assigned 77559
to the person in the treatment plan. 77560

(b) The person is directly supervised by an individual who is 77561

licensed, certified, or registered by an appropriate agency of 77562
this state to perform the services assigned to the person in the 77563
treatment plan. 77564

(3) "Autism spectrum disorder" means any of the pervasive 77565
developmental disorders as defined by the most recent edition of 77566
the diagnostic and statistical manual of mental disorders, 77567
published by the American psychiatric association, or if that 77568
manual is no longer published, a similar diagnostic manual. Autism 77569
spectrum disorders includes, but is not limited to, autistic 77570
disorder, Asperger's disorder, Rett's disorder, childhood 77571
disintegrative disorder, and pervasive developmental disorder. 77572

(4) "Diagnosis of autism spectrum disorders" means medically 77573
necessary assessments, evaluations, or tests, including but not 77574
limited to genetic and psychological tests to determine whether an 77575
individual has an autism spectrum disorder. 77576

(5) "Habilitative or rehabilitative care" means professional, 77577
counseling, and guidance services and treatment programs, 77578
including applied behavior analysis, that are necessary to 77579
develop, maintain, or restore the functioning of an individual to 77580
the maximum extent practicable. 77581

(6) "Health benefit plan" has the same meaning as in section 77582
3924.01 of the Revised Code. 77583

(7) "Medically necessary" means the service is based upon 77584
evidence; is prescribed, provided, or ordered by a health care 77585
professional licensed or certified under the laws of this state to 77586
prescribe, provide, or order autism-related services in accordance 77587
with accepted standards of practice; and will or is reasonably 77588
expected to do any of the following: 77589

(a) Prevent the onset of an illness, condition, injury, or 77590
disability; 77591

(b) Reduce or ameliorate the physical, mental or 77592

developmental effects of an illness, condition, injury, or 77593
disability; 77594

(c) Assist in achieving or maintaining maximum functional 77595
capacity for performing daily activities, taking into account both 77596
the functional capacity of the individual and the appropriate 77597
functional capacities of individuals of the same age. 77598

(8) "Pharmacy care" means prescribed medications and any 77599
medically necessary health-related services used to determine the 77600
need or effectiveness of the medications. 77601

(9) "Psychiatric care" means direct or consultative services 77602
provided by a psychiatrist licensed in the state in which the 77603
psychiatrist practices psychiatry. 77604

(10) "Psychological care" means direct or consultative 77605
services provided by a psychologist licensed in the state in which 77606
the psychologist practices psychology. 77607

(11) "Therapeutic care" means services, communication 77608
devices, or other adaptive devices or equipment provided by a 77609
licensed speech-language pathologist, licensed occupational 77610
therapist, or licensed physical therapist. 77611

Sec. 3923.90. (A) There is hereby created the health care 77612
coverage and quality council to advise the governor, general 77613
assembly, entities in the public and private sectors, and 77614
consumers on strategies to expand affordable health insurance 77615
coverage to more individuals and to improve the cost and quality 77616
of the state's health insurance system and health care system. 77617

(B) The council shall consist of the following members: 77618

(1) The superintendent of insurance or the superintendent's 77619
designee; 77620

(2) The director of the executive medicaid management 77621
administration; 77622

<u>(3) The director of medicaid;</u>	77623
<u>(4) The director of health;</u>	77624
<u>(5) The benefits administrator of the office of benefits</u>	77625
<u>administration within the department of administrative services;</u>	77626
<u>(6) Two members of the house of representatives, one member</u>	77627
<u>appointed by the speaker of the house of representatives and one</u>	77628
<u>member appointed by the minority leader of the house of</u>	77629
<u>representatives;</u>	77630
<u>(7) Two members of the senate, one member appointed by the</u>	77631
<u>president of the senate and one member appointed by the minority</u>	77632
<u>leader of the senate;</u>	77633
<u>(8) The following members appointed by the governor:</u>	77634
<u>(a) Two representatives of consumers of health care services;</u>	77635
<u>(b) Two representatives of employers that provide health care</u>	77636
<u>coverage to their employees;</u>	77637
<u>(c) Two representatives of medical facilities, at least one</u>	77638
<u>of whom is a representative of a research and academic medical</u>	77639
<u>center;</u>	77640
<u>(d) Two individuals authorized under Chapter 4731. of the</u>	77641
<u>Revised Code to practice medicine and surgery or osteopathic</u>	77642
<u>medicine and surgery;</u>	77643
<u>(e) Two individuals or representatives of individuals</u>	77644
<u>authorized to practice any of the following:</u>	77645
<u>(i) Dentistry under Chapter 4715. of the Revised Code;</u>	77646
<u>(ii) Optometry under Chapter 4725. of the Revised Code;</u>	77647
<u>(iii) Podiatry under Chapter 4731. of the Revised Code;</u>	77648
<u>(iv) Chiropractic under Chapter 4734. of the Revised Code.</u>	77649
<u>(f) Two representatives of companies authorized under Chapter</u>	77650

3923. of the Revised Code to do the business of sickness and 77651
accident insurance in this state or of health insuring 77652
corporations holding certificates of authority under Chapter 1751. 77653
of the Revised Code; 77654

(g) Two representatives of organized labor; 77655

(h) One representative of a nonprofit organization 77656
experienced in health care data collection and analysis; 77657

(i) One individual with expertise in health information 77658
technology and exchange; 77659

(j) One representative of a state retirement system; 77660

(k) One public health professional. 77661

(9) Other members appointed by the superintendent of 77662
insurance. 77663

(C) Not later than thirty days after the effective date of 77664
this section, initial appointments shall be made to the council. 77665
The initial legislative members shall be appointed for terms 77666
ending three years from the date of appointment. The initial 77667
members appointed by the governor and the superintendent of 77668
insurance shall serve staggered terms of one, two, or three years, 77669
as selected by the governor or superintendent when making their 77670
respective appointments. Thereafter, terms of office for all 77671
appointed members shall be three years, with each term ending on 77672
the same day of the same month as the term it succeeds. Each 77673
member shall hold office from the date of appointment until the 77674
end of the term for which the member was appointed, except that a 77675
legislative member ceases to be a member of the council on ceasing 77676
to be a member of the general assembly. Members may be 77677
reappointed. 77678

Vacancies shall be filled in the same manner as original 77679
appointments. Any member appointed to fill a vacancy occurring 77680

prior to the expiration of the term for which the member's 77681
predecessor was appointed shall hold office for the remainder of 77682
that term. A member shall continue in office subsequent to the 77683
expiration date of the member's term until the member's successor 77684
takes office or until a period of sixty days has elapsed, 77685
whichever occurs first. 77686

(D) The superintendent or the superintendent's designee shall 77687
serve as chairperson of the council. The council shall meet at the 77688
call of the chair. A majority of the members of the council 77689
constitutes a quorum. 77690

(E) Members shall serve without compensation, but may be 77691
reimbursed for mileage and actual and necessary expenses incurred 77692
in the performance of their official duties. 77693

(F) The superintendent may provide staff and other 77694
administrative support for the council to carry out its duties. In 77695
making staffing decisions, the superintendent may consider any 77696
recommendations made by the council. 77697

(G) Sections 101.82 to 101.87 of the Revised Code do not 77698
apply to the health care coverage and quality council. 77699

Sec. 3923.91. (A) The health care coverage and quality 77700
council shall do all of the following: 77701

(1) Advise the governor and general assembly on strategies to 77702
improve health care programs and health insurance policies and 77703
benefit plans; 77704

(2) Monitor and evaluate implementation of strategies for 77705
improving access to health insurance coverage and improving the 77706
quality of the state's health care system, identify barriers to 77707
implementing those strategies, and identify methods for overcoming 77708
the barriers; 77709

(3) Catalog existing health care data reporting efforts and 77710

make recommendations to improve data reporting in a manner that 77711
increases transparency and consistency in the health care and 77712
insurance coverage systems; 77713

(4) Study health care financing alternatives that will 77714
increase access to health insurance coverage, promote disease 77715
prevention and injury prevention, contain costs, and improve 77716
quality; 77717

(5) Evaluate the systems that individuals use to obtain or 77718
otherwise become connected with health insurance and recommend 77719
improvements to those systems or the use of alternative systems; 77720

(6) Recommend minimum coverage standards for basic and 77721
standard health insurance plans offered by insurance carriers; 77722

(7) Recommend strategies, such as subsidies, to assist 77723
individuals in being able to afford health insurance coverage; 77724

(8) Recommend strategies to implement health information 77725
technology to support improved access and quality and reduced 77726
costs in the state's health care system; 77727

(9) Develop programs to assist employers in adopting 77728
cafeteria plans meeting the requirements of federal law; 77729

(10) Perform any other duties specified in rules adopted by 77730
the superintendent of insurance. 77731

(B) The council shall prepare and issue an annual report, 77732
which may include recommendations, on or before the thirty-first 77733
day of December of each year. The council may prepare and issue 77734
other reports and recommendations at other times that the council 77735
finds appropriate. 77736

(C) The superintendent may adopt rules as necessary for the 77737
council to carry out its duties. The rules shall be adopted under 77738
Chapter 119. of the Revised Code. In adopting the rules, the 77739
superintendent may consider any recommendations made by the 77740

council. 77741

Sec. 3924.01. As used in sections 3924.01 to 3924.14 of the 77742
Revised Code: 77743

(A) "Actuarial certification" means a written statement 77744
prepared by a member of the American academy of actuaries, or by 77745
any other person acceptable to the superintendent of insurance, 77746
that states that, based upon the person's examination, a carrier 77747
offering health benefit plans to small employers is in compliance 77748
with sections 3924.01 to 3924.14 of the Revised Code. "Actuarial 77749
certification" shall include a review of the appropriate records 77750
of, and the actuarial assumptions and methods used by, the carrier 77751
relative to establishing premium rates for the health benefit 77752
plans. 77753

(B) "Adjusted average market premium price" means the average 77754
market premium price as determined by the board of directors of 77755
the Ohio health reinsurance program either on the basis of the 77756
arithmetic mean of all carriers' premium rates for an OHC plan 77757
sold to groups with similar case characteristics by all carriers 77758
selling OHC plans in the state, or on any other equitable basis 77759
determined by the board. 77760

(C) "Base premium rate" means, as to any health benefit plan 77761
that is issued by a carrier and that covers at least two but no 77762
more than fifty employees of a small employer, the lowest premium 77763
rate for a new or existing business prescribed by the carrier for 77764
the same or similar coverage under a plan or arrangement covering 77765
any small employer with similar case characteristics. 77766

(D) "Carrier" means any sickness and accident insurance 77767
company or health insuring corporation authorized to issue health 77768
benefit plans in this state or a MEWA. A sickness and accident 77769
insurance company that owns or operates a health insuring 77770
corporation, either as a separate corporation or as a line of 77771

business, shall be considered as a separate carrier from that 77772
health insuring corporation for purposes of sections 3924.01 to 77773
3924.14 of the Revised Code. 77774

(E) "Case characteristics" means, with respect to a small 77775
employer, the geographic area in which the employees work; the age 77776
and sex of the individual employees and their dependents; the 77777
appropriate industry classification as determined by the carrier; 77778
the number of employees and dependents; and such other objective 77779
criteria as may be established by the carrier. "Case 77780
characteristics" does not include claims experience, health 77781
status, or duration of coverage from the date of issue. 77782

(F) "Dependent" means the spouse or child of an eligible 77783
employee, subject to applicable terms of the health benefits plan 77784
covering the employee. 77785

(G) "Eligible employee" means an employee who works a normal 77786
work week of twenty-five or more hours. "Eligible employee" does 77787
not include a temporary or substitute employee, or a seasonal 77788
employee who works only part of the calendar year on the basis of 77789
natural or suitable times or circumstances. 77790

(H) "Health benefit plan" means any hospital or medical 77791
expense policy or certificate or any health plan provided by a 77792
carrier, that is delivered, issued for delivery, renewed, or used 77793
in this state on or after the date occurring six months after 77794
November 24, 1995. "Health benefit plan" does not include policies 77795
covering only accident, credit, dental, disability income, 77796
long-term care, hospital indemnity, medicare supplement, specified 77797
disease, or vision care; coverage under a 77798
one-time-limited-duration policy of no longer than six months; 77799
coverage issued as a supplement to liability insurance; insurance 77800
arising out of a workers' compensation or similar law; automobile 77801
medical-payment insurance; or insurance under which benefits are 77802
payable with or without regard to fault and which is statutorily 77803

required to be contained in any liability insurance policy or 77804
equivalent self-insurance. 77805

(I) "Late enrollee" means an eligible employee or dependent 77806
who enrolls in a small employer's health benefit plan other than 77807
during the first period in which the employee or dependent is 77808
eligible to enroll under the plan or during a special enrollment 77809
period described in section 2701(f) of the "Health Insurance 77810
Portability and Accountability Act of 1996," Pub. L. No. 104-191, 77811
110 Stat. 1955, 42 U.S.C.A. 300gg, as amended. 77812

(J) "MEWA" means any "multiple employer welfare arrangement" 77813
as defined in section 3 of the "Federal Employee Retirement Income 77814
Security Act of 1974," 88 Stat. 832, 29 U.S.C.A. 1001, as amended, 77815
except for any arrangement which is fully insured as defined in 77816
division (b)(6)(D) of section 514 of that act. 77817

(K) "Midpoint rate" means, for small employers with similar 77818
case characteristics and plan designs and as determined by the 77819
applicable carrier for a rating period, the arithmetic average of 77820
the applicable base premium rate and the corresponding highest 77821
premium rate. 77822

(L) "Pre-existing conditions provision" means a policy 77823
provision that excludes or limits coverage for charges or expenses 77824
incurred during a specified period following the insured's 77825
enrollment date as to a condition for which medical advice, 77826
diagnosis, care, or treatment was recommended or received during a 77827
specified period immediately preceding the enrollment date. 77828
Genetic information shall not be treated as such a condition in 77829
the absence of a diagnosis of the condition related to such 77830
information. 77831

For purposes of this division, "enrollment date" means, with 77832
respect to an individual covered under a group health benefit 77833
plan, the date of enrollment of the individual in the plan or, if 77834

earlier, the first day of the waiting period for such enrollment. 77835

(M) "Service waiting period" means the period of time after 77836
employment begins before an employee is eligible to be covered for 77837
benefits under the terms of any applicable health benefit plan 77838
offered by the small employer. 77839

(N)(1) "Small employer" means, in connection with a group 77840
health benefit plan and with respect to a calendar year and a plan 77841
year, an employer who employed an average of at least two but no 77842
more than fifty eligible employees on business days during the 77843
preceding calendar year and who employs at least two employees on 77844
the first day of the plan year. 77845

(2) For purposes of division (N)(1) of this section, all 77846
persons treated as a single employer under subsection (b), (c), 77847
(m), or (o) of section 414 of the "Internal Revenue Code of 1986," 77848
100 Stat. 2085, 26 U.S.C.A. 1, as amended, shall be considered one 77849
employer. In the case of an employer that was not in existence 77850
throughout the preceding calendar year, the determination of 77851
whether the employer is a small or large employer shall be based 77852
on the average number of eligible employees that it is reasonably 77853
expected the employer will employ on business days in the current 77854
calendar year. Any reference in division (N) of this section to an 77855
"employer" includes any predecessor of the employer. Except as 77856
otherwise specifically provided, provisions of sections 3924.01 to 77857
3924.14 of the Revised Code that apply to a small employer that 77858
has a health benefit plan shall continue to apply until the plan 77859
anniversary following the date the employer no longer meets the 77860
requirements of this division. 77861

(O) "OHC plan" means an Ohio health care plan, which is the 77862
basic, standard, or carrier reimbursement plan for small employers 77863
and individuals established ~~by the board~~ in accordance with 77864
section 3924.10 of the Revised Code. 77865

Sec. 3924.06. (A) Compliance with the underwriting and rating requirements contained in sections 3924.01 to 3924.14 of the Revised Code shall be demonstrated through actuarial certification. Carriers offering health benefit plans to small employers shall file annually with the superintendent of insurance an actuarial certification stating that the underwriting and rating methods of the carrier do all of the following:

(1) Comply with accepted actuarial practices;

(2) Are uniformly applied to health benefit plans covering small employers;

(3) Comply with the applicable provisions of sections 3924.01 to 3924.14 of the Revised Code.

(B) If a carrier has established a separate class of business for one or more small employer health care alliances in accordance with section 1731.09 of the Revised Code, this section shall apply in accordance with section 1731.09 of the Revised Code.

(C) Carriers offering health benefit plans to small employers shall file premium rates with the superintendent in accordance with section 3923.02 of the Revised Code with respect to the carrier's sickness and accident insurance policies sold to small employers and in accordance with section 1751.12 of the Revised Code with respect to the carrier's health insuring corporation policies sold to small employers.

Sec. 3924.09. The Ohio health reinsurance program shall have the general powers and authority granted under the laws of the state to insurance companies licensed to transact sickness and accident insurance, except the power to issue insurance. The board of directors of the program also shall have the specific authority to do all of the following:

(A) Enter into contracts as are necessary or proper to carry

out the provisions and purposes of sections 3924.07 to 3924.14 of 77896
the Revised Code, including the authority to enter into contracts 77897
with similar programs of other states for the joint performance of 77898
common functions, or with persons or other organizations for the 77899
performance of administrative functions; 77900

(B) Sue or be sued, including taking any legal actions 77901
necessary or proper for recovery of any assessments for, on behalf 77902
of, or against any program or board member; 77903

(C) Take such legal action as is necessary to avoid the 77904
payment of improper claims against the program; 77905

(D) ~~Design~~ Make recommendations to the superintendent of 77906
insurance regarding the design of the OHC plans which, when 77907
offered by a carrier, are eligible for reinsurance and issue 77908
reinsurance policies in accordance with the requirements of 77909
sections 3924.07 to 3924.14 of the Revised Code; 77910

(E) Establish rules, conditions, and procedures pertaining to 77911
the reinsurance of members' risks by the program; 77912

(F) Establish appropriate rates, rate schedules, rate 77913
adjustments, rate classifications, and any other actuarial 77914
functions appropriate to the operation of the program; 77915

(G) Assess members in accordance with division (G) of section 77916
3924.11 and the provisions of section 3924.13 of the Revised Code, 77917
and make such advance interim assessments as may be reasonable and 77918
necessary for organizational and interim operating expenses. Any 77919
interim assessments shall be credited as offsets against any 77920
regular assessments due following the close of the calendar year. 77921

(H) Appoint members to appropriate legal, actuarial, and 77922
other committees if necessary to provide technical assistance with 77923
respect to the operation of the program, policy and other contract 77924
design, and any other function within the authority of the 77925
program; 77926

(I) Borrow money to effect the purposes of the program. Any 77927
notes or other evidence of indebtedness of the program not in 77928
default shall be legal investments for carriers and may be carried 77929
as admitted assets. 77930

(J) Reinsure risks, collect assessments, and otherwise carry 77931
out its duties under division (G) of section 3924.11 of the 77932
Revised Code; 77933

(K) Study the operation of the Ohio health reinsurance 77934
program and the open enrollment reinsurance program and, based on 77935
its findings, make legislative recommendations to the general 77936
assembly for improvements in the effectiveness, operation, and 77937
integrity of the programs; 77938

(L) ~~Design~~ Make recommendations to the superintendent 77939
regarding the design of a basic and standard plan for purposes of 77940
sections 1751.16, 3923.122, and 3923.581 of the Revised Code. 77941

Sec. 3924.10. (A) The board of directors of the Ohio health 77942
reinsurance program ~~shall design~~ may make recommendations to the 77943
superintendent of insurance, and the superintendent may adopt or 77944
amend by rule adopted in accordance with Chapter 119. of the 77945
Revised Code the OHC basic, standard, and carrier reimbursement 77946
plans which, when offered by a carrier, are eligible for 77947
reinsurance under the program. The ~~board~~ superintendent shall 77948
establish the form and level of coverage to be made available by 77949
carriers in their OHC plans. ~~In designing the~~ The plans the board 77950
~~shall also establish~~ include benefit levels, deductibles, 77951
coinsurance factors, exclusions, and limitations for the plans. 77952
The forms and levels of coverage ~~established by the board~~ shall 77953
specify which components of health benefit plans offered by a 77954
carrier may be reinsured. The OHC plans are subject to division 77955
(C) of section 3924.02 of the Revised Code and to the provisions 77956
in Chapters 1751., 1753., 3923., and any other chapter of the 77957

Revised Code that require coverage or the offer of coverage of a health care service or benefit.

~~(B) The board shall adopt the OHC plans within one hundred eighty days after the effective date of this amendment~~ Prior to adopting rules relating to the OHC basic and standard plans, the superintendent shall conduct an actuarial analysis of the cost impacts of any proposed rule that makes changes to the basic and standard plans. The superintendent also may consider recommendations of the Ohio health care coverage and quality council established under section 3923.90 of the Revised Code. The plans may include cost containment features including any of the following:

(1) Utilization review of health care services, including review of the medical necessity of hospital and physician services;

(2) Case management benefit alternatives;

(3) Selective contracting with hospitals, physicians, and other health care providers;

(4) Reasonable benefit differentials applicable to participating and nonparticipating providers;

(5) Employee assistance program options that provide preventive and early intervention mental health and substance abuse services;

(6) Other provisions for the cost-effective management of the plans.

(C) OHC plans established for use by health insuring corporations shall be consistent with the basic method of operation of such corporations.

(D) Each carrier shall certify to the superintendent of insurance, in the form and manner prescribed by the

superintendent, that the OHC plans filed by the carrier are in 77988
substantial compliance with the provisions of the board OHC plans. 77989
Upon receipt by the superintendent of the certification, the 77990
carrier may use the certified plans. 77991

(E) Each carrier shall, on and after sixty days after the 77992
date that the program becomes operational and as a condition of 77993
transacting business in this state, renew coverage provided to any 77994
individual or group under its OHC plans. 77995

(F) The OHC plans in effect as of June 1, 2009, shall remain 77996
in effect until those plans are amended or new plans are adopted 77997
in accordance with this section. 77998

Sec. 3929.43. (A) The Ohio fair plan underwriting association 77999
is hereby created consisting of all insurers authorized to write 78000
within this state, on a direct basis, basic property insurance or 78001
any component thereof in multi-peril policies, to assist 78002
applicants in urban areas to secure basic property insurance or 78003
homeowners insurance, and to formulate and administer a program 78004
for the equitable apportionment of basic property insurance or 78005
homeowners insurance which cannot be obtained in the normal 78006
market. Every such insurer shall be a member of the association 78007
and shall remain a member as a condition of its authority to write 78008
any of such insurance in this state. 78009

(B) The association, pursuant to sections 3929.41 to 3929.49 78010
of the Revised Code, and the plan of operation, with respect to 78011
basic property insurance or homeowners insurance, may assume and 78012
cede reinsurance on insurable risks written by its members. 78013

(C) The board of governors of the association shall submit to 78014
the superintendent of insurance, for ~~his~~ approval, a proposed plan 78015
of operation which shall provide for economical, fair, and 78016
nondiscriminatory administration of a program for the equitable 78017
apportionment among members of basic property insurance or 78018

homeowners insurance which may be afforded in urban areas to 78019
applicants whose property is insurable in accordance with 78020
reasonable underwriting standards, but who are unable to procure 78021
such insurance through normal channels. The association is under 78022
no obligation to issue basic property insurance or homeowners 78023
insurance to any person, unless that person and ~~his~~ that person's 78024
property would be insurable in the normal insurance market, and 78025
such property, except for its location, would constitute an 78026
insurable risk in accordance with reasonable underwriting 78027
standards. The plan of operation shall provide that the 78028
association, in determining whether the property is insurable, 78029
shall give no consideration to the condition of surrounding 78030
property or properties, where such condition is not within the 78031
control of the applicant. Rates for basic property insurance and 78032
homeowners insurance shall ~~not exceed those rates filed with~~ be 78033
subject to the approval of the superintendent ~~by the major rating~~ 78034
~~organization in this state, except that in the case of homeowners~~ 78035
~~insurance the association may file deviations to the rating plan~~ 78036
~~previously filed by such rating organization, and such deviations~~ 78037
~~shall be subject to the approval of the superintendent in the same~~ 78038
~~manner as other deviations under Chapter 3935. of the Revised~~ 78039
~~Code.~~ The plan of operation may also provide for assessment of all 78040
members in amounts sufficient to operate the association, maximum 78041
limits of liability per location to be placed through the program, 78042
reasonable underwriting standards for determining insurability of 78043
a risk, and the commission to be paid to the licensed producer 78044
designated by the applicant. The superintendent shall adopt such 78045
plan and all amendments thereto pursuant to Chapter 119. of the 78046
Revised Code. 78047

If the superintendent disapproves the proposed plan of 78048
operation, the board of governors shall, within fifteen days, 78049
submit for approval an appropriately revised plan of operation and 78050
if the board of governors fails to do so, or if the revised plan 78051

submitted is unacceptable, the superintendent shall promulgate a plan of operation.

If amendment of the plan of operation is requested by the superintendent or the board of governors, the board of governors shall submit to the superintendent, for ~~his~~ approval, such amendments. If such amendments are not approved by the superintendent, the board of governors shall, within fifteen days, submit for approval an appropriately revised amendment. If the board of governors fails to do so, or if the amendment is not approved by the superintendent, the superintendent shall promulgate such amendment as ~~he~~ the superintendent finds necessary.

(D)(1) The plan of operation may provide for periodic advance assessments against member insurers in amounts considered necessary to cover any deficit or projected deficit arising out of the operation of the association. Any provision in the plan for implementation of such advance assessments shall be approved by the superintendent. Any such provision in the plan shall also provide for quarterly or other periodic installment payment of such assessments.

(2) Such plan shall provide a method whereby member insurers may recoup assessments levied by the association. In order to recoup such assessments the plan may also provide for the calculation and use of rates or rating factors to be applied to direct premiums for basic property insurance and homeowners insurance located in this state. Such a provision is subject to the approval of the superintendent. Member insurers of the association implementing a change in rates pursuant to this section shall file such changes with the superintendent. Such changes shall not increase rates more than the amount authorized by the association and approved by the superintendent pursuant to the plan. The association may consult with member insurers or

licensed rating bureaus in connection with the establishment and 78084
operation of any such provision. 78085

(E) Any insurer which is a member of the association shall 78086
participate in the writings, expenses, profits, and losses of the 78087
association in the proportion that its premiums written bear to 78088
the aggregate premiums written by all members of the association, 78089
except that this division shall not be construed to preclude the 78090
board of governors from taking action to adjust assessments in 78091
accordance with a program adopted pursuant to division (I) of this 78092
section. 78093

(F) Such plan shall require the issuance of a binder 78094
providing coverage for which the applicant tenders an amount equal 78095
to the annual premium as estimated by the association, ~~such or an~~ 78096
appropriate percentage of that annual premium as determined by the 78097
association. The binder ~~taking~~ shall take effect ~~fifteen days~~ 78098
following the date of the day after the association receives the 78099
application, provided that the application meets the underwriting 78100
standards of the association, for such term, and under such 78101
conditions as are determined by the superintendent ~~of insurance.~~ 78102
The superintendent may alter such time requirement on a specific 78103
risk under such conditions as ~~he~~ the superintendent finds 78104
appropriate. 78105

(G) The association shall be governed by a board of governors 78106
consisting of twelve members, four of whom shall be appointed by 78107
the governor with the advice and consent of the senate. One of 78108
such members shall be a licensed agent writing basic property 78109
insurance for more than one insurer. None of the other three such 78110
members shall be a director, officer, salaried employee, agent, or 78111
substantial shareholder of any insurance company and not more than 78112
two of these three members shall be members of the same political 78113
party. Terms of office of members appointed by the governor shall 78114
be for two years, commencing on the nineteenth day of September 78115

and ending on the eighteenth day of September. Each member shall 78116
hold office from the date of ~~his~~ appointment until the end of the 78117
term for which ~~he~~ the member was appointed. Any member appointed 78118
to fill a vacancy occurring prior to the expiration of the term 78119
for which ~~his~~ the member's predecessor was appointed shall hold 78120
office for the remainder of such term. Any appointed member shall 78121
continue in office subsequent to the expiration date of ~~his~~ the 78122
member's term until ~~his~~ the member's successor takes office, or 78123
until a period of sixty days has elapsed, whichever occurs first. 78124
The remaining eight members shall be representatives from member 78125
companies, at least five of whom shall be Ohio domiciled members, 78126
elected annually by accumulated voting by members of the 78127
association whose votes shall be weighed in accordance with each 78128
member's premiums written during the second preceding calendar 78129
year. Not more than one insurer in a group under the same 78130
management or ownership shall serve on the board of governors at 78131
the same time. The eight representatives of member companies shall 78132
be elected at a meeting of the members or their authorized 78133
representatives, which shall be held at a time and place 78134
designated by the superintendent. 78135

(H) The plan shall be administered under the supervision of 78136
the superintendent. 78137

(I) The board of governors shall adopt a written program for 78138
decreasing the overall utilization of the association as a source 78139
of insurance. The program shall set forth actions that the board 78140
shall take to decrease such utilization, including actions 78141
intended to reduce the number of policies issued, the number of 78142
persons whose properties are insured, and the total amount and 78143
kinds of insurance written by the association, provided this 78144
division does not authorize the board to take action intended to 78145
decrease utilization of the association as a source of insurance 78146
if such action would substantially conflict with the purposes set 78147

forth in divisions (A), (B), and (D) of section 3929.41 of the Revised Code or the plan of operation of the association.

Sec. 3929.67. (A) A medical liability insurance policy that insures a physician or podiatrist, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:

(1) Nonpayment of premiums;

(2) The license of the insured to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery has been suspended or revoked;

(3) The insured's failure to meet minimum eligibility and underwriting standards;

(4) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy;

(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.

(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:

(1) Nonpayment of premiums;

(2) The hospital is not certified or accredited in accordance with Chapter 3727. of the Revised Code;

(3) An injunction against the hospital has been granted under section ~~3727.05~~ 3727.04 of the Revised Code; 78178
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(4) The insured's failure to meet minimum eligibility and underwriting standards; 78180
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(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy; 78182
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(6) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder. 78188
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Sec. 3953.23. (A) Every title insurance agent shall keep books of account and record and vouchers pertaining to the business of title insurance in such manner that the title insurance company may readily ascertain from time to time whether the agent has complied with this chapter. 78191
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(B)(1) A title insurance agent may engage in the business of handling escrows of real property transactions ~~provided that~~ subject to all of the following: 78196
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(a) The agent shall maintain a separate record of all receipts and disbursements of escrow funds and shall not. 78199
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(b) The agent shall deposit funds held in trust at interest in either of the following accounts: 78201
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(i) An account as required in section 3953.231 of the Revised Code and in accordance with all applicable rules; 78203
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(ii) A separate escrow account for the benefit of one or more parties to the escrow transaction. 78205
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(c) The agent shall not commingle any such funds with the 78207
agent's own funds or with funds held by the agent in any other 78208
capacity; ~~and if,~~ 78209

(d) The agent shall ensure that any person or entity 78210
delegated or assigned by the agent with the responsibility for 78211
handling escrows of real property transactions complies with all 78212
provisions of the Revised Code and any rules that are applicable 78213
to the agent. 78214

(e) If at any time the superintendent of insurance determines 78215
that an agent has failed to comply with any of the provisions of 78216
this section, the superintendent may revoke the license of the 78217
agent pursuant to section 3905.14 of the Revised Code, subject to 78218
review as provided for in Chapter 119. of the Revised Code. 78219
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(C) All title insurance agents or agencies that handle 78221
escrows in real property transactions not involving the issuance 78222
of title insurance shall have coverage that protects the parties 78223
to such transactions against theft, misappropriation, fraud, or 78224
any other failure to properly disburse settlement, closing, or 78225
escrow funds. The superintendent shall adopt rules under Chapter 78226
119. of the Revised Code setting forth the minimum requirements 78227
for such coverage, including, but not limited to, the minimum 78228
amounts, terms, and conditions of such coverage. 78229

(D) The superintendent shall require every title insurance 78230
agent or agency and any subcontractors to maintain an errors and 78231
omissions policy, in any amount exceeding minimum limits 78232
established by the superintendent, that includes but is not 78233
limited to coverage for the agent's or agency's delegation of any 78234
agent or agency function. The superintendent shall adopt rules 78235
under Chapter 119. of the Revised Code setting forth the minimum 78236
requirements for that coverage, including but not limited to the 78237
minimum amounts, terms, and conditions of the coverage. 78238

Sec. 3953.231. (A)(1) Each title insurance agent or title insurance company shall establish and maintain an interest-bearing trust account for the deposit of all non-directed escrow funds that meet the requirements of sections 1349.20 to 1349.22 of the Revised Code received by the agent to affect an escrow transaction.

(2) The account established under division (A)(1) of this section shall be established and maintained in ~~any federally insured bank, savings and loan association, credit union, or savings bank that is authorized to transact business in this state~~ an eligible depository.

(3) ~~The~~ Each account established under division (A)(1) of this section shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the ~~bank, savings and loan association, credit union, or savings bank~~ eligible depository in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds ~~in the~~ shall be deposited into an IOTA account product at an eligible depository and shall be subject to

withdrawal or transfer upon request and without delay, or as soon as permitted by law; 78269
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~~(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;~~ 78271
(a) The approved rate of interest payable on the account shall equal or exceed the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products. The eligible depository shall pay on its IOTA account product any higher rates offered by it on its account products that are not IOTA account products. 78272
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(b) In paying not less than the highest interest rate or dividend paid by the eligible depository on its account products that are not IOTA account products, an eligible depository shall do both of the following: 78282
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(i) For IOTA accounts with balances of less than one hundred thousand dollars, pay a rate that equals or exceeds the highest rate paid on its business checking account paying preferred interest rates, such as money market or indexed rates, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOTA account products; 78286
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(ii) For IOTA accounts with balances of one hundred thousand dollars or more, pay a rate that equals or exceeds the highest rate paid on its business checking account with an automated investment feature, such as an overnight sweep account, business investment or other similar premium checking account, short-term jumbo certificate of deposit, money market account, or any other similar, suitable interest-bearing account offered by the eligible depository on its account products that are not IOTA account 78293
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products. 78301

(c) In determining the highest interest rate or dividend paid 78302
by the eligible depository on its account products that are not 78303
IOTA account products, an eligible depository shall consider the 78304
rates it offers its customers from internal rate sheets or through 78305
preferred or negotiated rates on a per customer basis. In 78306
considering the rate for the IOTA account product, the eligible 78307
depository may also take into consideration and discount for 78308
factors such as fees paid by the account-holder, time commitments, 78309
and withdrawal limitations. The eligible depository shall not use 78310
these factors to preclude the consideration of the rates paid on 78311
one or more of its account products that are not IOTA account 78312
products in the eligible depository's establishment of a rate for 78313
the IOTA account product. 78314

(d) If an eligible depository determines that it is unable to 78315
pay the approved rate during any reporting period, the eligible 78316
depository may request from the Ohio legal assistance foundation a 78317
waiver from the approved rate requirement for that reporting 78318
period. If an eligible depository requests a waiver from the 78319
approved rate requirement, the eligible depository shall 78320
demonstrate in the form and manner prescribed in rules adopted by 78321
the Ohio legal assistance foundation pursuant to section 120.52 of 78322
the Revised Code that the rates of interest paid on its IOTA 78323
account product are generally not less than the highest rates paid 78324
by the eligible depository on its account products that are not 78325
IOTA account products. At a minimum, the eligible depository shall 78326
demonstrate by an independent, third-party auditor's certification 78327
that not more than five per cent of the eligible depository's 78328
account products that are not IOTA account products with an 78329
average daily balance of greater than or equal to one hundred 78330
thousand dollars have rates that are higher than the rate paid on 78331
the its IOTA account product during the same reporting period. 78332

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(3) All interest earned on ~~the~~ an account, ~~net of service charges and other related charges,~~ established under division (A)(1) of this section shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned on funds deposited in an interest-bearing trust account established under division (A) of this section shall be paid to, or inure to the benefit of, the title insurance agent or company, the client or other person who owns or has a beneficial ownership of the funds deposited, or any other account, person, or entity other than in accordance with this section and sections 120.51 to 120.55 of the Revised Code.

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(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the ~~bank,~~ eligible depository to do ~~both~~ all of the following:

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(1) Remit by the fifteenth day of each month interest or dividends on the average monthly balance in the account earned in the preceding month, or as otherwise computed in accordance with the standard accounting practice of the ~~bank, savings and loan association, credit union, or savings bank,~~ eligible depository, less reasonable ~~service charges and other related charges,~~ to the treasurer of state ~~at least quarterly~~ for deposit in the legal aid fund established under section 120.52 of the Revised Code;

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(2) At the time of each remittance, transmit to the treasurer of state, ~~and if requested,~~ to the Ohio legal assistance foundation, and, if requested, to the title insurance agent or company, a statement showing the name of the title insurance agent or company for whom the remittance is sent, the comparable accounts or product types and the rates paid as required in division (C)(2)(b) of this section, the rate of interest applied,

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the accounting period, the net amount remitted to the treasurer of 78365
state for each account, the total remitted, the average account 78366
balance for each month of the period for which the report is made, 78367
and the amount ~~deducted for~~ of service charges and other related 78368
charges assessed to and paid by the account holder or other party. 78369

(3) Notify the superintendent or other entity designated by 78370
the superintendent on each occasion when a properly payable 78371
instrument is presented for payment from the account and the 78372
account contains insufficient funds, provide this notice without 78373
regard to whether the instrument is honored by the eligible 78374
depository, provide this notice by electronic or other means 78375
within five banking days of the date that the instrument was 78376
honored or returned as dishonored, and include in the notice all 78377
of the following: 78378

(a) The name and address of the eligible depository; 78379

(b) The name and address of the title insurance agent or 78380
company that maintains the account; 78381

(c) The account number and either the amount of the overdraft 78382
and the date issued or the amount of the dishonored instrument and 78383
the date returned. 78384

(E) The statements and reports submitted by the ~~bank, savings~~ 78385
~~and loan association, credit union, or savings bank~~ eligible 78386
depository under this section, are confidential and are not public 78387
records subject to section 149.43 of the Revised Code and shall be 78388
used ~~only~~ by the Ohio legal assistance foundation to administer 78389
the legal aid fund and by the superintendent for the enforcement 78390
of this section. If any statement or report submitted by an 78391
eligible depository under this section is used by the 78392
superintendent for the enforcement of this section, that statement 78393
or report may become a public record subject to section 149.43 of 78394
the Revised Code. 78395

(F) No funds belonging to a title insurance agent or company 78396
shall be deposited into an account established under division (A) 78397
of this section except funds necessary to establish the account or 78398
to pay service charges and other related charges of the ~~bank,~~ 78399
~~savings and loan association, credit union, or savings bank that~~ 78400
~~are in excess of earnings on the account~~ eligible depository. 78401

(G) No liability arising out of any negligent act or omission 78402
of any title insurance agent or company with respect to any 78403
account established under division (A) of this section shall be 78404
imputed to the ~~bank, savings and loan association, credit union,~~ 78405
~~or savings bank~~ eligible depository. 78406

~~(H) No liability or responsibility arising out of any~~ 78407
~~negligent act or omission of any title insurance agent with~~ 78408
~~respect to any account established under division (A) of this~~ 78409
~~section shall be imputed to a title insurance company.~~ 78410

~~(I)~~ The superintendent may adopt, in accordance with Chapter 78411
119. of the Revised Code, rules that pertain to the use of 78412
accounts established under division (A) of this section and to the 78413
enforcement of this section. Any rules adopted by the 78414
superintendent under this division that pertain to the use of 78415
accounts established under division (A) of this section shall 78416
conform to the provisions of this section, section 3953.23 of the 78417
Revised Code, and any rules adopted by the Ohio legal assistance 78418
foundation pursuant to section 120.52 of the Revised Code. 78419

(I) As used in this section: 78420

(1) "Approved rate" means the minimum allowable rate of 78421
interest payable on an IOTA account product established and 78422
maintained under this section or an IOLTA account product 78423
established and maintained under sections 4705.09 and 4705.10 of 78424
the Revised Code. 78425

(2) "Eligible depository" means a depository or financial 78426

institution that satisfies all of the following requirements: 78427

(a) It voluntarily offers and maintains account products 78428
pursuant to sections 3953.231, 4705.09, and 4705.10 of the Revised 78429
Code and meets the requirements prescribed in those sections and 78430
any rules adopted by the Ohio legal assistance foundation pursuant 78431
to section 120.52 of the Revised Code. 78432

(b) It is a bank, savings bank, or savings and loan 78433
association authorized by federal or state law to do business in 78434
this state and insured by the Federal deposit insurance 78435
corporation or any successor insurance corporation or is a credit 78436
union authorized by federal or state law to do business in this 78437
state and insured by the national credit union administration or 78438
by a credit union share guaranty corporation in this state. 78439

(c) It has been certified by the Ohio legal assistance 78440
foundation as an eligible depository, based on the criterion 78441
provided in sections 120.52, 3953.231, 4705.09, and 4705.10 of the 78442
Revised Code, subject to a dispute resolution process established 78443
by rules adopted by the Ohio legal assistance foundation pursuant 78444
to section 120.52 of the Revised Code. 78445

(3) "Escrow transaction" means a transaction in which a 78446
person, for the purpose of effecting and closing the sale, 78447
purchase, exchange, transfer, encumbrance, or lease of an interest 78448
in commercial or residential real property located in this state 78449
to another person, provides a written instrument or document, 78450
money, negotiable instrument, check, evidence of title to real 78451
property, or anything of value to an escrow or closing agent to be 78452
held by the agent until a specified event occurs or until the 78453
performance of a prescribed condition, at which time the agent 78454
shall deliver it to a specific person in compliance with 78455
applicable instructions by filing that written instrument or 78456
document with the appropriate public entity or by direct tender to 78457
the appropriate person. 78458

(4) "IOTA account product" means a separate and unique product offered by an eligible depository that is used exclusively for the deposit of funds transferred electronically or otherwise, cash, money orders, or negotiable instruments that are received by a title insurance agent to effect an escrow transaction and fully complies with the account requirements of sections 120.52, 3953.23, and 3953.231 of the Revised Code.

Sec. 4104.01. As used in sections 4104.01 to 4104.20 and section 4104.99 of the Revised Code:

(A) "Board of building standards" or "board" means the board established by section 3781.07 of the Revised Code.

(B) "Superintendent" means the superintendent of ~~the division of industrial compliance labor~~ labor created by section 121.04 of the Revised Code.

(C) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. "Boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

(D) "Power boiler" means a boiler in which steam or other vapor (to be used externally to itself) is generated at a pressure of more than fifteen psig.

(E) "High pressure, high temperature water boiler" means a water heating boiler operating at pressures exceeding one hundred sixty psig or temperatures exceeding two hundred fifty degrees Fahrenheit.

(F) "Low pressure boiler" means a steam boiler operating at

pressures not exceeding fifteen psig, or a hot water heating 78489
boiler operating at pressures not exceeding one hundred sixty psig 78490
or temperatures not exceeding two hundred fifty degrees 78491
Fahrenheit. 78492

(G) "Pressure vessel" means a container for the containment 78493
of pressure, either internal or external. This pressure may be 78494
obtained from an external source or by the application of heat 78495
from a direct or indirect source or any combination thereof. 78496

(H) "Process boiler" means a boiler to which all of the 78497
following apply: 78498

(1) The steam in the boiler is either generated or 78499
superheated, or both, under pressure or vacuum for use external to 78500
itself. 78501

(2) The source of heat for the boiler is in part or in whole 78502
from a process other than the boiler itself. 78503

(3) The boiler is part of a continuous processing unit, such 78504
as used in chemical manufacture or petroleum refining, other than 78505
a steam-generated process unit. 78506

(I) "Stationary steam engine" means an engine or turbine in 78507
which the mechanical force arising from the elasticity and 78508
expansion action of steam or from its property of rapid 78509
condensation or from a combination of the two is made available as 78510
a motive power. 78511

Sec. 4104.02. The board of building standards shall: 78512

(A) Formulate rules for the construction, installation, 78513
repair, conservation of energy, and operation of boilers and the 78514
construction and repair of pressure vessels and for ascertaining 78515
the safe working pressures to be carried on such boilers and 78516
pressure vessels and the qualification of inspectors of boilers 78517
and pressure vessels; 78518

(B) Prescribe tests, if it is considered necessary, to 78519
ascertain the qualities of materials used in the construction of 78520
boilers and pressure vessels; 78521

(C) Adopt rules regulating the construction and sizes of 78522
safety valves for boilers and pressure vessels of different sizes 78523
and pressures, for the construction, use, and location of fusible 78524
plugs, appliances for indicating the pressure of steam and level 78525
of water in the boiler or pressure vessels, and such other 78526
appliances as the board considers necessary to safety in operating 78527
boilers; 78528

(D) Establish reasonable fees for the performance of reviews, 78529
surveys, or audits of manufacturer's facilities by the division of 78530
~~industrial compliance~~ labor for certification by the American 78531
society of mechanical engineers and the national board of boiler 78532
and pressure vessel inspectors; 78533

(E) The definitions and rules adopted by the board for the 78534
construction, installation, repair, conservation of energy, and 78535
operation of boilers and the construction and repair of pressure 78536
vessels and for ascertaining the safe working pressures to be used 78537
on such boilers and pressure vessels shall be based upon and 78538
follow generally accepted engineering standards, formulae, and 78539
practices established and pertaining to boilers and pressure 78540
vessel construction, operation, and safety, and the board may, for 78541
this purpose, adopt existing published standards as well as 78542
amendments thereto subsequently published by the same authority. 78543

When a person desires to manufacture a special type of boiler 78544
or pressure vessel, the design of which is not covered by the 78545
rules of the board, the person shall submit drawings and 78546
specifications of such boiler or pressure vessel to the board for 78547
investigation, after which the board may permit its installation. 78548

The provisions of sections 119.03 and 119.11 of the Revised 78549

Code in particular, and the applicable provisions of Chapter 119. 78550
of the Revised Code in general, shall govern the proceedings of 78551
the board of building standards in adopting, amending, or 78552
rescinding rules pursuant to this section. 78553

Sec. 4104.06. (A) The inspection of boilers and their 78554
appurtenances and pressure vessels shall be made by the inspectors 78555
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 78556
superintendent of ~~industrial compliance~~ labor shall administer and 78557
enforce such sections and rules adopted by the board of building 78558
standards pursuant to section 4104.02 of the Revised Code. 78559

(B) The superintendent shall adopt, amend, and repeal rules 78561
exclusively for the issuance, renewal, suspension, and revocation 78562
of certificates of competency and certificates of operation, for 78563
conducting hearings in accordance with Chapter 119. of the Revised 78564
Code related to these actions, and for the inspection of boilers 78565
and their appurtenances, and pressure vessels. 78566

(C) Notwithstanding division (B) of this section, the 78567
superintendent shall not adopt rules relating to construction, 78568
maintenance, or repair of boilers and their appurtenances, or 78569
repair of pressure vessels. 78570

(D) The superintendent and each general inspector may enter 78571
any premises and any building or room at all reasonable hours to 78572
perform an examination or inspection. 78573

Sec. 4104.07. (A) An application for examination as an 78574
inspector of boilers and pressure vessels shall be in writing, 78575
accompanied by a fee of one hundred fifty dollars, upon a blank to 78576
be furnished by the superintendent of ~~industrial compliance~~ labor. 78577
Any moneys collected under this section shall be paid into the 78578
state treasury to the credit of the ~~industrial compliance~~ labor 78579

operating fund created in section 121.084 of the Revised Code. 78580

78581

(B) The superintendent shall determine if an applicant meets 78582
all the requirements for examination in accordance with rules 78583
adopted by the board of building standards under section 4104.02 78584
of the Revised Code. An application shall be rejected which 78585
contains any willful falsification, or untruthful statements. 78586

(C) An applicant shall be examined by the superintendent, by 78587
a written examination, prescribed by the board, dealing with the 78588
construction, installation, operation, maintenance, and repair of 78589
boilers and pressure vessels and their appurtenances, and the 78590
applicant shall be accepted or rejected on the merits of the 78591
applicant's application and examination. 78592

(D) Upon a favorable report by the superintendent of the 78593
result of an examination, the superintendent shall immediately 78594
issue to the successful applicant a certificate of competency to 78595
that effect. 78596

Sec. 4104.08. (A) The director of commerce may appoint from 78597
the holders of certificates of competency provided for in section 78598
4104.07 of the Revised Code, general inspectors of boilers and 78599
pressure vessels. 78600

(B) Any company authorized to insure boilers and pressure 78601
vessels against explosion in this state may designate from holders 78602
of certificates of competency issued by the superintendent of 78603
~~industrial compliance~~ labor, or holders of certificates of 78604
competency or commissions issued by other states or nations whose 78605
examinations for certificates or commissions have been approved by 78606
the board of building standards, persons to inspect and stamp 78607
boilers and pressure vessels covered by the company's policies, 78608
and the superintendent shall issue to such persons commissions 78609
authorizing them to act as special inspectors. Special inspectors 78610

shall be compensated by the company designating them. 78611

(C) The director ~~of commerce~~ shall establish an annual fee to 78612
be charged by the superintendent for each certificate of 78613
competency or commission the superintendent issues. 78614

(D) The superintendent shall issue to each general or special 78615
inspector a commission to the effect that the holder thereof is 78616
authorized to inspect boilers and pressure vessels in this state. 78617

(E) No person shall be authorized to act as a general 78618
inspector or a special inspector who is directly or indirectly 78619
interested in the manufacture or sale of boilers or pressure 78620
vessels. 78621

Sec. 4104.09. The certificate of competency issued under 78622
section 4104.07 of the Revised Code or the commission provided for 78623
in section 4104.08 of the Revised Code may be revoked by the 78624
superintendent of ~~industrial compliance~~ labor for the incompetence 78625
or untrustworthiness of the holder thereof, or for willful 78626
falsification of any matter or statement contained in the holder's 78627
application or in a report of any inspection in accordance with 78628
Chapter 119_ of the Revised Code. If a certificate or commission 78629
is lost or destroyed, a new certificate or commission shall be 78630
issued in its place without another examination. 78631

Sec. 4104.10. All unfired pressure vessels, except unfired 78632
pressure vessels exempt under section 4104.04 of the Revised Code, 78633
shall be thoroughly inspected during fabrication and upon 78634
completion and shall not be operated until a copy of the 78635
manufacturers' data report, properly executed and signed by the 78636
inspector is filed in the office of the superintendent of 78637
~~industrial compliance~~ labor. All unfired pressure vessels shall 78638
conform in every detail with applicable rules adopted by the board 78639
of building standards pursuant to section 4104.02 of the Revised 78640

Code. 78641

Sec. 4104.101. (A) No person shall install or make major 78642
repairs or modifications to any boiler without first registering 78643
to do so with the division of ~~industrial compliance~~ labor. 78644

(B) No person shall make any installation or major repair or 78645
modification of any boiler without first obtaining a permit to do 78646
so from the division. The permit application form shall provide 78647
the name and address of the owner, location of the boiler, and 78648
type of repair or modification that will be made. The application 78649
permit fee shall be ~~fifty~~ one hundred dollars. 78650

(C) The superintendent of ~~industrial compliance~~ labor shall 78651
require annual registration of all contractors who install, make 78652
major repairs to, or modify any boiler. The board of building 78653
standards shall establish a reasonable fee to cover the cost of 78654
processing registrations. 78655

Sec. 4104.12. All boilers, except boilers mentioned in 78656
section 4104.04 of the Revised Code, shall be inspected when 78657
installed and shall not be operated until an appropriate 78658
certificate of operation has been issued by the superintendent of 78659
~~the division of industrial compliance~~ labor. The certificate of 78660
operation required by this section shall not be issued for any 78661
boiler which has not been thoroughly inspected during construction 78662
and upon completion, by either a general or special inspector, and 78663
which does not conform in every detail with the rules adopted by 78664
the board of building standards and unless, upon completion, such 78665
boiler is distinctly stamped under such rules by such inspector. 78666

Sec. 4104.15. (A) All certificates of inspection for boilers, 78667
issued prior to October 15, 1965, are valid and effective for the 78668
period set forth in such certificates unless sooner withdrawn by 78669
the superintendent of ~~industrial compliance~~ labor. The owner or 78670

user of any such boiler shall obtain an appropriate certificate of 78671
operation for such boiler, and shall not operate such boiler, or 78672
permit it to be operated unless a certificate of operation has 78673
been obtained in accordance with section 4104.17 of the Revised 78674
Code. 78675

(B) If, upon making the internal and external inspection 78676
required under sections 4104.11, 4104.12, and 4104.13 of the 78677
Revised Code, the inspector finds the boiler to be in safe working 78678
order, with the fittings necessary to safety, and properly set up, 78679
upon the inspector's report to the superintendent, the 78680
superintendent shall issue to the owner or user thereof, or renew, 78681
upon application and upon compliance with sections 4104.17 and 78682
4104.18 of the Revised Code, a certificate of operation which 78683
shall state the maximum pressure at which the boiler may be 78684
operated, as ascertained by the rules of the board of building 78685
standards. Such certificates shall also state the name of the 78686
owner or user, the location, size, and number of each boiler, and 78687
the date of issuance, and shall be so placed as to be easily read 78688
in the engine room or boiler room of the plant where the boiler is 78689
located, except that the certificate of operation for a portable 78690
boiler shall be kept on the premises and shall be accessible at 78691
all times. 78692

(C) If an inspector at any inspection finds that the boiler 78693
or pressure vessel is not in safe working condition, or is not 78694
provided with the fittings necessary to safety, or if the fittings 78695
are improperly arranged, the inspector shall immediately notify 78696
the owner or user and person in charge of the boiler and shall 78697
report the same to the superintendent who may revoke, suspend, or 78698
deny the certificate of operation and not renew the same until the 78699
boiler or pressure vessel and its fittings are put in condition to 78700
insure safety of operation, and the owner or user shall not 78701
operate the boiler or pressure vessel, or permit it to be operated 78702

until such certificate has been granted or restored. 78703

(D) If the superintendent or a general boiler inspector finds 78704
that a pressure vessel or boiler or a part thereof poses an 78705
explosion hazard that reasonably can be regarded as posing an 78706
imminent danger of death or serious physical harm to persons, the 78707
superintendent or the general boiler inspector shall seal the 78708
pressure vessel or boiler and order, in writing, the operator or 78709
owner of the pressure vessel or boiler to immediately cease the 78710
pressure vessel's or boiler's operation. The order shall be 78711
effective until the nonconformities are eliminated, corrected, or 78712
otherwise remedied, or for a period of seventy-two hours from the 78713
time of issuance, whichever occurs first. During the 78714
seventy-two-hour period, the superintendent may request that the 78715
prosecuting attorney or city attorney of Franklin county or of the 78716
county in which the pressure vessel or boiler is located obtain an 78717
injunction restraining the operator or owner of the pressure 78718
vessel or boiler from continuing its operation after the 78719
seventy-two-hour period expires until the nonconformities are 78720
eliminated, corrected, or otherwise remedied. 78721

(E) Each boiler which has been inspected shall be assigned a 78722
number by the superintendent, which number shall be stamped on a 78723
nonferrous metal tag affixed to the boiler or its fittings by seal 78724
or otherwise. No person except an inspector shall deface or remove 78725
any such number or tag. 78726

(F) If the owner or user of any pressure vessel or boiler 78727
disagrees with the inspector as to the necessity for shutting down 78728
a pressure vessel or boiler or for making repairs or alterations 78729
in it, or taking any other measures for safety that are requested 78730
by an inspector, the owner or user may appeal from the decision of 78731
the inspector to the superintendent, who may, after such other 78732
inspection by a general inspector or special inspector as the 78733
superintendent deems necessary, decide the issue. 78734

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, 78735
nor an inspection or report by any inspector, shall relieve the 78736
owner or user of a pressure vessel or boiler of the duty of using 78737
due care in the inspection, operation, and repair of the pressure 78738
vessel or boiler or of any liability for damages for failure to 78739
inspect, repair, or operate the pressure vessel or boiler safely. 78740

Sec. 4104.16. The owner or user of any boiler required by 78741
sections 4104.01 to 4104.20 of the Revised Code, to be inspected, 78742
shall immediately notify the superintendent of ~~the division of~~ 78743
~~industrial compliance~~ labor in case a defect affecting the safety 78744
of the boiler is discovered. 78745

The owner or user of any stationary boiler required by such 78746
sections to be inspected, who moves the same, shall report to the 78747
superintendent the new location of the boiler. Such boiler shall 78748
be inspected before it is again operated. 78749

Sec. 4104.17. Certificates of operation issued for boilers 78750
subject to inspection under Chapter 4104. of the Revised Code 78751
shall be issued and renewed in accordance with and at dates 78752
prescribed by rules and regulations adopted by the superintendent 78753
of ~~industrial compliance~~ labor. 78754

Sec. 4104.18. (A) The owner or user of a boiler required 78755
under section 4104.12 of the Revised Code to be inspected upon 78756
installation, and the owner or user of a boiler for which a 78757
certificate of inspection has been issued which is replaced with 78758
an appropriate certificate of operation, shall pay to the 78759
superintendent of ~~industrial compliance~~ labor a fee in the amount 78760
of ~~forty five~~ fifty dollars for boilers subject to annual 78761
inspections under section 4104.11 of the Revised Code, ~~ninety one~~ 78762
hundred dollars for boilers subject to biennial inspection under 78763
section 4104.13 of the Revised Code, one hundred ~~thirty five~~ fifty 78764

dollars for boilers subject to triennial inspection under section 78765
4104.11 of the Revised Code, or two hundred ~~twenty-five~~ fifty 78766
dollars for boilers subject to quinquennial inspection under 78767
section 4104.13 of the Revised Code. 78768

~~A renewal fee in the amount of forty-five dollars shall be 78769
paid to the treasurer of state before the renewal of any 78770
certificate of operation. 78771~~

(B) The fee for complete inspection during construction by a 78772
general inspector on boilers and pressure vessels manufactured 78773
within the state shall be thirty-five dollars per hour. Boiler and 78774
pressure vessel manufacturers other than those located in the 78775
state may secure inspection by a general inspector on work during 78776
construction, upon application to the superintendent, and upon 78777
payment of a fee of thirty-five dollars per hour, plus the 78778
necessary traveling and hotel expenses incurred by the inspector. 78779

(C) The application fee for applicants for steam engineer, 78780
high pressure boiler operator, or low pressure boiler operator 78781
licenses is ~~fifty~~ seventy-five dollars. The fee for each original 78782
or renewal steam engineer, high pressure boiler operator, or low 78783
pressure boiler operator license is ~~thirty-five~~ fifty dollars. 78784

(D) The director of commerce, subject to the approval of the 78785
controlling board, may establish fees in excess of the fees 78786
provided in divisions (A), (B), and (C) of this section. Any 78787
moneys collected under this section shall be paid into the state 78788
treasury to the credit of the ~~industrial compliance labor~~ 78789
operating fund created in section 121.084 of the Revised Code. 78790

(E) Any person who fails to pay an invoiced renewal fee or an 78791
invoiced inspection fee required for any inspection conducted by 78792
the division of ~~industrial compliance labor~~ pursuant to this 78793
chapter within forty-five days of the invoice date shall pay a 78794
late payment fee equal to twenty-five per cent of the invoiced 78795

fee. 78796

(F) In addition to the fees assessed in divisions (A) and (B) 78797
of this section, the board of building standards shall assess the 78798
owner or user a fee of three dollars and twenty-five cents for 78799
each certificate of operation or renewal thereof issued under 78800
division (A) of this section and for each inspection conducted 78801
under division (B) of this section. The board shall adopt rules, 78802
in accordance with Chapter 119. of the Revised Code, specifying 78803
the manner by which the superintendent shall collect and remit to 78804
the board the fees assessed under this division and requiring that 78805
remittance of the fees be made at least quarterly. 78806

Sec. 4104.19. (A) Any person seeking a license to operate as 78807
a steam engineer, high pressure boiler operator, or low pressure 78808
boiler operator shall file a written application with the 78809
superintendent of ~~industrial compliance~~ labor on a form prescribed 78810
by the superintendent with the appropriate application fee as set 78811
forth in section 4104.18 of the Revised Code. The application 78812
shall contain information satisfactory to the superintendent to 78813
demonstrate that the applicant meets the requirements of division 78814
(B) of this section. The application shall be filed with the 78815
superintendent not more than sixty days and not less than thirty 78816
days before the license examination is offered. 78817

(B) To qualify to take the examination required to obtain a 78818
steam engineer, high pressure boiler operator, or low pressure 78819
boiler operator license, a person shall meet both of the following 78820
requirements: 78821

(1) Be at least eighteen years of age; 78822

(2) Have one year of experience in the operation of steam 78823
engines, high pressure boilers, or low pressure boilers as 78824
applicable to the type of license being sought, or a combination 78825
of experience and education for the type of license sought as 78826

determined to be acceptable by the superintendent. 78827

(C) No applicant shall qualify to take an examination or to 78828
renew a license if the applicant has violated this chapter or if 78829
the applicant has obtained or renewed a license issued under this 78830
chapter by fraud, misrepresentation, or deception. 78831

(D) The superintendent shall issue a license to each 78832
applicant who receives a passing score on the examination, as 78833
determined by the superintendent, for the license for which the 78834
applicant applied. 78835

(E) The superintendent may select and contract with one or 78836
more persons to do all of the following relative to the 78837
examinations for a license to operate as a steam engineer, high 78838
pressure boiler operator, or low pressure boiler operator: 78839

(1) Prepare, administer, score, and maintain the 78840
confidentiality of the examination; 78841

(2) Maintain responsibility for all expenses required to 78842
fulfill division (E)(1) of this section; 78843

(3) Charge each applicant a fee for administering the 78844
examination, in an amount authorized by the superintendent; 78845

(4) Design the examination for each type of license to 78846
determine an applicant's competence to operate the equipment for 78847
which the applicant is seeking licensure. 78848

(F) Each license issued under this chapter expires one year 78849
after the date of issue. Each person holding a valid, unexpired 78850
license may renew the license, without reexamination, by applying 78851
to the superintendent not more than ninety days before the 78852
expiration of the license, and submitting with the application the 78853
renewal fee established in section 4104.18 of the Revised Code. 78854
Upon receipt of the renewal information and fee, the 78855
superintendent shall issue the licensee a certificate of renewal. 78856

(G) The superintendent, in accordance with Chapter 119. of 78857
the Revised Code, may suspend or revoke any license, or may refuse 78858
to issue a license under this chapter upon finding that a licensee 78859
or an applicant for a license has violated or is violating the 78860
requirements of this chapter. 78861

Sec. 4104.21. On receipt of a notice pursuant to section 78862
3123.43 of the Revised Code, the superintendent of ~~industrial~~ 78863
~~compliance~~ labor shall comply with sections 3123.41 to 3123.50 of 78864
the Revised Code and any applicable rules adopted under section 78865
3123.63 of the Revised Code with respect to a certificate or 78866
license issued pursuant to this chapter. 78867

Sec. 4104.33. There is hereby created the historical boilers 78868
licensing board consisting of seven members, three of whom shall 78869
be appointed by the governor with the advice and consent of the 78870
senate. The governor shall make initial appointments to the board 78871
within ninety days after ~~the effective date of this section~~ 78872
October 24, 2002. Of the initial members appointed by the 78873
governor, one shall be for a term ending three years after ~~the~~ 78874
~~effective date of this section~~ October 24, 2002, one shall be for 78875
a term ending four years after ~~the effective date of this section~~ 78876
October 24, 2002, and one shall be for a term ending five years 78877
after ~~the effective date of this section~~ October 24, 2002. 78878
Thereafter, terms of office shall be for five years, each term 78879
ending on the same day of the same month of the year as did the 78880
term that it succeeds. Of the three members the governor appoints, 78881
one member shall be an employee of the division of boiler 78882
inspection in the department of commerce; one member shall be an 78883
independent mechanical engineer who is not involved in selling or 78884
inspecting historical boilers; and one shall be an active member 78885
of an association that represents managers of fairs or festivals. 78886

Two members of the board shall be appointed by the president 78887

of the senate and two members of the board shall be appointed by 78888
the speaker of the house of representatives. The president and 78889
speaker shall make initial appointments to the board within ninety 78890
days after ~~the effective date of this section~~ October 24, 2002. Of 78891
the initial members appointed by the president, one shall be for a 78892
term ending four years after ~~the effective date of this section~~ 78893
October 24, 2002 and one shall be for a term ending five years 78894
after ~~the effective date of this section~~ October 24, 2002. Of the 78895
initial members appointed by the speaker, one shall be for a term 78896
ending three years after ~~the effective date of this section~~ 78897
October 24, 2002 and one shall be for a term ending five years 78898
after ~~the effective date of this section~~ October 24, 2002. 78899

Thereafter, terms of office shall be for five years, each term 78900
ending on the same day of the same month of the year as did the 78901
term that it succeeds. Of the four members appointed by the 78902
president and speaker, each shall own a historical boiler and also 78903
have at least ten years of experience in the operation of 78904
historical boilers, and each of these four members shall reside in 78905
a different region of the state. 78906

Each member shall hold office from the date of the member's 78907
appointment until the end of the term for which the member was 78908
appointed. Members may be reappointed. Vacancies shall be filled 78909
in the manner provided for initial appointments. Any member 78910
appointed to fill a vacancy occurring prior to the expiration date 78911
of the term for which the member's predecessor was appointed shall 78912
hold office as a member for the remainder of that term. A member 78913
shall continue in office subsequent to the expiration date of the 78914
member's term until the successor takes office or until a period 78915
of sixty days has elapsed, whichever occurs first. 78916

The members of the board, annually, shall elect, by majority 78917
vote, a chairperson from among their members. The board shall meet 78918
at least once annually and at other times at the call of the 78919

chairperson. Board members shall receive their actual and 78920
necessary expenses incurred in the discharge of their duties as 78921
board members. 78922

The superintendent of ~~the division of industrial compliance~~ 78923
labor shall furnish office space, staff, and supplies to the board 78924
as the superintendent determines are necessary for the board to 78925
carry out its official duties under sections 4104.33 to 4104.37 of 78926
the Revised Code. 78927

Sec. 4104.42. (A) The owner of any power piping or process 78928
piping system shall ensure that all of the following are performed 78929
in compliance with applicable sections of the B31 standards 78930
contained in the code for pressure piping, published by the 78931
American society of mechanical engineers: 78932

(1) The design, fabrication, assembly, installation, testing, 78933
examination, and inspection of power and process piping systems; 78934

(2) Qualification of personnel and qualification of welding 78935
and brazing procedures; 78936

(3) The implementation of an inspection program. 78937

(B) The owner of a power piping or process piping system 78938
shall do both of the following: 78939

(1) Maintain for five years complete records documenting the 78940
design, examination, and testing of the piping system that include 78941
all of the following: 78942

(a) The specific edition of the code for pressure piping used 78943
in the design; 78944

(b) The design assumptions; 78945

(c) The calculations, piping material specifications, and 78946
construction documents for the piping; 78947

(d) The records of piping alterations; 78948

(e) The piping examination and inspection records. 78949

(2) Disclose the types and quantities of flammable, 78950
combustible, or hazardous materials proposed to be used in the 78951
facility to the building and fire code enforcement authorities who 78952
have inspection authority to enable those authorities to determine 78953
compliance with the rules the board of building standards adopts 78954
pursuant to section 3781.10 of the Revised Code and the rules the 78955
state fire marshal adopts pursuant to section 3737.82 of the 78956
Revised Code. 78957

(C) No person or state agency shall require that the records 78958
described in division (B)(1) of this section be submitted to the 78959
division of ~~industrial compliance~~ labor in the department of 78960
commerce or to a certified building department for approval. 78961

(D) Nothing in this section limits the application of 78962
Chapters 4703. and 4733. of the Revised Code. 78963

Sec. 4104.43. (A)(1) The board of building standards shall 78964
adopt rules establishing requirements for the design, 78965
installation, inspection of and design review procedure for 78966
building services piping. 78967

(2) The board of building standards shall adopt rules 78968
establishing requirements for the design, installation, inspection 78969
of and design review procedure for nonflammable medical gas, 78970
medical oxygen, and medical vacuum piping systems. 78971

(B) A municipal, township, or county building department 78972
certified under division (E) of section 3781.10 of the Revised 78973
Code shall enforce the rules the board adopts pursuant to division 78974
(A)(2) of this section if that building department requests and 78975
obtains special certification to enforce those rules. 78976

(C) In a health district where no municipal, township, or 78977
county building department is specially certified under division 78978

(B) of this section, an employee of the health district shall 78979
enforce the rules adopted pursuant to division (A)(2) of this 78980
section if both of the following conditions are satisfied: 78981

(1) The health district employee requests and obtains special 78982
certification by the board to enforce those rules. 78983

(2) The health district notifies the superintendent of the 78984
division of ~~industrial compliance~~ labor in the department of 78985
commerce that the health district's specially certified employee 78986
shall enforce those rules. 78987

(D) In a jurisdiction where enforcement authority as 78988
described in divisions (B) and (C) of this section does not exist, 78989
the superintendent of ~~the division of industrial compliance~~ labor 78990
shall enforce the rules the board adopts pursuant to division 78991
(A)(2) of this section. 78992

Sec. 4104.44. All welding and brazing of metallic piping 78993
systems shall be performed in accordance with section IX of the 78994
boiler and pressure vessel code, published by the American society 78995
of mechanical engineers. The owner shall maintain, at the job 78996
site, the certified performance qualification records of all 78997
welders and brazers employed at the facility. The owner shall 78998
submit copies of all certified welding and brazing procedure 78999
specifications, procedure qualification records, and performance 79000
qualification records for building services piping for review to 79001
the superintendent of ~~the division of industrial compliance~~ labor 79002
in the department of commerce in accordance with rules the 79003
superintendent adopts. The submission shall be accompanied by the 79004
fee the superintendent establishes. 79005

Sec. 4104.48. (A) No person shall violate sections 4104.41 to 79006
4104.48 of the Revised Code, fail to perform any duty lawfully 79007
enjoined in connection with those sections, or fail to comply with 79008

any order issued by the superintendent of ~~the division of~~ 79009
~~industrial compliance~~ labor or any judgment or decree issued by 79010
any court in connection with the enforcement of sections 4104.41 79011
to 4104.48 of the Revised Code. 79012

(B) Every day during which a person violates sections 4104.41 79013
to 4104.48 of the Revised Code, fails to perform any duty lawfully 79014
enjoined in connection with those sections, or fails to comply 79015
with any order issued by the superintendent ~~of the division of~~ 79016
~~industrial compliance~~ or any judgment or decree issued by any 79017
court in connection with the enforcement of sections 4104.41 to 79018
4104.48 of the Revised Code constitutes a separate offense. 79019

Sec. 4105.01. As used in this chapter: 79020

(A) "Elevator" means a hoisting and lowering apparatus 79021
equipped with a car, cage, or platform which moves on or between 79022
permanent rails or guides and serves two or more fixed landings in 79023
a building or structure to which section 3781.06 of the Revised 79024
Code applies. "Elevator" includes dumb-waiters other than 79025
hand-powered dumb-waiters, escalators, ~~manlifts~~ peoplelifts, 79026
moving walks, of the endless belt type, other lifting or lowering 79027
apparatus permanently installed on or between rails or guides, and 79028
all equipment, machinery, and construction related to any 79029
elevator; but does not include construction hoists and other 79030
similar temporary lifting or lowering apparatuses, ski lifts, 79031
traveling, portable amusement rides or devices that are not 79032
affixed to a permanent foundation, or nonportable amusement rides 79033
or devices that are affixed to a permanent foundation. 79034

(B) "Passenger elevator" means an elevator that is designed 79035
to carry persons to its contract capacity. 79036

(C) "Freight elevator" means an elevator normally used for 79037
carrying freight and on which only the operator and employees in 79038
the pursuit of their duties, by the permission of the employer, 79039

are allowed to ride. 79040

(D) "Gravity elevator" means an elevator utilizing gravity to 79041
move. 79042

(E) "General inspector" means a state inspector examined and 79043
hired to inspect elevators and lifting apparatus for that state. 79044

(F) "Special inspector" means an inspector examined and 79045
commissioned by the superintendent of ~~the division of industrial~~ 79046
~~compliance labor~~ to inspect elevators and lifting apparatus in the 79047
state. 79048

(G) "Inspector" means either a general or special inspector. 79049

Sec. 4105.02. No person may act, either as a general 79050
inspector or as a special inspector, of elevators, unless ~~he~~ the 79051
person holds a certificate of competency from the division of 79052
~~industrial compliance labor~~. 79053

Application for examination as an inspector of elevators 79054
shall be in writing, accompanied by a fee to be established as 79055
provided in section 4105.17 of the Revised Code, and upon a blank 79056
to be furnished by the division, stating the school education of 79057
the applicant, a list of ~~his~~ the applicant's employers, ~~his~~ the 79058
applicant's period of employment, and the position held with each. 79059
An applicant shall also submit a letter from one or more of ~~his~~ 79060
the applicant's previous employers certifying as to ~~his~~ the 79061
applicant's character and experience. 79062

Applications shall be rejected which contain any willful 79063
falsification or untruthful statements. An applicant, if the 79064
division considers ~~his~~ the applicant's history and experience 79065
sufficient, shall be examined by the superintendent of ~~the~~ 79066
~~division of industrial compliance labor~~ by a written examination 79067
dealing with the construction, installation, operation, 79068
maintenance, and repair of elevators and their appurtenances, and 79069

the applicant shall be accepted or rejected on the merits of ~~his~~ 79070
the applicant's application and examination. 79071

The superintendent shall issue a certificate of competency in 79072
the inspection of elevators to any applicant found competent upon 79073
examination. A rejected applicant shall be entitled, after the 79074
expiration of ninety days and upon payment of an examination fee 79075
to be established as provided in section 4105.17 of the Revised 79076
Code, to another examination. Should an applicant fail to pass the 79077
prescribed examination on second trial, ~~he~~ the applicant will not 79078
be permitted to be an applicant for another examination for a 79079
period of one year after the second examination. 79080

Sec. 4105.03. The superintendent of ~~the division of~~ 79081
~~industrial compliance labor~~, with the consent of the director of 79082
commerce, shall hire an assistant who has at least ten years of 79083
experience in the construction, installation, maintenance, and 79084
repair of elevators and their appurtenances. 79085

The superintendent, with the consent of the director ~~of~~ 79086
~~commerce~~, and in compliance with Chapter 124. of the Revised Code, 79087
may appoint and hire general inspectors of elevators from the 79088
holders of certificates of competency. 79089

Sec. 4105.04. From the holders of certificates of competency 79090
in the inspection of elevators, any company that is authorized to 79091
insure elevators in the state, may designate persons to inspect 79092
elevators covered by such company's policies, and the department 79093
of public safety of any city and the clerk of any village may 79094
designate persons to inspect elevators in such city or village. 79095
Such persons shall, upon the payment of a fee to be established as 79096
provided in section 4105.17 of the Revised Code, have issued to 79097
them annually by the division of ~~industrial compliance labor~~, 79098
commissions to serve as special inspectors of elevators in the 79099

state. 79100

Sec. 4105.05. A commission to serve as a special inspector 79101
may be suspended or revoked by the superintendent of ~~the division~~ 79102
~~of industrial compliance labor~~, for the incompetence or 79103
untrustworthiness of the holder thereof, or for the falsification 79104
of any matter or statement contained in ~~his~~ the holder's 79105
application or in a report of any inspection. 79106

Sec. 4105.06. If a certificate or commission issued under 79107
sections 4105.02 and 4105.04 of the Revised Code is lost or 79108
destroyed a new one shall be issued in its place by the division 79109
of ~~industrial compliance labor~~ without another examination, upon 79110
the payment of a fee to be established as provided in section 79111
4105.07 of the Revised Code. 79112

Sec. 4105.09. The owner or user of any elevator shall 79113
register, with the division of ~~industrial compliance labor~~, every 79114
elevator operated by ~~him~~ the owner or user, giving the type, 79115
capacity, and description, name of manufacturer, and purpose for 79116
which each is used. Such registration shall be made on a form to 79117
be furnished by the division. 79118

Sec. 4105.11. The inspection of elevators shall be made by 79119
the inspectors authorized in sections 4105.03 and 4105.04 of the 79120
Revised Code, under the supervision of the superintendent of ~~the~~ 79121
~~division of industrial compliance labor~~, and the superintendent 79122
shall enforce this chapter and any rules adopted pursuant thereto. 79123

Every inspector shall forward to the superintendent a full 79124
and complete report of each inspection made of any elevator and 79125
shall, on the day the inspection is completed, leave a copy of 79126
such report with the owner or operator of the elevator, or ~~his~~ the 79127
owner's or operator's agent or representative. Such report shall 79128

indicate the exact condition of the elevator and shall list any 79129
and all of the provisions of this chapter and any rules adopted 79130
pursuant thereto, with which the elevator does not comply. Before 79131
attempting to enforce, by any remedy, civil or criminal, the 79132
provisions with which the inspected elevator does not comply, the 79133
chief shall issue an adjudication order within the meaning of 79134
Chapter 119. of the Revised Code. 79135

The approval of construction plans, or an application of 79136
specifications under section 4105.16 of the Revised Code is a 79137
license, and the failure to approve such plans or specifications 79138
by the chief within sixty days after they are filed is an 79139
adjudication order denying the issuance of a license. 79140

Every adjudication order shall specify what appliances, site 79141
preparations, additions, repairs, or alterations to any elevators, 79142
plans, materials, assemblages, or procedures are necessary for the 79143
same to comply with this chapter, or any rules adopted pursuant 79144
thereto. Such adjudication order shall be issued pursuant to 79145
Chapter 119. of the Revised Code and shall be effective without 79146
prior hearing, within thirty days after the receipt of such order, 79147
the owner of the elevator specified therein may appeal to the 79148
board of building appeals under section 3781.19 of the Revised 79149
Code. 79150

Notwithstanding the provisions of Chapter 119. of the Revised 79151
Code relating to adjudication hearings, a stenographic or 79152
mechanical record of the testimony and other evidence submitted 79153
before the board of building appeals shall be taken at the expense 79154
of the agency. A party adversely affected by an order issued 79155
following such adjudication hearing may appeal to the court of 79156
common pleas of the county in which ~~he~~ the party is a resident or 79157
in which the elevator affected by such order is located. The court 79158
in such case shall not be confined to the record as certified to 79159
it by the agency, but any party may produce additional evidence 79160

and the court shall hear the matter upon such record and such 79161
additional evidence as is introduced by any party. The court shall 79162
not affirm the order of the agency unless the preponderance of the 79163
evidence before it supports the reasonableness and lawfulness of 79164
such order, and of any rules upon which the order of the agency is 79165
based in its application to the facts involved in the appeal. 79166

Failure to comply with the requirements of any order issued 79167
pursuant to this section or the continued operation of any 79168
elevator after it has been sealed pursuant to section 4105.21 of 79169
the Revised Code is hereby declared a public nuisance. 79170

Sec. 4105.12. (A) The superintendent of ~~the division of~~ 79171
~~industrial compliance~~ labor shall adopt, amend, and repeal rules 79172
exclusively for the issuance, renewal, suspension, and revocation 79173
of certificates of competency and certificates of operation, for 79174
the conduct of hearings related to these actions, and for the 79175
inspection of elevators. 79176

(B) Notwithstanding division (A) of this section, the 79177
superintendent shall not adopt rules relating to construction, 79178
maintenance, and repair of elevators. 79179

Sec. 4105.13. Every elevator shall be constructed, equipped, 79180
maintained, and operated, with respect to the supporting members, 79181
elevator car, shaftways, guides, cables, doors, and gates, safety 79182
stops and mechanism, electrical apparatus and wiring, mechanical 79183
apparatus, counterweights, and all other appurtenances, in 79184
accordance with state laws and rules as are authorized in respect 79185
thereto. Where reasonable safety is obtained without complying to 79186
the literal requirements of such rules as in cases of practical 79187
difficulty or unnecessary hardship, the literal requirements of 79188
such rules shall not be required. The superintendent of ~~the~~ 79189
~~division of industrial compliance~~ labor may permit the 79190

installation of vertical wheelchair lifts in public buildings to 79191
provide for handicapped accessibility where such lifts do not meet 79192
the literal requirements of the rules adopted by the board of 79193
building standards pursuant to section 4105.011 of the Revised 79194
Code, provided that reasonable safety may be obtained. 79195

Sec. 4105.15. No certificate of operation for any elevator 79196
shall be issued by the director of commerce until such elevator 79197
has been inspected as required by this chapter. Certificates of 79198
operation shall be renewed by the owner or user of the elevator in 79199
accordance with rules adopted by the superintendent of ~~the~~ 79200
~~division of industrial compliance~~ labor pursuant to section 79201
4105.12 of the Revised Code. 79202

Sec. 4105.16. Before any new installation of an elevator of 79203
permanent nature is erected or before any existing elevator is 79204
removed to and installed in a different location, an application 79205
of specifications in duplicate shall be submitted to the division 79206
of ~~industrial compliance~~ labor giving such information concerning 79207
the construction, installation, and operation of said elevator as 79208
the division may require on forms to be furnished by the division, 79209
together with complete construction plans in duplicate. In all 79210
cases where any changes or repairs are made which alter its 79211
construction of classification, grade or rated lifting capacity, 79212
except when made pursuant to a report of an inspector, an 79213
application of specifications in duplicate shall be submitted to 79214
the division, containing such information, or approval, except in 79215
those municipal corporations which maintain their own elevator 79216
inspection departments, in which event such specifications shall 79217
be submitted to the elevator department of the municipal 79218
corporation for its approval, and if approved, a permit for the 79219
erection or repair of such elevator shall be issued by the 79220
municipal corporation. Upon approval of such application and 79221

construction plans, the superintendent of ~~industrial compliance~~ 79222
labor shall issue a permit for the erection or repair of such 79223
elevator. No new elevator shall be operated until completion in 79224
accordance with the approved plans and specifications, unless a 79225
temporary permit is granted by the division. 79226

The final inspection, before operation, of a permanent, new 79227
or repaired elevator shall be made by a general inspector or a 79228
special inspector designated by the superintendent. 79229

Sec. 4105.17. (A) The fee for each inspection, or attempted 79230
inspection that, due to no fault of a general inspector or the 79231
division of ~~industrial compliance~~ labor, is not successfully 79232
completed, by a general inspector before the operation of a 79233
permanent new elevator prior to the issuance of a certificate of 79234
operation, before operation of an elevator being put back into 79235
service after a repair or after an adjudication under section 79236
4105.11 of the Revised Code, or as a result of the operation of 79237
section 4105.08 of the Revised Code and is an elevator required to 79238
be inspected under this chapter is one hundred twenty dollars plus 79239
ten dollars for each floor where the elevator stops. The 79240
superintendent of ~~industrial compliance~~ labor may assess an 79241
additional fee of one hundred ~~twenty-five~~ twenty dollars plus ~~five~~ 79242
ten dollars for each floor where an elevator stops for the 79243
reinspection of an elevator when a previous attempt to inspect 79244
that elevator has been unsuccessful through no fault of a general 79245
inspector or the division ~~of industrial compliance~~. 79246

(B) The fee for each inspection, or attempted inspection, 79247
that due to no fault of the general inspector or the division ~~of~~ 79248
~~industrial compliance~~, is not successfully completed by a general 79249
inspector before operation of a permanent new escalator or moving 79250
walk prior to the issuance of a certificate of operation, before 79251
operation of an escalator or moving walk being put back in service 79252

after a repair, or as a result of the operation of section 4105.08 79253
of the Revised Code is three hundred dollars. The superintendent 79254
~~of the division of industrial compliance~~ may assess an additional 79255
fee of one hundred fifty dollars for the reinspection of an 79256
escalator or moving walk when a previous attempt to inspect that 79257
escalator or moving walk has been unsuccessful through no fault of 79258
the general inspector or the division ~~of industrial compliance~~. 79259

(C) The fee for issuing or renewing a certificate of 79260
operation under section 4105.15 of the Revised Code for an 79261
elevator that is inspected every six months in accordance with 79262
division (A) of section 4105.10 of the Revised Code is two hundred 79263
twenty dollars plus ~~ten~~ twelve dollars for each floor where the 79264
elevator stops, except where the elevator has been inspected by a 79265
special inspector in accordance with section 4105.07 of the 79266
Revised Code. 79267

(D) The fee for issuing or renewing a certificate of 79268
operation under section 4105.05 of the Revised Code for an 79269
elevator that is inspected every twelve months in accordance with 79270
division (A) of section 4105.10 of the Revised Code is fifty-five 79271
dollars plus ten dollars for each floor where the elevator stops, 79272
except where the elevator has been inspected by a special 79273
inspector in accordance with section 4105.07 of the Revised Code. 79274

(E) The fee for issuing or renewing a certificate of 79275
operation under section 4105.15 of the Revised Code for an 79276
escalator or moving walk is three hundred dollars, except where 79277
the escalator or moving walk has been inspected by a special 79278
inspector in accordance section 4105.07 of the Revised Code. 79279

(F) All other fees to be charged for any examination given or 79280
other service performed by the division ~~of industrial compliance~~ 79281
pursuant to this chapter shall be prescribed by the director of 79282
commerce. The fees shall be reasonably related to the costs of 79283
such examination or other service. 79284

(G) The director ~~of commerce~~, subject to the approval of the 79285
controlling board, may establish fees in excess of the fees 79286
provided in divisions (A), (B), (C), (D), and (E) of this section. 79287
Any moneys collected under this section shall be paid into the 79288
state treasury to the credit of the ~~industrial compliance~~ labor 79289
operating fund created in section 121.084 of the Revised Code. 79290

(H) Any person who fails to pay an inspection fee required 79291
for any inspection conducted by the division pursuant to this 79292
chapter within forty-five days after the inspection is conducted 79293
shall pay a late payment fee equal to twenty-five per cent of the 79294
inspection fee. 79295

(I) In addition to the fees assessed in divisions (A), (B), 79296
(C), (D), and (E) of this section, the board of building standards 79297
shall assess a fee of three dollars and twenty-five cents for each 79298
certificate of operation or renewal thereof issued under divisions 79299
(A), (B), (C), (D), or (E) of this section and for each permit 79300
issued under section 4105.16 of the Revised Code. The board shall 79301
adopt rules, in accordance with Chapter 119. of the Revised Code, 79302
specifying the manner by which the superintendent ~~of industrial~~ 79303
~~compliance~~ shall collect and remit to the board the fees assessed 79304
under this division and requiring that remittance of the fees be 79305
made at least quarterly. 79306

(J) For purposes of this section: 79307

(1) "Escalator" means a power driven, inclined, continuous 79308
stairway used for raising or lowering passengers. 79309

(2) "Moving walk" means a passenger carrying device on which 79310
passengers stand or walk, with a passenger carrying surface that 79311
is uninterrupted and remains parallel to its direction of motion. 79312

Sec. 4105.191. Any person owning or operating any elevator 79313
subject to this chapter shall file a written report with the 79314

superintendent of ~~the division of industrial compliance~~ labor 79315
within seventy-two hours after the occurrence of any accident 79316
involving such elevator which results in death or bodily injury to 79317
any person. 79318

Sec. 4105.20. No person shall violate any law relative to the 79319
operation, construction, maintenance, and repair of elevators. All 79320
fines collected for violation of this section shall be forwarded 79321
to the superintendent of ~~the division of industrial compliance~~ 79322
labor, who shall pay them into the state treasury to the credit of 79323
the ~~industrial compliance~~ labor operating fund created in section 79324
121.084 of the Revised Code. 79325

Sec. 4105.21. The superintendent of ~~the division of~~ 79326
~~industrial compliance~~ labor shall enforce this chapter. If the 79327
superintendent or a general inspector of elevators finds that an 79328
elevator or a part thereof does not afford reasonable safety as 79329
required by section 4105.13 of the Revised Code, the 79330
superintendent or the general inspector may seal such elevator and 79331
post a notice thereon prohibiting further use of the elevator 79332
until the changes or alterations set forth in the notice have been 79333
made to the satisfaction of the superintendent or the inspector. 79334
The notice shall contain a statement that operators or passengers 79335
are subject to injury by its continued use, a description of the 79336
alteration or other change necessary to be made in order to secure 79337
safety of operation, date of such notice, name and signature of 79338
the superintendent or inspector issuing the notice. 79339

Sec. 4112.01. (A) As used in this chapter: 79340

(1) "Person" includes one or more individuals, partnerships, 79341
associations, organizations, corporations, legal representatives, 79342
trustees, trustees in bankruptcy, receivers, and other organized 79343
groups of persons. "Person" also includes, but is not limited to, 79344

any owner, lessor, assignor, builder, manager, broker, 79345
salesperson, appraiser, agent, employee, lending institution, and 79346
the state and all political subdivisions, authorities, agencies, 79347
boards, and commissions of the state. 79348

(2) "Employer" includes the state, any political subdivision 79349
of the state, any person employing four or more persons within the 79350
state, and any person acting directly or indirectly in the 79351
interest of an employer. 79352

(3) "Employee" means an individual employed by any employer 79353
but does not include any individual employed in the domestic 79354
service of any person. 79355

(4) "Labor organization" includes any organization that 79356
exists, in whole or in part, for the purpose of collective 79357
bargaining or of dealing with employers concerning grievances, 79358
terms or conditions of employment, or other mutual aid or 79359
protection in relation to employment. 79360

(5) "Employment agency" includes any person regularly 79361
undertaking, with or without compensation, to procure 79362
opportunities to work or to procure, recruit, refer, or place 79363
employees. 79364

(6) "Commission" means the Ohio civil rights commission 79365
created by section 4112.03 of the Revised Code. 79366

(7) "Discriminate" includes segregate or separate. 79367

(8) "Unlawful discriminatory practice" means any act 79368
prohibited by section 4112.02, 4112.021, or 4112.022 of the 79369
Revised Code. 79370

(9) "Place of public accommodation" means any inn, 79371
restaurant, eating house, barbershop, public conveyance by air, 79372
land, or water, theater, store, other place for the sale of 79373
merchandise, or any other place of public accommodation or 79374

amusement of which the accommodations, advantages, facilities, or 79375
privileges are available to the public. 79376

(10) "Housing accommodations" includes any building or 79377
structure, or portion of a building or structure, that is used or 79378
occupied or is intended, arranged, or designed to be used or 79379
occupied as the home residence, dwelling, dwelling unit, or 79380
sleeping place of one or more individuals, groups, or families 79381
whether or not living independently of each other; and any vacant 79382
land offered for sale or lease. "Housing accommodations" also 79383
includes any housing accommodations held or offered for sale or 79384
rent by a real estate broker, salesperson, or agent, by any other 79385
person pursuant to authorization of the owner, by the owner, or by 79386
the owner's legal representative. 79387

(11) "Restrictive covenant" means any specification limiting 79388
the transfer, rental, lease, or other use of any housing 79389
accommodations because of race, color, religion, sex, military 79390
status, familial status, national origin, disability, or ancestry, 79391
or any limitation based upon affiliation with or approval by any 79392
person, directly or indirectly, employing race, color, religion, 79393
sex, military status, familial status, national origin, 79394
disability, or ancestry as a condition of affiliation or approval. 79395

(12) "Burial lot" means any lot for the burial of deceased 79396
persons within any public burial ground or cemetery, including, 79397
but not limited to, cemeteries owned and operated by municipal 79398
corporations, townships, or companies or associations incorporated 79399
for cemetery purposes. 79400

(13) "Disability" means a physical or mental impairment that 79401
substantially limits one or more major life activities, including 79402
the functions of caring for one's self, performing manual tasks, 79403
walking, seeing, hearing, speaking, breathing, learning, and 79404
working; a record of a physical or mental impairment; or being 79405
regarded as having a physical or mental impairment. 79406

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means at least forty years old. 79407
79408

(15) "Familial status" means either of the following: 79409

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian; 79410
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(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age. 79415
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(16)(a) Except as provided in division (A)(16)(b) of this section, "physical or mental impairment" includes any of the following: 79418
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(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; 79421
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(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; 79427
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(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism. 79430
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(b) "Physical or mental impairment" does not include any of 79436

the following:	79437
(i) Homosexuality and bisexuality;	79438
(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;	79439 79440 79441
(iii) Compulsive gambling, kleptomania, or pyromania;	79442
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	79443 79444 79445
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	79446 79447
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	79448 79449 79450 79451 79452 79453
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	79454 79455 79456
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	79457 79458
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	79459 79460
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	79461 79462 79463
<u>(23) "Aggrieved person" means both of the following:</u>	79464
<u>(a) Any person who claims to have been injured by, or who</u>	79465

believes that the person will be injured by, any unlawful 79466
discriminatory practice described in division (H) of section 79467
4112.02 of the Revised Code; 79468

(b) Any individual, fair housing enforcement organization as 79469
defined in 42 U.S.C. 3616a, other private nonprofit fair housing 79470
enforcement organization, or nonprofit group performing 79471
investigations and enforcement activities designed to identify, 79472
eliminate, and remedy the unlawful discriminatory practices 79473
described in division (H) of section 4112.02 of the Revised Code. 79474

(B) For the purposes of divisions (A) to (F) of section 79475
4112.02 of the Revised Code, the terms "because of sex" and "on 79476
the basis of sex" include, but are not limited to, because of or 79477
on the basis of pregnancy, any illness arising out of and 79478
occurring during the course of a pregnancy, childbirth, or related 79479
medical conditions. Women affected by pregnancy, childbirth, or 79480
related medical conditions shall be treated the same for all 79481
employment-related purposes, including receipt of benefits under 79482
fringe benefit programs, as other persons not so affected but 79483
similar in their ability or inability to work, and nothing in 79484
division (B) of section 4111.17 of the Revised Code shall be 79485
interpreted to permit otherwise. This division shall not be 79486
construed to require an employer to pay for health insurance 79487
benefits for abortion, except where the life of the mother would 79488
be endangered if the fetus were carried to term or except where 79489
medical complications have arisen from the abortion, provided that 79490
nothing in this division precludes an employer from providing 79491
abortion benefits or otherwise affects bargaining agreements in 79492
regard to abortion. 79493

Sec. 4112.04. (A) The commission shall do all of the 79494
following: 79495

(1) Establish and maintain a principal office in the city of 79496

Columbus and any other offices within the state that it considers necessary;	79497 79498
(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.	79499 79500 79501 79502
(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;	79503 79504 79505
(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;	79506 79507 79508
(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;	79509 79510 79511
(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;	79512 79513
(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;	79514 79515 79516 79517 79518
(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A)(7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;	79519 79520 79521 79522 79523 79524 79525 79526

(9) Prepare a comprehensive educational program, in 79527
cooperation with the department of education, for the students of 79528
the public schools of this state and for all other residents of 79529
this state that is designed to eliminate prejudice on the basis of 79530
race, color, religion, sex, military status, familial status, 79531
national origin, disability, age, or ancestry in this state, to 79532
further good will among those groups, and to emphasize the origin 79533
of prejudice against those groups, its harmful effects, and its 79534
incompatibility with American principles of equality and fair 79535
play; 79536

(10) Receive progress reports from agencies, 79537
instrumentalities, institutions, boards, commissions, and other 79538
entities of this state or any of its political subdivisions and 79539
their agencies, instrumentalities, institutions, boards, 79540
commissions, and other entities regarding affirmative action 79541
programs for the employment of persons against whom discrimination 79542
is prohibited by this chapter, or regarding any affirmative 79543
housing accommodations programs developed to eliminate or reduce 79544
an imbalance of race, color, religion, sex, military status, 79545
familial status, national origin, disability, or ancestry. All 79546
agencies, instrumentalities, institutions, boards, commissions, 79547
and other entities of this state or its political subdivisions, 79548
and all political subdivisions, that have undertaken affirmative 79549
action programs pursuant to a conciliation agreement with the 79550
commission, an executive order of the governor, any federal 79551
statute or rule, or an executive order of the president of the 79552
United States shall file progress reports with the commission 79553
annually on or before the first day of November. The commission 79554
shall analyze and evaluate the progress reports and report its 79555
findings annually to the general assembly on or before the 79556
thirtieth day of January of the year immediately following the 79557
receipt of the reports. 79558

(B) The commission may do any of the following: 79559

(1) Meet and function at any place within the state; 79560

(2) Initiate and undertake on its own motion investigations 79561
of problems of employment or housing accommodations 79562
discrimination; 79563

(3) Hold hearings, subpoena witnesses, compel their 79564
attendance, administer oaths, take the testimony of any person 79565
under oath, require the production for examination of any books 79566
and papers relating to any matter under investigation or in 79567
question before the commission, and make rules as to the issuance 79568
of subpoenas by individual commissioners. 79569

(a) In conducting a hearing or investigation, the commission 79570
shall have access at all reasonable times to premises, records, 79571
documents, individuals, and other evidence or possible sources of 79572
evidence and may examine, record, and copy the premises, records, 79573
documents, and other evidence or possible sources of evidence and 79574
take and record the testimony or statements of the individuals as 79575
reasonably necessary for the furtherance of the hearing or 79576
investigation. In investigations, the commission shall comply with 79577
the fourth amendment to the United States Constitution relating to 79578
unreasonable searches and seizures. The commission or a member of 79579
the commission may issue subpoenas to compel access to or the 79580
production of premises, records, documents, and other evidence or 79581
possible sources of evidence or the appearance of individuals, and 79582
may issue interrogatories to a respondent, to the same extent and 79583
subject to the same limitations as would apply if the subpoenas or 79584
interrogatories were issued or served in aid of a civil action in 79585
a court of common pleas. 79586

(b) Upon written application by a ~~respondent~~ party to a 79587
hearing under division (B) of section 4112.05 of the Revised Code, 79588
the commission shall issue subpoenas in its name to the same 79589

extent and subject to the same limitations as subpoenas issued by 79590
the commission. Subpoenas issued at the request of a ~~respondent~~ 79591
party shall show on their face the name and address of the 79592
~~respondent~~ party and shall state that they were issued at the 79593
~~respondent's~~ party's request. 79594

(c) Witnesses summoned by subpoena of the commission are 79595
entitled to the witness and mileage fees provided for under 79596
section 119.094 of the Revised Code. 79597

(d) Within five days after service of a subpoena upon any 79598
person, the person may petition the commission to revoke or modify 79599
the subpoena. The commission shall grant the petition if it finds 79600
that the subpoena requires an appearance or attendance at an 79601
unreasonable time or place, that it requires production of 79602
evidence that does not relate to any matter before the commission, 79603
that it does not describe with sufficient particularity the 79604
evidence to be produced, that compliance would be unduly onerous, 79605
or for other good reason. 79606

(e) In case of contumacy or refusal to obey a subpoena, the 79607
commission or person at whose request it was issued may petition 79608
for its enforcement in the court of common pleas in the county in 79609
which the person to whom the subpoena was addressed resides, was 79610
served, or transacts business. 79611

(4) Create local or statewide advisory agencies and 79612
conciliation councils to aid in effectuating the purposes of this 79613
chapter. The commission may itself, or it may empower these 79614
agencies and councils to, do either or both of the following: 79615

(a) Study the problems of discrimination in all or specific 79616
fields of human relationships when based on race, color, religion, 79617
sex, military status, familial status, national origin, 79618
disability, age, or ancestry; 79619

(b) Foster through community effort, or otherwise, good will 79620

among the groups and elements of the population of the state. 79621

The agencies and councils may make recommendations to the 79622
commission for the development of policies and procedures in 79623
general. They shall be composed of representative citizens who 79624
shall serve without pay, except that reimbursement for actual and 79625
necessary traveling expenses shall be made to citizens who serve 79626
on a statewide agency or council. 79627

(5) Issue any publications and the results of investigations 79628
and research that in its judgment will tend to promote good will 79629
and minimize or eliminate discrimination because of race, color, 79630
religion, sex, military status, familial status, national origin, 79631
disability, age, or ancestry. 79632

Sec. 4112.051. (A)(1) Aggrieved persons may enforce the 79633
rights granted by division (H) of section 4112.02 of the Revised 79634
Code by filing a civil action in the court of common pleas of the 79635
county in which the alleged unlawful discriminatory practice 79636
occurred within one year after it allegedly occurred. Upon 79637
application by an aggrieved person, upon a proper showing, and 79638
under circumstances that it considers just, a court of common 79639
pleas may appoint an attorney for the aggrieved person and 79640
authorize the commencement of a civil action under this division 79641
without the payment of costs. 79642

Each party to a civil action under this division has the 79643
right to a jury trial of the action. To assert the right, a party 79644
shall demand a jury trial in the manner prescribed in the Rules of 79645
Civil Procedure. If a party demands a jury trial in that manner, 79646
the civil action shall be tried to a jury. 79647

(2)(a) If a complaint is issued by the commission under 79648
division (B)(5) of section 4112.05 of the Revised Code for one or 79649
more alleged unlawful discriminatory practices described in 79650
division (H) of section 4112.02 of the Revised Code, the 79651

complainant, any aggrieved person on whose behalf the complaint is 79652
issued, or the respondent may elect, following receipt of the 79653
relevant notice described in division (B)(5) of section 4112.05 of 79654
the Revised Code, to proceed with the administrative hearing 79655
process under that section or to have the alleged unlawful 79656
discriminatory practices covered by the complaint addressed in a 79657
civil action commenced in accordance with divisions (A)(1) and 79658
(2)(b) of this section. An election to have the alleged unlawful 79659
discriminatory practices so addressed shall be made in a writing 79660
that is sent by certified mail, return receipt requested, to the 79661
commission, to the civil rights section of the office of the 79662
attorney general, and to the other parties to the pending 79663
administrative process within thirty days after the electing 79664
complainant, aggrieved person, or respondent received the relevant 79665
notice described in division (B)(5) of section 4112.05 of the 79666
Revised Code. 79667

(b) Upon receipt of a timely mailed election to have the 79668
alleged unlawful discriminatory practices addressed in a civil 79669
action, the commission shall authorize the office of the attorney 79670
general to commence and maintain the civil action in the court of 79671
common pleas of the county in which the alleged unlawful 79672
discriminatory practices occurred. Notwithstanding the period of 79673
limitations specified in division (A)(1) of this section, the 79674
office of the attorney general shall commence the civil action 79675
within thirty days after the receipt of the commission's 79676
authorization to commence the civil action. 79677

(c) Upon commencement of the civil action in accordance with 79678
division (A)(2)(b) of this section, the commission shall prepare 79679
an order dismissing the complaint in the pending administrative 79680
matter and serve a copy of the order upon the complainant, each 79681
aggrieved person on whose behalf the complaint was issued, and the 79682
respondent. 79683

(d) If an election to have the alleged unlawful discriminatory practices addressed in a civil action is not filed in accordance with division (A)(2)(a) of this section, the commission shall continue with the administrative hearing process described in section 4112.05 of the Revised Code.

(e) With respect to the issues to be determined in a civil action commenced in accordance with division (A)(2)(b) of this section, the complainant and any aggrieved person may intervene as a matter of right in that civil action.

(B) If the court or the jury in a civil action under this section finds that a violation of division (H) of section 4112.02 of the Revised Code is about to occur, the court may order any affirmative action it considers appropriate, including a permanent or ~~temporary~~ temporary injunction or temporary restraining order.

(C) Any sale, encumbrance, or rental consummated prior to the issuance of any court order under the authority of this section and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of a charge under division (H) of section 4112.02 of the Revised Code or a civil action under this section is not affected by the court order.

(D) If the court or the jury in a civil action under this section finds that a violation of division (H) of section 4112.02 of the Revised Code has occurred, the court shall award to the plaintiff or to the complainant or aggrieved person on whose behalf the office of the attorney general commenced or maintained the civil action, whichever is applicable, actual damages, reasonable attorney's fees, court costs incurred in the prosecution of the action, expert witness fees, and other litigation expenses, and may grant other relief that it considers appropriate, including a permanent or temporary injunction, a temporary restraining order, or other order and punitive damages.

(E) Any civil action brought under this section shall be heard and determined as expeditiously as possible.

(F) The court in a civil action under this section shall notify the commission of any finding pertaining to discriminatory housing practices within fifteen days after the entry of the finding.

Sec. 4112.052. (A) Whenever the Ohio civil rights commission has reasonable cause to believe that any person or persons are engaged in a pattern or practice of resistance to a person or persons' full enjoyment of the rights granted by division (H) of section 4112.02 of the Revised Code, or that any group of persons has been denied any of the rights granted by that division and the denial raises an issue of public importance, the commission may refer the matter to the attorney general for commencement of a civil action in a court of common pleas. ~~The attorney general may seek any preventive relief considered necessary to ensure the full enjoyment of the rights granted by that division, including a permanent or temporary injunction or temporary restraining order.~~

(B) Whenever a person breaches a conciliation agreement that the person entered into with the Ohio civil rights commission, the civil rights commission may refer the matter to the attorney general for commencement of a civil action in a court of common pleas.

(C) In any action the attorney general brings pursuant to this section, the court may do any of the following:

(1) Award preventative relief, including a permanent or temporary injunction, restraining order, or other order the court considers appropriate to assure the full enjoyment of the rights granted by division (H) of section 4112.02 of the Revised Code. No statute of limitation shall apply to such an award.

(2) Award actual and punitive damages and other relief that 79745
the court considers appropriate; 79746

(3) Assess a penalty not to exceed fifty thousand dollars for 79747
a first violation or one hundred thousand dollars for any 79748
subsequent violation. 79749

(D)(1) Any person may intervene upon a timely application in 79750
a civil action the attorney general commences pursuant to this 79751
section when that action involves either of the following: 79752

(a) An alleged discriminatory housing practice with respect 79753
to which the person is an aggrieved person; 79754

(b) The breach of a conciliation agreement to which the 79755
person is a party. 79756

(2) The court may grant relief to an intervening party as the 79757
court considers appropriate and as section 4112.051 of the Revised 79758
Code authorizes to be granted in a civil action. 79759

(E) Nothing in this section limits any right or remedy that a 79760
person otherwise is entitled to under law. 79761

Sec. 4113.11. (A) As specified in division (B) of this 79762
section, all employers that employ ten or more employees shall 79763
adopt and maintain a cafeteria plan that allows the employer's 79764
employees to pay for health insurance coverage by a salary 79765
reduction arrangement as permitted under section 125 of the 79766
Internal Revenue Code. 79767

(B) Employers shall comply with the requirements of division 79768
(A) of this section as follows: 79769

(1) For employers that employ more than five hundred 79770
employees, by not later than January 1, 2011, or six months after 79771
the superintendent of insurance adopts rules as required by 79772
division (D) of this section, whichever is later. 79773

(2) For employers that employ one hundred fifty to five hundred employees, by not later than July 1, 2011, or twelve months after the superintendent adopts rules as required by division (D) of this section, whichever is later. 79774
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(3) For employers that employ ten to one hundred forty-nine employees, by not later than January 1, 2012, or eighteen months after the superintendent adopts rules as required by division (D) of this section, whichever is later. 79778
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(C) The health care coverage and quality council created under section 3923.90 of the Revised Code shall make recommendations to the superintendent for both of the following: 79782
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(1) Development of strategies to educate, assist, and conduct outreach to employers to simplify administrative processes with respect to creating and maintaining cafeteria plans, including, but not limited to, providing employers with model cafeteria plan documents and technical assistance on creating and maintaining cafeteria plans that conform with state and federal law; and 79785
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(2) Development strategies to educate, assist, and conduct outreach to employees with respect to finding, selecting, and purchasing a health insurance plan to be paid for through their employer's cafeteria plan under this section. 79791
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(D) The superintendent shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and enforce this section, including the strategies recommended by the council pursuant to division (C) of this section. 79795
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(E) As used in this section: 79799

(1) "Cafeteria plan" has the same meaning as in section 125 of the Internal Revenue Code. 79800
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(2) "Employer" has the same meaning as in section 4113.51 of the Revised Code. 79802
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(3) "Employee" means an individual employed for consideration who works twenty-five or more hours per week or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment. 79804
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Sec. 4113.81. For purposes of sections 4113.81, 4113.82, 4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code: 79808
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(A) "Appropriate unit" means independent child care providers or independent home care providers, whichever is the subject of the bargaining activity. 79810
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(B) "Independent child care provider" means a child care provider categorized under the Revised Code as either a Type A licensed provider who does not meet the definition of employee under the National Labor Relations Act, or a Type B certified or licensed provider or an in-home aide who is not a county or state employee. The terms in this division have the same meaning as the terms defined in Chapter 5104. of the Revised Code. 79813
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(C)(1) "Independent home care provider" means any person who meets either of the following criteria: 79820
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(a) The person provides home services under a medicaid waiver component as described in section 5111.851 or 5111.87 of the Revised Code. 79822
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(b) The person provides home services through a state medicaid plan amendment as described in 42 U.S.C. 1396n(i). 79825
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(2) "Independent home care provider" does not include any person employed by a private agency for purposes of performing the activities described in division (C)(1) of this section. 79827
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(D) "Provider" means an independent child care provider or an independent home care provider. 79830
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(E) "Recipient" means any person receiving the services of an independent child care provider or an independent home care 79832
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provider, or that person's parent or legal guardian. 79834

(F) "Representative organization" means any employee organization as defined in division (D) of section 4117.01 of the Revised Code or any labor or bona fide organization in which providers participate and that exists for the purpose, in whole or in part, of dealing with the state concerning grievances, wages, hours, terms, and other conditions of employment of providers that are within the control of the state. 79835
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Sec. 4113.82. Providers may do all of the following: 79842

(A) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in sections 4113.81 to 4113.86 of the Revised Code, any representative organization of their own choosing; 79843
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(B) Engage in concerted activities, other than those described in division (A) of this section, for the purpose of collective bargaining or other mutual aid and protection; 79847
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(C) Be represented by a representative organization; 79850

(D) Bargain collectively with the state to determine wages, hours, terms, other conditions of employment that are within the control of the state, the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into a collective bargaining agreement. 79851
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(E) Present grievances and have them adjusted, without the intervention of the representative organization, so long as the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and the representative organization has the opportunity to be present at the adjustment. 79856
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Sec. 4113.83. (A) A representative organization shall become the exclusive representative of all the providers in an 79861
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appropriate unit for the purpose of collective bargaining by 79863
satisfying either of the following criteria: 79864

(1) Being certified by an impartial election monitor as 79865
described in the governor's executive order 2008-02S for 79866
independent child care providers or the governor's executive order 79867
2007-23S for independent home care providers; 79868

(2) Filing a request with the state for recognition as an 79869
exclusive representative, as described in division (B) of this 79870
section, a copy of which shall be sent to the state employment 79871
relations board. 79872

(B)(1) In the request for recognition, the representative 79873
organization shall do all of the following: 79874

(a) Describe the bargaining unit; 79875

(b) Allege that a majority of the providers in the bargaining 79876
unit wish to be represented by the representative organization; 79877

(c) Support the request with substantial evidence based on, 79878
and in accordance with, rules prescribed by the state employment 79879
relations board demonstrating that a majority of the providers in 79880
the bargaining unit wish to be represented by the representative 79881
organization. 79882

(2) Immediately upon receipt of the request described in 79883
divisions (A)(2) and (B)(1) of this section, the state shall 79884
request an election in accordance with the same requirements as 79885
provided in division (A)(2) of section 4117.07 of the Revised 79886
Code. 79887

(C) Nothing in this section shall be construed to permit the 79888
state to recognize, or the state employment relations board to 79889
certify, a representative organization as an exclusive 79890
representative if there is in effect a lawful written agreement, 79891
contract, or memorandum of understanding between the state and 79892

another representative organization that, on the effective date of 79893
this section, has been recognized by the state as the exclusive 79894
representative of the providers in an appropriate unit or that by 79895
tradition, custom, practice, election, or negotiation has been the 79896
only representative organization representing all providers in the 79897
unit. This division does not apply to any agreement that has been 79898
in effect in excess of three years. For purposes of this section, 79899
extensions of an agreement do not affect the expiration of the 79900
original agreement. 79901

Sec. 4113.84. (A) All matters pertaining to wages, hours, 79902
terms and other conditions of employment that are within the 79903
control of the state, the continuation, modification, or deletion 79904
of an existing provision of a collective bargaining agreement 79905
shall be subject to collective bargaining between the state and 79906
the exclusive representative as described in section 4113.83 of 79907
the Revised Code, except as otherwise specified in this section. 79908

(B) This section shall not alter the unique relations between 79909
providers and recipients of care. The recipient retains the 79910
absolute right to choose providers and to control the hiring, 79911
termination, and supervision of providers. 79912

(C) This section shall not affect the ability of the state to 79913
take appropriate action when a provider is no longer eligible to 79914
provide care under state or federal law, or any rules or 79915
regulations adopted thereunder. 79916

Sec. 4113.85. The parties to any collective bargaining 79917
agreement entered into pursuant to sections 4113.81, 4113.82, 79918
4113.83, and 4113.84 of the Revised Code shall record that 79919
agreement in writing, which is to be executed by all of the 79920
parties to the agreement. The agreement shall contain the same 79921
provisions as described in divisions (B), (C), and (E) of section 79922

4117.09 of the Revised Code. Such provisions shall apply to the 79923
state, its agents or representatives, any representative 79924
organization, its agents or representatives, and to providers in 79925
the same manner as the same provisions apply to public employers, 79926
public employees, and employee organizations as described in 79927
Chapter 4117. of the Revised Code. 79928

Sec. 4113.86. The state employment relations board has the 79929
same authority as described in sections 4117.12 and 4117.13 of the 79930
Revised Code to investigate, hold hearings, make determinations, 79931
and issue complaints regarding unfair labor practices, insofar as 79932
that authority does not conflict with sections 4113.81, 4113.82, 79933
4113.83, 4113.84, 4113.85, and 4113.86 of the Revised Code. For 79934
purposes of this section, "unfair labor practice" has the same 79935
meaning as section 4117.11 of the Revised Code, except any 79936
provisions applying to public employers shall apply to the state, 79937
any provisions applying to employee organizations shall apply to 79938
representative organizations, and any provisions applying to 79939
public employees shall apply to providers. 79940

Sec. 4117.01. As used in this chapter: 79941

(A) "Person," in addition to those included in division (C) 79942
of section 1.59 of the Revised Code, includes employee 79943
organizations, public employees, and public employers. 79944

(B)(1) "Public employer" means the state or any political 79945
subdivision of the state located entirely within the state, 79946
including, without limitation, any municipal corporation with a 79947
population of at least five thousand according to the most recent 79948
federal decennial census; county; township with a population of at 79949
least five thousand in the unincorporated area of the township 79950
according to the most recent federal decennial census; school 79951
district; governing authority of a community school established 79952

under Chapter 3314. of the Revised Code; state institution of 79953
higher learning; public or special district; state agency, 79954
authority, commission, or board; or other branch of public 79955
employment. 79956

(2) With respect to permanent, full-time, paid members of a 79957
fire department of a township, "public employer" also means a 79958
township, regardless of the population of the township. 79959

(C) "Public employee" means any person holding a position by 79960
appointment or employment in the service of a public employer, 79961
including any person working pursuant to a contract between a 79962
public employer and a private employer and over whom the national 79963
labor relations board has declined jurisdiction on the basis that 79964
the involved employees are employees of a public employer, except: 79965

(1) Persons holding elective office; 79966

(2) Employees of the general assembly and employees of any 79967
other legislative body of the public employer whose principal 79968
duties are directly related to the legislative functions of the 79969
body; 79970

(3) Employees on the staff of the governor or the chief 79971
executive of the public employer whose principal duties are 79972
directly related to the performance of the executive functions of 79973
the governor or the chief executive; 79974

(4) Persons who are members of the Ohio organized militia, 79975
while training or performing duty under section 5919.29 or 5923.12 79976
of the Revised Code; 79977

(5) Employees of the state employment relations board, 79978
including those employees of the state employment relations board 79979
utilized by the state personnel board of review in the exercise of 79980
the powers and the performance of the duties and functions of the 79981
state personnel board of review; 79982

(6) Confidential employees;	79983
(7) Management level employees;	79984
(8) Employees and officers of the courts, assistants	79985
<u>Assistants</u> to the attorney general, <u>and</u> assistant prosecuting	79986
attorneys, and employees of the clerks of courts who perform a	79987
judicial function;	79988
(9) Employees of a public official who act in a fiduciary	79989
capacity, appointed pursuant to section 124.11 of the Revised	79990
Code;	79991
(10) Supervisors;	79992
(11) Students whose primary purpose is educational training,	79993
including graduate assistants or associates, residents, interns,	79994
or other students working as part-time public employees less than	79995
fifty per cent of the normal year in the employee's bargaining	79996
unit;	79997
(12) Employees of county boards of election;	79998
(13) Seasonal and casual employees as determined by the state	79999
employment relations board;	80000
(14) Part-time faculty members of an institution of higher	80001
education;	80002
(15) Employees of the state personnel board of review;	80003
(16) Participants in a work activity, developmental activity,	80004
or alternative work activity under sections 5107.40 to 5107.69 of	80005
the Revised Code who perform a service for a public employer that	80006
the public employer needs but is not performed by an employee of	80007
the public employer if the participant is not engaged in paid	80008
employment or subsidized employment pursuant to the activity;	80009
(17) <u>(16)</u> Employees included in the career professional	80010
service of the department of transportation under section 5501.20	80011
of the Revised Code;	80012

~~(18) Employees of community based correctional facilities and 80013
district community based correctional facilities created under 80014
sections 2301.51 to 2301.58 of the Revised Code who are not 80015
subject to a collective bargaining agreement on June 1, 2005. 80016~~

(D) "Employee organization" means any labor or bona fide 80017
organization in which public employees participate and that exists 80018
for the purpose, in whole or in part, of dealing with public 80019
employers concerning grievances, labor disputes, wages, hours, 80020
terms, and other conditions of employment. 80021

(E) "Exclusive representative" means the employee 80022
organization certified or recognized as an exclusive 80023
representative under section 4117.05 of the Revised Code. 80024

(F) "Supervisor" means any individual who has authority, in 80025
the interest of the public employer, to hire, transfer, suspend, 80026
lay off, recall, promote, discharge, assign, reward, or discipline 80027
other public employees; to responsibly direct them; to adjust 80028
their grievances; or to effectively recommend such action, if the 80029
exercise of that authority is not of a merely routine or clerical 80030
nature, but requires the use of independent judgment, provided 80031
that: 80032

(1) Employees of school districts who are department 80033
chairpersons or consulting teachers shall not be deemed 80034
supervisors; 80035

(2) With respect to members of a police or fire department, 80036
no person shall be deemed a supervisor except the chief of the 80037
department or those individuals who, in the absence of the chief, 80038
are authorized to exercise the authority and perform the duties of 80039
the chief of the department. Where prior to June 1, 1982, a public 80040
employer pursuant to a judicial decision, rendered in litigation 80041
to which the public employer was a party, has declined to engage 80042
in collective bargaining with members of a police or fire 80043

department on the basis that those members are supervisors, those 80044
members of a police or fire department do not have the rights 80045
specified in this chapter for the purposes of future collective 80046
bargaining. The state employment relations board shall decide all 80047
disputes concerning the application of division (F)(2) of this 80048
section. 80049

(3) With respect to faculty members of a state institution of 80050
higher education, heads of departments or divisions are 80051
supervisors; however, no other faculty member or group of faculty 80052
members is a supervisor solely because the faculty member or group 80053
of faculty members participate in decisions with respect to 80054
courses, curriculum, personnel, or other matters of academic 80055
policy; 80056

(4) No teacher as defined in section 3319.09 of the Revised 80057
Code shall be designated as a supervisor or a management level 80058
employee unless the teacher is employed under a contract governed 80059
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 80060
is assigned to a position for which a license deemed to be for 80061
administrators under state board rules is required pursuant to 80062
section 3319.22 of the Revised Code. 80063

(G) "To bargain collectively" means to perform the mutual 80064
obligation of the public employer, by its representatives, and the 80065
representatives of its employees to negotiate in good faith at 80066
reasonable times and places with respect to wages, hours, terms, 80067
and other conditions of employment and the continuation, 80068
modification, or deletion of an existing provision of a collective 80069
bargaining agreement, with the intention of reaching an agreement, 80070
or to resolve questions arising under the agreement. "To bargain 80071
collectively" includes executing a written contract incorporating 80072
the terms of any agreement reached. The obligation to bargain 80073
collectively does not mean that either party is compelled to agree 80074
to a proposal nor does it require the making of a concession. 80075

(H) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Unauthorized strike" includes any such action, absence, stoppage, slowdown, or abstinence when done partially or intermittently, whether during or after the expiration of the term or extended term of a collective bargaining agreement or during or after the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code.

(J) "Professional employee" means any employee engaged in work that is predominantly intellectual, involving the consistent exercise of discretion and judgment in its performance and requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship; or an employee who has completed the courses of specialized intellectual

instruction and is performing related work under the supervision 80108
of a professional person to become qualified as a professional 80109
employee. 80110

(K) "Confidential employee" means any employee who works in 80111
the personnel offices of a public employer and deals with 80112
information to be used by the public employer in collective 80113
bargaining; or any employee who works in a close continuing 80114
relationship with public officers or representatives directly 80115
participating in collective bargaining on behalf of the employer. 80116

(L) "Management level employee" means an individual who 80117
formulates policy on behalf of the public employer, who 80118
responsibly directs the implementation of policy, or who may 80119
reasonably be required on behalf of the public employer to assist 80120
in the preparation for the conduct of collective negotiations, 80121
administer collectively negotiated agreements, or have a major 80122
role in personnel administration. Assistant superintendents, 80123
principals, and assistant principals whose employment is governed 80124
by section 3319.02 of the Revised Code are management level 80125
employees. With respect to members of a faculty of a state 80126
institution of higher education, no person is a management level 80127
employee because of the person's involvement in the formulation or 80128
implementation of academic or institution policy. 80129

(M) "Wages" means hourly rates of pay, salaries, or other 80130
forms of compensation for services rendered. 80131

(N) "Member of a police department" means a person who is in 80132
the employ of a police department of a municipal corporation as a 80133
full-time regular police officer as the result of an appointment 80134
from a duly established civil service eligibility list or under 80135
section 737.15 or 737.16 of the Revised Code, a full-time deputy 80136
sheriff appointed under section 311.04 of the Revised Code, a 80137
township constable appointed under section 509.01 of the Revised 80138
Code, or a member of a township police district police department 80139

appointed under section 505.49 of the Revised Code. 80140

(O) "Members of the state highway patrol" means highway 80141
patrol troopers and radio operators appointed under section 80142
5503.01 of the Revised Code. 80143

(P) "Member of a fire department" means a person who is in 80144
the employ of a fire department of a municipal corporation or a 80145
township as a fire cadet, full-time regular firefighter, or 80146
promoted rank as the result of an appointment from a duly 80147
established civil service eligibility list or under section 80148
505.38, 709.012, or 737.22 of the Revised Code. 80149

(Q) "Day" means calendar day. 80150

Sec. 4117.02. (A) There is hereby created the state 80151
employment relations board, consisting of three members to be 80152
appointed by the governor with the advice and consent of the 80153
senate. Members shall be knowledgeable about labor relations or 80154
personnel practices. No more than two of the three members shall 80155
belong to the same political party. A member of the state 80156
employment relations board during the member's period of service 80157
shall hold no other public office or public or private employment 80158
and shall allow no other responsibilities to interfere or conflict 80159
with the member's duties as a full-time state employment relations 80160
board member. Of the initial appointments made to the state 80161
employment relations board, one shall be for a term ending October 80162
6, 1984, one shall be for a term ending October 6, 1985, and one 80163
shall be for a term ending October 6, 1986. Thereafter, terms of 80164
office shall be for six years, each term ending on the same day of 80165
the same month of the year as did the term that it succeeds. Each 80166
member shall hold office from the date of the member's appointment 80167
until the end of the term for which the member is appointed. Any 80168
member appointed to fill a vacancy occurring prior to the 80169
expiration of the term for which the member's predecessor was 80170

appointed shall hold office for the remainder of the term. Any 80171
member shall continue in office subsequent to the expiration of 80172
the member's term until the member's successor takes office or 80173
until a period of sixty days has elapsed, whichever occurs first. 80174
The governor may remove any member of the state employment 80175
relations board, upon notice and public hearing, for neglect of 80176
duty or malfeasance in office, but for no other cause. 80177

(B)(1) The governor shall designate one member of the state 80178
employment relations board to serve as chairperson of the state 80179
employment relations board. The chairperson is the head of the 80180
state employment relations board and its chief executive officer. 80181

(2) The chairperson shall exercise all administrative powers 80182
and duties conferred upon the state employment relations board 80183
under this chapter and shall do all of the following: 80184

(a) ~~Except as provided in division (F)(2) of this section,~~ 80185
~~employ~~ Employ, promote, supervise, and remove all employees of the 80186
state employment relations board, and establish, change, or 80187
abolish positions and assign or reassign the duties of those 80188
employees as the chairperson determines necessary to achieve the 80189
most efficient performance of the ~~board's~~ duties of the state 80190
employment relations board under this chapter; 80191

(b) Determine the utilization by the state personnel board of 80192
review of employees of the state employment relations board as 80193
necessary for the state personnel board of review to exercise the 80194
powers and perform the duties of the state personnel board of 80195
review. 80196

(c) Maintain the office of the state employment relations 80197
board in Columbus and manage the office's daily operations, 80198
including securing offices, facilities, equipment, and supplies 80199
necessary to house the state employment relations board, employees 80200
of the state employment relations board, the state personnel board 80201

of review, and files and records under the ~~board's~~ control of the 80202
state employment relations board and under the control of the 80203
state personnel board of review; 80204

~~(e)~~(d) Prepare and submit to the office of budget and 80205
management a budget for each biennium according to section 107.03 80206
of the Revised Code, and include in the budget the costs of the 80207
state employment relations board and its staff and the ~~board's~~ 80208
costs of the state employment relations board in discharging any 80209
duty imposed by law upon the state employment relations board, the 80210
chairperson, or any of the ~~board's~~ employees or agents of the 80211
state employment relations board, and the costs of the state 80212
personnel board of review in discharging any duty imposed by law 80213
on the state personnel board of review or an agent of the state 80214
personnel board of review. 80215

(C) The vacancy on the state employment relations board does 80216
not impair the right of the remaining members to exercise all the 80217
powers of the state employment relations board, and two members of 80218
the state employment relations board, at all times, constitute a 80219
quorum. The state employment relations board shall have an 80220
official seal of which courts shall take judicial notice. 80221

(D) The state employment relations board shall make an annual 80222
report in writing to the governor and to the general assembly, 80223
stating in detail the work it has done. 80224

(E) Compensation of the chairperson and members shall be in 80225
accordance with division (J) of section 124.15 of the Revised 80226
Code. The chairperson and the members are eligible for 80227
reappointment. In addition to such compensation, all members shall 80228
be reimbursed for their necessary expenses incurred in the 80229
performance of their work as members. 80230

(F)(1) The chairperson, after consulting with the other state 80231
employment relations board members and receiving the consent of at 80232

least one other board member, shall appoint an executive director. 80233
The chairperson also shall appoint attorneys and ~~attorney trial~~ 80234
~~examiners~~ shall appoint an assistant executive director who shall 80235
be an attorney admitted to practice law in this state and who 80236
shall serve as a liaison to the attorney general on legal matters 80237
before the state employment relations board. 80238

(2) The state employment relations board shall appoint 80239
~~mediators, arbitrators,~~ members of fact-finding panels, ~~and~~ 80240
~~directors for local areas,~~ and shall prescribe their job duties. 80241

(G)(1) The executive director shall serve at the pleasure of 80242
the chairperson. The executive director, under the direction of 80243
the chairperson, shall do all of the following: 80244

(a) Act as chief administrative officer for the state 80245
employment relations board; 80246

(b) Ensure that all employees of the state employment 80247
relations board comply with the rules of the state employment 80248
relations board; 80249

(c) Do all things necessary for the efficient and effective 80250
implementation of the duties of the state employment relations 80251
board. 80252

(2) The duties of the executive director described in 80253
division (G)(1) of this section do not relieve the chairperson 80254
from final responsibility for the proper performance of the duties 80255
described in that division. 80256

(H) The attorney general shall be the legal adviser of the 80257
state employment relations board and shall appear for and 80258
represent the state employment relations board and its agents in 80259
all legal proceedings. The state employment relations board may 80260
utilize regional, local, or other agencies, and utilize voluntary 80261
and uncompensated services as needed. The state employment 80262
relations board may contract with the federal mediation and 80263

conciliation service for the assistance of mediators, arbitrators, 80264
and other personnel the service makes available. The ~~board and the~~ 80265
~~chairperson, respectively,~~ shall appoint all employees on the 80266
basis of training, practical experience, education, and character, 80267
notwithstanding the requirements established by section 119.09 of 80268
the Revised Code. The ~~board~~ chairperson shall give special regard 80269
to the practical training and experience that employees have for 80270
the particular position involved. ~~All full-time employees of the~~ 80271
~~board excepting the~~ The executive director, the head of the bureau 80272
~~of mediation assistant executive director, administrative law~~ 80273
judges, employees holding a fiduciary or administrative relation 80274
to the state employment relations board as described in division 80275
(A)(9) of section 124.11 of the Revised Code, and the personal 80276
secretaries and assistants of the state employment relations board 80277
members are in the ~~classified~~ unclassified service. All other 80278
full-time employees of the state employment relations board are in 80279
the classified service. All employees of the state employment 80280
relations board shall be paid in accordance with Chapter 124. of 80281
the Revised Code. 80282

(I) The ~~board~~ chairperson shall select and assign ~~examiners~~ 80283
administrative law judges and other agents whose functions are to 80284
conduct hearings with due regard to their impartiality, judicial 80285
temperament, and knowledge. If in any proceeding under this 80286
chapter, any party prior to five days before the hearing thereto 80287
files with the state employment relations board a sworn statement 80288
charging that the ~~examiner~~ administrative law judge or other agent 80289
designated to conduct the hearing is biased or partial in the 80290
proceeding, the state employment relations board may disqualify 80291
the person and designate another ~~examiner~~ administrative law judge 80292
or agent to conduct the proceeding. At least ten days before any 80293
hearing, the state employment relations board shall notify all 80294
parties to a proceeding of the name of the ~~examiner~~ administrative 80295
law judge or agent designated to conduct the hearing. 80296

(J) The principal office of the state employment relations 80297
board is in Columbus, but it may meet and exercise any or all of 80298
its powers at any other place within the state. The state 80299
employment relations board may, by one or more of its employees, 80300
or any agents or agencies it designates, conduct in any part of 80301
this state any proceeding, hearing, investigation, inquiry, or 80302
election necessary to the performance of its functions; provided, 80303
that no person so designated may later sit in determination of an 80304
appeal of the decision of that cause or matter. 80305

(K) In addition to the powers and functions provided in other 80306
sections of this chapter, the state employment relations board 80307
shall do all of the following: 80308

(1) Create a bureau of mediation within the state employment 80309
relations board, to perform the functions provided in section 80310
4117.14 of the Revised Code. This bureau shall also establish, 80311
after consulting representatives of employee organizations and 80312
public employers, panels of qualified persons to be available to 80313
serve as members of fact-finding panels and arbitrators. 80314

(2) Conduct studies of problems involved in representation 80315
and negotiation and make recommendations for legislation; 80316

(3) Hold hearings pursuant to this chapter and, for the 80317
purpose of the hearings and inquiries, administer oaths and 80318
affirmations, examine witnesses and documents, take testimony and 80319
receive evidence, compel the attendance of witnesses and the 80320
production of documents by the issuance of subpoenas, and delegate 80321
these powers to any members of the state employment relations 80322
board or any ~~attorney trial examiner appointed~~ administrative law 80323
judge employed by the state employment relations board for the 80324
performance of its functions; 80325

(4) Train representatives of employee organizations and 80326
public employers in the rules and techniques of collective 80327

bargaining procedures; 80328

(5) Make studies and analyses of, and act as a clearinghouse 80329
of information relating to, conditions of employment of public 80330
employees throughout the state and request assistance, services, 80331
and data from any public employee organization, public employer, 80332
or governmental unit. Public employee organizations, public 80333
employers, and governmental units shall provide such assistance, 80334
services, and data as will enable the state employment relations 80335
board to carry out its functions and powers. 80336

(6) Make available to employee organizations, public 80337
employers, mediators, fact-finding panels, arbitrators, and joint 80338
study committees statistical data relating to wages, benefits, and 80339
employment practices in public and private employment applicable 80340
to various localities and occupations to assist them to resolve 80341
issues in negotiations; 80342

(7) Notwithstanding section 119.13 of the Revised Code, 80343
establish standards of persons who practice before it; 80344

(8) Adopt, amend, and rescind rules and procedures and 80345
exercise other powers appropriate to carry out this chapter. 80346
Before the adoption, amendment, or rescission of rules and 80347
procedures under this section, the state employment relations 80348
board shall do all of the following: 80349

(a) Maintain a list of interested public employers and 80350
employee organizations and mail notice to such groups of any 80351
proposed rule or procedure, amendment thereto, or rescission 80352
thereof at least thirty days before any public hearing thereon; 80353

(b) Mail a copy of each proposed rule or procedure, amendment 80354
thereto, or rescission thereof to any person who requests a copy 80355
within five days after receipt of the request therefor; 80356

(c) Consult with appropriate statewide organizations 80357
representing public employers or employees who would be affected 80358

by the proposed rule or procedure. 80359

Although the state employment relations board is expected to 80360
discharge these duties diligently, failure to mail any notice or 80361
copy, or to so consult with any person, is not jurisdictional and 80362
shall not be construed to invalidate any proceeding or action of 80363
the state employment relations board. 80364

(L) In case of neglect or refusal to obey a subpoena issued 80365
to any person, the court of common pleas of the county in which 80366
the investigation or the public hearing occurs, upon application 80367
by the state employment relations board, may issue an order 80368
requiring the person to appear before the state employment 80369
relations board and give testimony about the matter under 80370
investigation. The court may punish a failure to obey the order as 80371
contempt. 80372

(M) Any subpoena, notice of hearing, or other process or 80373
notice of the state employment relations board issued under this 80374
section may be served personally, by certified mail, or by leaving 80375
a copy at the principal office or personal residence of the 80376
respondent required to be served. A return, made and verified by 80377
the individual making the service and setting forth the manner of 80378
service, is proof of service, and a return post office receipt, 80379
when certified mail is used, is proof of service. All process in 80380
any court to which application is made under this chapter may be 80381
served in the county wherein the persons required to be served 80382
reside or are found. 80383

(N) All expenses of the state employment relations board, 80384
including all necessary traveling and subsistence expenses 80385
incurred by the members or employees of the state employment 80386
relations board under its orders, shall be paid pursuant to 80387
itemized vouchers approved by the chairperson of the state 80388
employment relations board, the executive director, or both, or 80389
such other person as the chairperson designates for that purpose. 80390

(O) Whenever the state employment relations board determines 80391
that a substantial controversy exists with respect to the 80392
application or interpretation of this chapter and the matter is of 80393
public or great general interest, the state employment relations 80394
board shall certify its final order directly to the court of 80395
appeals having jurisdiction over the area in which the principal 80396
office of the public employer directly affected by the application 80397
or interpretation is located. The chairperson shall file with the 80398
clerk of the court a certified copy of the transcript of the 80399
proceedings before the state employment relations board pertaining 80400
to the final order. If upon hearing and consideration the court 80401
decides that the final order of the state employment relations 80402
board is unlawful or is not supported by substantial evidence on 80403
the record as a whole, the court shall reverse and vacate the 80404
final order or modify it and enter final judgment in accordance 80405
with the modification; otherwise, the court shall affirm the final 80406
order. The notice of the final order of the state employment 80407
relations board to the interested parties shall contain a 80408
certification by the chairperson of the state employment relations 80409
board that the final order is of public or great general interest 80410
and that a certified transcript of the record of the proceedings 80411
before the state employment relations board had been filed with 80412
the clerk of the court as an appeal to the court. For the purposes 80413
of this division, the state employment relations board has 80414
standing to bring its final order properly before the court of 80415
appeals. 80416

(P) Except as otherwise specifically provided in this 80417
section, the state employment relations board is subject to 80418
Chapter 119. of the Revised Code, including the procedure for 80419
submission of proposed rules to the general assembly for 80420
legislative review under division (H) of section 119.03 of the 80421
Revised Code. 80422

Sec. 4117.07. (A) When a petition is filed, in accordance 80423
with rules prescribed by the state employment relations board: 80424

(1) By any employee or group of employees, or any individual 80425
or employee organization acting in their behalf, alleging that at 80426
least thirty per cent of the employees in an appropriate unit wish 80427
to be represented for collective bargaining by an exclusive 80428
representative, or asserting that the designated exclusive 80429
representative is no longer the representative of the majority of 80430
employees in the unit, the board shall investigate the petition, 80431
and if it has reasonable cause to believe that a question of 80432
representation exists, provide for an appropriate hearing upon due 80433
notice to the parties; 80434

(2) By the employer alleging that one or more employee 80435
organizations has presented to it a claim to be recognized as the 80436
exclusive representative in an appropriate unit, the board shall 80437
investigate the petition, and if it has reasonable cause to 80438
believe that a question of representation exists, provide for an 80439
appropriate hearing upon due notice to the parties. 80440

If the board finds upon the record of a hearing that a 80441
question of representation exists, it shall direct an election and 80442
certify the results thereof. No one may vote in an election by 80443
~~mail or~~ proxy. The board may also certify an employee organization 80444
as an exclusive representative if it determines that a free and 80445
untrammelled election cannot be conducted because of the 80446
employer's unfair labor practices and that at one time the 80447
employee organization had the support of the majority of the 80448
employees in the unit. 80449

(B) Only the names of those employee organizations designated 80450
by more than ten per cent of the employees in the unit found to be 80451
appropriate may be placed on the ballot. Nothing in this section 80452
shall be construed to prohibit the waiving of hearings by 80453

stipulation, in conformity with the rules of the board, for the 80454
purpose of a consent election. 80455

(C) The board shall conduct representation elections by 80456
secret ballot cast, at the board's discretion, by mail or 80457
electronically or in person, and at times and places selected by 80458
the board subject to the following: 80459

(1) The board shall give no less than ten days' notice of the 80460
time and place of an election; 80461

(2) The board shall establish rules concerning the conduct of 80462
any election including, but not limited to, rules to guarantee the 80463
secrecy of the ballot; 80464

(3) The board may not certify a representative unless the 80465
representative receives a majority of the valid ballots cast; 80466

(4) Except as provided in this section, the board shall 80467
include on the ballot a choice of "no representative"; 80468

(5) In an election where none of the choices on the ballot 80469
receives a majority, the board shall conduct a runoff election. In 80470
that case, the ballot shall provide for a selection between the 80471
two choices or parties receiving the highest and the second 80472
highest number of ballots cast in the election. 80473

(6) The board may not conduct an election under this section 80474
in any appropriate bargaining unit within which a board-conducted 80475
election was held in the preceding twelve-month period, nor during 80476
the term of any lawful collective bargaining agreement between a 80477
public employer and an exclusive representative. 80478

Petitions for elections may be filed with the board no sooner 80479
than one hundred twenty days or later than ninety days before the 80480
expiration date of any collective bargaining agreement, or after 80481
the expiration date, until the public employer and exclusive 80482
representative enter into a new written agreement. 80483

For the purposes of this section, extensions of agreements do 80484
not affect the expiration date of the original agreement. 80485

Sec. 4117.12. (A) Whoever violates section 4117.11 of the 80486
Revised Code is guilty of an unfair labor practice remediable by 80487
the state employment relations board as specified in this section. 80488

(B) When anyone files a charge with the board alleging that 80489
an unfair labor practice has been committed, the board or its 80490
designated agent shall investigate the charge. If the board has 80491
probable cause for believing that a violation has occurred, the 80492
board shall issue a complaint and shall conduct a hearing 80493
concerning the charge. The board shall cause the complaint to be 80494
served upon the charged party which shall contain a notice of the 80495
time at which the hearing on the complaint will be held either 80496
before the board, a board member, or ~~a hearing officer~~ an 80497
administrative law judge. The board may not issue a notice of 80498
hearing based upon any unfair labor practice occurring more than 80499
ninety days prior to the filing of the charge with the board, 80500
unless the person aggrieved thereby is prevented from filing the 80501
charge by reason of service in the armed forces, in which event 80502
the ninety-day period shall be computed from the day of ~~his~~ the 80503
person's discharge. If the board dismisses a complaint as 80504
frivolous, it shall assess costs to the complainant pursuant to 80505
its standards governing such matters, and for that purpose, the 80506
board shall adopt a rule defining the standards by which the board 80507
will declare a complaint to be frivolous and the costs that will 80508
be assessed accordingly. 80509

(1) The board, board member, or ~~hearing officer~~ 80510
administrative law judge shall hold a hearing on the charge within 80511
ten days after service of the complaint. The board may amend a 80512
complaint, upon receipt of a notice from the charging party, at 80513
any time prior to the close of the hearing, and the charged party 80514

shall within ten days from receipt of the complaint or amendment 80515
to the complaint, file an answer to the complaint or amendment to 80516
the complaint. The charged party may file an answer to an original 80517
or amended complaint. The agents of the board and the person 80518
charged are parties and may appear or otherwise give evidence at 80519
the hearing. At the discretion of the board, board member, or 80520
~~hearing officer~~ administrative law judge, any interested party may 80521
intervene and present evidence at the hearing. The board, board 80522
member, or ~~hearing officer~~ administrative law judge is not bound 80523
by the rules of evidence prevailing in the courts. 80524

(2) A board member or ~~hearing officer~~ administrative law 80525
judge who conducts the hearing shall reduce the evidence taken to 80526
writing and file it with the board. The board member or the 80527
~~hearing officer~~ administrative law judge may thereafter take 80528
further evidence or hear further argument if notice is given to 80529
all interested parties. The ~~hearing officer~~ administrative law 80530
judge or board member shall issue to the parties a proposed 80531
decision, together with a recommended order and file it with the 80532
board. If the parties file no exceptions within twenty days after 80533
service thereof, the recommended order becomes the order of the 80534
board effective as therein prescribed. If the parties file 80535
exceptions to the proposed report, the board shall determine 80536
whether substantial issues have been raised. The board may rescind 80537
or modify the proposed order of the board member or ~~hearing~~ 80538
~~officer~~ administrative law judge; however, if the board determines 80539
that the exceptions do not raise substantial issues of fact or 80540
law, it may refuse to grant review, and the recommended order 80541
becomes effective as therein prescribed. 80542

(3) If upon the preponderance of the evidence taken, the 80543
board believes that any person named in the complaint has engaged 80544
in any unfair labor practice, the board shall state its findings 80545
of fact and issue and cause to be served on the person an order 80546

requiring that ~~he~~ the person cease and desist from these unfair 80547
labor practices, and take such affirmative action, including 80548
reinstatement of employees with or without back pay, as will 80549
effectuate the policies of Chapter 4117. of the Revised Code. If 80550
upon a preponderance of the evidence taken, the board believes 80551
that the person named in the complaint has not engaged in an 80552
unfair labor practice it shall state its findings of fact and 80553
issue an order dismissing the complaint. 80554

(4) The board may order the public employer to reinstate the 80555
public employee and further may order either the public employer 80556
or the employee organization, depending on who was responsible for 80557
the discrimination suffered by the public employee, to make such 80558
payment of back pay to the public employee as the board 80559
determines. No order of the board shall require the reinstatement 80560
of any individual as an employee who has been suspended or 80561
discharged, or require the payment to ~~him~~ the employee of any back 80562
pay, if the suspension or discharge was for just cause not related 80563
to rights provided in section 4117.03 of the Revised Code and the 80564
procedure contained in the collective bargaining agreement 80565
governing suspension or discharge was followed. The order of the 80566
board may require the party against whom the order is issued to 80567
make periodic reports showing the extent to which ~~he~~ the party has 80568
complied with the order. 80569

(C) Whenever a complaint alleges that a person has engaged in 80570
an unfair labor practice and that the complainant will suffer 80571
substantial and irreparable injury if not granted temporary 80572
relief, the board may petition the court of common pleas for any 80573
county wherein the alleged unfair labor practice in question 80574
occurs, or wherein any person charged with the commission of any 80575
unfair labor practice resides or transacts business for 80576
appropriate injunctive relief, pending the final adjudication by 80577
the board with respect to the matter. Upon the filing of any 80578

petition, the court shall cause notice thereof to be served upon 80579
the parties, and thereupon has jurisdiction to grant the temporary 80580
relief or restraining order it considers just and proper. 80581

(D) Until the record in a case is filed in a court, as 80582
specified in Chapter 4117. of the Revised Code, the board may at 80583
any time upon reasonable notice and in a manner it considers 80584
proper, modify or set aside, in whole or in part, any finding or 80585
order made or issued by it. 80586

Sec. 4117.24. (A) The training, publications, and grants fund 80587
is hereby created in the state treasury. The state employment 80588
relations board shall deposit into the training, publications, and 80589
grants fund all moneys received from the following sources: 80590

~~(A)~~(1) Payments received by the state employment relations 80591
board for copies of documents, rulebooks, and other publications; 80592

~~(B)~~(2) Fees received from seminar participants; 80593

~~(C)~~(3) Receipts from the sale of clearinghouse data; 80594

~~(D)~~(4) Moneys received from grants, donations, awards, 80595
bequests, gifts, reimbursements, and similar funds; 80596

~~(E)~~(5) Reimbursement received for professional services and 80597
expenses related to professional services; 80598

~~(F)~~(6) Funds received to support the development of labor 80599
relations services and programs. ~~The~~ 80600

(7) Moneys received by the state personnel board of review 80601
pursuant to division (C) of section 124.03 of the Revised Code. 80602

(B) The state employment relations board shall use all moneys 80603
deposited into the training, publications, and grants fund to 80604
defray ~~the~~ all of the following: 80605

(1) The costs of furnishing and making available copies of 80606
documents, rulebooks, and other publications; ~~the~~ 80607

(2) The costs of planning, organizing, and conducting 80608
training seminars; ~~the~~ 80609

(3) The costs associated with grant projects, innovative 80610
labor-management cooperation programs, research projects related 80611
to these grants and programs, and the advancement in 80612
professionalism of public sector relations; ~~the~~ 80613

(4) The professional development of state employment 80614
relations board employees; ~~and the~~ 80615

(5) The costs of compiling clearinghouse data; 80616

(6) The cost of producing the administrative record of the 80617
state personnel board of review. 80618

The state employment relations board may seek, solicit, apply 80619
for, receive, and accept grants, gifts, and contributions of 80620
money, property, labor, and other things of value to be held for, 80621
used for, and applied to only the purpose for which the grants, 80622
gifts, and contributions are made, from individuals, private and 80623
public corporations, the United States or any agency thereof, the 80624
state or any agency thereof, and any political subdivision of the 80625
state, and may enter into any contract with any such public or 80626
private source in connection therewith to be held for, used for, 80627
and applied to only the purposes for which such grants are made 80628
and contracts are entered into, all subject to and in accordance 80629
with the purposes of this chapter. Any money received from the 80630
grants, gifts, contributions, or contracts shall be deposited into 80631
the training, publications, and grants fund. 80632

Sec. 4121.125. (A) The bureau of workers' compensation board 80633
of directors, based upon recommendations of the workers' 80634
compensation actuarial committee, may contract with one or more 80635
outside actuarial firms and other professional persons, as the 80636
board determines necessary, to assist the board in measuring the 80637

performance of Ohio's workers' compensation system and in 80638
comparing Ohio's workers' compensation system to other state and 80639
private workers' compensation systems. The board, actuarial firm 80640
or firms, and professional persons shall make such measurements 80641
and comparisons using accepted insurance industry standards, 80642
including, but not limited to, standards promulgated by the 80643
National Council on Compensation Insurance. 80644

(B) The board may contract with one or more outside firms to 80645
conduct management and financial audits of the workers' 80646
compensation system, including audits of the reserve fund 80647
belonging to the state insurance fund, and to establish objective 80648
quality management principles and methods by which to review the 80649
performance of the workers' compensation system. 80650

(C) The board shall do all of the following: 80651

(1) Contract to have prepared annually by or under the 80652
supervision of an actuary a report that meets the requirements 80653
specified under division (E) of this section and that consists of 80654
an actuarial valuation of the assets, liabilities, and funding 80655
requirements of the state insurance fund and all other funds 80656
specified in this chapter and Chapters 4123., 4127., and 4131. of 80657
the Revised Code; 80658

(2) Require that the actuary or person supervised by an 80659
actuary referred to in division (C)(1) of this section complete 80660
the valuation in accordance with the actuarial standards of 80661
practice promulgated by the actuarial standards board of the 80662
American academy of actuaries; 80663

(3) Submit the report referred to in division (C)(1) of this 80664
section to the workers' compensation council and the standing 80665
committees of the house of representatives and the senate with 80666
primary responsibility for workers' compensation legislation not 80667
later than the first day of September following the year for which 80668

the valuation was made; 80669

(4) Have an actuary or a person who provides actuarial 80670
services under the supervision of an actuary, at such time as the 80671
board determines, and at least once during the five-year period 80672
that commences on ~~the effective date of this amendment~~ September 80673
10, 2007, and once within each five-year period thereafter, 80674
conduct an actuarial investigation of the experience of employers, 80675
the mortality, service, and injury rate of employees, and the 80676
payment of temporary total disability, permanent partial 80677
disability, and permanent total disability under sections 4123.56 80678
to 4123.58 of the Revised Code to update the actuarial assumptions 80679
used in the report required by division (C)(1) of this section; 80680
80681

(5) Submit the report required under division (F) of this 80682
section to the council and the standing committees of the house of 80683
representatives and the senate with primary responsibility for 80684
workers' compensation legislation not later than the first day of 80685
November following the fifth year of the period that the report 80686
covers; 80687

(6) Have prepared by or under the supervision of an actuary 80688
an actuarial analysis of any introduced legislation expected to 80689
have a measurable financial impact on the workers' compensation 80690
system; 80691

(7) Submit the report required under division (G) of this 80692
section to the legislative service commission, the standing 80693
committees of the house of representatives and the senate with 80694
primary responsibility for workers' compensation legislation, and 80695
the council not later than sixty days after the date of 80696
introduction of the legislation. 80697

(D) The administrator of workers' compensation and the 80698
industrial commission shall compile information and provide access 80699

to records of the bureau and the industrial commission to the 80700
board to the extent necessary for fulfillment of both of the 80701
following requirements: 80702

(1) Conduct of the measurements and comparisons described in 80703
division (A) of this section; 80704

(2) Conduct of the management and financial audits and 80705
establishment of the principles and methods described in division 80706
(B) of this section. 80707

(E) The firm or person with whom the board contracts pursuant 80708
to division (C)(1) of this section shall prepare a report of the 80709
valuation and submit the report to the board. The firm or person 80710
shall include all of the following information in the report that 80711
is required under division (C)(1) of this section: 80712

(1) A summary of the compensation and benefit provisions 80713
evaluated; 80714

(2) A summary of the census data and financial information 80715
used in the valuation; 80716

(3) A description of the actuarial assumptions, actuarial 80717
cost method, and asset valuation method used in the valuation; 80718

(4) A summary of findings that includes a statement of the 80719
actuarial accrued compensation and benefit liabilities and 80720
unfunded actuarial accrued compensation and benefit liabilities; 80721

(5) A schedule showing the effect of any changes in the 80722
compensation and benefit provisions, actuarial assumptions, or 80723
cost methods since the previous annual actuarial valuation report 80724
was submitted to the board. 80725

(F) The actuary or person whom the board designates to 80726
conduct an actuarial investigation under division (C)(4) of this 80727
section shall prepare a report of the actuarial investigation and 80728
shall submit the report to the board. The actuary or person shall 80729

prepare the report and make any recommended changes in actuarial 80730
assumptions in accordance with the actuarial standards of practice 80731
promulgated by the actuarial standards board of the American 80732
academy of actuaries. The actuary or person shall include all of 80733
the following information in the report: 80734

(1) A summary of relevant decrement and economic assumption 80735
experience; 80736

(2) Recommended changes in actuarial assumptions to be used 80737
in subsequent actuarial valuations required by division (C)(1) of 80738
this section; 80739

(3) A measurement of the financial effect of the recommended 80740
changes in actuarial assumptions. 80741

(G) The actuary or person whom the board designates to 80742
conduct the actuarial analysis under division (C)(6) of this 80743
section shall prepare a report of the actuarial analysis and shall 80744
submit that report to the board. The actuary or person shall 80745
complete the analysis in accordance with the actuarial standards 80746
of practice promulgated by the actuarial standards board of the 80747
American academy of actuaries. The actuary or person shall include 80748
all of the following information in the report: 80749

(1) A summary of the statutory changes being evaluated; 80750

(2) A description of or reference to the actuarial 80751
assumptions and actuarial cost method used in the report; 80752

(3) A description of the participant group or groups included 80753
in the report; 80754

(4) A statement of the financial impact of the legislation, 80755
including the resulting increase, if any, in employer premiums, in 80756
actuarial accrued liabilities, and, if an increase in actuarial 80757
accrued liabilities is predicted, the per cent of premium increase 80758
that would be required to amortize the increase in those 80759

liabilities as a level per cent of employer premiums over a period 80760
not to exceed thirty years. 80761

(5) A statement of whether the employer premiums paid to the 80762
bureau of workers' compensation after the proposed change is 80763
enacted are expected to be sufficient to satisfy the funding 80764
objectives established by the board. 80765

(H) The board may, at any time, request an actuary to make 80766
any studies or actuarial valuations to determine the adequacy of 80767
the premium rates established by the administrator in accordance 80768
with sections 4123.29 and 4123.34 of the Revised Code, and may 80769
adjust those rates as recommended by the actuary. 80770

(I) The board shall have an independent auditor, at least 80771
once every ten years, conduct a fiduciary performance audit of the 80772
investment program of the bureau of workers' compensation. That 80773
audit shall include an audit of the investment policies approved 80774
by the board and investment procedures of the bureau. The board 80775
shall submit a copy of that audit to the auditor of state. 80776

(J) ~~The administrator, with the advice and consent of the~~ 80777
~~board, shall employ an chief internal auditor who shall report or~~ 80778
~~the office of internal auditing in the office of budget and~~ 80779
~~management, as applicable, shall submit a copy of the preliminary~~ 80780
~~report of the internal audit findings and recommendations and a~~ 80781
~~copy of the final report directly to the board, and the workers'~~ 80782
~~compensation audit committee, and in addition to the~~ 80783
~~administrator, except that the internal auditor shall not report~~ 80784
~~findings directly to the administrator when those findings involve~~ 80785
~~malfeasance, misfeasance, or nonfeasance on the part of the~~ 80786
~~administrator. The board and the workers' compensation audit~~ 80787
~~committee may request and review internal audits conducted by the~~ 80788
~~internal auditor as required under section 126.47 of the Revised~~ 80789
Code. 80790

(K) The administrator shall pay the expenses incurred by the board to effectively fulfill its duties and exercise its powers under this section as the administrator pays other operating expenses of the bureau.

Sec. 4123.442. When developing the investment policy for the investment of the assets of the funds specified in this chapter and Chapters 4121., 4127., and 4131. of the Revised Code, the workers' compensation investment committee shall do all of the following:

(A) Specify the asset allocation targets and ranges, risk factors, asset class benchmarks, time horizons, total return objectives, and performance evaluation guidelines;

(B) Prohibit investing the assets of those funds, directly or indirectly, in vehicles that target any of the following:

(1) Coins;

(2) Artwork;

(3) Horses;

(4) Jewelry or gems;

(5) Stamps;

(6) Antiques;

(7) Artifacts;

(8) Collectibles;

(9) Memorabilia;

(10) Similar unregulated investments that are not commonly part of an institutional portfolio, that lack liquidity, and that lack readily determinable valuation.

(C) Specify that the administrator of workers' compensation may invest in an investment class only if the bureau of workers'

compensation board of directors, by a majority vote, opens that 80819
class; 80820

(D) Prohibit investing the assets of those funds in any class 80821
of investments the board, by majority vote, closed, or any 80822
specific investment in which the board prohibits the administrator 80823
from investing; 80824

(E) Not specify in the investment policy that the 80825
administrator or employees of the bureau of workers' compensation 80826
are prohibited from conducting business with an investment 80827
management firm, any investment management professional associated 80828
with that firm, any third party solicitor associated with that 80829
firm, or any political action committee controlled by that firm or 80830
controlled by an investment management professional of that firm 80831
based on criteria that are more restrictive than the restrictions 80832
described in divisions (Y) and (Z) of section 3517.13 of the 80833
Revised Code. 80834

(F) Specify in the investment policy that the administrator 80835
or employees of the bureau of workers' compensation, when 80836
contracting with agents and investment managers for the 80837
administration of the assets of the funds, may set aside 80838
approximately fifteen per cent of the contracts for minority owned 80839
and controlled firms, to firms owned and controlled by women, to 80840
ventures involving minority owned and controlled firms, and to 80841
ventures involving firms owned and controlled by women that 80842
otherwise meet the policies and criteria established by the 80843
committee. 80844

Sec. 4123.446. (A) As used in this section: 80845

(1) "Minority business enterprise" has the meaning defined in 80846
section 122.71 of the Revised Code. 80847

(2) "Women's business enterprise" means a business, or a 80848

partnership, corporation, limited liability company, or joint 80849
venture of any kind, that is owned and controlled by women who are 80850
United States citizens and residents of this state. 80851

(B) The administrator of workers' compensation shall submit 80852
annually to the governor and to the general assembly (under 80853
section 101.68 of the Revised Code) a report containing the 80854
following information: 80855

(1) The name of each investment manager that is a minority 80856
business enterprise or a women's business enterprise with which 80857
the administrator contracts; 80858

(2) The amount of assets managed by investment managers that 80859
are minority business enterprises or women's business enterprises, 80860
expressed as a percentage of assets managed by investment managers 80861
with which the administrator has contracted; 80862

(3) Efforts by the administrator to increase utilization of 80863
investment managers that are minority business enterprises or 80864
women's business enterprises. 80865

Sec. 4141.08. (A) There is hereby created an unemployment 80866
compensation advisory council appointed as follows: 80867

(1) Three members who on account of their vocation, 80868
employment, or affiliations can be classed as representative of 80869
employers and three members who on account of their vocation, 80870
employment, or affiliation can be classed as representatives of 80871
employees appointed by the governor with the advice and consent of 80872
the senate. All appointees shall be persons whose training and 80873
experience qualify them to deal with the difficult problems of 80874
unemployment compensation, particularly with respect to the legal, 80875
accounting, actuarial, economic, and social aspects of 80876
unemployment compensation; 80877

(2) The chairpersons of the standing committees of the senate 80878

and the house of representatives to which legislation pertaining 80879
to Chapter 4141. of the Revised Code is customarily referred; 80880

(3) Two members of the senate appointed by the president of 80881
the senate; and 80882

(4) Two members of the house of representatives appointed by 80883
the speaker of the house of representatives. 80884

The speaker and the president shall arrange that of the six 80885
legislative members appointed to the council, not more than three 80886
are members of the same political party. 80887

(B) Members appointed by the governor shall serve for a term 80888
of four years, each term ending on the same day as the date of 80889
their original appointment. Legislative members shall serve during 80890
the session of the general assembly to which they are elected and 80891
for as long as they are members of the general assembly. Vacancies 80892
shall be filled in the same manner as the original appointment but 80893
only for the unexpired part of a term. 80894

(C) Members of the council shall serve without salary but, 80895
notwithstanding section 101.26 of the Revised Code, shall be paid 80896
a meeting stipend of fifty dollars per day each and their actual 80897
and necessary expenses while engaged in the performance of their 80898
duties as members of the council which shall be paid from funds 80899
allocated to pay the expenses of the council pursuant to this 80900
section. 80901

(D) The council shall organize itself and select a 80902
chairperson or co-chairpersons and other officers and committees 80903
as it considers necessary. Seven members constitute a quorum and 80904
the council may act only upon the affirmative vote of seven 80905
members. The council shall meet at least once each calendar 80906
quarter but it may meet more often as the council considers 80907
necessary or at the request of the chairperson. 80908

(E) The council may employ professional and clerical 80909

assistance as it considers necessary and may request of the 80910
director of job and family services assistance as it considers 80911
necessary. The director shall furnish the council with office and 80912
meeting space as requested by the council. 80913

(F) The director shall pay the operating expenses of the 80914
council as determined by the council from moneys in the 80915
unemployment compensation special administrative fund established 80916
in section 4141.11 of the Revised Code. 80917

(G) The council shall have access to only the records of the 80918
department of job and family services that are necessary for the 80919
administration of this chapter and to the reasonable services of 80920
the employees of the department. It may request the director, or 80921
any of the employees appointed by the director, or any employer or 80922
employee subject to this chapter, to appear before it and to 80923
testify relative to the functioning of this chapter and to other 80924
relevant matters. The council may conduct research of its own, 80925
make and publish reports, and recommend to the director, the 80926
unemployment compensation review commission, the governor, or the 80927
general assembly needed changes in this chapter, or in the rules 80928
of the department as it considers necessary. 80929

Sec. 4141.11. There is hereby created in the state treasury 80930
the unemployment compensation special administrative fund. The 80931
fund shall consist of all interest collected on delinquent 80932
contributions pursuant to this chapter, all fines and forfeitures 80933
collected under this chapter, and all court costs and interest 80934
paid or collected in connection with the repayment of fraudulently 80935
obtained benefits pursuant to section 4141.35 of the Revised Code. 80936
All interest earned on the money in the fund shall be retained in 80937
the fund and shall not be credited or transferred to any other 80938
fund or account, except as provided in division (B) of this 80939
section. All moneys which are deposited or paid into this fund may 80940

be used by: 80941

(A) The director of job and family services ~~with the approval~~ 80942
~~of the unemployment compensation advisory council,~~ whenever it 80943
appears that such use is necessary for: 80944

(1) The proper administration of this chapter and no federal 80945
funds are available for the specific purpose for which the 80946
expenditure is to be made, provided the moneys are not substituted 80947
for appropriations from federal funds, which in the absence of 80948
such moneys would be available; 80949

(2) The proper administration of this chapter for which 80950
purpose appropriations from federal funds have been requested and 80951
approved but not received, provided the fund would be reimbursed 80952
upon receipt of the federal appropriation; 80953

(3) To the extent possible, the repayment to the unemployment 80954
compensation administration fund of moneys found by the proper 80955
agency of the United States to have been lost or expended for 80956
purposes other than, or an amount in excess of, those found 80957
necessary by the proper agency of the United States for the 80958
administration of this chapter. 80959

(B) The director or the director's deputy whenever it appears 80960
that such use is necessary for the payment of refunds or 80961
adjustments of interest, fines, forfeitures, or court costs 80962
erroneously collected and paid into this fund pursuant to this 80963
chapter. 80964

(C) The director, to pay state disaster unemployment benefits 80965
pursuant to section 4141.292 of the Revised Code. The director 80966
need not have prior approval from the unemployment compensation 80967
advisory council to make these payments. 80968

(D) The director, to pay any costs attributable to the 80969
director that are associated with the sale of real property under 80970
section 4141.131 of the Revised Code. The director need not have 80971

prior approval from the council to make these payments. 80972

Whenever the balance in the unemployment compensation special 80973
administrative fund is considered to be excessive by the ~~council~~ 80974
director, the director shall request the director of budget and 80975
management to transfer to the unemployment compensation fund the 80976
amount considered to be excessive. Any balance in the unemployment 80977
compensation special administrative fund shall not lapse at any 80978
time, but shall be continuously available to the director of ~~jobs~~ 80979
job and family services ~~or to the council~~ for expenditures 80980
consistent with this chapter. 80981

Sec. 4141.162. (A) The director of job and family services 80982
shall establish an income and eligibility verification system that 80983
complies with section 1137 of the "Social Security Act." The 80984
programs included in the system are all of the following: 80985

(1) Unemployment compensation pursuant to section 3304 of the 80986
"Internal Revenue Code of 1954"; 80987

(2) The state programs funded in part under part A of Title 80988
IV of the "Social Security Act" and administered under Chapters 80989
5107. and 5108. of the Revised Code; 80990

(3) Medicaid pursuant to Title XIX of the "Social Security 80991
Act"; 80992

(4) ~~Food stamps~~ The supplemental nutrition assistance program 80993
pursuant to the "~~Food Stamp and Nutrition Act of 1977,~~ 91 Stat. 80994
~~958,~~ 2008 (7 U.S.C.A. 2011, as amended et seq.; 80995

(5) Any Ohio program under a plan approved under Title I, X, 80996
XIV, or XVI of the "Social Security Act." 80997

Wage information provided by employers to the director shall 80998
be furnished to the income and eligibility verification system. 80999
Such information shall be used by the director to determine 81000
eligibility of individuals for unemployment compensation benefits 81001

and the amount of those benefits and used by the agencies that 81002
administer the programs identified in divisions (A)(2) to (5) of 81003
this section to determine or verify eligibility for or the amount 81004
of benefits under those programs. 81005

The director shall fully implement the use of wage 81006
information to determine eligibility for and the amount of 81007
unemployment compensation benefits by September 30, 1988. 81008

Information furnished under the system shall also be made 81009
available to the appropriate state or local child support 81010
enforcement agency for the purposes of an approved plan under 81011
Title IV-D of the "Social Security Act" and to the appropriate 81012
federal agency for the purposes of Titles II and XVI of the 81013
"Social Security Act." 81014

(B) The director shall adopt rules as necessary under which 81015
the department of job and family services and other state agencies 81016
that the director determines must participate in order to ensure 81017
compliance with section 1137 of the "Social Security Act" exchange 81018
information with each other or authorized federal agencies about 81019
individuals who are applicants for or recipients of benefits under 81020
any of the programs enumerated in division (A) of this section. 81021
The rules shall extend to all of the following: 81022

(1) A requirement for standardized formats and procedures for 81023
a participating agency to request and receive information about an 81024
individual, which information shall include the individual's 81025
social security number; 81026

(2) A requirement that all applicants for and recipients of 81027
benefits under any program enumerated in division (A) of this 81028
section be notified at the time of application, and periodically 81029
thereafter, that information available through the system may be 81030
shared with agencies that administer other benefit programs and 81031
utilized in establishing or verifying eligibility or benefit 81032

amounts under the other programs enumerated in division (A) of 81033
this section; 81034

(3) A requirement that information is made available only to 81035
the extent necessary to assist in the valid administrative needs 81036
of the program receiving the information and is targeted for use 81037
in ways which are most likely to be productive in identifying and 81038
preventing ineligibility and incorrect payments; 81039

(4) A requirement that information is adequately protected 81040
against unauthorized disclosures for purposes other than to 81041
establish or verify eligibility or benefit amounts under the 81042
programs enumerated in division (A) of this section; 81043

(5) A requirement that a program providing information is 81044
reimbursed by the program using the information for the actual 81045
costs of furnishing the information and that the director be 81046
reimbursed by the participating programs for any actual costs 81047
incurred in operating the system; 81048

(6) Requirements for any other matters necessary to ensure 81049
the effective, efficient, and timely exchange of necessary 81050
information or that the director determines must be addressed in 81051
order to ensure compliance with the requirements of section 1137 81052
of the "Social Security Act." 81053

(C) Each participating agency shall furnish to the income and 81054
eligibility verification system established in division (A) of 81055
this section that information, which the director, by rule, 81056
determines is necessary in order to comply with section 1137 of 81057
the "Social Security Act." 81058

(D) Notwithstanding the information disclosure requirements 81059
of this section and section 4141.21 and division (A) of section 81060
4141.284 of the Revised Code, the director shall administer those 81061
provisions of law so as to comply with section 1137 of the "Social 81062
Security Act." 81063

(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.

Sec. 4169.02. (A) For the purposes of regulating the construction, maintenance, mechanical operation, and inspection of passenger tramways that are associated with ski areas and of registering operators of passenger tramways in this state, there is hereby established in the division of ~~industrial compliance~~ labor in the department of commerce a ski tramway board to be appointed by the governor, with the advice and consent of the senate. The board shall consist of three members, one of whom shall be a public member who is an experienced skier and familiar with ski areas in this state, one of whom shall be a ski area operator actively engaged in the business of recreational skiing in this state, and one of whom shall be a professional engineer who is knowledgeable in the design or operation of passenger tramways.

Of the initial appointments, one member shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. The member appointed to the term beginning on July 1, 1996, shall be appointed to a term ending on June 30, 1997; the member appointed to a term beginning on July 1, 1997, shall be appointed to a term ending on June 30, 1999; and the member appointed to a term beginning on July 1, 1998, shall be appointed to a term ending on June 30, 2001. Thereafter, each of the members shall be appointed for a term of six years. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. In the event of a vacancy, the governor, with the advice and consent of the

senate, shall appoint a successor who shall hold office for the 81096
remainder of the term for which the successor's predecessor was 81097
appointed. A member shall continue in office subsequent to the 81098
expiration date of the member's term until the member's successor 81099
takes office or until a period of sixty days has elapsed, 81100
whichever occurs first. The board shall elect a chairperson from 81101
its members. 81102

The governor may remove any member of the board at any time 81103
for misfeasance, nonfeasance, or malfeasance in office after 81104
giving the member a copy of the charges against the member and an 81105
opportunity to be heard publicly in person or by counsel in the 81106
member's defense. Any such act of removal by the governor is 81107
final. A statement of the findings of the governor, the reason for 81108
the governor's action, and the answer, if any, of the member shall 81109
be filed by the governor with the secretary of state and shall be 81110
open to public inspection. 81111

Members of the board shall be paid two hundred fifty dollars 81112
for each meeting that the member attends, except that no member 81113
shall be paid or receive more than seven hundred fifty dollars for 81114
attending meetings during any calendar year. Each member shall be 81115
reimbursed for the member's actual and necessary expenses incurred 81116
in the performance of official board duties. The chairperson shall 81117
be paid two hundred fifty dollars annually in addition to any 81118
compensation the chairperson receives under this division for 81119
attending meetings and any other compensation the chairperson 81120
receives for serving on the board. 81121

The division shall provide the board with such offices and 81122
such clerical, professional, and other assistance as may be 81123
reasonably necessary for the board to carry on its work. The 81124
division shall maintain accurate copies of the board's rules as 81125
promulgated in accordance with division (B) of this section and 81126
shall keep all of the board's records, including business records, 81127

and inspection reports as well as its own records and reports. The 81128
cost of administering the board and conducting inspections shall 81129
be included in the budget of the division based on revenues 81130
generated by the registration fees established under section 81131
4169.03 of the Revised Code. 81132

(B) In accordance with Chapter 119. of the Revised Code, the 81133
board shall adopt and may amend or rescind rules relating to 81134
public safety in the construction, maintenance, mechanical 81135
operation, and inspection of passenger tramways. The rules shall 81136
be in accordance with established standards in the business of ski 81137
area operation, if any, and shall not discriminate in their 81138
application to ski area operators. 81139

No person shall violate the rules of the board. 81140

(C) The authority of the board shall not extend to any matter 81141
relative to the operation of a ski area other than the 81142
construction, maintenance, mechanical operation, and inspection of 81143
passenger tramways. 81144

(D) A majority of the board constitutes a quorum and may 81145
perform and exercise all the duties and powers devolving upon the 81146
board. 81147

Sec. 4169.03. (A) Before a passenger tramway operator may 81148
operate any passenger tramway in the state, the operator shall 81149
apply to the ski tramway board, on forms prepared by it, for 81150
registration by the board. The application shall contain an 81151
inventory of the passenger tramways that the applicant intends to 81152
operate and other information as the board may reasonably require 81153
and shall be accompanied by the following annual fees: 81154

(1) Each aerial passenger tramway, five hundred dollars; 81155

(2) Each skimobile, two hundred dollars; 81156

(3) Each chair lift, two hundred dollars; 81157

(4) Each J bar, T bar, or platter pull, one hundred dollars;	81158
(5) Each rope tow, fifty dollars;	81159
(6) Each wire rope tow, seventy-five dollars;	81160
(7) Each conveyor, one hundred dollars.	81161
When an operator operates an aerial passenger tramway, a	81162
skimobile, or a chair lift during both a winter and summer season,	81163
the annual fee shall be one and one-half the above amount for the	81164
respective passenger tramway.	81165
(B) Upon payment of the appropriate annual fees in accordance	81166
with division (A) of this section, the board shall issue a	81167
registration certificate to the operator. Each certificate shall	81168
remain in force until the thirtieth day of September next ensuing.	81169
The board shall renew an operator's certificate in accordance with	81170
the standard renewal procedure in Chapter 4745. of the Revised	81171
Code upon payment of the appropriate annual fees.	81172
(C) Money received from the registration fees and from the	81173
finer collected pursuant to section 4169.99 of the Revised Code	81174
shall be paid into the state treasury to the credit of the	81175
industrial compliance <u>labor</u> operating fund created in section	81176
121.084 of the Revised Code.	81177
(D) No person shall operate a passenger tramway in this state	81178
unless the person has been registered by the board.	81179
Sec. 4169.04. (A) The division of industrial compliance <u>labor</u>	81180
in the department of commerce shall make such inspection of the	81181
construction, maintenance, and mechanical operation of passenger	81182
tramways as the ski tramway board may reasonably require. The	81183
division may contract with other qualified engineers to make such	81184
inspection or may accept the inspection report by any qualified	81185
inspector of an insurance company authorized to insure passenger	81186
tramways in this state.	81187

(B) If, as the result of an inspection, an employee of the 81188
division or other agent with whom the division has contracted 81189
finds that a violation of the board's rules exists or a condition 81190
in passenger tramway construction, maintenance, or mechanical 81191
operation exists that endangers public safety, the employee or 81192
agent shall make an immediate report to the board for appropriate 81193
investigation and order. 81194

Sec. 4171.04. (A) Before a person may operate any roller 81195
skating rink in the state, the person shall: 81196

(1) Apply to the superintendent of ~~the division of industrial~~ 81197
~~compliance labor~~ in the department of commerce on forms designated 81198
by the superintendent for a certificate of registration; 81199

(2) Provide an inventory of all the roller skating rinks that 81200
the applicant intends to operate, and any other information the 81201
superintendent may reasonably require on the application; 81202

(3) Include with the application a registration fee of 81203
twenty-five dollars for each roller skating rink to be operated by 81204
the applicant. 81205

(B) Upon compliance with division (A) of this section, the 81206
superintendent shall issue a certificate of registration to the 81207
operator for each roller skating rink to be operated by the 81208
applicant. Each certificate shall remain in force as follows: 81209

(1) Until the thirty-first day of December next ensuing; or 81210

(2) For sixty days after the dissolution of a partnership. 81211

(C) In case of the dissolution of a partnership by death, the 81212
surviving partner or partners may operate a roller skating rink 81213
pursuant to the certificate of registration obtained by the 81214
partnership in accordance with this chapter for a period of sixty 81215
days following dissolution. The heirs or representatives of 81216
deceased persons and receivers or trustees in bankruptcy appointed 81217

by any competent authority may operate under the certificate of registration of the person succeeded in possession. 81218
81219

(D) The superintendent shall renew an operator's certificate of registration in accordance with the standard license renewal procedure set forth in Chapter 4745. of the Revised Code upon payment of a renewal fee of twenty-five dollars for each roller skating rink to be operated by the applicant. 81220
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(E) Money received from the registration and renewal fees collected pursuant to this chapter shall be paid into the state treasury to the credit of the ~~industrial-compliance~~ labor operating fund created in section 121.084 of the Revised Code. 81225
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Sec. 4301.333. (A) The privilege of local option conferred by section 4301.323 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition is presented to the board of elections of the county in which the precinct is situated by a petitioner who is one of the following: 81229
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(1) An applicant for the issuance or transfer of a liquor permit at, or to, a particular location within the precinct; 81235
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(2) The holder of a liquor permit at a particular location within the precinct; 81237
81238

(3) A person who operates or seeks to operate a liquor agency store at a particular location within the precinct; 81239
81240

(4) The designated agent for an applicant, liquor permit holder, or liquor agency store described in division (A)(1), (2), or (3) of this section. 81241
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(B) The petition shall be signed by the electors of the precinct equal in number to at least thirty-five per cent of the total number of votes cast in the precinct for the office of governor at the preceding general election for that office and 81244
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shall contain all of the following: 81248

(1) A notice that the petition is for the submission of the 81249
question or questions set forth in section 4301.355 of the Revised 81250
Code; 81251

(2) The name of the applicant for the issuance or transfer, 81252
or the holder, of the liquor permit or, if applicable, the name of 81253
the liquor agency store, including any trade or fictitious names 81254
under which the applicant, holder, or liquor agency store either 81255
intends to do or does business at the particular location; 81256

(3) The address and proposed use of the particular location 81257
within the election precinct to which the results of the question 81258
or questions specified in section 4301.355 of the Revised Code 81259
shall apply. For purposes of this division, "use" means all of the 81260
following: 81261

(a) The type of each liquor permit applied for by the 81262
applicant or held by the liquor permit holder as described in 81263
sections 4303.11 to 4303.183 of the Revised Code, including a 81264
description of the type of beer or intoxicating liquor sales 81265
authorized by each permit as provided in those sections; 81266

(b) If a liquor agency store, the fact that the business 81267
operated as a liquor agency store authorized to operate by this 81268
state; 81269

(c) A description of the general nature of the business of 81270
the applicant, liquor permit holder, or liquor agency store. 81271

(4) If the petition seeks approval of Sunday sales under 81272
question (B)(2) as set forth in section 4301.355 of the Revised 81273
Code, a statement indicating whether the hours of sale sought are 81274
between ten a.m. and midnight or between ~~one p.m.~~ eleven a.m. and 81275
midnight. 81276

(C)(1) At the time the petitioner files the petition with the 81277

board of elections, the petitioner shall provide to the board both 81278
of the following: 81279

(a) An affidavit that is signed by the petitioner and that 81280
states the proposed use of the location following the election 81281
held to authorize the sale of beer or intoxicating liquor 81282
authorized by each permit as provided in sections 4303.11 to 81283
4303.183 of the Revised Code; 81284

(b) Written evidence of the designation of an agent by the 81285
applicant, liquor permit holder, or liquor agency store described 81286
in division (A)(1), (2), or (3) of this section for the purpose of 81287
petitioning for the local option election, if the petitioner is 81288
the designated agent of the applicant, liquor permit holder, or 81289
liquor agency store. 81290

(2) Failure to supply the affidavit, or the written evidence 81291
of the designation of the agent if the petitioner for the local 81292
option election is the agent of the applicant, liquor permit 81293
holder, or liquor agency store described in division (A)(1), (2), 81294
or (3) of this section, at the time the petition is filed 81295
invalidates the entire petition. 81296

(D) Not later than the sixty-eighth day before the day of the 81297
next general or primary election, whichever occurs first, the 81298
board shall examine and determine the sufficiency of the 81299
signatures and the validity of the petition. If the board finds 81300
that the petition contains sufficient signatures and in other 81301
respects is valid, it shall order the holding of an election in 81302
the precinct on the day of the next general or primary election, 81303
whichever occurs first, for the submission of the question or 81304
questions set forth in section 4301.355 of the Revised Code. 81305

(E) A petition filed with the board of elections under this 81306
section shall be open to public inspection under rules adopted by 81307
the board. 81308

(F) An elector who is eligible to vote on the question or questions set forth in section 4301.355 of the Revised Code may file, not later than four p.m. of the sixty-fourth day before the day of the election at which the question or questions will be submitted to the electors, a protest against a local option petition circulated and filed pursuant to this section. The protest shall be in writing and shall be filed with the election officials with whom the petition was filed. Upon the filing of the protest, the election officials with whom it is filed shall promptly establish a time and place for hearing the protest and shall mail notice of the time and place for the hearing to the applicant for, or the holder of, the liquor permit who is specified in the petition and to the elector who filed the protest. At the time and place established in the notice, the election officials shall hear the protest and determine the validity of the petition.

Sec. 4301.334. (A) The privilege of local option conferred by section 4301.324 of the Revised Code may be exercised if, not later than four p.m. of the seventy-fifth day before the day of a general or primary election, a petition and other information required by division (B) of this section are presented to the board of elections of the county in which the community facility named in the petition is located. The petition shall be signed by electors of the municipal corporation or unincorporated area of the township in which the community facility is located equal in number to at least ten per cent of the total number of votes cast in the municipal corporation or unincorporated area of the township in which the community facility is located for the office of governor at the most recent general election for that office and shall contain both of the following:

(1) A notice that the petition is for the submission of the question set forth in section 4301.356 of the Revised Code and a

statement indicating whether the hours of Sunday sales sought in 81341
the local option election are between ten a.m. and midnight or 81342
between eleven a.m. and midnight; 81343

(2) The name and address of the community facility for which 81344
the local option election is sought and, if the community facility 81345
is a community entertainment district, the boundaries of the 81346
district. 81347

(B) Upon the request of a petitioner, a board of elections of 81348
a county shall furnish to the petitioner a copy of the 81349
instructions prepared by the secretary of state under division (P) 81350
of section 3501.05 of the Revised Code and, within fifteen days 81351
after the request, a certificate indicating the number of valid 81352
signatures that will be required on a petition to hold an election 81353
in the municipal corporation or unincorporated area of the 81354
township in which the community facility is located on the 81355
question specified in section 4301.356 of the Revised Code. 81356

The petitioner shall, not less than thirty days before the 81357
petition-filing deadline for an election on the question specified 81358
in section 4301.356 of the Revised Code, specify to the division 81359
of liquor control the name and address of the community facility 81360
for which the election is sought and, if the community facility is 81361
a community entertainment district, the boundaries of the 81362
district, the municipal corporation or unincorporated area of a 81363
township in which the election is sought, and the filing deadline. 81364
The division shall, within a reasonable period of time and not 81365
later than ten days before the filing deadline, supply the 81366
petitioner with the name and address of any permit holder for or 81367
within the community facility. 81368

The petitioner shall file the name and address of any permit 81369
holder who would be affected by the election at the time the 81370
petitioner files the petition with the board of elections. Within 81371
five days after receiving the petition, the board shall give 81372

notice by certified mail to any permit holder within the community 81373
facility that it has received the petition. Failure of the 81374
petitioner to supply the name and address of any permit holder for 81375
or within the community facility as furnished to the petitioner by 81376
the division invalidates the petition. 81377

(C) Not later than the sixty-eighth day before the day of the 81378
next general or primary election, whichever occurs first, the 81379
board shall examine and determine the sufficiency of the 81380
signatures on the petition. If the board finds that the petition 81381
is valid, it shall order the holding of an election in the 81382
municipal corporation or unincorporated area of a township on the 81383
day of the next general or primary election, whichever occurs 81384
first, for the submission of the question set forth in section 81385
4301.356 of the Revised Code. 81386

(D) A petition filed with a board of elections under this 81387
section shall be open to public inspection under rules adopted by 81388
the board. 81389

(E) An elector who is eligible to vote on the question set 81390
forth in section 4301.356 of the Revised Code or any permit holder 81391
for or within the community facility may, not later than four p.m. 81392
of the sixty-fourth day before the day of the election at which 81393
the question will be submitted to the electors, file a written 81394
protest against the local option petition with the board of 81395
elections with which the petition was filed. Upon the filing of 81396
the protest, the board shall promptly fix a time and place for 81397
hearing the protest and shall mail notice of the time and place to 81398
the person who filed the petition and to the person who filed the 81399
protest. At the time and place fixed, the board shall hear the 81400
protest and determine the validity of the petition. 81401

Sec. 4301.351. (A) If a petition is for submission of the 81402
question of whether the sale of intoxicating liquor shall be 81403

permitted on Sunday, a special election shall be held in the 81404
precinct at the time fixed as provided in section 4301.33 of the 81405
Revised Code. The expenses of holding the election shall be 81406
charged to the municipal corporation or township of which the 81407
precinct is a part. 81408

(B) At the election, one or more of the following questions, 81409
question (B)(1), (B)(2), or (B)(3) as designated in a valid 81410
petition or question (B)(4) as submitted by the legislative 81411
authority of a municipal corporation or the board of trustees of a 81412
township, shall be submitted to the electors of the precinct: 81413

(1) "Shall the sale of intoxicating liquor, of the same types 81414
as may be legally sold in this precinct on other days of the week, 81415
be permitted in this for consumption on the premises 81416
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 81417
on Sunday?" 81418

(2) "Shall the sale of intoxicating liquor, of the same types 81419
as may be legally sold in this precinct on other days of the week, 81420
be permitted in this for consumption on the premises 81421
where sold, between the hours of ~~one p.m.~~ eleven a.m. and midnight 81422
on Sunday, at licensed premises where the sale of food and other 81423
goods and services exceeds fifty per cent of the total gross 81424
receipts of the permit holder at the premises?" 81425

(3) "Shall the sale of wine and mixed beverages, of the same 81426
types as may be legally sold in this precinct on other days of the 81427
week, be permitted in this for consumption off the 81428
premises where sold, between the hours of ~~one p.m.~~ eleven a.m. and 81429
midnight on Sunday?" 81430

(4) "Shall the sale of intoxicating liquor, of the same types 81431
as may be legally sold in this precinct on other days of the week, 81432
be permitted in this for consumption on the premises where 81433
sold, between the hours of one p.m. and midnight on Sunday, at 81434

outdoor performing arts centers, as defined in section 4303.182 of the Revised Code, that have been issued a D-6 permit?"

Question (B)(4) shall be presented to the electors of a precinct in which an outdoor performing arts center is located only if the legislative authority of the municipal corporation in which, or the board of trustees of the township in which, the outdoor performing arts center is located submits, not later than four p.m. of the seventy-fifth day before the day of a primary or general election that occurs within two years after ~~the effective date of this amendment~~ April 9, 2001, to the board of elections of the county in which the precinct is located, a copy of an ordinance or resolution requesting the submission of that question to the electors of the precinct. An election on question (B)(4) may not be sought by a petition under section 4301.33 of the Revised Code.

(C) At the election, one or more of the following questions, as designated in a valid petition, shall be submitted to the electors of the precinct:

(1) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday?"

(2) "Shall the sale of intoxicating liquor, of the same types as may be legally sold in this precinct on other days of the week, be permitted in this for consumption on the premises where sold, between the hours of ten a.m. and midnight on Sunday, at licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises?"

(3) "Shall the sale of wine and mixed beverages, of the same types as may be legally sold in this precinct on other days of the

week, be permitted in this for consumption off the 81466
premises where sold, between the hours of ten a.m. and midnight on 81467
Sunday?" 81468

(D) No C or D permit holder who first applied for such a 81469
permit after April 15, 1982, shall sell beer on Sunday unless the 81470
sale of intoxicating liquor is authorized in the precinct or 81471
portion of the precinct at an election on question (B)(1), (B)(2), 81472
or (B)(3) of this section, on question (C)(1), (C)(2), or (C)(3) 81473
of this section, on question (B)(1), (B)(2), or (B)(3) of section 81474
4301.354 of the Revised Code, on question (C)(1), (C)(2), or 81475
(C)(3) of section 4301.354 of the Revised Code, or on question 81476
(B)(2) of section 4301.355 of the Revised Code. No D-6 permit is 81477
required for the sale of beer on Sunday. 81478

The board of elections to which the petition is presented 81479
shall furnish printed ballots at the election in accordance with 81480
section 3505.06 of the Revised Code, and separate ballots shall be 81481
used for the special election under this section. One or more of 81482
the questions prescribed by divisions (B) and (C) of this section, 81483
as designated in the petition, shall be set forth on each ballot, 81484
and the board shall insert in each question the name or an 81485
accurate description of the precinct in which the election is to 81486
be held. Votes shall be cast as provided in section 3505.06 of the 81487
Revised Code. 81488

Sec. 4301.354. (A) If a petition is filed under section 81489
4301.332 of the Revised Code for the submission of one or more 81490
questions set forth in this section, a special election shall be 81491
held in the precinct as ordered by the board of elections under 81492
that section. The expense of holding the special election shall be 81493
charged to the municipal corporation or township of which the 81494
precinct is a part. 81495

(B) At the election, one or more of the following questions, 81496

as designated in a valid petition, shall be submitted to the 81497
electors of the precinct concerning Sunday sales: 81498

(1) "Shall the sale of intoxicating liquor be permitted in a 81499
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 81500
and midnight on Sunday for consumption on the premises where sold, 81501
where the status of such Sunday sales as allowed or prohibited is 81502
inconsistent with the status of such Sunday sales in the remainder 81503
of the precinct?" 81504

(2) "Shall the sale of intoxicating liquor be permitted in a 81505
portion of this precinct between the hours of ~~one p.m.~~ eleven a.m. 81506
and midnight on Sunday for consumption on the premises where sold 81507
at licensed premises where the sale of food and other goods 81508
exceeds fifty per cent of the total gross receipts of the permit 81509
holder at the premises, where the status of such Sunday sales as 81510
allowed or prohibited is inconsistent with the status of such 81511
Sunday sales in the remainder of the precinct?" 81512

(3) "Shall the sale of wine and mixed beverages be permitted 81513
in a portion of this precinct between the hours of ~~one p.m.~~ eleven 81514
a.m. and midnight on Sunday for consumption off the premises where 81515
sold, where the status of such Sunday sales as allowed or 81516
prohibited is inconsistent with the status of such Sunday sales in 81517
the remainder of the precinct?" 81518

(C) At the election, one or more of the following questions, 81519
as designated in a valid petition, shall be submitted to the 81520
electors of the precinct concerning Sunday sales: 81521

(1) "Shall the sale of intoxicating liquor be permitted in a 81522
portion of this precinct between the hours of ten a.m. and 81523
midnight on Sunday for consumption on the premises where sold, 81524
where the status of such Sunday sales as allowed or prohibited is 81525
inconsistent with the status of such Sunday sales in the remainder 81526
of the precinct?" 81527

(2) "Shall the sale of intoxicating liquor be permitted in a 81528
portion of this precinct between the hours of ten a.m. and 81529
midnight on Sunday for consumption on the premises where sold at 81530
licensed premises where the sale of food and other goods exceeds 81531
fifty per cent of the total gross receipts of the permit holder at 81532
the premises, where the status of such Sunday sales as allowed or 81533
prohibited is inconsistent with the status of such Sunday sales in 81534
the remainder of the precinct?" 81535

(3) "Shall the sale of wine and mixed beverages be permitted 81536
in a portion of this precinct between the hours of ten a.m. and 81537
midnight on Sunday for consumption off the premises where sold, 81538
where the status of such Sunday sales as allowed or prohibited is 81539
inconsistent with the status of such Sunday sales in the remainder 81540
of the precinct?" 81541

(D) The board of elections shall furnish printed ballots at 81542
the special election as provided under section 3505.06 of the 81543
Revised Code, except that a separate ballot shall be used for the 81544
special election. The one or more questions set forth in divisions 81545
(B) and (C) of this section shall be printed on each ballot, and 81546
the board shall insert in the ~~question and statement~~ questions 81547
appropriate words to complete each and a description of the 81548
portion of the precinct that would be affected by the results of 81549
the election. 81550

The description of the portion of the precinct shall include 81551
either the complete listing of street addresses in that portion or 81552
a condensed text that accurately describes the boundaries of the 81553
portion of the precinct by street name or by another name 81554
generally known by the residents of the portion of the precinct. 81555
If other than a full street listing is used, the full street 81556
listing also shall be posted in each polling place in a location 81557
that is easily accessible to all voters. Failure of the board of 81558
elections to completely and accurately list all street addresses 81559

in the affected area of the precinct does not affect the validity 81560
of the election at which the failure occurred and is not grounds 81561
for contesting an election under section 3515.08 of the Revised 81562
Code. Votes shall be cast as provided under section 3505.06 of the 81563
Revised Code. 81564

Sec. 4301.355. (A) If a petition is filed under section 81565
4301.333 of the Revised Code for the submission of the question or 81566
questions set forth in this section, it shall be held in the 81567
precinct as ordered by the board of elections under that section. 81568
The expense of holding the election shall be charged to the 81569
municipal corporation or township of which the precinct is a part. 81570

(B) At the election, one or more of the following questions, 81571
as designated in a valid petition, shall be submitted to the 81572
electors of the precinct: 81573

(1) "Shall the sale of (insert beer, wine and 81574
mixed beverages, or spirituous liquor) be permitted by 81575
(insert name of applicant, liquor permit holder, or liquor agency 81576
store, including trade or fictitious name under which applicant 81577
for, or holder of, liquor permit or liquor agency store either 81578
intends to do, or does, business at the particular location), an 81579
..... (insert "applicant for" or "holder of" or "operator 81580
of") a (insert class name of liquor permit or permits 81581
followed by the words "liquor permit(s)" or, if appropriate, the 81582
words "liquor agency store for the State of Ohio"), who is engaged 81583
in the business of (insert general nature of the 81584
business in which applicant or liquor permit holder is engaged or 81585
will be engaged in at the particular location, as described in the 81586
petition) at (insert address of the particular location 81587
within the precinct as set forth in the petition) in this 81588
precinct?" 81589

(2) "Shall the sale of (insert beer, wine and 81590

mixed beverages, or spirituous liquor) be permitted for sale on 81591
Sunday between the hours of (insert "ten a.m. and 81592
midnight" or "~~one p.m.~~ eleven a.m. and midnight") by 81593
(insert name of applicant, liquor permit holder, or liquor agency 81594
store, including trade or fictitious name under which applicant 81595
for, or holder of, liquor permit or liquor agency store either 81596
intends to do, or does, business at the particular location), an 81597
..... (insert "applicant for a D-6 liquor permit," "holder of a 81598
D-6 liquor permit," "applicant for or holder of an A-1-A, A-2, 81599
A-3a, C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, 81600
D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 liquor 81601
permit," if only the approval of beer sales is sought, or "liquor 81602
agency store") who is engaged in the business of 81603
(insert general nature of the business in which applicant or 81604
liquor permit holder is engaged or will be engaged in at the 81605
particular location, as described in the petition) at 81606
(insert address of the particular location within the precinct) in 81607
this precinct?" 81608

(C) The board of elections shall furnish printed ballots at 81609
the election as provided under section 3505.06 of the Revised 81610
Code, except that a separate ballot shall be used for the election 81611
under this section. The question set forth in this section shall 81612
be printed on each ballot, and the board shall insert in the 81613
question appropriate words to complete it. Votes shall be cast as 81614
provided under section 3505.06 of the Revised Code. 81615

Sec. 4301.356. If a petition is filed under section 4301.334 81616
of the Revised Code for the submission of the question set forth 81617
in this section, an election shall be held in the municipal 81618
corporation or unincorporated area of a township as ordered by the 81619
board of elections under that section. 81620

Except as otherwise provided in this section, if the 81621

legislative authority of a municipal corporation in whose 81622
territory, or the board of township trustees of a township in 81623
whose unincorporated area, a community facility is located 81624
submits, not later than four p.m. of the seventy-fifth day before 81625
the day of a primary or general election, to the board of 81626
elections of the county in which the community facility is located 81627
an ordinance or resolution requesting the submission of the 81628
question set forth in this section to the electors of the 81629
municipal corporation or unincorporated area of the township, the 81630
board of elections shall order that an election be held on that 81631
question in the municipal corporation or the unincorporated area 81632
of the township on the day of the next primary or general 81633
election, whichever occurs first. The legislative authority or 81634
board of township trustees shall submit the name and address of 81635
any permit holder who would be affected by the results of the 81636
election to the board of elections at the same time it submits the 81637
ordinance or resolution. The board of elections, within five days 81638
after receiving the name and address, shall give notice by 81639
certified mail to each permit holder that it has received the 81640
ordinance or resolution. Failure of the legislative authority or 81641
board of township trustees to supply the name and address of each 81642
permit holder to the board of elections invalidates the effect of 81643
the ordinance or resolution. 81644

At the election, the following question shall be submitted to 81645
the electors of the municipal corporation or unincorporated area 81646
of a township: 81647

"Shall the sale of beer and intoxicating liquor be permitted 81648
on days of the week other than Sunday and between the hours of ~~one~~ 81649
~~p.m.~~ (insert "ten a.m." or "eleven a.m.") and midnight 81650
on Sunday, at (insert name of community facility), a 81651
community facility as defined by section 4301.01 of the Revised 81652
Code, and located at (insert the address of the community 81653

facility and, if the community facility is a community 81654
entertainment district, the boundaries of the district, as set 81655
forth in the petition)?" 81656

The board of elections shall furnish printed ballots at the 81657
election as provided under section 3505.06 of the Revised Code, 81658
except that a separate ballot shall be used for the election under 81659
this section. The question set forth in this section shall be 81660
printed on each ballot, and the board shall insert in the question 81661
appropriate words to complete ~~each~~ it, subject to the approval of 81662
the secretary of state. Votes shall be cast as provided under 81663
section 3505.06 of the Revised Code. 81664

Sec. 4301.361. (A) If a majority of the electors voting on 81665
questions set forth in section 4301.351 of the Revised Code in a 81666
precinct vote "yes" on question (B)(1) or (C)(1), or, if both 81667
questions (B)(1) and (B)(2), or questions (C)(1) and (C)(2), are 81668
submitted, "yes" on both questions or "yes" on question (B)(1) or 81669
(C)(1) but "no" on question (B)(2) or (C)(2), sales of 81670
intoxicating liquor shall be allowed on Sunday in the manner and 81671
under the conditions specified in question (B)(1) or (C)(1), under 81672
a D-6 permit, within the precinct concerned, during the hours 81673
specified in division (A) of section 4303.182 of the Revised Code 81674
and during the period the election is in effect as defined in 81675
section 4301.37 of the Revised Code. 81676

(B) If only question (B)(2) or (C)(2) is submitted to the 81677
voters or if questions (B)(2) and (B)(3) or (C)(2) and (C)(3) are 81678
submitted and a majority of the electors voting in a precinct vote 81679
"yes" on question (B)(2) or (C)(2) as set forth in section 81680
4301.351 of the Revised Code, sales of intoxicating liquor shall 81681
be allowed on Sunday in the manner and under the conditions 81682
specified in question (B)(2) or (C)(2), under a D-6 permit, within 81683
the precinct concerned, during the hours specified in division (A) 81684

of section 4303.182 of the Revised Code and during the period the 81685
election is in effect as defined in section 4301.37 of the Revised 81686
Code, even if question (B)(1) or (C)(1) was also submitted and a 81687
majority of the electors voting in the precinct voted "no." 81688

(C) If question (B)(3) or (C)(3) is submitted and a majority 81689
of electors voting on question (B)(3) or (C)(3) as set forth in 81690
section 4301.351 of the Revised Code in a precinct vote "yes," 81691
sales of wine and mixed beverages shall be allowed on Sunday in 81692
the manner and under the conditions specified in question (B)(3) 81693
or (C)(3), under a D-6 permit, within the precinct concerned, 81694
during the hours specified in division (A) of section 4303.182 of 81695
the Revised Code and during the period the election is in effect 81696
as defined in section 4301.37 of the Revised Code. 81697

(D) If questions (B)(1), (B)(2), and (B)(3), or questions 81698
(C)(1), (C)(2), and (C)(3), as set forth in section 4301.351 of 81699
the Revised Code, are all submitted and a majority of the electors 81700
voting in such precinct vote "no" on all three questions, no sales 81701
of intoxicating liquor shall be made within the precinct concerned 81702
after two-thirty a.m. on Sunday as specified in the questions 81703
submitted, during the period the election is in effect as defined 81704
in section 4301.37 of the Revised Code. 81705

(E) If question (C)(1) as set forth in section 4301.351 of 81706
the Revised Code is submitted to the voters in a precinct in which 81707
question (B)(1) as set forth in that section previously was 81708
submitted and approved, and the results of the election on 81709
question (B)(1) are still in effect in the precinct; or if 81710
question (C)(2) as set forth in that section is submitted to the 81711
voters in a precinct in which question (B)(2) as set forth in that 81712
section previously was submitted and approved, and the results of 81713
the election on question (B)(2) are still in effect in the 81714
precinct; or if question (C)(3) as set forth in that section is 81715
submitted to the voters in a precinct in which question (B)(3) as 81716

set forth in that section previously was submitted and approved, 81717
and the results of the election on question (B)(3) are still in 81718
effect in the precinct; and if a majority of the electors voting 81719
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 81720
continue to be allowed in the precinct in the manner and under the 81721
conditions specified in the previously approved question (B)(1), 81722
(B)(2), or (B)(3), as applicable. 81723

(F) If question (B)(4) as set forth in section 4301.351 of 81724
the Revised Code is submitted and a majority of the electors 81725
voting in the precinct vote "yes," sales of intoxicating liquor 81726
shall be allowed on Sunday at outdoor performing arts centers in 81727
the manner and under the conditions specified in question (B)(4) 81728
under a D-6 permit, within the precinct concerned, during the 81729
hours specified in division (F) of section 4303.182 of the Revised 81730
Code and during the period the election is in effect as defined in 81731
section 4301.37 of the Revised Code. If question (B)(4) as set 81732
forth in section 4301.351 of the Revised Code is submitted and a 81733
majority of the electors voting in the precinct vote "no," no 81734
sales of intoxicating liquor shall be allowed at outdoor 81735
performing arts centers in the precinct concerned under a D-6 81736
permit, after 2:30 a.m. on Sunday, during the period the election 81737
is in effect as defined in section 4301.37 of the Revised Code. 81738

Sec. 4301.364. (A) If a majority of the electors in a 81739
precinct vote "yes" on question (B)(1) or (C)(1) as set forth in 81740
section 4301.354 of the Revised Code, the sale of intoxicating 81741
liquor, of the same types as may be legally sold in the precinct 81742
on other days of the week, shall be permitted on Sunday in the 81743
portion of the precinct affected by the results of the election 81744
during the hours specified in division (A) of section 4303.182 of 81745
the Revised Code and in the manner and under the conditions 81746
specified in the question, subject only to this chapter and 81747
Chapter 4303. of the Revised Code. 81748

(B) If a majority of the electors in a precinct vote "yes" on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, the sale of intoxicating liquor, of the same types as may be legally sold in the precinct on other days of the week, shall be permitted on Sunday in the portion of the precinct affected by the results of the election during the hours specified in division (A) of section 4303.182 of the Revised Code and in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code.

(C) If a majority of the electors in a precinct vote "yes" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, the sale of wine and mixed beverages shall be permitted on Sunday in the portion of the precinct affected by the results of the election during the hours specified in division (A) of section 4303.182 of the Revised Code and in the manner and under the conditions specified in the question, subject only to this chapter and Chapter 4303. of the Revised Code.

(D) If a majority of the electors in a precinct vote "no" on question (B)(1) or (C)(1) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(E) If a majority of the electors in a precinct vote "no" on question (B)(2) or (C)(2) as set forth in section 4301.354 of the Revised Code, no sale of intoxicating liquor shall be permitted on Sunday in the manner and under the conditions specified in the question in the portion of the precinct affected by the results of the election.

(F) If a majority of the electors in a precinct vote "no" on question (B)(3) or (C)(3) as set forth in section 4301.354 of the Revised Code, no sale of wine or mixed beverages shall be

permitted on Sunday in the manner and under the conditions 81781
specified in the question in the portion of the precinct affected 81782
by the results of the election. 81783

(G) If question (C)(1) as set forth in section 4301.354 of 81784
the Revised Code is submitted to the voters in a precinct in which 81785
question (B)(1) as set forth in that section previously was 81786
submitted and approved, and the results of the election on 81787
question (B)(1) are still in effect in the precinct; or if 81788
question (C)(2) as set forth in that section is submitted to the 81789
voters in a precinct in which question (B)(2) as set forth in that 81790
section previously was submitted and approved, and the results of 81791
the election on question (B)(2) are still in effect in the 81792
precinct; or if question (C)(3) as set forth in that section is 81793
submitted to the voters in a precinct in which question (B)(3) as 81794
set forth in that section previously was submitted and approved, 81795
and the results of the election on question (B)(3) are still in 81796
effect in the precinct; and if a majority of the electors voting 81797
on question (C)(1), (C)(2), or (C)(3) vote "no," then sales shall 81798
continue to be allowed in the precinct in the manner and under the 81799
conditions specified in the previously approved question (B)(1), 81800
(B)(2), or (B)(3), as applicable. 81801

Sec. 4301.365. (A) If a majority of the electors in a 81802
precinct vote "yes" on questions (B)(1) and (2) as set forth in 81803
section 4301.355 of the Revised Code, the sale of beer, wine and 81804
mixed beverages, or spirituous liquor, whichever was the subject 81805
of the election, shall be allowed at the particular location and 81806
for the use, ~~and during the hours on Sunday,~~ specified in the 81807
questions under each permit applied for by the petitioner or at 81808
the address listed for the liquor agency store, and, in relation 81809
to question (B)(2), during the hours on Sunday specified in 81810
division (A) of section 4303.182 of the Revised Code, subject only 81811
to this chapter and Chapter 4303. of the Revised Code. Failure to 81812

continue to use the particular location for any proposed or stated 81813
use set forth in the petition is grounds for the denial of a 81814
renewal of the liquor permit under division (A) of section 81815
4303.271 of the Revised Code or is grounds for the nonrenewal or 81816
cancellation of the liquor agency store contract by the division 81817
of liquor control, except in the case where the liquor permit 81818
holder or liquor agency store decides to cease the sale of beer, 81819
wine and mixed beverages, or spirituous liquor, whichever was the 81820
subject of the election, on Sundays. 81821

(B) Except as otherwise provided in division (H) of this 81822
section, if a majority of the electors in a precinct vote "yes" on 81823
question (B)(1) and "no" on question (B)(2) as set forth in 81824
section 4301.355 of the Revised Code, the sale of beer, wine and 81825
mixed beverages, or spirituous liquor, whichever was the subject 81826
of the election, shall be allowed at the particular location for 81827
the use specified in question (B)(1) of section 4301.355 of the 81828
Revised Code and under each permit applied for by the petitioner, 81829
except for a D-6 permit, subject only to this chapter and Chapter 81830
4303. of the Revised Code. 81831

(C) If a majority of the electors in a precinct vote "no" on 81832
question (B)(1) as set forth in section 4301.355 of the Revised 81833
Code, no sales of beer, wine and mixed beverages, or spirituous 81834
liquor, whichever was the subject of the election, shall be 81835
allowed at the particular location for the use specified in the 81836
petition during the period the election is in effect as defined in 81837
section 4301.37 of the Revised Code. 81838

(D) If a majority of the electors in a precinct vote only on 81839
question (B)(2) as set forth in section 4301.355 of the Revised 81840
Code and that vote results in a majority "yes" vote, sales of 81841
beer, wine and mixed beverages, or spirituous liquor, whichever 81842
was the subject of the election, shall be allowed at the 81843
particular location for the use ~~and during the hours~~ specified in 81844

the petition on Sunday during the hours specified in division (A) 81845
of section 4303.182 of the Revised Code and during the period the 81846
election is in effect as defined in section 4301.37 of the Revised 81847
Code. 81848

(E) Except as otherwise provided in division (H) of this 81849
section, if a majority of the electors in a precinct vote only on 81850
question (B)(2) as set forth in section 4301.355 of the Revised 81851
Code and that vote results in a majority "no" vote, no sales of 81852
beer, wine and mixed beverages, or spirituous liquor, whichever 81853
was the subject of the election, shall be allowed at the 81854
particular location for the use and during the hours specified in 81855
the petition on Sunday during the period the election is in effect 81856
as defined in section 4301.37 of the Revised Code. 81857

(F) In case of elections in the same precinct for the 81858
question or questions set forth in section 4301.355 of the Revised 81859
Code and for a question or questions set forth in section 4301.35, 81860
4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 of the Revised 81861
Code, the results of the election held on the question or 81862
questions set forth in section 4301.355 of the Revised Code shall 81863
apply to the particular location notwithstanding the results of 81864
the election held on the question or questions set forth in 81865
section 4301.35, 4301.351, 4301.353, 4301.354, 4303.29, or 4305.14 81866
of the Revised Code. 81867

(G) Sections 4301.32 to 4301.41 of the Revised Code do not 81868
prohibit the transfer of ownership of a permit that was issued to 81869
a particular location as the result of an election held on sales 81870
of beer, wine and mixed beverages, spirituous liquor, or 81871
intoxicating liquor at that particular location as long as the 81872
general nature of the business at that particular location 81873
described in the petition for that election remains the same after 81874
the transfer. 81875

(H) If question (B)(2) as set forth in section 4301.355 of 81876

the Revised Code is submitted to the electors of a precinct 81877
proposing to authorize the sale of beer, wine and mixed beverages, 81878
or spirituous liquor between the hours of ten a.m. and midnight at 81879
a particular location at which the sale of beer, wine and mixed 81880
beverages, spirituous liquor, or intoxicating liquor is already 81881
allowed between the hours of eleven a.m. and midnight or one p.m. 81882
and midnight and the question submitted is defeated, the sale of 81883
beer, wine and mixed beverages, spirituous liquor, or intoxicating 81884
liquor between the hours of eleven a.m. and midnight or one p.m. 81885
and midnight, as applicable, shall continue at that particular 81886
location. 81887

Sec. 4301.366. If a majority of the electors voting on the 81888
question specified in section 4301.356 of the Revised Code vote 81889
"yes," the sale of beer and intoxicating liquor shall be allowed 81890
at the community facility ~~and~~ on days of the week other than 81891
Sunday and during the hours on Sunday specified in division (A) of 81892
section 4303.182 of the Revised Code, for the use specified in the 81893
question, subject only to this chapter and Chapter 4303. of the 81894
Revised Code. Failure to continue to use the location as a 81895
community facility constitutes good cause for rejection of the 81896
renewal of the liquor permit under division (A) of section 81897
4303.271 of the Revised Code. 81898

If a majority of the electors voting on the question 81899
specified in section 4301.356 of the Revised Code vote "no," no 81900
sales of beer or intoxicating liquor shall be made at or within 81901
the community facility during the period the election is in effect 81902
as defined in section 4301.37 of the Revised Code. 81903

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 81904
the Revised Code: 81905

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 81906

fluid ounces. 81907

(2) "Sale" or "sell" includes exchange, barter, gift, 81908
distribution, and, except with respect to A-4 permit holders, 81909
offer for sale. 81910

(B) For the purposes of providing revenues for the support of 81911
the state and encouraging the grape industries in the state, a tax 81912
is hereby levied on the sale or distribution of wine in Ohio, 81913
except for known sacramental purposes, at the rate of thirty cents 81914
per wine gallon for wine containing not less than four per cent of 81915
alcohol by volume and not more than fourteen per cent of alcohol 81916
by volume, ninety-eight cents per wine gallon for wine containing 81917
more than fourteen per cent but not more than twenty-one per cent 81918
of alcohol by volume, one dollar and eight cents per wine gallon 81919
for vermouth, and one dollar and forty-eight cents per wine gallon 81920
for sparkling and carbonated wine and champagne, the tax to be 81921
paid by the holders of A-2 and B-5 permits or by any other person 81922
selling or distributing wine upon which no tax has been paid. From 81923
the tax paid under this section on wine, vermouth, and sparkling 81924
and carbonated wine and champagne, the treasurer of state shall 81925
credit to the Ohio grape industries fund created under section 81926
924.54 of the Revised Code a sum equal to one cent per gallon for 81927
each gallon upon which the tax is paid. 81928

(C) For the purpose of providing revenues for the support of 81929
the state, there is hereby levied a tax on prepared and bottled 81930
highballs, cocktails, cordials, and other mixed beverages at the 81931
rate of one dollar and twenty cents per wine gallon to be paid by 81932
holders of A-4 permits or by any other person selling or 81933
distributing those products upon which no tax has been paid. Only 81934
one sale of the same article shall be used in computing the amount 81935
of tax due. The tax on mixed beverages to be paid by holders of 81936
A-4 permits under this section shall not attach until the 81937
ownership of the mixed beverage is transferred for valuable 81938

consideration to a wholesaler or retailer, and no payment of the 81939
tax shall be required prior to that time. 81940

(D) During the period of July 1, ~~2007~~ 2009, through June 30, 81941
~~2009~~ 2011, from the tax paid under this section on wine, vermouth, 81942
and sparkling and carbonated wine and champagne, the treasurer of 81943
state shall credit to the Ohio grape industries fund created under 81944
section 924.54 of the Revised Code a sum equal to two cents per 81945
gallon upon which the tax is paid. The amount credited under this 81946
division is in addition to the amount credited to the Ohio grape 81947
industries fund under division (B) of this section. 81948

(E) For the purpose of providing revenues for the support of 81949
the state, there is hereby levied a tax on cider at the rate of 81950
twenty-four cents per wine gallon to be paid by the holders of A-2 81951
and B-5 permits or by any other person selling or distributing 81952
cider upon which no tax has been paid. Only one sale of the same 81953
article shall be used in computing the amount of the tax due. 81954

Sec. 4303.182. (A) Except as otherwise provided in divisions 81955
(B) to (J) of this section, permit D-6 shall be issued to the 81956
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 81957
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 81958
D-5k, D-5l, D-5m, or D-7 permit to allow sale under that permit 81959
between as follows: 81960

(1) Between the hours of ten a.m. and midnight, or between on 81961
Sunday if sale during those hours has been approved under question 81962
(C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 81963
Code, under question (B)(2) of section 4301.355 of the Revised 81964
Code, or under section 4301.356 of the Revised Code and has been 81965
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 81966
of the Revised Code, under the restrictions of that authorization; 81967

(2) Between the hours of ~~one p.m.~~ eleven a.m. and midnight; 81968
81969

on Sunday, ~~as applicable,~~ if that sale during those hours has been 81970
approved on or after the effective date of this amendment under 81971
question (B)(1), (2), or (3) of section 4301.351 or 4301.354 of 81972
the Revised Code, under question (B)(2) of section 4301.355 of the 81973
Revised Code, or under section 4301.356 of the Revised Code and 81974
has been authorized under section 4301.361, 4301.364, 4301.365, or 81975
4301.366 of the Revised Code ~~and,~~ under the restrictions of that 81976
authorization; 81977

(3) Between the hours of eleven a.m. and midnight on Sunday 81978
if sale between the hours of one p.m. and midnight was approved 81979
before the effective date of this amendment under question (B)(1), 81980
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 81981
under question (B)(2) of section 4301.355 of the Revised Code, or 81982
under section 4301.356 of the Revised Code and has been authorized 81983
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 81984
Revised Code, under the other restrictions of that authorization. 81985

(B) Permit D-6 shall be issued to the holder of any permit, 81986
including a D-4a and D-5d permit, authorizing the sale of 81987
intoxicating liquor issued for a premises located at any publicly 81988
owned airport, as defined in section 4563.01 of the Revised Code, 81989
at which commercial airline companies operate regularly scheduled 81990
flights on which space is available to the public, to allow sale 81991
under such permit between the hours of ten a.m. and midnight on 81992
Sunday, whether or not that sale has been authorized under section 81993
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 81994

(C) Permit D-6 shall be issued to the holder of a D-5a 81995
permit, and to the holder of a D-3 or D-3a permit who is the owner 81996
or operator of a hotel or motel that is required to be licensed 81997
under section 3731.03 of the Revised Code, that contains at least 81998
fifty rooms for registered transient guests, and that has on its 81999
premises a retail food establishment or a food service operation 82000
licensed pursuant to Chapter 3717. of the Revised Code that 82001

operates as a restaurant for purposes of this chapter and is 82002
affiliated with the hotel or motel and within or contiguous to the 82003
hotel or motel and serving food within the hotel or motel, to 82004
allow sale under such permit between the hours of ten a.m. and 82005
midnight on Sunday, whether or not that sale has been authorized 82006
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 82007
Revised Code. 82008

(D) The holder of a D-6 permit that is issued to a sports 82009
facility may make sales under the permit between the hours of 82010
eleven a.m. and midnight on any Sunday on which a professional 82011
baseball, basketball, football, hockey, or soccer game is being 82012
played at the sports facility. As used in this division, "sports 82013
facility" means a stadium or arena that has a seating capacity of 82014
at least four thousand and that is owned or leased by a 82015
professional baseball, basketball, football, hockey, or soccer 82016
franchise or any combination of those franchises. 82017

(E) Permit D-6 shall be issued to the holder of any permit 82018
that authorizes the sale of beer or intoxicating liquor and that 82019
is issued to a premises located in or at the Ohio historical 82020
society area or the state fairgrounds, as defined in division (B) 82021
of section 4301.40 of the Revised Code, to allow sale under that 82022
permit between the hours of ten a.m. and midnight on Sunday, 82023
whether or not that sale has been authorized under section 82024
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82025

(F) Permit D-6 shall be issued to the holder of any permit 82026
that authorizes the sale of intoxicating liquor and that is issued 82027
to an outdoor performing arts center to allow sale under that 82028
permit between the hours of one p.m. and midnight on Sunday, 82029
whether or not that sale has been authorized under section 82030
4301.361 of the Revised Code. A D-6 permit issued under this 82031
division is subject to the results of an election, held after the 82032
D-6 permit is issued, on question (B)(4) as set forth in section 82033

4301.351 of the Revised Code. Following the end of the period 82034
during which an election may be held on question (B)(4) as set 82035
forth in that section, sales of intoxicating liquor may continue 82036
at an outdoor performing arts center under a D-6 permit issued 82037
under this division, unless an election on that question is held 82038
during the permitted period and a majority of the voters voting in 82039
the precinct on that question vote "no." 82040

As used in this division, "outdoor performing arts center" 82041
means an outdoor performing arts center that is located on not 82042
less than eight hundred acres of land and that is open for 82043
performances from the first day of April to the last day of 82044
October of each year. 82045

(G) Permit D-6 shall be issued to the holder of any permit 82046
that authorizes the sale of beer or intoxicating liquor and that 82047
is issued to a golf course owned by the state, a conservancy 82048
district, a park district created under Chapter 1545. of the 82049
Revised Code, or another political subdivision to allow sale under 82050
that permit between the hours of ten a.m. and midnight on Sunday, 82051
whether or not that sale has been authorized under section 82052
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82053

(H) Permit D-6 shall be issued to the holder of a D-5g permit 82054
to allow sale under that permit between the hours of ten a.m. and 82055
midnight on Sunday, whether or not that sale has been authorized 82056
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 82057
Revised Code. 82058

(I) Permit D-6 shall be issued to the holder of any D permit 82059
for a premises that is licensed under Chapter 3717. of the Revised 82060
Code and that is located at a ski area to allow sale under the D-6 82061
permit between the hours of ten a.m. and midnight on Sunday, 82062
whether or not that sale has been authorized under section 82063
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 82064

As used in this division, "ski area" means a ski area as 82065
defined in section 4169.01 of the Revised Code, provided that the 82066
passenger tramway operator at that area is registered under 82067
section 4169.03 of the Revised Code. 82068

(J) Permit D-6 shall be issued to the holder of a D-5j permit 82069
for a permit premises that is located in a community entertainment 82070
district, as defined in section 4301.80 of the Revised Code, that 82071
was approved by the legislative authority of a municipal 82072
corporation under that section between October 1 and October 15, 82073
2005, to allow sale under the permit between the hours of ten a.m. 82074
and midnight on Sunday, whether or not that sale has been 82075
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 82076
of the Revised Code. 82077

(K) If the restriction to licensed premises where the sale of 82078
food and other goods and services exceeds fifty per cent of the 82079
total gross receipts of the permit holder at the premises is 82080
applicable, the division of liquor control may accept an affidavit 82081
from the permit holder to show the proportion of the permit 82082
holder's gross receipts derived from the sale of food and other 82083
goods and services. If the liquor control commission determines 82084
that affidavit to have been false, it shall revoke the permits of 82085
the permit holder at the premises concerned. 82086

(L) The fee for the D-6 permit is five hundred dollars when 82087
it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, D-3a, 82088
D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, 82089
D-5i, D-5j, D-5k, D-5l, D-5m, or D-7 permit. The fee for the D-6 82090
permit is four hundred dollars when it is issued to the holder of 82091
a C-2 permit. 82092

Sec. 4303.331. No permit holder shall purchase and import 82093
into this state any beer from any manufacturer, bottler, importer, 82094
wholesale dealer, or broker outside this state and within the 82095

United States unless and until such manufacturer, bottler, 82096
importer, wholesale dealer, or broker registers with the tax 82097
commissioner and supplies such information as the commissioner may 82098
require. 82099

The commissioner may, by rule, require any registrant to file 82100
with the commissioner a bond payable to the state in such form and 82101
amount as the commissioner prescribes with surety to the 82102
satisfaction of the tax commissioner conditioned upon the making 82103
of the report to be made to the tax commissioner and the payment 82104
to the tax commissioner of taxes levied by sections 4301.42 and 82105
4305.01 of the Revised Code, all as provided in section 4303.33 of 82106
the Revised Code. 82107

Any such manufacturer, bottler, importer, wholesale dealer, 82108
or broker shall, as a part of such registration, make the 82109
secretary of state its agent for the service of process or notice 82110
of any assessment, action, or proceedings instituted in the state 82111
against such person under sections 4303.33, 4301.42, and 4305.01 82112
of the Revised Code. 82113

~~Such process or notice shall be served, by the officer to 82114
whom it is directed or by the tax commissioner, or by the sheriff 82115
of Franklin county, who may be deputized for such purpose by the 82116
officer to whom the service is directed, upon the secretary of 82117
state by leaving at the office of the secretary of state, at least 82118
fifteen days before the return day of such process or notice, a 82119
true and attested copy thereof, and by sending to the defendant by 82120
certified mail, postage prepaid, a like and true attested copy, 82121
with an endorsement thereon of the service upon the secretary of 82122
state, addressed to such defendant at the address listed in the 82123
registration or at the defendant's last known address in 82124
accordance with section 5703.37 of the Revised Code. 82125~~

Any B-1 permit holder who purchases beer from any 82126
manufacturer, bottler, importer, wholesale dealer, or broker 82127

outside this state and within the United States who has not 82128
registered with the tax commissioner and filed a bond as provided 82129
in this section shall be liable for any tax due on any beer 82130
purchased from such unregistered manufacturer, bottler, importer, 82131
wholesale dealer, or broker and shall be subject to any penalties 82132
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 82133
Code. 82134

Any B-1 permit holder who purchases beer from any 82135
manufacturer, bottler, importer, wholesale dealer, or broker 82136
outside this state and within the United States who has complied 82137
with this section shall not be liable for any tax due to the state 82138
on any beer purchased from any such manufacturer, bottler, 82139
importer, wholesale dealer, or broker. 82140

All money collected by the tax commissioner under this 82141
section shall be paid to the treasurer of state as revenue arising 82142
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 82143
4305.01 of the Revised Code. 82144

Sec. 4501.06. The taxes, fees, and fines levied, charged, or 82145
referred to in division (O) of section 4503.04, division (E) of 82146
section 4503.042, division (B) of section 4503.07, division (C)(1) 82147
of section 4503.10, division (D) of section 4503.182, division (A) 82148
of section 4503.19, division (D)(2) of section 4507.24, division 82149
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 82150
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, 4923.12, and 5502.12 82151
of the Revised Code, and the taxes charged in section 4503.65 that 82152
are distributed in accordance with division (A)(2) of section 82153
4501.044 of the Revised Code unless otherwise designated by law, 82154
shall be deposited in the state treasury to the credit of the 82155
state highway safety fund, which is hereby created, and shall, 82156
after receipt of certifications from the commissioners of the 82157
sinking fund certifying, as required by sections 5528.15 and 82158

5528.35 of the Revised Code, that there are sufficient moneys to 82159
the credit of the highway improvement bond retirement fund created 82160
by section 5528.12 of the Revised Code to meet in full all 82161
payments of interest, principal, and charges for the retirement of 82162
bonds and other obligations issued pursuant to Section 2g of 82163
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 82164
of the Revised Code due and payable during the current calendar 82165
year, and that there are sufficient moneys to the credit of the 82166
highway obligations bond retirement fund created by section 82167
5528.32 of the Revised Code to meet in full all payments of 82168
interest, principal, and charges for the retirement of highway 82169
obligations issued pursuant to Section 2i of Article VIII, Ohio 82170
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 82171
due and payable during the current calendar year, be used for the 82172
purpose of enforcing and paying the expenses of administering the 82173
law relative to the registration and operation of motor vehicles 82174
on the public roads or highways. Amounts credited to the fund may 82175
also be used to pay the expenses of administering and enforcing 82176
the laws under which such fees were collected. All investment 82177
earnings of the state highway safety fund shall be credited to the 82178
fund. 82179

82180

Sec. 4501.24. There is hereby created in the state treasury 82181
the scenic rivers protection fund. The fund shall consist of the 82182
contributions not to exceed forty dollars that are paid to the 82183
registrar of motor vehicles by applicants who voluntarily choose 82184
to obtain scenic rivers license plates pursuant to section 4503.56 82185
of the Revised Code. 82186

The contributions deposited in the fund shall be used by the 82187
department of natural resources to help finance wild, scenic, and 82188
recreational river areas conservation, ~~scenic river~~ 82189
corridor protection ~~and~~, restoration, ~~scenic river~~ and habitat 82190

enhancement, and clean-up projects along scenic rivers in those 82191
areas. The chief of the division of watercraft in the department 82192
may expend money in the fund for the acquisition of wild, scenic, 82193
and recreational river areas, for the maintenance, protection, and 82194
administration of such areas, and for construction of facilities 82195
within those areas. All investment earnings of the fund shall be 82196
credited to the fund. 82197

As used in this section, "wild river areas," "scenic river 82198
areas," and "recreational river areas" have the same meanings as 82199
in section 1547.01 of the Revised Code. 82200

Sec. 4501.243. There is hereby created in the state treasury 82201
the Ohio nature preserves fund. The fund shall consist of the 82202
contributions that are paid to the registrar of motor vehicles by 82203
applicants who obtain Ohio nature preserves license plates 82204
pursuant to section 4503.563 of the Revised Code. All investment 82205
earnings of the fund shall be credited to the fund. 82206

The department of natural resources shall use the money in 82207
the fund to help finance nature preserve education, nature 82208
preserve clean-up projects, and nature preserve maintenance, 82209
protection, and restoration. 82210

Sec. 4501.29. The department of administrative services shall 82211
collect user fees from participants in the multi-agency radio 82212
communications system (MARCS). The director of administrative 82213
services, with the advice of the MARCS steering committee and the 82214
consent of the director of budget and management, shall determine 82215
the amount of the user fees and the manner by which the fees shall 82216
be collected. All moneys from user fees shall be deposited in the 82217
MARCS administration fund, which is hereby created in the state 82218
treasury. All investment earnings on moneys in the fund shall be 82219
credited to the fund. 82220

Sec. 4503.068. On or before the second Monday in September of 82221
each year, the county treasurer shall total the amount by which 82222
the manufactured home taxes levied in that year were reduced 82223
pursuant to section 4503.065 of the Revised Code, and certify that 82224
amount to the tax commissioner. Within ninety days of the receipt 82225
of the certification, the commissioner shall ~~certify that amount~~ 82226
~~to the director of budget and management and the director shall~~ 82227
~~make two payments from the general revenue fund in favor of the~~ 82228
~~county treasurer. One shall be in the full amount by which taxes~~ 82229
~~were reduced. The other shall be in an amount equal to two per~~ 82230
~~cent of such amount and shall be a payment~~ provide for payment to 82231
the county treasurer, from the general revenue fund, of the amount 82232
certified, which shall be credited upon receipt to the county's 82233
undivided income tax fund, and an amount equal to two per cent of 82234
the amount by which taxes were reduced, which shall be credited 82235
upon receipt to the county general fund as a payment, in addition 82236
to the fees and charges authorized by sections 319.54 and 321.26 82237
of the Revised Code, to the county auditor and county treasurer 82238
for the costs of administering sections 4503.064 to 4503.069 of 82239
the Revised Code. 82240

Immediately upon receipt of ~~the payment in the full amount by~~ 82241
~~which taxes were reduced, the full amount of the payment shall be~~ 82242
~~distributed~~ funds into the county undivided income tax fund under 82243
this section, the county auditor shall distribute the full amount 82244
thereof among the taxing districts in the county as though it had 82245
been received as taxes under section 4503.06 of the Revised Code 82246
from each person for whom taxes were reduced under section 82247
4503.065 of the Revised Code. 82248

Sec. 4503.10. (A) The owner of every snowmobile, off-highway 82249
motorcycle, and all-purpose vehicle required to be registered 82250
under section 4519.02 of the Revised Code shall file an 82251

application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the Revised Code. A motor vehicle owner also may elect to apply for or renew a motor vehicle registration by electronic means using electronic signature in accordance with rules adopted by the registrar. Except as provided in division (J) of this section, applications for registration shall be made on blanks furnished by the registrar for that purpose, containing the following information:

(1) A brief description of the motor vehicle to be registered, including the year, make, model, and vehicle

identification number, and, in the case of commercial cars, the gross weight of the vehicle fully equipped computed in the manner prescribed in section 4503.08 of the Revised Code;

(2) The name and residence address of the owner, and the township and municipal corporation in which the owner resides;

(3) The district of registration, which shall be determined as follows:

(a) In case the motor vehicle to be registered is used for hire or principally in connection with any established business or branch business, conducted at a particular place, the district of registration is the municipal corporation in which that place is located or, if not located in any municipal corporation, the county and township in which that place is located.

(b) In case the vehicle is not so used, the district of registration is the municipal corporation or county in which the owner resides at the time of making the application.

(4) Whether the motor vehicle is a new or used motor vehicle;

(5) The date of purchase of the motor vehicle;

(6) Whether the fees required to be paid for the registration or transfer of the motor vehicle, during the preceding registration year and during the preceding period of the current registration year, have been paid. Each application for registration shall be signed by the owner, either manually or by electronic signature, or pursuant to obtaining a limited power of attorney authorized by the registrar for registration, or other document authorizing such signature. If the owner elects to apply for or renew the motor vehicle registration with the registrar by electronic means, the owner's manual signature is not required.

(7) The owner's social security number, driver's license number, or state identification number, or, where a motor vehicle

to be registered is used for hire or principally in connection 82315
with any established business, the owner's federal taxpayer 82316
identification number. The bureau of motor vehicles shall retain 82317
in its records all social security numbers provided under this 82318
section, but the bureau shall not place social security numbers on 82319
motor vehicle certificates of registration. 82320

(B) Except as otherwise provided in this division, each time 82321
an applicant first registers a motor vehicle in the applicant's 82322
name, the applicant shall present for inspection a physical 82323
certificate of title or memorandum certificate showing title to 82324
the motor vehicle to be registered in the name of the applicant if 82325
a physical certificate of title or memorandum certificate has been 82326
issued by a clerk of a court of common pleas. If, under sections 82327
4505.021, 4505.06, and 4505.08 of the Revised Code, a clerk 82328
instead has issued an electronic certificate of title for the 82329
applicant's motor vehicle, that certificate may be presented for 82330
inspection at the time of first registration in a manner 82331
prescribed by rules adopted by the registrar. An applicant is not 82332
required to present a certificate of title to an electronic motor 82333
vehicle dealer acting as a limited authority deputy registrar in 82334
accordance with rules adopted by the registrar. When a motor 82335
vehicle inspection and maintenance program is in effect under 82336
section 3704.14 of the Revised Code and rules adopted under it, 82337
each application for registration for a vehicle required to be 82338
inspected under that section and those rules shall be accompanied 82339
by an inspection certificate for the motor vehicle issued in 82340
accordance with that section. The application shall be refused if 82341
any of the following applies: 82342

(1) The application is not in proper form. 82343

(2) The application is prohibited from being accepted by 82344
division (D) of section 2935.27, division (A) of section 2937.221, 82345
division (A) of section 4503.13, division (B) of section 4510.22, 82346

or division (B)(1) of section 4521.10 of the Revised Code. 82347

(3) A certificate of title or memorandum certificate of title 82348
is required but does not accompany the application or, in the case 82349
of an electronic certificate of title, is required but is not 82350
presented in a manner prescribed by the registrar's rules. 82351

(4) All registration and transfer fees for the motor vehicle, 82352
for the preceding year or the preceding period of the current 82353
registration year, have not been paid. 82354

(5) The owner or lessee does not have an inspection 82355
certificate for the motor vehicle as provided in section 3704.14 82356
of the Revised Code, and rules adopted under it, if that section 82357
is applicable. 82358

This section does not require the payment of license or 82359
registration taxes on a motor vehicle for any preceding year, or 82360
for any preceding period of a year, if the motor vehicle was not 82361
taxable for that preceding year or period under sections 4503.02, 82362
4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the 82363
Revised Code. When a certificate of registration is issued upon 82364
the first registration of a motor vehicle by or on behalf of the 82365
owner, the official issuing the certificate shall indicate the 82366
issuance with a stamp on the certificate of title or memorandum 82367
certificate or, in the case of an electronic certificate of title, 82368
an electronic stamp or other notation as specified in rules 82369
adopted by the registrar, and with a stamp on the inspection 82370
certificate for the motor vehicle, if any. The official also shall 82371
indicate, by a stamp or by other means the registrar prescribes, 82372
on the registration certificate issued upon the first registration 82373
of a motor vehicle by or on behalf of the owner the odometer 82374
reading of the motor vehicle as shown in the odometer statement 82375
included in or attached to the certificate of title. Upon each 82376
subsequent registration of the motor vehicle by or on behalf of 82377
the same owner, the official also shall so indicate the odometer 82378

reading of the motor vehicle as shown on the immediately preceding 82379
certificate of registration. 82380

The registrar shall include in the permanent registration 82381
record of any vehicle required to be inspected under section 82382
3704.14 of the Revised Code the inspection certificate number from 82383
the inspection certificate that is presented at the time of 82384
registration of the vehicle as required under this division. 82385

(C)(1) Except as otherwise provided in division (C)(1) of 82386
this section, for each registration renewal with an expiration 82387
date on or after October 1, 2003, and for each initial application 82388
for registration received on and after that date, the registrar 82389
and each deputy registrar shall collect an additional fee of 82390
eleven dollars for each application for registration and 82391
registration renewal received. For vehicles specified in divisions 82392
(A)(1) to (21) of section 4503.042 of the Revised Code, commencing 82393
with each registration renewal with an expiration date on or after 82394
October 1, 2009, and for each initial application received on or 82395
after that date, the registrar and deputy registrar shall collect 82396
an additional fee of thirty dollars for each application for 82397
registration and registration renewal received. The additional fee 82398
is for the purpose of defraying the department of public safety's 82399
costs associated with the administration and enforcement of the 82400
motor vehicle and traffic laws of Ohio. Each deputy registrar 82401
shall transmit the fees collected under division (C)(1) of this 82402
section in the time and manner provided in this section. The 82403
registrar shall deposit all moneys received under division (C)(1) 82404
of this section into the state highway safety fund established in 82405
section 4501.06 of the Revised Code. 82406

82407

(2) In addition, a charge of twenty-five cents shall be made 82408
for each reflectorized safety license plate issued, and a single 82409
charge of twenty-five cents shall be made for each county 82410

identification sticker or each set of county identification 82411
stickers issued, as the case may be, to cover the cost of 82412
producing the license plates and stickers, including material, 82413
manufacturing, and administrative costs. Those fees shall be in 82414
addition to the license tax. If the total cost of producing the 82415
plates is less than twenty-five cents per plate, or if the total 82416
cost of producing the stickers is less than twenty-five cents per 82417
sticker or per set issued, any excess moneys accruing from the 82418
fees shall be distributed in the same manner as provided by 82419
section 4501.04 of the Revised Code for the distribution of 82420
license tax moneys. If the total cost of producing the plates 82421
exceeds twenty-five cents per plate, or if the total cost of 82422
producing the stickers exceeds twenty-five cents per sticker or 82423
per set issued, the difference shall be paid from the license tax 82424
moneys collected pursuant to section 4503.02 of the Revised Code. 82425

(D) Each deputy registrar shall be allowed a fee of three 82426
dollars and fifty cents for each application for registration and 82427
registration renewal notice the deputy registrar receives, which 82428
shall be for the purpose of compensating the deputy registrar for 82429
the deputy registrar's services, and such office and rental 82430
expenses, as may be necessary for the proper discharge of the 82431
deputy registrar's duties in the receiving of applications and 82432
renewal notices and the issuing of registrations. 82433

(E) Upon the certification of the registrar, the county 82434
sheriff or local police officials shall recover license plates 82435
erroneously or fraudulently issued. 82436

(F) Each deputy registrar, upon receipt of any application 82437
for registration or registration renewal notice, together with the 82438
license fee and any local motor vehicle license tax levied 82439
pursuant to Chapter 4504. of the Revised Code, shall transmit that 82440
fee and tax, if any, in the manner provided in this section, 82441
together with the original and duplicate copy of the application, 82442

to the registrar. The registrar, subject to the approval of the 82443
director of public safety, may deposit the funds collected by 82444
those deputies in a local bank or depository to the credit of the 82445
"state of Ohio, bureau of motor vehicles." Where a local bank or 82446
depository has been designated by the registrar, each deputy 82447
registrar shall deposit all moneys collected by the deputy 82448
registrar into that bank or depository not more than one business 82449
day after their collection and shall make reports to the registrar 82450
of the amounts so deposited, together with any other information, 82451
some of which may be prescribed by the treasurer of state, as the 82452
registrar may require and as prescribed by the registrar by rule. 82453
The registrar, within three days after receipt of notification of 82454
the deposit of funds by a deputy registrar in a local bank or 82455
depository, shall draw on that account in favor of the treasurer 82456
of state. The registrar, subject to the approval of the director 82457
and the treasurer of state, may make reasonable rules necessary 82458
for the prompt transmittal of fees and for safeguarding the 82459
interests of the state and of counties, townships, municipal 82460
corporations, and transportation improvement districts levying 82461
local motor vehicle license taxes. The registrar may pay service 82462
charges usually collected by banks and depositories for such 82463
service. If deputy registrars are located in communities where 82464
banking facilities are not available, they shall transmit the fees 82465
forthwith, by money order or otherwise, as the registrar, by rule 82466
approved by the director and the treasurer of state, may 82467
prescribe. The registrar may pay the usual and customary fees for 82468
such service. 82469

(G) This section does not prevent any person from making an 82470
application for a motor vehicle license directly to the registrar 82471
by mail, by electronic means, or in person at any of the 82472
registrar's offices, upon payment of a service fee of three 82473
dollars and fifty cents for each application. 82474

(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section.

(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code.

(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration.

(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under ~~division (D)~~ of section 3704.14 of the Revised Code, an on-line computer data link to registration information for all passenger cars, noncommercial motor vehicles, and commercial cars that are subject to that section. The registrar also shall provide to the director of environmental protection a magnetic data tape containing registration information regarding

passenger cars, noncommercial motor vehicles, and commercial cars 82507
for which a multi-year registration is in effect under section 82508
4503.103 of the Revised Code or rules adopted under it, including, 82509
without limitation, the date of issuance of the multi-year 82510
registration, the registration deadline established under rules 82511
adopted under section 4503.101 of the Revised Code that was 82512
applicable in the year in which the multi-year registration was 82513
issued, and the registration deadline for renewal of the 82514
multi-year registration. 82515

(J) ~~Application~~ Subject to division (K) of this section, 82516
application for registration under the international registration 82517
plan, as set forth in sections 4503.60 to 4503.66 of the Revised 82518
Code, shall be made to the registrar on forms furnished by the 82519
registrar. In accordance with international registration plan 82520
guidelines and pursuant to rules adopted by the registrar, the 82521
forms shall include the following: 82522

(1) A uniform mileage schedule; 82523

(2) The gross vehicle weight of the vehicle or combined gross 82524
vehicle weight of the combination vehicle as declared by the 82525
registrant; 82526

(3) Any other information the registrar requires by rule. 82527

(K) The registrar shall determine the feasibility of 82528
implementing an electronic commercial fleet licensing and 82529
management program that will enable the owners of commercial 82530
tractors, commercial trailers, and commercial semitrailers to 82531
conduct electronic transactions by July 1, 2010, or sooner. If the 82532
registrar determines that implementing such a program is feasible, 82533
the registrar shall adopt new rules under this division or amend 82534
existing rules adopted under this division as necessary in order 82535
to respond to advances in technology. 82536

If international registration plan guidelines and provisions 82537

allow member jurisdictions to permit applications for 82538
registrations under the international registration plan to be made 82539
via the internet, the rules the registrar adopts under this 82540
division shall permit such action. 82541

Sec. 4503.103. (A)(1)(a)(i) The registrar of motor vehicles 82542
may adopt rules to permit any person or lessee, other than a 82543
person receiving an apportioned license plate under the 82544
international registration plan, who owns or leases one or more 82545
motor vehicles to file a written application for registration for 82546
no more than five succeeding registration years. The rules adopted 82547
by the registrar may designate the classes of motor vehicles that 82548
are eligible for such registration. At the time of application, 82549
all annual taxes and fees shall be paid for each year for which 82550
the person is registering. 82551

(ii) Not later than October 1, 2009, the registrar shall 82552
adopt rules to permit any person or lessee who owns or leases ~~two~~ 82553
~~or more trailers~~ a trailer or ~~semitrailers~~ semitrailer that ~~are~~ is 82554
subject to the tax rates prescribed in section 4503.042 of the 82555
Revised Code for such trailers or semitrailers to file a written 82556
application for registration for not more than five succeeding 82557
registration years. At the time of application, all annual taxes 82558
and fees shall be paid for each year for which the person is 82559
registering. A person who registers a vehicle under division 82560
(A)(1)(a)(ii) of this section shall pay for each year of 82561
registration the additional fee established under division (C)(1) 82562
of section 4503.10 of the Revised Code. The person also shall pay 82563
for each year of registration the deputy registrar service fee 82564
specified in division (D) of section 4503.10 of the Revised Code 82565
or the bureau of motor vehicles service fee specified in division 82566
(G) of that section, as applicable. 82567

(b)(i) Except as provided in division (A)(1)(b)(ii) of this 82568

section, the registrar shall adopt rules to permit any person who 82569
owns a motor vehicle to file an application for registration for 82570
the next two succeeding registration years. At the time of 82571
application, the person shall pay the annual taxes and fees for 82572
each registration year, calculated in accordance with division (C) 82573
of section 4503.11 of the Revised Code. A person who is 82574
registering a vehicle under division (A)(1)(b) of this section 82575
shall pay for each year of registration the additional fee 82576
established under division (C)(1) of section 4503.10 of the 82577
Revised Code. The person shall also pay ~~one and one-half times~~ for 82578
each year of registration the amount of the deputy registrar 82579
service fee specified in division (D) of section 4503.10 of the 82580
Revised Code or the bureau of motor vehicles service fee specified 82581
in division (G) of that section, as applicable. 82582

(ii) Division (A)(1)(b)(i) of this section does not apply to 82583
a person receiving an apportioned license plate under the 82584
international registration plan, or the owner of a commercial car 82585
used solely in intrastate commerce, or the owner of a bus as 82586
defined in section 4513.50 of the Revised Code. 82587

(2) No person applying for a multi-year registration under 82588
division (A)(1) of this section is entitled to a refund of any 82589
taxes or fees paid. 82590

(3) The registrar shall not issue to any applicant who has 82591
been issued a final, nonappealable order under division (B) of 82592
this section a multi-year registration or renewal thereof under 82593
this division or rules adopted under it for any motor vehicle that 82594
is required to be inspected under section 3704.14 of the Revised 82595
Code the district of registration of which, as determined under 82596
section 4503.10 of the Revised Code, is or is located in the 82597
county named in the order. 82598

(B) Upon receipt from the director of environmental 82599
protection of a notice issued under rules adopted under section 82600

3704.14 of the Revised Code indicating that an owner of a motor 82601
vehicle that is required to be inspected under that section who 82602
obtained a multi-year registration for the vehicle under division 82603
(A) of this section or rules adopted under that division has not 82604
obtained a required inspection certificate for the vehicle, the 82605
registrar in accordance with Chapter 119. of the Revised Code 82606
shall issue an order to the owner impounding the certificate of 82607
registration and identification license plates for the vehicle. 82608
The order also shall prohibit the owner from obtaining or renewing 82609
a multi-year registration for any vehicle that is required to be 82610
inspected under that section, the district of registration of 82611
which is or is located in the same county as the county named in 82612
the order during the number of years after expiration of the 82613
current multi-year registration that equals the number of years 82614
for which the current multi-year registration was issued. 82615

An order issued under this division shall require the owner 82616
to surrender to the registrar the certificate of registration and 82617
license plates for the vehicle named in the order within five days 82618
after its issuance. If the owner fails to do so within that time, 82619
the registrar shall certify that fact to the county sheriff or 82620
local police officials who shall recover the certificate of 82621
registration and license plates for the vehicle. 82622

(C) Upon the occurrence of either of the following 82623
circumstances, the registrar in accordance with Chapter 119. of 82624
the Revised Code shall issue to the owner a modified order 82625
rescinding the provisions of the order issued under division (B) 82626
of this section impounding the certificate of registration and 82627
license plates for the vehicle named in that original order: 82628

(1) Receipt from the director of environmental protection of 82629
a subsequent notice under rules adopted under section 3704.14 of 82630
the Revised Code that the owner has obtained the inspection 82631
certificate for the vehicle as required under those rules; 82632

(2) Presentation to the registrar by the owner of the 82633
required inspection certificate for the vehicle. 82634

(D) The owner of a motor vehicle for which the certificate of 82635
registration and license plates have been impounded pursuant to an 82636
order issued under division (B) of this section, upon issuance of 82637
a modified order under division (C) of this section, may apply to 82638
the registrar for their return. A fee of two dollars and fifty 82639
cents shall be charged for the return of the certificate of 82640
registration and license plates for each vehicle named in the 82641
application. 82642

Sec. 4503.19. (A) Upon the filing of an application for 82643
registration and the payment of the tax for registration, the 82644
registrar of motor vehicles or a deputy registrar shall determine 82645
whether the owner previously has been issued license plates for 82646
the motor vehicle described in the application. If no license 82647
plates previously have been issued to the owner for that motor 82648
vehicle, the registrar or deputy registrar shall assign to the 82649
motor vehicle a distinctive number and issue and deliver to the 82650
owner in the manner that the registrar may select a certificate of 82651
registration, in the form that the registrar shall prescribe, and, 82652
except as otherwise provided in this section, two license plates, 82653
duplicates of each other, and a validation sticker, or a 82654
validation sticker alone, to be attached to the number plates as 82655
provided in section 4503.191 of the Revised Code. The registrar or 82656
deputy registrar also shall charge the owner any fees required 82657
under division (C) of section 4503.10 of the Revised Code. 82658
Trailers, manufactured homes, mobile homes, semitrailers, the 82659
manufacturer thereof, the dealer, or in transit companies therein, 82660
shall be issued one license plate only and one validation sticker, 82661
or a validation sticker alone, and the license plate and 82662
validation sticker shall be displayed only on the rear of such 82663
vehicles. A commercial tractor that does not receive an 82664

apportioned license plate under the international registration 82665
plan shall be issued two license plates and one validation 82666
sticker, and the validation sticker shall be displayed on the 82667
front of the commercial tractor. An apportioned vehicle receiving 82668
an apportioned license plate under the international registration 82669
plan shall be issued one license plate only and one validation 82670
sticker, or a validation sticker alone; the license plate shall be 82671
displayed only on the front of a semitractor and on the rear of 82672
all other vehicles. School buses shall not be issued license 82673
plates but shall bear identifying numbers in the manner prescribed 82674
by section 4511.764 of the Revised Code. The certificate of 82675
registration and license plates and validation stickers, or 82676
validation stickers alone, shall be issued and delivered to the 82677
owner in person or by mail. Chauffeured limousines shall be issued 82678
license plates, a validation sticker, and a livery sticker as 82679
provided in section 4503.24 of the Revised Code. In the event of 82680
the loss, mutilation, or destruction of any certificate of 82681
registration, or of any license plates or validation stickers, or 82682
if the owner chooses to replace license plates previously issued 82683
for a motor vehicle, or if the registration certificate and 82684
license plates have been impounded as provided by division (B)(1) 82685
of section 4507.02 and section 4507.16 of the Revised Code, the 82686
owner of a motor vehicle, or manufacturer or dealer, may obtain 82687
from the registrar, or from a deputy registrar if authorized by 82688
the registrar, a duplicate thereof or new license plates bearing a 82689
different number, if the registrar considers it advisable, upon 82690
filing an application prescribed by the registrar, and upon paying 82691
a fee of one dollar for such certificate of registration, which 82692
one dollar fee shall be deposited into the state treasury to the 82693
credit of the state bureau of motor vehicles fund created in 82694
section 4501.25 of the Revised Code. Commencing with each request 82695
made on or after October 1, 2009, or in conjunction with 82696

replacement license plates issued for renewal registrations 82697
expiring on or after October 1, 2009, a fee of seven dollars and 82698
fifty cents for each set of two license plates, or six dollars and 82699
fifty cents for each single license plate or validation sticker 82700
shall be charged and collected, of which the registrar shall 82701
deposit five dollars and fifty cents of each seven dollar and 82702
fifty cent fee or each six dollar and fifty cent fee into the 82703
state treasury to the credit of the state highway safety fund 82704
created in section 4501.06 of the Revised Code and the remaining 82705
portion of each such fee into the state treasury to the credit of 82706
the state bureau of motor vehicles fund created in section 4501.25 82707
of the Revised Code. In addition, each applicant for a replacement 82708
certificate of registration, license plate, or validation sticker 82709
shall pay the fees provided in divisions (C) and (D) of section 82710
4503.10 of the Revised Code. 82711

~~The registrar shall pay five dollars and fifty cents of the~~ 82712
~~fee collected for each license plate or set of license plates~~ 82713
~~issued into the state highway safety fund created in section~~ 82714
~~4501.06 of the Revised Code.~~ 82715

Additionally, the registrar and each deputy registrar who 82716
either issues license plates and a validation sticker for use on 82717
any vehicle other than a commercial tractor, semitrailer, or 82718
apportioned vehicle, or who issues a validation sticker alone for 82719
use on such a vehicle and the owner has changed the owner's county 82720
of residence since the owner last was issued county identification 82721
stickers, also shall issue and deliver to the owner either one or 82722
two county identification stickers, as appropriate, which shall be 82723
attached to the license plates in a manner prescribed by the 82724
director of public safety. The county identification stickers 82725
shall identify prominently by name or number the county in which 82726
the owner of the vehicle resides at the time of registration. 82727

(B) Whoever violates this section is guilty of a minor 82728
misdemeanor. 82729

Sec. 4503.191. (A)(1) The identification license plate shall 82730
be issued for a multi-year period as determined by the director of 82731
public safety, and shall be accompanied by a validation sticker, 82732
to be attached to the license plate. Except as provided in 82733
division (A)(2) of this section, the validation sticker shall 82734
indicate the expiration of the registration period to which the 82735
motor vehicle for which the license plate is issued is assigned, 82736
in accordance with rules adopted by the registrar of motor 82737
vehicles. During each succeeding year of the multi-year period 82738
following the issuance of the plate and validation sticker, upon 82739
the filing of an application for registration and the payment of 82740
the tax therefor, a validation sticker alone shall be issued. The 82741
validation stickers required under this section shall be of 82742
different colors or shades each year, the new colors or shades to 82743
be selected by the director. 82744

(2)(a) Not later than October 1, 2009, the director shall 82745
develop a universal validation sticker that may be issued to any 82746
owner of two hundred fifty or more passenger vehicles, so that a 82747
sticker issued to the owner may be placed on any passenger vehicle 82748
in that owner's fleet. The director may establish and charge an 82749
additional fee of not more than one dollar per registration to 82750
compensate for necessary costs of the universal validation sticker 82751
program. The additional fee shall be credited to the state bureau 82752
of motor vehicles fund created in section 4501.25 of the Revised 82753
Code. 82754

(b) A validation sticker issued for an all-purpose vehicle 82755
that is registered under Chapter 4519. of the Revised Code or for 82756
a trailer or semitrailer that is registered under division 82757
(A)(1)(a)(ii) of section 4503.103 of the Revised Code for a period 82758

of not more than five succeeding registration years may indicate 82759
the expiration of the registration period by any manner determined 82760
by the registrar by rule. 82761

(B) Identification license plates shall be produced by Ohio 82762
penal industries. Validation stickers and county identification 82763
stickers shall be produced by Ohio penal industries unless the 82764
registrar adopts rules that permit the registrar or deputy 82765
registrars to print or otherwise produce them in house. 82766

Sec. 4503.235. (A) If division (G) of section 4511.19 or 82767
division (B) of section 4511.193 of the Revised Code requires a 82768
court, as part of the sentence of an offender who is convicted of 82769
or pleads guilty to a violation of division (A) of section 4511.19 82770
of the Revised Code or as a sanction for an offender who is 82771
convicted of or pleaded guilty to a violation of a municipal OVI 82772
ordinance, to order the immobilization of a vehicle for a 82773
specified period of time, notwithstanding the requirement, the 82774
court in its discretion may determine not to order the 82775
immobilization of the vehicle if both of the following apply: 82776

(1) Prior to the issuance of the order of immobilization, a 82777
family or household member of the offender files a motion with the 82778
court identifying the vehicle and requesting that the 82779
immobilization order not be issued on the ground that the family 82780
or household member is completely dependent on the vehicle for the 82781
necessities of life and that the immobilization of the vehicle 82782
would be an undue hardship to the family or household member. 82783

82784

(2) The court determines that the family or household member 82785
who files the motion is completely dependent on the vehicle for 82786
the necessities of life and that the immobilization of the vehicle 82787
would be an undue hardship to the family or household member. 82788

82789

(B) If a court pursuant to division (A) of this section 82790
determines not to order the immobilization of a vehicle that 82791
otherwise would be required pursuant to division (G) of section 82792
4511.19 or division (B) of section 4511.193 of the Revised Code, 82793
the court shall issue an order that waives the immobilization that 82794
otherwise would be required pursuant to either of those divisions. 82795
The immobilization waiver order shall be in effect for the period 82796
of time for which the immobilization of the vehicle otherwise 82797
would have been required under division (G) of section 4511.19 or 82798
division (B) of section 4511.193 of the Revised Code if the 82799
immobilization waiver order had not been issued, subject to 82800
division (D) of this section. The immobilization waiver order 82801
shall specify the period of time for which it is in effect. The 82802
court shall provide a copy of an immobilization waiver order to 82803
the offender and to the family or household member of the offender 82804
who filed the motion requesting that the immobilization order not 82805
be issued and shall place a copy of the immobilization waiver 82806
order in the record in the case. The court shall impose an 82807
immobilization waiver fee in the amount of fifty dollars. The 82808
court shall determine whether the fee is to be paid by the 82809
offender or by the family or household member. The clerk of the 82810
court shall ~~transmit~~ deposit all of the fees collected during a 82811
month on or before the twenty-third day of the following month ~~to~~ 82812
into the ~~state treasury to be credited to the~~ county or municipal 82813
indigent drivers alcohol treatment fund under the control of that 82814
court, as created by the county or municipal corporation under 82815
division (F) of section 4511.191 of the Revised Code. 82816

(C) If a court pursuant to division (B) of this section 82818
issues an immobilization waiver order, the order shall identify 82819
the family or household member who requested the order and the 82820
vehicle to which the order applies, shall identify the family or 82821
household members who are permitted to operate the vehicle, and 82822

shall identify the offender and specify that the offender is not 82823
permitted to operate the vehicle. The immobilization waiver order 82824
shall require that the family or household member display on the 82825
vehicle to which the order applies restricted license plates that 82826
are issued under section 4503.231 of the Revised Code for the 82827
entire period for which the immobilization of the vehicle 82828
otherwise would have been required under division (G) of section 82829
4511.19 or division (B) of section 4511.193 of the Revised Code if 82830
the immobilization waiver order had not been issued. 82831

(D) A family or household member who is permitted to operate 82832
a vehicle under an immobilization waiver order issued under this 82833
section shall not permit the offender to operate the vehicle. If a 82834
family or household member who is permitted to operate a vehicle 82835
under an immobilization waiver order issued under this section 82836
permits the offender to operate the vehicle, both of the following 82837
apply: 82838

(1) The court that issued the immobilization waiver order 82839
shall terminate that order and shall issue an immobilization order 82840
in accordance with section 4503.233 of the Revised Code that 82841
applies to the vehicle, and the immobilization order shall be in 82842
effect for the remaining period of time for which the 82843
immobilization of the vehicle otherwise would have been required 82844
under division (G) of section 4511.19 or division (B) of section 82845
4511.193 of the Revised Code if the immobilization waiver order 82846
had not been issued. 82847

(2) The conduct of the family or household member in 82848
permitting the offender to operate the vehicle is a violation of 82849
section 4511.203 of the Revised Code. 82850

(E) No offender shall operate a motor vehicle subject to an 82851
immobilization waiver order. Whoever violates this division is 82852
guilty of operating a motor vehicle in violation of an 82853
immobilization waiver, a misdemeanor of the first degree. 82854

(F) "Family or household member" has the same meaning as in 82855
section 2919.25 of the Revised Code, except that the person must 82856
be currently residing with the offender. 82857

Sec. 4503.40. ~~The~~ For each registration renewal with an 82858
expiration date before October 1, 2009, and for each initial 82859
application for registration received before that date the 82860
registrar of motor vehicles shall be allowed a fee not to exceed 82861
ten dollars, and for each registration renewal with an expiration 82862
date on or after October 1, 2009, and for each initial application 82863
for registration received on or after that date the registrar of 82864
~~motor vehicles~~ shall be allowed a fee of twenty-five dollars, for 82865
each application received by the registrar for special state 82866
reserved license plate numbers and the issuing of such licenses, 82867
and validation stickers, in the several series as the registrar 82868
may designate. The fee shall be in addition to the license tax 82869
established by this chapter and, where applicable, Chapter 4504. 82870
of the Revised Code. Seven dollars and fifty cents of the fee 82871
shall be for the purpose of compensating the bureau of motor 82872
vehicles for additional services required in the issuing of such 82873
licenses, and the remaining ~~seventeen dollars and fifty cents~~ 82874
portion of the fee shall be deposited by the registrar into the 82875
state treasury to the credit of the state highway safety fund 82876
created by section 4501.06 of the Revised Code. The types of motor 82877
vehicles for which special state reserved license plates may be 82878
issued in accordance with this section shall include at least 82879
motorcycles, buses, passenger cars, and noncommercial motor 82880
vehicles. 82881

Sec. 4503.42. ~~The~~ For each registration renewal with an 82882
expiration date before October 1, 2009, and for each initial 82883
application for registration received before that date the 82884
registrar of motor vehicles shall be allowed a fee not to exceed 82885

thirty-five dollars, and for each registration renewal with an 82886
expiration date on or after October 1, 2009, and for each initial 82887
application for registration received on or after that date the 82888
registrar ~~of motor vehicles~~ shall be allowed a fee of fifty 82889
dollars, which shall be in addition to the regular license fee for 82890
tags as prescribed under section 4503.04 of the Revised Code and 82891
any tax levied under section 4504.02 or 4504.06 of the Revised 82892
Code, for each application received by the registrar for special 82893
reserved license plate numbers containing more than three letters 82894
or numerals, and the issuing of such licenses and validation 82895
stickers in the several series as the registrar may designate. 82896
Five dollars of the fee shall be for the purpose of compensating 82897
the bureau of motor vehicles for additional services required in 82898
the issuing of such licenses and validation stickers, and the 82899
remaining ~~forty five dollars~~ portion of the fee shall be deposited 82900
by the registrar into the state treasury to the credit of the 82901
state highway safety fund created by section 4501.06 of the 82902
Revised Code. 82903

This section does not apply to the issuance of reserved 82904
license plates as authorized by sections 4503.14, 4503.15, and 82905
4503.40 of the Revised Code. The types of motor vehicles for which 82906
license plate numbers containing more than three letters or 82907
numerals may be issued in accordance with this section shall 82908
include at least buses, passenger cars, and noncommercial motor 82909
vehicles. 82910

Sec. 4503.44. (A) As used in this section and in section 82911
4511.69 of the Revised Code: 82912

(1) "Person with a disability that limits or impairs the 82913
ability to walk" means any person who, as determined by a health 82914
care provider, meets any of the following criteria: 82915

(a) Cannot walk two hundred feet without stopping to rest; 82916

(b) Cannot walk without the use of, or assistance from, a	82917
brace, cane, crutch, another person, prosthetic device,	82918
wheelchair, or other assistive device;	82919
(c) Is restricted by a lung disease to such an extent that	82920
the person's forced (respiratory) expiratory volume for one	82921
second, when measured by spirometry, is less than one liter, or	82922
the arterial oxygen tension is less than sixty millimeters of	82923
mercury on room air at rest;	82924
(d) Uses portable oxygen;	82925
(e) Has a cardiac condition to the extent that the person's	82926
functional limitations are classified in severity as class III or	82927
class IV according to standards set by the American heart	82928
association;	82929
(f) Is severely limited in the ability to walk due to an	82930
arthritic, neurological, or orthopedic condition;	82931
(g) Is blind.	82932
(2) "Organization" means any private organization or	82933
corporation, or any governmental board, agency, department,	82934
division, or office, that, as part of its business or program,	82935
transports persons with disabilities that limit or impair the	82936
ability to walk on a regular basis in a motor vehicle that has not	82937
been altered for the purpose of providing it with special	82938
equipment for use by handicapped persons. This definition does not	82939
apply to division (J) of this section.	82940
(3) "Health care provider" means a physician, physician	82941
assistant, advanced practice nurse, or chiropractor as defined in	82942
this section.	82943
(4) "Physician" means a person licensed to practice medicine	82944
or surgery or osteopathic medicine and surgery under Chapter 4731.	82945
of the Revised Code.	82946

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code. 82947
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(6) "Advanced practice nurse" means any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code. 82949
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(7) "Physician assistant" means a person who holds a certificate to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 82954
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(B) Any organization or person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard or, if the person owns or leases a motor vehicle, the person may apply for the registration of any motor vehicle the person owns or leases. In addition to one or more sets of license plates or one placard, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion, determines that good and justifiable cause exists to approve the request for the additional placard. When a motor vehicle has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A)(1) of 82957
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this section and that the disability is expected to continue for 82979
more than six consecutive months. The application for a removable 82980
windshield placard made by a person with a disability that limits 82981
or impairs the ability to walk shall be accompanied by a 82982
prescription from the applicant's health care provider prescribing 82983
such a placard for the applicant, provided that the applicant 82984
meets at least one of the criteria contained in division (A)(1) of 82985
this section. The health care provider shall state on the 82986
prescription the length of time the health care provider expects 82987
the applicant to have the disability that limits or impairs the 82988
applicant's ability to walk. The application for a removable 82989
windshield placard made by an organization shall be accompanied by 82990
such documentary evidence of regular transport of persons with 82991
disabilities that limit or impair the ability to walk by the 82992
organization as the registrar may require by rule and shall be 82993
completed in accordance with procedures that the registrar may 82994
require by rule. The application for registration of a motor 82995
vehicle that has been altered for the purpose of providing it with 82996
special equipment for a person with a disability that limits or 82997
impairs the ability to walk but is owned by someone other than 82998
such a person shall be accompanied by such documentary evidence of 82999
vehicle alterations as the registrar may require by rule. 83000

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(C) When an organization, a person with a disability that 83002
limits or impairs the ability to walk, or a person who does not 83003
have a disability that limits or impairs the ability to walk but 83004
owns a motor vehicle that has been altered for the purpose of 83005
providing it with special equipment for a person with a disability 83006
that limits or impairs the ability to walk first submits an 83007
application for registration of a motor vehicle under this section 83008
and every fifth year thereafter, the organization or person shall 83009
submit a signed statement from the applicant's health care 83010
provider, a completed application, and any required documentary 83011

evidence of vehicle alterations as provided in division (B) of 83012
this section, and also a power of attorney from the owner of the 83013
motor vehicle if the applicant leases the vehicle. Upon submission 83014
of these items, the registrar or deputy registrar shall issue to 83015
the applicant appropriate vehicle registration and a set of 83016
license plates and validation stickers, or validation stickers 83017
alone when required by section 4503.191 of the Revised Code. In 83018
addition to the letters and numbers ordinarily inscribed thereon, 83019
the license plates shall be imprinted with the international 83020
symbol of access. The license plates and validation stickers shall 83021
be issued upon payment of the regular license fee as prescribed 83022
under section 4503.04 of the Revised Code and any motor vehicle 83023
tax levied under Chapter 4504. of the Revised Code, and the 83024
payment of a service fee equal to the amount specified in division 83025
(D) or (G) of section 4503.10 of the Revised Code. 83026

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(D)(1) Upon receipt of a completed and signed application for 83028
a removable windshield placard, a prescription as described in 83029
division (B) of this section, documentary evidence of regular 83030
transport of persons with disabilities that limit or impair the 83031
ability to walk, if required, and payment of a service fee equal 83032
to the amount specified in division (D) or (G) of section 4503.10 83033
of the Revised Code, the registrar or deputy registrar shall issue 83034
to the applicant a removable windshield placard, which shall bear 83035
the date of expiration on both sides of the placard and shall be 83036
valid until expired, revoked, or surrendered. Every removable 83037
windshield placard expires as described in division (D)(2) of this 83038
section, but in no case shall a removable windshield placard be 83039
valid for a period of less than sixty days. Removable windshield 83040
placards shall be renewable upon application as provided in 83041
division (B) of this section, and a service fee equal to the 83042
amount specified in division (D) or (G) of section 4503.10 of the 83043
Revised Code shall be charged for the renewal of a removable 83044

windshield placard. The registrar shall provide the application 83045
form and shall determine the information to be included thereon. 83046
The registrar also shall determine the form and size of the 83047
removable windshield placard, the material of which it is to be 83048
made, and any other information to be included thereon, and shall 83049
adopt rules relating to the issuance, expiration, revocation, 83050
surrender, and proper display of such placards. Any placard issued 83051
after October 14, 1999, shall be manufactured in a manner that 83052
allows the expiration date of the placard to be indicated on it 83053
through the punching, drilling, boring, or creation by any other 83054
means of holes in the placard. 83055

(2) At the time a removable windshield placard is issued to a 83056
person with a disability that limits or impairs the ability to 83057
walk, the registrar or deputy registrar shall enter into the 83058
records of the bureau of motor vehicles the last date on which the 83059
person will have that disability, as indicated on the accompanying 83060
prescription. Not less than thirty days prior to that date and all 83061
removable windshield placard renewal dates, the bureau shall send 83062
a renewal notice to that person at the person's last known address 83063
as shown in the records of the bureau, informing the person that 83064
the person's removable windshield placard will expire on the 83065
indicated date not to exceed five years from the date of issuance, 83066
and that the person is required to renew the placard by submitting 83067
to the registrar or a deputy registrar another prescription, as 83068
described in division (B) of this section, and by complying with 83069
the renewal provisions prescribed in division (D)(1) of this 83070
section. If such a prescription is not received by the registrar 83071
or a deputy registrar by that date, the placard issued to that 83072
person expires and no longer is valid, and this fact shall be 83073
recorded in the records of the bureau. 83074

(3) At least once every year, on a date determined by the 83075
registrar, the bureau shall examine the records of the office of 83076

vital statistics, located within the department of health, that 83077
pertain to deceased persons, and also the bureau's records of all 83078
persons who have been issued removable windshield placards and 83079
temporary removable windshield placards. If the records of the 83080
office of vital statistics indicate that a person to whom a 83081
removable windshield placard or temporary removable windshield 83082
placard has been issued is deceased, the bureau shall cancel that 83083
placard, and note the cancellation in its records. 83084

The office of vital statistics shall make available to the 83085
bureau all information necessary to enable the bureau to comply 83086
with division (D)(3) of this section. 83087

(4) Nothing in this section shall be construed to require a 83088
person or organization to apply for a removable windshield placard 83089
or special license plates if the parking card or special license 83090
plates issued to the person or organization under prior law have 83091
not expired or been surrendered or revoked. 83092

(E)(1)(a) Any person with a disability that limits or impairs 83093
the ability to walk may apply to the registrar or a deputy 83094
registrar for a temporary removable windshield placard. The 83095
application for a temporary removable windshield placard shall be 83096
accompanied by a prescription from the applicant's health care 83097
provider prescribing such a placard for the applicant, provided 83098
that the applicant meets at least one of the criteria contained in 83099
division (A)(1) of this section and that the disability is 83100
expected to continue for six consecutive months or less. The 83101
health care provider shall state on the prescription the length of 83102
time the health care provider expects the applicant to have the 83103
disability that limits or impairs the applicant's ability to walk, 83104
which cannot exceed six months from the date of the prescription. 83105
Upon receipt of an application for a temporary removable 83106
windshield placard, presentation of the prescription from the 83107
applicant's health care provider, and payment of a service fee 83108

equal to the amount specified in division (D) or (G) of section 83109
4503.10 of the Revised Code, the registrar or deputy registrar 83110
shall issue to the applicant a temporary removable windshield 83111
placard. 83112

(b) Any active-duty member of the armed forces of the United 83113
States, including the reserve components of the armed forces and 83114
the national guard, who has an illness or injury that limits or 83115
impairs the ability to walk may apply to the registrar or a deputy 83116
registrar for a temporary removable windshield placard. With the 83117
application, the person shall present evidence of the person's 83118
active-duty status and the illness or injury. Evidence of the 83119
illness or injury may include a current department of defense 83120
convalescent leave statement, any department of defense document 83121
indicating that the person currently has an ill or injured 83122
casualty status or has limited duties, or a prescription from any 83123
health care provider prescribing the placard for the applicant. 83124
Upon receipt of the application and the necessary evidence, the 83125
registrar or deputy registrar shall issue the applicant the 83126
temporary removable windshield placard without the payment of any 83127
service fee. 83128

(2) The temporary removable windshield placard shall be of 83129
the same size and form as the removable windshield placard, shall 83130
be printed in white on a red-colored background, and shall bear 83131
the word "temporary" in letters of such size as the registrar 83132
shall prescribe. A temporary removable windshield placard also 83133
shall bear the date of expiration on the front and back of the 83134
placard, and shall be valid until expired, surrendered, or 83135
revoked, but in no case shall such a placard be valid for a period 83136
of less than sixty days. The registrar shall provide the 83137
application form and shall determine the information to be 83138
included on it, provided that the registrar shall not require a 83139
health care provider's prescription or certification for a person 83140

applying under division (E)(1)(b) of this section. The registrar 83141
also shall determine the material of which the temporary removable 83142
windshield placard is to be made and any other information to be 83143
included on the placard and shall adopt rules relating to the 83144
issuance, expiration, surrender, revocation, and proper display of 83145
those placards. Any temporary removable windshield placard issued 83146
after October 14, 1999, shall be manufactured in a manner that 83147
allows for the expiration date of the placard to be indicated on 83148
it through the punching, drilling, boring, or creation by any 83149
other means of holes in the placard. 83150

(F) If an applicant for a removable windshield placard is a 83151
veteran of the armed forces of the United States whose disability, 83152
as defined in division (A)(1) of this section, is 83153
service-connected, the registrar or deputy registrar, upon receipt 83154
of the application, presentation of a signed statement from the 83155
applicant's health care provider certifying the applicant's 83156
disability, and presentation of such documentary evidence from the 83157
department of veterans affairs that the disability of the 83158
applicant meets at least one of the criteria identified in 83159
division (A)(1) of this section and is service-connected as the 83160
registrar may require by rule, but without the payment of any 83161
service fee, shall issue the applicant a removable windshield 83162
placard that is valid until expired, surrendered, or revoked. 83163

(G) Upon a conviction of a violation of division (I), (J), or 83164
(K) of this section, the court shall report the conviction, and 83165
send the placard or parking card, if available, to the registrar, 83166
who thereupon shall revoke the privilege of using the placard or 83167
parking card and send notice in writing to the placardholder or 83168
cardholder at that holder's last known address as shown in the 83169
records of the bureau, and the placardholder or cardholder shall 83170
return the placard or card if not previously surrendered to the 83171
court, to the registrar within ten days following mailing of the 83172

notice. 83173

Whenever a person to whom a removable windshield placard or 83174
parking card has been issued moves to another state, the person 83175
shall surrender the placard or card to the registrar; and whenever 83176
an organization to which a placard or card has been issued changes 83177
its place of operation to another state, the organization shall 83178
surrender the placard or card to the registrar. 83179

(H) Subject to division (F) of section 4511.69 of the Revised 83180
Code, the operator of a motor vehicle displaying a removable 83181
windshield placard, temporary removable windshield placard, 83182
parking card, or the special license plates authorized by this 83183
section is entitled to park the motor vehicle in any special 83184
parking location reserved for persons with disabilities that limit 83185
or impair the ability to walk, also known as handicapped parking 83186
spaces or disability parking spaces. 83187

(I) No person or organization that is not eligible under 83188
division (B) or (E) of this section shall willfully and falsely 83189
represent that the person or organization is so eligible. 83190

No person or organization shall display license plates issued 83191
under this section unless the license plates have been issued for 83192
the vehicle on which they are displayed and are valid. 83193

(J) No person or organization to which a removable windshield 83194
placard or temporary removable windshield placard is issued shall 83195
do either of the following: 83196

(1) Display or permit the display of the placard on any motor 83197
vehicle when having reasonable cause to believe the motor vehicle 83198
is being used in connection with an activity that does not include 83199
providing transportation for persons with disabilities that limit 83200
or impair the ability to walk; 83201

(2) Refuse to return or surrender the placard, when required. 83202

(K)(1) No person or organization to which a parking card is issued shall do either of the following:	83203 83204
(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a handicapped person;	83205 83206 83207 83208
(b) Refuse to return or surrender the parking card, when required.	83209 83210
(2) As used in division (K) of this section:	83211
(a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.	83212 83213 83214 83215 83216 83217
(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons.	83218 83219 83220 83221 83222 83223
(L) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:	83224 83225 83226 83227
(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;	83228 83229
(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.	83230 83231
Any placardholder or cardholder who loses a placard or card	83232

and, after obtaining a duplicate, finds the original, immediately 83233
shall surrender the original placard or card to the registrar. 83234

(M) The registrar shall pay all fees received under this 83235
section for the issuance of removable windshield placards or 83236
temporary removable windshield placards or duplicate removable 83237
windshield placards or cards into the state treasury to the credit 83238
of the state bureau of motor vehicles fund created in section 83239
4501.25 of the Revised Code. 83240

(N) In addition to the fees collected under this section, the 83241
registrar or deputy registrar shall ask each person applying for a 83242
removable windshield placard or temporary removable windshield 83243
placard or duplicate removable windshield placard or license plate 83244
issued under this section, whether the person wishes to make a 83245
two-dollar voluntary contribution to support rehabilitation 83246
employment services. The registrar shall transmit the 83247
contributions received under this division to the treasurer of 83248
state for deposit into the rehabilitation employment fund, which 83249
is hereby created in the state treasury. A deputy registrar shall 83250
transmit the contributions received under this division to the 83251
registrar in the time and manner prescribed by the registrar. The 83252
contributions in the fund shall be used by the rehabilitation 83253
services commission to purchase services related to vocational 83254
evaluation, work adjustment, personal adjustment, job placement, 83255
job coaching, and community-based assessment from accredited 83256
community rehabilitation program facilities. 83257

(O) For purposes of enforcing this section, every peace 83258
officer is deemed to be an agent of the registrar. Any peace 83259
officer or any authorized employee of the bureau of motor vehicles 83260
who, in the performance of duties authorized by law, becomes aware 83261
of a person whose placard or parking card has been revoked 83262
pursuant to this section, may confiscate that placard or parking 83263
card and return it to the registrar. The registrar shall prescribe 83264

any forms used by law enforcement agencies in administering this 83265
section. 83266

No peace officer, law enforcement agency employing a peace 83267
officer, or political subdivision or governmental agency employing 83268
a peace officer, and no employee of the bureau is liable in a 83269
civil action for damages or loss to persons arising out of the 83270
performance of any duty required or authorized by this section. As 83271
used in this division, "peace officer" has the same meaning as in 83272
division (B) of section 2935.01 of the Revised Code. 83273

~~(O)~~(P) All applications for registration of motor vehicles, 83274
removable windshield placards, and temporary removable windshield 83275
placards issued under this section, all renewal notices for such 83276
items, and all other publications issued by the bureau that relate 83277
to this section shall set forth the criminal penalties that may be 83278
imposed upon a person who violates any provision relating to 83279
special license plates issued under this section, the parking of 83280
vehicles displaying such license plates, and the issuance, 83281
procurement, use, and display of removable windshield placards and 83282
temporary removable windshield placards issued under this section. 83283

~~(P)~~(O) Whoever violates this section is guilty of a 83284
misdemeanor of the fourth degree. 83285

Sec. 4503.563. (A) The owner or lessee of any passenger car, 83286
noncommercial motor vehicle, recreational vehicle, or other 83287
vehicle of a class approved by the registrar of motor vehicles may 83288
apply to the registrar for the registration of the vehicle and 83289
issuance of Ohio nature preserves license plates. The application 83290
for Ohio nature preserves license plates may be combined with a 83291
request for a special reserved license plate under section 4503.40 83292
or 4503.42 of the Revised Code. Upon receipt of the completed 83293
application and compliance with division (B) of this section, the 83294
registrar shall issue to the applicant the appropriate vehicle 83295

registration and a set of Ohio nature preserves license plates 83296
with a validation sticker or a validation sticker alone when 83297
required by section 4503.191 of the Revised Code. 83298

In addition to the letters and numbers ordinarily inscribed 83299
thereon, Ohio nature preserves license plates shall be inscribed 83300
with identifying words or markings designed by the department of 83301
natural resources and approved by the registrar. Ohio nature 83302
preserves license plates shall bear county identification stickers 83303
that identify the county of registration by name or number. 83304

(B) The Ohio nature preserves license plates and validation 83305
sticker shall be issued upon receipt of a contribution as provided 83306
in division (C) of this section and upon payment of the regular 83307
license fees as prescribed under section 4503.04 of the Revised 83308
Code, a bureau of motor vehicles administrative fee of ten 83309
dollars, any applicable motor vehicle tax levied under Chapter 83310
4504. of the Revised Code, and compliance with all other 83311
applicable laws relating to the registration of motor vehicles. If 83312
the application for Ohio nature preserves license plates is 83313
combined with a request for a special reserved license plate under 83314
section 4503.40 or 4503.42 of the Revised Code, the license plates 83315
and validation sticker shall be issued upon payment of the 83316
contribution, fees, and taxes contained in this division and the 83317
additional fee prescribed under section 4503.40 or 4503.42 of the 83318
Revised Code. 83319

(C) For each application for registration and registration 83320
renewal submitted under this section, the registrar shall collect 83321
a contribution in an amount not to exceed forty dollars as 83322
determined by the department. The registrar shall transmit this 83323
contribution to the treasurer of state for deposit in the Ohio 83324
nature preserves fund created in section 4501.243 of the Revised 83325
Code. 83326

The registrar shall deposit the ten-dollar bureau administrative fee, the purpose of which is to compensate the bureau for additional services required in issuing Ohio nature preserves license plates, in the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code. 83327
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Sec. 4505.01. (A) As used in this chapter: 83332

(1) "Lien" includes, unless the context requires a different meaning, a security interest in a motor vehicle. 83333
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(2) "Motor vehicle" includes manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. 83335
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(3) "Manufactured home" has the same meaning as section 3781.06 of the Revised Code. 83338
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(4) "Mobile home" has the same meaning as in section 4501.01 of the Revised Code. 83340
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(5) "Manufactured housing dealer," "manufactured housing broker," and "manufactured housing salesperson" have the same meanings as in section 4781.01 of the Revised Code. 83342
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(6) "Motor vehicle dealer" includes manufactured housing dealers. 83345
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(7) "Motor vehicle salesperson" includes manufactured housing salespersons. 83347
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(B) The various certificates, applications, and assignments necessary to provide certificates of title for manufactured homes, mobile homes, recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds, shall be made upon forms prescribed by the registrar of motor vehicles. 83349
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Sec. 4505.06. (A)(1) Application for a certificate of title shall be made in a form prescribed by the registrar of motor 83354
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vehicles and shall be sworn to before a notary public or other 83356
officer empowered to administer oaths. The application shall be 83357
filed with the clerk of any court of common pleas. An application 83358
for a certificate of title may be filed electronically by any 83359
electronic means approved by the registrar in any county with the 83360
clerk of the court of common pleas of that county. Any payments 83361
required by this chapter shall be considered as accompanying any 83362
electronically transmitted application when payment actually is 83363
received by the clerk. Payment of any fee or taxes may be made by 83364
electronic transfer of funds. 83365

(2) The application for a certificate of title shall be 83366
accompanied by the fee prescribed in section 4505.09 of the 83367
Revised Code. The fee shall be retained by the clerk who issues 83368
the certificate of title and shall be distributed in accordance 83369
with that section. If a clerk of a court of common pleas, other 83370
than the clerk of the court of common pleas of an applicant's 83371
county of residence, issues a certificate of title to the 83372
applicant, the clerk shall transmit data related to the 83373
transaction to the automated title processing system. 83374

(3) If a certificate of title previously has been issued for 83375
a motor vehicle in this state, the application for a certificate 83376
of title also shall be accompanied by that certificate of title 83377
duly assigned, unless otherwise provided in this chapter. If a 83378
certificate of title previously has not been issued for the motor 83379
vehicle in this state, the application, unless otherwise provided 83380
in this chapter, shall be accompanied by a manufacturer's or 83381
importer's certificate or by a certificate of title of another 83382
state from which the motor vehicle was brought into this state. If 83383
the application refers to a motor vehicle last previously 83384
registered in another state, the application also shall be 83385
accompanied by the physical inspection certificate required by 83386
section 4505.061 of the Revised Code. If the application is made 83387

by two persons regarding a motor vehicle in which they wish to 83388
establish joint ownership with right of survivorship, they may do 83389
so as provided in section 2131.12 of the Revised Code. If the 83390
applicant requests a designation of the motor vehicle in 83391
beneficiary form so that upon the death of the owner of the motor 83392
vehicle, ownership of the motor vehicle will pass to a designated 83393
transfer-on-death beneficiary or beneficiaries, the applicant may 83394
do so as provided in section 2131.13 of the Revised Code. A person 83395
who establishes ownership of a motor vehicle that is transferable 83396
on death in accordance with section 2131.13 of the Revised Code 83397
may terminate that type of ownership or change the designation of 83398
the transfer-on-death beneficiary or beneficiaries by applying for 83399
a certificate of title pursuant to this section. The clerk shall 83400
retain the evidence of title presented by the applicant and on 83401
which the certificate of title is issued, except that, if an 83402
application for a certificate of title is filed electronically by 83403
an electronic motor vehicle dealer on behalf of the purchaser of a 83404
motor vehicle, the clerk shall retain the completed electronic 83405
record to which the dealer converted the certificate of title 83406
application and other required documents. The registrar, after 83407
consultation with the attorney general, shall adopt rules that 83408
govern the location at which, and the manner in which, are stored 83409
the actual application and all other documents relating to the 83410
sale of a motor vehicle when an electronic motor vehicle dealer 83411
files the application for a certificate of title electronically on 83412
behalf of the purchaser. 83413

The clerk shall use reasonable diligence in ascertaining 83414
whether or not the facts in the application for a certificate of 83415
title are true by checking the application and documents 83416
accompanying it or the electronic record to which a dealer 83417
converted the application and accompanying documents with the 83418
records of motor vehicles in the clerk's office. If the clerk is 83419
satisfied that the applicant is the owner of the motor vehicle and 83420

that the application is in the proper form, the clerk, within five 83421
business days after the application is filed and except as 83422
provided in section 4505.021 of the Revised Code, shall issue a 83423
physical certificate of title over the clerk's signature and 83424
sealed with the clerk's seal, unless the applicant specifically 83425
requests the clerk not to issue a physical certificate of title 83426
and instead to issue an electronic certificate of title. For 83427
purposes of the transfer of a certificate of title, if the clerk 83428
is satisfied that the secured party has duly discharged a lien 83429
notation but has not canceled the lien notation with a clerk, the 83430
clerk may cancel the lien notation on the automated title 83431
processing system and notify the clerk of the county of origin. 83432

(4) In the case of the sale of a motor vehicle to a general 83433
buyer or user by a dealer, by a motor vehicle leasing dealer 83434
selling the motor vehicle to the lessee or, in a case in which the 83435
leasing dealer subleased the motor vehicle, the sublessee, at the 83436
end of the lease agreement or sublease agreement, or by a 83437
manufactured ~~home~~ housing broker, the certificate of title shall 83438
be obtained in the name of the buyer by the dealer, leasing 83439
dealer, or manufactured ~~home~~ housing broker, as the case may be, 83440
upon application signed by the buyer. The certificate of title 83441
shall be issued, or the process of entering the certificate of 83442
title application information into the automated title processing 83443
system if a physical certificate of title is not to be issued 83444
shall be completed, within five business days after the 83445
application for title is filed with the clerk. If the buyer of the 83446
motor vehicle previously leased the motor vehicle and is buying 83447
the motor vehicle at the end of the lease pursuant to that lease, 83448
the certificate of title shall be obtained in the name of the 83449
buyer by the motor vehicle leasing dealer who previously leased 83450
the motor vehicle to the buyer or by the motor vehicle leasing 83451
dealer who subleased the motor vehicle to the buyer under a 83452
sublease agreement. 83453

In all other cases, except as provided in section 4505.032 83454
and division (D)(2) of section 4505.11 of the Revised Code, such 83455
certificates shall be obtained by the buyer. 83456

(5)(a)(i) If the certificate of title is being obtained in 83457
the name of the buyer by a motor vehicle dealer or motor vehicle 83458
leasing dealer and there is a security interest to be noted on the 83459
certificate of title, the dealer or leasing dealer shall submit 83460
the application for the certificate of title and payment of the 83461
applicable tax to a clerk within seven business days after the 83462
later of the delivery of the motor vehicle to the buyer or the 83463
date the dealer or leasing dealer obtains the manufacturer's or 83464
importer's certificate, or certificate of title issued in the name 83465
of the dealer or leasing dealer, for the motor vehicle. Submission 83466
of the application for the certificate of title and payment of the 83467
applicable tax within the required seven business days may be 83468
indicated by postmark or receipt by a clerk within that period. 83469

(ii) Upon receipt of the certificate of title with the 83470
security interest noted on its face, the dealer or leasing dealer 83471
shall forward the certificate of title to the secured party at the 83472
location noted in the financing documents or otherwise specified 83473
by the secured party. 83474

(iii) A motor vehicle dealer or motor vehicle leasing dealer 83475
is liable to a secured party for a late fee of ten dollars per day 83476
for each certificate of title application and payment of the 83477
applicable tax that is submitted to a clerk more than seven 83478
business days but less than twenty-one days after the later of the 83479
delivery of the motor vehicle to the buyer or the date the dealer 83480
or leasing dealer obtains the manufacturer's or importer's 83481
certificate, or certificate of title issued in the name of the 83482
dealer or leasing dealer, for the motor vehicle and, from then on, 83483
twenty-five dollars per day until the application and applicable 83484
tax are submitted to a clerk. 83485

(b) In all cases of transfer of a motor vehicle except the transfer of a manufactured home, the application for certificate of title shall be filed within thirty days after the assignment or delivery of the motor vehicle. ~~If~~

(c) An application for a certificate of title for a new manufactured home shall be filed within thirty days after the delivery of the new manufactured home to the purchaser. The date of the delivery shall be the date on which an occupancy permit for the manufactured home is delivered to the purchaser of the home by the appropriate legal authority.

(d) An application for a certificate of title for a used manufactured home or a used mobile home shall be filed as follows:

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser, the application for certificate of title shall be filed within thirty days after the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority.

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed 83518
within the period specified in division (A)(5)(b), (c), or (d) of 83519
this section, the clerk shall collect a fee of five dollars for 83520
the issuance of the certificate, except that no such fee shall be 83521
required from a motor vehicle salvage dealer, as defined in 83522
division (A) of section 4738.01 of the Revised Code, who 83523
immediately surrenders the certificate of title for cancellation. 83524
The fee shall be in addition to all other fees established by this 83525
chapter, and shall be retained by the clerk. The registrar shall 83526
provide, on the certificate of title form prescribed by section 83527
4505.07 of the Revised Code, language necessary to give evidence 83528
of the date on which the assignment or delivery of the motor 83529
vehicle was made. 83530

~~(6)~~(7) As used in division (A) of this section, "lease 83531
agreement," "lessee," and "sublease agreement" have the same 83532
meanings as in section 4505.04 of the Revised Code and "new 83533
manufactured home," "used manufactured home," and "used mobile 83534
home" have the same meanings as in section 5739.021 of the Revised 83535
Code. 83536

(B)(1) The clerk, except as provided in this section, shall 83537
refuse to accept for filing any application for a certificate of 83538
title and shall refuse to issue a certificate of title unless the 83539
dealer ~~or manufactured home broker~~ or the applicant, in cases in 83540
which the certificate shall be obtained by the buyer, submits with 83541
the application payment of the tax levied by or pursuant to 83542
Chapters 5739. and 5741. of the Revised Code based on the 83543
purchaser's county of residence. Upon payment of the tax in 83544
accordance with division (E) of this section, the clerk shall 83545
issue a receipt prescribed by the registrar and agreed upon by the 83546
tax commissioner showing payment of the tax or a receipt issued by 83547
the commissioner showing the payment of the tax. When submitting 83548
payment of the tax to the clerk, a dealer shall retain any 83549

discount to which the dealer is entitled under section 5739.12 of the Revised Code. 83550
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(2) For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent, and the clerk shall pay the poundage fee into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county. 83552
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A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the courts of common pleas, shall develop a report from the automated title processing system that informs each clerk of the amount of the poundage fees that the clerk is permitted to retain from those taxes because of certificates of title issued by the clerks of other counties to applicants who reside in the first clerk's county. 83559
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(3) In the case of casual sales of motor vehicles, as defined in section 4517.01 of the Revised Code, the price for the purpose of determining the tax shall be the purchase price on the assigned certificate of title executed by the seller and filed with the clerk by the buyer on a form to be prescribed by the registrar, which shall be prima-facie evidence of the amount for the determination of the tax. 83570
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(4) Each county clerk shall forward to the treasurer of state all sales and use tax collections resulting from sales of motor vehicles, off-highway motorcycles, and all-purpose vehicles during a calendar week on or before the Friday following the close of that week. If, on any Friday, the offices of the clerk of courts 83577
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or the state are not open for business, the tax shall be forwarded 83582
to the treasurer of state on or before the next day on which the 83583
offices are open. Every remittance of tax under division (B)(4) of 83584
this section shall be accompanied by a remittance report in such 83585
form as the tax commissioner prescribes. Upon receipt of a tax 83586
remittance and remittance report, the treasurer of state shall 83587
date stamp the report and forward it to the tax commissioner. If 83588
the tax due for any week is not remitted by a clerk of courts as 83589
required under division (B)(4) of this section, the commissioner 83590
may require the clerk to forfeit the poundage fees for the sales 83591
made during that week. The treasurer of state may require the 83592
clerks of courts to transmit tax collections and remittance 83593
reports electronically. 83594

(C)(1) If the transferor indicates on the certificate of 83595
title that the odometer reflects mileage in excess of the designed 83596
mechanical limit of the odometer, the clerk shall enter the phrase 83597
"exceeds mechanical limits" following the mileage designation. If 83598
the transferor indicates on the certificate of title that the 83599
odometer reading is not the actual mileage, the clerk shall enter 83600
the phrase "nonactual: warning - odometer discrepancy" following 83601
the mileage designation. The clerk shall use reasonable care in 83602
transferring the information supplied by the transferor, but is 83603
not liable for any errors or omissions of the clerk or those of 83604
the clerk's deputies in the performance of the clerk's duties 83605
created by this chapter. 83606

The registrar shall prescribe an affidavit in which the 83607
transferor shall swear to the true selling price and, except as 83608
provided in this division, the true odometer reading of the motor 83609
vehicle. The registrar may prescribe an affidavit in which the 83610
seller and buyer provide information pertaining to the odometer 83611
reading of the motor vehicle in addition to that required by this 83612
section, as such information may be required by the United States 83613

secretary of transportation by rule prescribed under authority of 83614
subchapter IV of the "Motor Vehicle Information and Cost Savings 83615
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 83616

(2) Division (C)(1) of this section does not require the 83617
giving of information concerning the odometer and odometer reading 83618
of a motor vehicle when ownership of a motor vehicle is being 83619
transferred as a result of a bequest, under the laws of intestate 83620
succession, to a survivor pursuant to section 2106.18, 2131.12, or 83621
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 83622
beneficiaries pursuant to section 2131.13 of the Revised Code, in 83623
connection with the creation of a security interest or for a 83624
vehicle with a gross vehicle weight rating of more than sixteen 83625
thousand pounds. 83626

(D) When the transfer to the applicant was made in some other 83627
state or in interstate commerce, the clerk, except as provided in 83628
this section, shall refuse to issue any certificate of title 83629
unless the tax imposed by or pursuant to Chapter 5741. of the 83630
Revised Code based on the purchaser's county of residence has been 83631
paid as evidenced by a receipt issued by the tax commissioner, or 83632
unless the applicant submits with the application payment of the 83633
tax. Upon payment of the tax in accordance with division (E) of 83634
this section, the clerk shall issue a receipt prescribed by the 83635
registrar and agreed upon by the tax commissioner, showing payment 83636
of the tax. 83637

For receiving and disbursing such taxes paid to the clerk by 83638
a resident of the clerk's county, the clerk may retain a poundage 83639
fee of one and one one-hundredth per cent. The clerk shall not 83640
retain a poundage fee from payments of taxes by persons who do not 83641
reside in the clerk's county. 83642

A clerk, however, may retain from the taxes paid to the clerk 83643
an amount equal to the poundage fees associated with certificates 83644
of title issued by other clerks of courts of common pleas to 83645

applicants who reside in the first clerk's county. The registrar, 83646
in consultation with the tax commissioner and the clerks of the 83647
courts of common pleas, shall develop a report from the automated 83648
title processing system that informs each clerk of the amount of 83649
the poundage fees that the clerk is permitted to retain from those 83650
taxes because of certificates of title issued by the clerks of 83651
other counties to applicants who reside in the first clerk's 83652
county. 83653

When the vendor is not regularly engaged in the business of 83654
selling motor vehicles, the vendor shall not be required to 83655
purchase a vendor's license or make reports concerning those 83656
sales. 83657

(E) The clerk shall accept any payment of a tax in cash, or 83658
by cashier's check, certified check, draft, money order, or teller 83659
check issued by any insured financial institution payable to the 83660
clerk and submitted with an application for a certificate of title 83661
under division (B) or (D) of this section. The clerk also may 83662
accept payment of the tax by corporate, business, or personal 83663
check, credit card, electronic transfer or wire transfer, debit 83664
card, or any other accepted form of payment made payable to the 83665
clerk. The clerk may require bonds, guarantees, or letters of 83666
credit to ensure the collection of corporate, business, or 83667
personal checks. Any service fee charged by a third party to a 83668
clerk for the use of any form of payment may be paid by the clerk 83669
from the certificate of title administration fund created in 83670
section 325.33 of the Revised Code, or may be assessed by the 83671
clerk upon the applicant as an additional fee. Upon collection, 83672
the additional fees shall be paid by the clerk into that 83673
certificate of title administration fund. 83674

The clerk shall make a good faith effort to collect any 83675
payment of taxes due but not made because the payment was returned 83676
or dishonored, but the clerk is not personally liable for the 83677

payment of uncollected taxes or uncollected fees. The clerk shall 83678
notify the tax commissioner of any such payment of taxes that is 83679
due but not made and shall furnish the information to the 83680
commissioner that the commissioner requires. The clerk shall 83681
deduct the amount of taxes due but not paid from the clerk's 83682
periodic remittance of tax payments, in accordance with procedures 83683
agreed upon by the tax commissioner. The commissioner may collect 83684
taxes due by assessment in the manner provided in section 5739.13 83685
of the Revised Code. 83686

Any person who presents payment that is returned or 83687
dishonored for any reason is liable to the clerk for payment of a 83688
penalty over and above the amount of the taxes due. The clerk 83689
shall determine the amount of the penalty, and the penalty shall 83690
be no greater than that amount necessary to compensate the clerk 83691
for banking charges, legal fees, or other expenses incurred by the 83692
clerk in collecting the returned or dishonored payment. The 83693
remedies and procedures provided in this section are in addition 83694
to any other available civil or criminal remedies. Subsequently 83695
collected penalties, poundage fees, and title fees, less any title 83696
fee due the state, from returned or dishonored payments collected 83697
by the clerk shall be paid into the certificate of title 83698
administration fund. Subsequently collected taxes, less poundage 83699
fees, shall be sent by the clerk to the treasurer of state at the 83700
next scheduled periodic remittance of tax payments, with 83701
information as the commissioner may require. The clerk may abate 83702
all or any part of any penalty assessed under this division. 83703

(F) In the following cases, the clerk shall accept for filing 83704
an application and shall issue a certificate of title without 83705
requiring payment or evidence of payment of the tax: 83706

(1) When the purchaser is this state or any of its political 83707
subdivisions, a church, or an organization whose purchases are 83708
exempted by section 5739.02 of the Revised Code; 83709

(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;	83710 83711
(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;	83712 83713 83714
(4) When the purchaser is the federal government;	83715
(5) When the motor vehicle was purchased outside this state for use outside this state;	83716 83717
(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the affidavit provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	83718 83719 83720 83721 83722 83723
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."	83724 83725 83726 83727 83728 83729 83730 83731 83732 83733 83734 83735
(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02,	83736 83737 83738 83739 83740

5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 83741
issued by the tax commissioner showing payment of the tax. For 83742
sales of manufactured homes or mobile homes occurring on or after 83743
January 1, 2000, the applicant shall pay to the clerk an 83744
additional fee of five dollars for each certificate of title 83745
issued by the clerk for a manufactured or mobile home pursuant to 83746
division (H) of section 4505.11 of the Revised Code and for each 83747
certificate of title issued upon transfer of ownership of the 83748
home. The clerk shall credit the fee to the county certificate of 83749
title administration fund, and the fee shall be used to pay the 83750
expenses of archiving those certificates pursuant to division (A) 83751
of section 4505.08 and division (H)(3) of section 4505.11 of the 83752
Revised Code. The tax commissioner shall administer any tax on a 83753
manufactured or mobile home pursuant to Chapters 5739. and 5741. 83754
of the Revised Code. 83755

(I) Every clerk shall have the capability to transact by 83756
electronic means all procedures and transactions relating to the 83757
issuance of motor vehicle certificates of title that are described 83758
in the Revised Code as being accomplished by electronic means. 83759

Sec. 4505.062. Notwithstanding any general requirement in 83760
this chapter to the effect that an application for a certificate 83761
of title to a motor vehicle shall be "sworn to" or shall be "sworn 83762
to before a notary public or other officer empowered to administer 83763
oaths," that requirement shall apply only in the case of a 83764
transfer of a motor vehicle between parties in the course of a 83765
casual sale, as defined in ~~section~~ sections 4517.01 and 4781.01 of 83766
the Revised Code. 83767

Sec. 4505.09. (A)(1) The clerk of a court of common pleas 83768
shall charge and retain fees as follows: 83769

(a) Five dollars for each certificate of title that is not 83770

applied for within thirty days after the later of the assignment 83771
or delivery of the motor vehicle described in it. The entire fee 83772
shall be retained by the clerk. 83773

(b) Fifteen dollars for each certificate of title or 83774
duplicate certificate of title including the issuance of a 83775
memorandum certificate of title, or authorization to print a 83776
non-negotiable evidence of ownership described in division (G) of 83777
section 4505.08 of the Revised Code, non-negotiable evidence of 83778
ownership printed by the clerk under division (H) of that section, 83779
and notation of any lien on a certificate of title that is applied 83780
for at the same time as the certificate of title. The clerk shall 83781
retain eleven dollars and fifty cents of that fee for each 83782
certificate of title when there is a notation of a lien or 83783
security interest on the certificate of title, twelve dollars and 83784
twenty-five cents when there is no lien or security interest noted 83785
on the certificate of title, and eleven dollars and fifty cents 83786
for each duplicate certificate of title. 83787

(c) Five dollars for each certificate of title with no 83788
security interest noted that is issued to a licensed motor vehicle 83789
dealer for resale purposes. The clerk shall retain two dollars and 83790
twenty-five cents of that fee. 83791

(d) Five dollars for each memorandum certificate of title or 83792
non-negotiable evidence of ownership that is applied for 83793
separately. The clerk shall retain that entire fee. 83794

(2) The fees that are not retained by the clerk shall be paid 83795
to the registrar of motor vehicles by monthly returns, which shall 83796
be forwarded to the registrar not later than the fifth day of the 83797
month next succeeding that in which the certificate is issued or 83798
that in which the registrar is notified of a lien or cancellation 83799
of a lien. 83800

(B)(1) The registrar shall pay twenty-five cents of the 83801

amount received for each certificate of title issued to a motor 83802
vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 83803
certificates of title issued with a lien or security interest 83804
noted on the certificate of title, and twenty-five cents for each 83805
certificate of title with no lien or security interest noted on 83806
the certificate of title into the state bureau of motor vehicles 83807
fund established in section 4501.25 of the Revised Code. 83808

(2) Fifty cents of the amount received for each certificate 83809
of title shall be paid by the registrar as follows: 83810

(a) Four cents shall be paid into the state treasury to the 83811
credit of the motor vehicle dealers board fund, which is hereby 83812
created. All investment earnings of the fund shall be credited to 83813
the fund. The moneys in the motor vehicle dealers board fund shall 83814
be used by the motor vehicle dealers board created under section 83815
4517.30 of the Revised Code, together with other moneys 83816
appropriated to it, in the exercise of its powers and the 83817
performance of its duties under Chapter 4517. of the Revised Code, 83818
except that the director of budget and management may transfer 83819
excess money from the motor vehicle dealers board fund to the 83820
bureau of motor vehicles fund if the registrar determines that the 83821
amount of money in the motor vehicle dealers board fund, together 83822
with other moneys appropriated to the board, exceeds the amount 83823
required for the exercise of its powers and the performance of its 83824
duties under Chapter 4517. of the Revised Code and requests the 83825
director to make the transfer. 83826

(b) Twenty-one cents shall be paid into the highway operating 83827
fund. 83828

(c) Twenty-five cents shall be paid into the state treasury 83829
to the credit of the motor vehicle sales audit fund, which is 83830
hereby created. The moneys in the fund shall be used by the tax 83831
commissioner together with other funds available to the 83832
commissioner to conduct a continuing investigation of sales and 83833

use tax returns filed for motor vehicles in order to determine if 83834
sales and use tax liability has been satisfied. The commissioner 83835
shall refer cases of apparent violations of section 2921.13 of the 83836
Revised Code made in connection with the titling or sale of a 83837
motor vehicle and cases of any other apparent violations of the 83838
sales or use tax law to the appropriate county prosecutor whenever 83839
the commissioner considers it advisable. 83840

(3) Two dollars of the amount received by the registrar for 83841
each certificate of title shall be paid into the state treasury to 83842
the credit of the automated title processing fund, which is hereby 83843
created and which shall consist of moneys collected under division 83844
(B)(3) of this section and under sections 1548.10 and 4519.59 of 83845
the Revised Code. All investment earnings of the fund shall be 83846
credited to the fund. The moneys in the fund shall be used as 83847
follows: 83848

(a) Except for moneys collected under section 1548.10 of the 83849
Revised Code and as provided in division (B)(3)(c) of this 83850
section, moneys collected under division (B)(3) of this section 83851
shall be used to implement and maintain an automated title 83852
processing system for the issuance of motor vehicle, off-highway 83853
motorcycle, and all-purpose vehicle certificates of title in the 83854
offices of the clerks of the courts of common pleas. 83855

(b) Moneys collected under section 1548.10 of the Revised 83856
Code shall be used to issue marine certificates of title in the 83857
offices of the clerks of the courts of common pleas as provided in 83858
Chapter 1548. of the Revised Code. 83859

(c) Moneys collected under division (B)(3) of this section 83860
shall be used in accordance with section 4505.25 of the Revised 83861
Code to implement Sub. S.B. 59 of the 124th general assembly. 83862

(C)(1) The automated title processing board is hereby created 83863
consisting of the registrar or the registrar's representative, a 83864

person selected by the registrar, the president of the Ohio clerks of court association or the president's representative, and two clerks of courts of common pleas appointed by the governor. The director of budget and management or the director's designee, the chief of the division of watercraft in the department of natural resources or the chief's designee, and the tax commissioner or the commissioner's designee shall be nonvoting members of the board. The purpose of the board is to facilitate the operation and maintenance of an automated title processing system and approve the procurement of automated title processing system equipment. Voting members of the board, excluding the registrar or the registrar's representative, shall serve without compensation, but shall be reimbursed for travel and other necessary expenses incurred in the conduct of their official duties. The registrar or the registrar's representative shall receive neither compensation nor reimbursement as a board member.

(2) The automated title processing board shall determine each of the following:

(a) The automated title processing equipment and certificates of title requirements for each county;

(b) The payment of expenses that may be incurred by the counties in implementing an automated title processing system;

(c) The repayment to the counties for existing title processing equipment.

(3) The registrar shall purchase, lease, or otherwise acquire any automated title processing equipment and certificates of title that the board determines are necessary from moneys in the automated title processing fund established by division (B)(3) of this section.

(D) All counties shall conform to the requirements of the

registrar regarding the operation of their automated title 83896
processing system for motor vehicle titles, certificates of title 83897
for off-highway motorcycles and all-purpose vehicles, and 83898
certificates of title for watercraft and outboard motors. 83899

Sec. 4505.111. (A) Every motor vehicle, other than a 83900
manufactured home, a mobile home, or a motor vehicle as provided 83901
in divisions (C), (D), and (E) of section 4505.11 of the Revised 83902
Code, that is assembled from component parts by a person other 83903
than the manufacturer, shall be inspected by the state highway 83904
patrol prior to issuance of title to the motor vehicle. The 83905
inspection shall include establishing proof of ownership and an 83906
inspection of the motor number and vehicle identification number 83907
of the motor vehicle, and any items of equipment the director of 83908
public safety considers advisable and requires to be inspected by 83909
rule. A fee of forty dollars in fiscal year 1998 and fifty dollars 83910
in fiscal year 1999 and thereafter shall be assessed by the state 83911
highway patrol for each inspection made pursuant to this section, 83912
and shall be deposited in the state highway safety fund 83913
established by section 4501.06 of the Revised Code. 83914

(B) Whoever violates this section shall be fined not more 83915
than two thousand dollars, imprisoned not more than one year, or 83916
both. 83917

Sec. 4505.181. (A) Notwithstanding divisions (A)(2), (5), and 83918
(6) of section 4505.18 of the Revised Code, a motor vehicle dealer 83919
or person acting on behalf of a motor vehicle dealer may display, 83920
offer for sale, or sell a used motor vehicle, used manufactured 83921
home, or used mobile home without having first obtained a 83922
certificate of title for the vehicle in the name of the dealer as 83923
required by this chapter if the dealer or person acting on behalf 83924
of the dealer complies with divisions (A)(1)(a) and (2) of this 83925
section, or divisions (A)(1)(b) and (2) of this section, as 83926

follows: 83927

(1)(a) If the dealer has been licensed as a motor vehicle 83928
dealer or manufactured housing dealer for less than the three-year 83929
period prior to the date on which the dealer or person acting on 83930
behalf of the dealer displays, offers for sale, or sells the used 83931
motor vehicle for which the dealer has not obtained a certificate 83932
of title in the name of the dealer, or if the attorney general has 83933
paid a retail purchaser of the dealer under division (C) of this 83934
section within three years prior to such date, the dealer posts 83935
with the attorney general's office in favor of this state a bond 83936
of a surety company authorized to do business in this state, in an 83937
amount of not less than twenty-five thousand dollars, to be used 83938
solely for the purpose of compensating retail purchasers of motor 83939
vehicles, manufactured homes, or mobile homes who suffer damages 83940
due to failure of the dealer or person acting on behalf of the 83941
dealer to comply with this section. The dealer's surety shall 83942
notify the registrar and attorney general when a bond is canceled 83943
and shall notify the manufactured homes commission and the 83944
attorney general when a bond of a manufactured housing dealer is 83945
canceled. Such notification of cancellation shall include the 83946
effective date of and reason for cancellation. 83947

(b) If the dealer has been licensed as a motor vehicle dealer 83948
or manufactured housing dealer for longer than the three-year 83949
period prior to the date on which the dealer or person acting on 83950
behalf of the dealer displays, offers for sale, or sells the used 83951
motor vehicle, used manufactured home, or used mobile home for 83952
which the dealer has not obtained a certificate of title in the 83953
name of the dealer and the attorney general has not paid a retail 83954
purchaser of the dealer under division (C) of this section within 83955
three years prior to such date, the dealer pays one hundred fifty 83956
dollars to the attorney general for deposit into the title defect 83957
recision fund created by section 1345.52 of the Revised Code. 83958

(2) The dealer or person acting on behalf of the dealer 83959
possesses a bill of sale for each motor vehicle, used manufactured 83960
home, and used mobile home proposed to be displayed, offered for 83961
sale, or sold under this section and a properly executed power of 83962
attorney or other related documents from the prior owner of the 83963
motor vehicle, manufactured home, or mobile home giving the dealer 83964
or person acting on behalf of the dealer authority to have a 83965
certificate of title to the motor vehicle, manufactured home, or 83966
mobile home issued in the name of the dealer, and retains copies 83967
of all such documents in the dealer's or person's files until such 83968
time as a certificate of title in the dealer's name is issued for 83969
each such motor vehicle, manufactured home, or mobile home by the 83970
clerk of the court of common pleas. Such documents shall be 83971
available for inspection by the bureau of motor vehicles and the 83972
manufactured homes commission during normal business hours. 83973

(B) If a retail purchaser purchases a motor vehicle, used 83974
manufactured home, or used mobile home for which the dealer, 83975
pursuant to and in accordance with division (A) of this section, 83976
does not have a certificate of title issued in the name of the 83977
dealer at the time of the sale, the retail purchaser has an 83978
unconditional right to rescind the transaction and the dealer has 83979
an obligation to refund to the retail purchaser the full purchase 83980
price of the vehicle, if one of the following applies: 83981

(1) The dealer fails, on or before the fortieth day following 83982
the date of the sale, to obtain a title in the name of the retail 83983
purchaser. 83984

(2) The title for the vehicle indicates that it is a rebuilt 83985
salvage vehicle, and the fact that it is a rebuilt salvage vehicle 83986
was not disclosed to the retail purchaser in writing prior to the 83987
execution of the purchase agreement. 83988

(3) The title for the vehicle indicates that the dealer has 83989
made an inaccurate odometer disclosure to the retail purchaser. 83990

(4) The motor vehicle is a used manufactured home or used mobile home, as defined by section 5739.021 of the Revised Code, that has been repossessed under Chapter 1309. or 1317. of the Revised Code, but a certificate of title for the repossessed home has not yet been transferred by the repossessing party to the dealer on the date the retail purchaser purchases the used manufactured home or used mobile home from the dealer, and the dealer fails to obtain a certificate of title on or before the fortieth day after the dealer obtains the certificate of title for the home from the repossessing party or the date on which an occupancy permit for the home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

If any of the circumstances described in divisions (B)(1) to ~~(3)~~(4) of this section applies, a retail purchaser or the retail purchaser's representative shall notify the dealer and afford the dealer the opportunity to comply with the dealer's obligation to refund the full purchase price of the motor vehicle. Nothing in this division shall be construed as prohibiting the dealer and the retail purchaser or their representatives from negotiating a compromise resolution that is satisfactory to both parties.

(C) If a retail purchaser notifies a dealer of one or more of the circumstances listed in division (B) of this section and the dealer fails to refund to the retail purchaser the full purchase price of the vehicle or reach a satisfactory compromise with the retail purchaser within three business days of presentation of the retail purchaser's recision claim, the retail purchaser may apply to the attorney general for payment from the fund of the full purchase price to the retail purchaser.

(D) Upon application by a retail purchaser for payment from the fund, if the attorney general is satisfied that one or more of the circumstances contained in divisions (B)(1) to ~~(3)~~(4) of this section exist, the attorney general shall cause the full purchase

price of the vehicle, manufactured home, or mobile home to be paid 84023
to the retail purchaser from the fund after delivery of the 84024
vehicle, manufactured home, or mobile home to the attorney 84025
general. The attorney general may sell or otherwise dispose of any 84026
vehicle, manufactured home, or mobile home that is delivered to 84027
the attorney general under this section, and may collect the 84028
proceeds of any bond posted under division (A) of this section by 84029
a dealer who has failed to comply with division (C) of this 84030
section. The proceeds from all such sales and collections shall be 84031
deposited into the title defect recision fund for use as specified 84032
in section 1345.52 of the Revised Code. 84033

(E) Failure by a dealer to comply with division (A) or (B) of 84034
this section constitutes a deceptive act or practice in connection 84035
with a consumer transaction, and is a violation of section 1345.02 84036
of the Revised Code. 84037

(F) The remedy provided in this section to retail purchasers 84038
is in addition to any remedies otherwise available to the retail 84039
purchaser for the same conduct of the dealer or person acting on 84040
behalf of the dealer under federal law or the laws of this state 84041
or a political subdivision of this state. 84042

(G) All motor vehicle dealers licensed under Chapter 4517. of 84043
the Revised Code and manufactured housing dealers licensed under 84044
Chapter 4781. of the Revised Code shall pay to the attorney 84045
general for deposit into the title defect recision fund the amount 84046
described in division (A)(1)(b) of this section beginning with the 84047
calendar year during which this section becomes effective and each 84048
year subsequent to that year until the balance in the fund is not 84049
less than three hundred thousand dollars. All such dealers also 84050
shall pay to the attorney general for deposit into the fund that 84051
amount during any year and subsequent years during which the 84052
balance in the fund is less than three hundred thousand dollars 84053
until the balance in the fund reaches three hundred thousand 84054

dollars. 84055

If a motor vehicle dealer or manufactured housing dealer 84056
fails to comply with this division, the attorney general may bring 84057
a civil action in a court of competent jurisdiction to collect the 84058
amount the dealer failed to pay to the attorney general for 84059
deposit into the fund. 84060

Sec. 4505.20. (A) Notwithstanding division (A)(2) of section 84061
4505.18 of the Revised Code or any other provision of this chapter 84062
or Chapter 4517. of the Revised Code, a secured party may 84063
designate any dealer to display, display for sale, or sell a 84064
manufactured or mobile home if the home has come into the 84065
possession of that secured party by a default in the terms of a 84066
security instrument and the certificate of title remains in the 84067
name and possession of the secured party. 84068

(B) Notwithstanding division (A)(2) of section 4505.18 of the 84069
Revised Code or any other provision of this chapter or Chapter 84070
4517. of the Revised Code, the owner of a recreational vehicle or 84071
a secured party of a recreational vehicle who has come into 84072
possession of the vehicle by a default in the terms of a security 84073
instrument, may designate any dealer to display, display for sale, 84074
or sell the vehicle while the certificate of title remains in the 84075
possession of the owner or secured party. No dealer may display or 84076
offer for sale more than five recreational vehicles at any time 84077
under this division. No dealer may display or offer for sale a 84078
recreational vehicle under this division unless the dealer 84079
maintains insurance or the bond of a surety company authorized to 84080
transact business within this state in an amount sufficient to 84081
satisfy the fair market value of the vehicle. 84082

(C) The registrar of motor vehicles may adopt rules in 84083
accordance with Chapter 119. of the Revised Code prescribing the 84084
maximum number of manufactured or mobile homes that have come into 84085

the possession of a secured party by a default in the terms of a 84086
security instrument that any dealer may display or offer for sale 84087
at any time. The registrar may adopt other reasonable rules 84088
regarding the resale of such manufactured homes, mobile homes, and 84089
recreational vehicles that the registrar considers necessary. 84090

(D) The secured party or owner shall provide the dealer with 84091
written authorization to display, display for sale, or sell the 84092
manufactured home, mobile home, or recreational vehicle. The 84093
dealer shall show and explain the written authorization to any 84094
prospective purchaser. The written authorization shall contain the 84095
vehicle identification number, make, model, year of manufacture, 84096
and physical description of the manufactured home, mobile home, or 84097
recreational vehicle that is provided to the dealer. 84098

(E) As used in this section, "dealer" means a ~~new motor~~ 84099
~~vehicle~~ manufactured housing dealer that is licensed under Chapter 84100
~~4517-~~ 4781. of the Revised Code. 84101

(F) Whoever violates this section shall be fined not more 84102
than two hundred dollars, imprisoned not more than ninety days, or 84103
both. 84104

Sec. 4507.03. (A)(1) No person shall be required to obtain a 84105
driver's or commercial driver's license for the purpose of 84106
temporarily driving, operating, drawing, moving, or propelling a 84107
road roller or road machinery upon a street or highway. 84108

(2) No person shall be required to obtain a driver's or 84109
commercial driver's license for the purpose of temporarily 84110
driving, operating, drawing, moving, or propelling any 84111
agricultural tractor or implement of husbandry upon a street or 84112
highway at a speed of twenty-five miles per hour or less. 84113

(3) No person shall drive, operate, draw, move, or propel any 84114
agricultural tractor or implement of husbandry upon a street or 84115

highway at a speed greater than twenty-five miles per hour unless 84116
the person has a current, valid driver's or commercial driver's 84117
license. 84118

(4) No person having a valid driver's or commercial driver's 84119
license shall be required to have a motorcycle operator's 84120
endorsement to operate a motorcycle having three wheels with a 84121
motor of not more than fifty cubic centimeters piston 84122
displacement. 84123

(B) Every person on active duty in the armed forces of the 84124
United States, when furnished with a driver's permit and when 84125
operating an official motor vehicle in connection with such duty, 84126
is exempt from the license requirements of Chapters 4506. and 84127
4507. of the Revised Code. 84128

Every person on active duty in the armed forces of the United 84129
States or in service with the peace corps, volunteers in service 84130
to America, or the foreign service of the United States is exempt 84131
from the license requirements of those chapters for the period of 84132
the person's active duty or service and for six months thereafter, 84133
provided the person was a licensee under those chapters at the 84134
time the person commenced ~~his~~ the person's active duty or service. 84135
The spouse or a dependent of any such person on active duty or in 84136
service also is exempt from the license requirements of those 84137
chapters for the period of the person's active duty or service and 84138
for six months thereafter, provided the spouse or dependent was a 84139
licensee under those chapters at the time the person commenced the 84140
active duty or service, and provided further that the person's 84141
active duty or service causes the spouse or dependent to relocate 84142
outside of this state during the period of the active duty or 84143
service. 84144

This section does not prevent such a person or ~~his~~ the 84145
person's spouse or dependent from making an application, as 84146
provided in division (C) of section 4507.10 of the Revised Code, 84147

for the renewal of a driver's license or motorcycle operator's 84148
endorsement or as provided in section 4506.14 of the Revised Code 84149
for the renewal of a commercial driver's license during the period 84150
of the person's active duty or service. 84151

(C) Whoever violates division (A)(3) of this section is 84152
guilty of a misdemeanor of the first degree. 84153

Sec. 4507.24. (A) Except as provided in division (C) of this 84154
section, the registrar of motor vehicles or a deputy registrar may 84155
collect a fee not to exceed the following: 84156

(1) Four dollars and fifty cents commencing on January 1, 84157
2004, and six dollars and twenty-five cents commencing on October 84158
1, 2009, for each application for renewal of a driver's license 84159
received by the deputy registrar, when the applicant is required 84160
to submit to a screening of the applicant's vision under section 84161
4507.12 of the Revised Code; 84162

(2) Three dollars and fifty cents commencing on January 1, 84163
2004, for each application for a driver's license, or motorized 84164
bicycle license, or for renewal of such a license, received by the 84165
deputy registrar, when the applicant is not required to submit to 84166
a screening of the applicant's vision under section 4507.12 of the 84167
Revised Code. 84168

(B) The fees prescribed by division (A) of this section shall 84169
be in addition to the fee for a temporary instruction permit and 84170
examination, a driver's license, a motorized bicycle license, or 84171
duplicates thereof. The fees retained by a deputy registrar shall 84172
compensate the deputy registrar for the deputy registrar's 84173
services, for office and rental expense, and for costs as provided 84174
in division (D) of this section, as are necessary for the proper 84175
discharge of the deputy registrar's duties under sections 4507.01 84176
to 4507.39 of the Revised Code. 84177

(C) A disabled veteran who has a service-connected disability 84178
rated at one hundred per cent by the veterans' administration is 84179
required to pay the applicable fee prescribed in division (A) of 84180
this section if the disabled veteran submits an application for a 84181
driver's license or motorized bicycle license or a renewal of 84182
either of these licenses to a deputy registrar who is acting as a 84183
deputy registrar pursuant to a contract with the registrar that is 84184
in effect on the effective date of this amendment. The disabled 84185
veteran also is required to submit with the disabled veteran's 84186
application such documentary evidence of disability as the 84187
registrar may require by rule. 84188

A disabled veteran who submits an application described in 84189
this division is not required to pay either of the fees prescribed 84190
in division (A) of this section if the disabled veteran submits 84191
the application to a deputy registrar who is acting as a deputy 84192
registrar pursuant to a contract with the registrar that is 84193
executed after the effective date of this amendment. The disabled 84194
veteran still is required to submit with the disabled veteran's 84195
application such documentary evidence of disability as the 84196
registrar may require by rule. 84197

A disabled veteran who submits an application described in 84198
this division directly to the registrar is not required to pay 84199
either of the fees prescribed in division (A) of this section if 84200
the disabled veteran submits with the disabled veteran's 84201
application such documentary evidence of disability as the 84202
registrar may require by rule. 84203

(D)(1) Each deputy registrar shall transmit to the registrar 84204
of motor vehicles, at such time and in such manner as the 84205
registrar shall require by rule, an amount of each fee collected 84206
under division (A)(1) of this section as shall be determined by 84207
the registrar. The registrar shall pay all such moneys so received 84208
into the state bureau of motor vehicles fund created in section 84209

4501.25 of the Revised Code. 84210

(2) Commencing on October 1, 2009, each deputy registrar 84211
shall transmit one dollar and seventy-five cents of each fee 84212
collected under division (A)(1) of this section to the registrar 84213
at the time and in the manner provided by section 4503.10 of the 84214
Revised Code. The registrar shall deposit all moneys received 84215
under division (D)(2) of this section into the state highway 84216
safety fund established in section 4501.06 of the Revised Code. 84217

Sec. 4507.45. If a person's driver's license, commercial 84218
driver's license, or nonresident operating privilege is suspended, 84219
disqualified, or canceled for an indefinite period of time or for 84220
a period of at least ninety days, and if at the end of the period 84221
of suspension, disqualification, or cancellation the person is 84222
eligible to have the license or privilege reinstated, the 84223
registrar of motor vehicles shall collect a reinstatement fee of 84224
thirty forty dollars when the person requests reinstatement. 84225
However, the registrar shall not collect the fee prescribed by 84226
this section if a different driver's license, commercial driver's 84227
license, or nonresident operating privilege reinstatement fee is 84228
prescribed by law. 84229

The registrar shall deposit ten dollars of each forty-dollar 84230
fee into the state treasury to the credit of the indigent defense 84231
support fund created by section 120.08 of the Revised Code and 84232
thirty dollars of each fee into the state treasury to the credit 84233
of the state bureau of motor vehicles fund created by section 84234
4501.25 of the Revised Code. 84235

Sec. 4509.101. (A)(1) No person shall operate, or permit the 84236
operation of, a motor vehicle in this state, unless proof of 84237
financial responsibility is maintained continuously throughout the 84238
registration period with respect to that vehicle, or, in the case 84239

of a driver who is not the owner, with respect to that driver's 84240
operation of that vehicle. 84241

(2) Whoever violates division (A)(1) of this section shall be 84242
subject to the following civil penalties: 84243

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 84244
class E suspension of the person's driver's license, commercial 84245
driver's license, temporary instruction permit, probationary 84246
license, or nonresident operating privilege for the period of time 84247
specified in division (B)(5) of section 4510.02 of the Revised 84248
Code and impoundment of the person's license. The court may grant 84249
limited driving privileges to the person only if the person 84250
presents proof of financial responsibility and has complied with 84251
division (A)(5) of this section. 84252

(b) If, within five years of the violation, the person's 84253
operating privileges are again suspended and the person's license 84254
again is impounded for a violation of division (A)(1) of this 84255
section, a class C suspension of the person's driver's license, 84256
commercial driver's license, temporary instruction permit, 84257
probationary license, or nonresident operating privilege for the 84258
period of time specified in division (B)(3) of section 4510.02 of 84259
the Revised Code. The court may grant limited driving privileges 84260
to the person only if the person presents proof of financial 84261
responsibility and has complied with division (A)(5) of this 84262
section, and no court may grant limited driving privileges for the 84263
first fifteen days of the suspension. 84264

(c) If, within five years of the violation, the person's 84265
operating privileges are suspended and the person's license is 84266
impounded two or more times for a violation of division (A)(1) of 84267
this section, a class B suspension of the person's driver's 84268
license, commercial driver's license, temporary instruction 84269
permit, probationary license, or nonresident operating privilege 84270

for the period of time specified in division (B)(2) of section 84271
4510.02 of the Revised Code. No court may grant limited driving 84272
privileges during the suspension. 84273

(d) In addition to the suspension of an owner's license under 84274
division (A)(2)(a), (b), or (c) of this section, the suspension of 84275
the rights of the owner to register the motor vehicle and the 84276
impoundment of the owner's certificate of registration and license 84277
plates until the owner complies with division (A)(5) of this 84278
section. 84279

(3) A person to whom this state has issued a certificate of 84280
registration for a motor vehicle or a license to operate a motor 84281
vehicle or who is determined to have operated any motor vehicle or 84282
permitted the operation in this state of a motor vehicle owned by 84283
the person shall be required to verify the existence of proof of 84284
financial responsibility covering the operation of the motor 84285
vehicle or the person's operation of the motor vehicle under any 84286
of the following circumstances: 84287

(a) The person or a motor vehicle owned by the person is 84288
involved in a traffic accident that requires the filing of an 84289
accident report under section 4509.06 of the Revised Code. 84290

(b) The person receives a traffic ticket indicating that 84291
proof of the maintenance of financial responsibility was not 84292
produced upon the request of a peace officer or state highway 84293
patrol trooper made in accordance with division (D)(2) of this 84294
section. 84295

(c) Whenever, in accordance with rules adopted by the 84296
registrar, the person is randomly selected by the registrar and 84297
requested to provide such verification. 84298

(4) An order of the registrar that suspends and impounds a 84299
license or registration, or both, shall state the date on or 84300
before which the person is required to surrender the person's 84301

license or certificate of registration and license plates. The 84302
person is deemed to have surrendered the license or certificate of 84303
registration and license plates, in compliance with the order, if 84304
the person does either of the following: 84305

(a) On or before the date specified in the order, personally 84306
delivers the license or certificate of registration and license 84307
plates, or causes the delivery of the items, to the registrar; 84308

(b) Mails the license or certificate of registration and 84309
license plates to the registrar in an envelope or container 84310
bearing a postmark showing a date no later than the date specified 84311
in the order. 84312

(5) Except as provided in division (A)(6) or (L) of this 84313
section, the registrar shall not restore any operating privileges 84314
or registration rights suspended under this section, return any 84315
license, certificate of registration, or license plates impounded 84316
under this section, or reissue license plates under section 84317
4503.232 of the Revised Code, if the registrar destroyed the 84318
impounded license plates under that section, or reissue a license 84319
under section 4510.52 of the Revised Code, if the registrar 84320
destroyed the suspended license under that section, unless the 84321
rights are not subject to suspension or revocation under any other 84322
law and unless the person, in addition to complying with all other 84323
conditions required by law for reinstatement of the operating 84324
privileges or registration rights, complies with all of the 84325
following: 84326

(a) Pays a financial responsibility reinstatement fee of 84327
~~seventy-five~~ one hundred dollars for the first violation of 84328
division (A)(1) of this section, ~~two~~ three hundred ~~fifty~~ dollars 84329
for a second violation of that division, and ~~five~~ six hundred 84330
dollars for a third or subsequent violation of that division; 84331

(b) If the person has not voluntarily surrendered the 84332

license, certificate, or license plates in compliance with the 84333
order, pays a financial responsibility nonvoluntary compliance fee 84334
in an amount, not to exceed fifty dollars, determined by the 84335
registrar; 84336

(c) Files and continuously maintains proof of financial 84337
responsibility under sections 4509.44 to 4509.65 of the Revised 84338
Code. 84339

(6) If the registrar issues an order under division (A)(2) of 84340
this section resulting from the failure of a person to respond to 84341
a financial responsibility random verification request under 84342
division (A)(3)(c) of this section and the person successfully 84343
maintains an affirmative defense to a violation of section 4510.16 84344
of the Revised Code or is determined by the registrar or a deputy 84345
registrar to have been in compliance with division (A)(1) of this 84346
section at the time of the initial financial responsibility random 84347
verification request, the registrar shall do both of the 84348
following: 84349

(a) Terminate the order of suspension or impoundment; 84350

(b) Restore the operating privileges and registration rights 84351
of the person without payment of the fees established in divisions 84352
(A)(5)(a) and (b) of this section and without a requirement to 84353
file proof of financial responsibility. 84354

(B)(1) Every party required to file an accident report under 84355
section 4509.06 of the Revised Code also shall include with the 84356
report a document described in division (G)(1) of this section. 84357

If the registrar determines, within forty-five days after the 84358
report is filed, that an operator or owner has violated division 84359
(A)(1) of this section, the registrar shall do all of the 84360
following: 84361

(a) Order the impoundment, with respect to the motor vehicle 84362
involved, required under division (A)(2)(d) of this section, of 84363

the certificate of registration and license plates of any owner 84364
who has violated division (A)(1) of this section; 84365

(b) Order the suspension required under division (A)(2)(a), 84366
(b), or (c) of this section of the license of any operator or 84367
owner who has violated division (A)(1) of this section; 84368

(c) Record the name and address of the person whose 84369
certificate of registration and license plates have been impounded 84370
or are under an order of impoundment, or whose license has been 84371
suspended or is under an order of suspension; the serial number of 84372
the person's license; the serial numbers of the person's 84373
certificate of registration and license plates; and the person's 84374
social security account number, if assigned, or, where the motor 84375
vehicle is used for hire or principally in connection with any 84376
established business, the person's federal taxpayer identification 84377
number. The information shall be recorded in such a manner that it 84378
becomes a part of the person's permanent record, and assists the 84379
registrar in monitoring compliance with the orders of suspension 84380
or impoundment. 84381

(d) Send written notification to every person to whom the 84382
order pertains, at the person's last known address as shown on the 84383
records of the bureau. The person, within ten days after the date 84384
of the mailing of the notification, shall surrender to the 84385
registrar, in a manner set forth in division (A)(4) of this 84386
section, any certificate of registration and registration plates 84387
under an order of impoundment, or any license under an order of 84388
suspension. 84389

(2) The registrar shall issue any order under division (B)(1) 84390
of this section without a hearing. Any person adversely affected 84391
by the order, within ten days after the issuance of the order, may 84392
request an administrative hearing before the registrar, who shall 84393
provide the person with an opportunity for a hearing in accordance 84394
with this paragraph. A request for a hearing does not operate as a 84395

suspension of the order. The scope of the hearing shall be limited 84396
to whether the person in fact demonstrated to the registrar proof 84397
of financial responsibility in accordance with this section. The 84398
registrar shall determine the date, time, and place of any 84399
hearing, provided that the hearing shall be held, and an order 84400
issued or findings made, within thirty days after the registrar 84401
receives a request for a hearing. If requested by the person in 84402
writing, the registrar may designate as the place of hearing the 84403
county seat of the county in which the person resides or a place 84404
within fifty miles of the person's residence. The person shall pay 84405
the cost of the hearing before the registrar, if the registrar's 84406
order of suspension or impoundment is upheld. 84407

(C) Any order of suspension or impoundment issued under this 84408
section or division (B) of section 4509.37 of the Revised Code may 84409
be terminated at any time if the registrar determines upon a 84410
showing of proof of financial responsibility that the operator or 84411
owner of the motor vehicle was in compliance with division (A)(1) 84412
of this section at the time of the traffic offense, motor vehicle 84413
inspection, or accident that resulted in the order against the 84414
person. A determination may be made without a hearing. This 84415
division does not apply unless the person shows good cause for the 84416
person's failure to present satisfactory proof of financial 84417
responsibility to the registrar prior to the issuance of the 84418
order. 84419

(D)(1) For the purpose of enforcing this section, every peace 84420
officer is deemed an agent of the registrar. 84421

(a) Except as provided in division (D)(1)(b) of this section, 84422
any peace officer who, in the performance of the peace officer's 84423
duties as authorized by law, becomes aware of a person whose 84424
license is under an order of suspension, or whose certificate of 84425
registration and license plates are under an order of impoundment, 84426
pursuant to this section, may confiscate the license, certificate 84427

of registration, and license plates, and return them to the 84428
registrar. 84429

(b) Any peace officer who, in the performance of the peace 84430
officer's duties as authorized by law, becomes aware of a person 84431
whose license is under an order of suspension, or whose 84432
certificate of registration and license plates are under an order 84433
of impoundment resulting from failure to respond to a financial 84434
responsibility random verification, shall not, for that reason, 84435
arrest the owner or operator or seize the vehicle or license 84436
plates. Instead, the peace officer shall issue a citation for a 84437
violation of section 4510.16 of the Revised Code specifying the 84438
circumstances as failure to respond to a financial responsibility 84439
random verification. 84440

(2) A peace officer shall request the owner or operator of a 84441
motor vehicle to produce proof of financial responsibility in a 84442
manner described in division (G) of this section at the time the 84443
peace officer acts to enforce the traffic laws of this state and 84444
during motor vehicle inspections conducted pursuant to section 84445
4513.02 of the Revised Code. 84446

(3) A peace officer shall indicate on every traffic ticket 84447
whether the person receiving the traffic ticket produced proof of 84448
the maintenance of financial responsibility in response to the 84449
officer's request under division (D)(2) of this section. The peace 84450
officer shall inform every person who receives a traffic ticket 84451
and who has failed to produce proof of the maintenance of 84452
financial responsibility that the person must submit proof to the 84453
traffic violations bureau with any payment of a fine and costs for 84454
the ticketed violation or, if the person is to appear in court for 84455
the violation, the person must submit proof to the court. 84456

(4)(a) If a person who has failed to produce proof of the 84457
maintenance of financial responsibility appears in court for a 84458
ticketed violation, the court may permit the defendant to present 84459

evidence of proof of financial responsibility to the court at such 84460
time and in such manner as the court determines to be necessary or 84461
appropriate. In a manner prescribed by the registrar, the clerk of 84462
courts shall provide the registrar with the identity of any person 84463
who fails to submit proof of the maintenance of financial 84464
responsibility pursuant to division (D)(3) of this section. 84465

(b) If a person who has failed to produce proof of the 84466
maintenance of financial responsibility also fails to submit that 84467
proof to the traffic violations bureau with payment of a fine and 84468
costs for the ticketed violation, the traffic violations bureau, 84469
in a manner prescribed by the registrar, shall notify the 84470
registrar of the identity of that person. 84471

(5)(a) Upon receiving notice from a clerk of courts or 84472
traffic violations bureau pursuant to division (D)(4) of this 84473
section, the registrar shall order the suspension of the license 84474
of the person required under division (A)(2)(a), (b), or (c) of 84475
this section and the impoundment of the person's certificate of 84476
registration and license plates required under division (A)(2)(d) 84477
of this section, effective thirty days after the date of the 84478
mailing of notification. The registrar also shall notify the 84479
person that the person must present the registrar with proof of 84480
financial responsibility in accordance with this section, 84481
surrender to the registrar the person's certificate of 84482
registration, license plates, and license, or submit a statement 84483
subject to section 2921.13 of the Revised Code that the person did 84484
not operate or permit the operation of the motor vehicle at the 84485
time of the offense. Notification shall be in writing and shall be 84486
sent to the person at the person's last known address as shown on 84487
the records of the bureau of motor vehicles. The person, within 84488
fifteen days after the date of the mailing of notification, shall 84489
present proof of financial responsibility, surrender the 84490
certificate of registration, license plates, and license to the 84491

registrar in a manner set forth in division (A)(4) of this 84492
section, or submit the statement required under this section 84493
together with other information the person considers appropriate. 84494

If the registrar does not receive proof or the person does 84495
not surrender the certificate of registration, license plates, and 84496
license, in accordance with this division, the registrar shall 84497
permit the order for the suspension of the license of the person 84498
and the impoundment of the person's certificate of registration 84499
and license plates to take effect. 84500

(b) In the case of a person who presents, within the 84501
fifteen-day period, documents to show proof of financial 84502
responsibility, the registrar shall terminate the order of 84503
suspension and the impoundment of the registration and license 84504
plates required under division (A)(2)(d) of this section and shall 84505
send written notification to the person, at the person's last 84506
known address as shown on the records of the bureau. 84507

(c) Any person adversely affected by the order of the 84508
registrar under division (D)(5)(a) or (b) of this section, within 84509
ten days after the issuance of the order, may request an 84510
administrative hearing before the registrar, who shall provide the 84511
person with an opportunity for a hearing in accordance with this 84512
paragraph. A request for a hearing does not operate as a 84513
suspension of the order. The scope of the hearing shall be limited 84514
to whether, at the time of the hearing, the person presents proof 84515
of financial responsibility covering the vehicle and whether the 84516
person is eligible for an exemption in accordance with this 84517
section or any rule adopted under it. The registrar shall 84518
determine the date, time, and place of any hearing; provided, that 84519
the hearing shall be held, and an order issued or findings made, 84520
within thirty days after the registrar receives a request for a 84521
hearing. If requested by the person in writing, the registrar may 84522
designate as the place of hearing the county seat of the county in 84523

which the person resides or a place within fifty miles of the 84524
person's residence. Such person shall pay the cost of the hearing 84525
before the registrar, if the registrar's order of suspension or 84526
impoundment under division (D)(5)(a) or (b) of this section is 84527
upheld. 84528

(6) A peace officer may charge an owner or operator of a 84529
motor vehicle with a violation of section 4510.16 of the Revised 84530
Code when the owner or operator fails to show proof of the 84531
maintenance of financial responsibility pursuant to a peace 84532
officer's request under division (D)(2) of this section, if a 84533
check of the owner or operator's driving record indicates that the 84534
owner or operator, at the time of the operation of the motor 84535
vehicle, is required to file and maintain proof of financial 84536
responsibility under section 4509.45 of the Revised Code for a 84537
previous violation of this chapter. 84538

(7) Any forms used by law enforcement agencies in 84539
administering this section shall be prescribed, supplied, and paid 84540
for by the registrar. 84541

(8) No peace officer, law enforcement agency employing a 84542
peace officer, or political subdivision or governmental agency 84543
that employs a peace officer shall be liable in a civil action for 84544
damages or loss to persons arising out of the performance of any 84545
duty required or authorized by this section. 84546

(9) As used in this division and divisions (E) and (G) of 84547
this section, "peace officer" has the meaning set forth in section 84548
2935.01 of the Revised Code. 84549

(E) All fees, except court costs and those portions of the 84550
financial responsibility reinstatement fees as otherwise specified 84551
in this division, collected under this section shall be paid into 84552
the state treasury to the credit of the financial responsibility 84553
compliance fund. The financial responsibility compliance fund 84554

shall be used exclusively to cover costs incurred by the bureau in 84555
the administration of this section and sections 4503.20, 4507.212, 84556
and 4509.81 of the Revised Code, and by any law enforcement agency 84557
employing any peace officer who returns any license, certificate 84558
of registration, and license plates to the registrar pursuant to 84559
division (C) of this section, except that the director of budget 84560
and management may transfer excess money from the financial 84561
responsibility compliance fund to the state bureau of motor 84562
vehicles fund if the registrar determines that the amount of money 84563
in the financial responsibility compliance fund exceeds the amount 84564
required to cover such costs incurred by the bureau or a law 84565
enforcement agency and requests the director to make the transfer. 84566

Of each financial responsibility reinstatement fee the 84567
registrar collects pursuant to division (A)(5)(a) of this section, 84568
the registrar shall deposit twenty-five dollars of each 84569
one-hundred-dollar reinstatement fee, fifty dollars of each 84570
three-hundred-dollar reinstatement fee, and one hundred dollars of 84571
each six-hundred-dollar reinstatement fee into the state treasury 84572
to the credit of the indigent defense support fund created by 84573
section 120.08 of the Revised Code. 84574

All investment earnings of the financial responsibility 84575
compliance fund shall be credited to the fund. 84576

(F) Chapter 119. of the Revised Code applies to this section 84577
only to the extent that any provision in that chapter is not 84578
clearly inconsistent with this section. 84579

(G)(1) The registrar, court, traffic violations bureau, or 84580
peace officer may require proof of financial responsibility to be 84581
demonstrated by use of a standard form prescribed by the 84582
registrar. If the use of a standard form is not required, a person 84583
may demonstrate proof of financial responsibility under this 84584
section by presenting to the traffic violations bureau, court, 84585
registrar, or peace officer any of the following documents or a 84586

copy of the documents:	84587
(a) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;	84588 84589
(b) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;	84590 84591 84592 84593
(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;	84594 84595 84596 84597
(d) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;	84598 84599
(e) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;	84600 84601
(f) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.	84602 84603
(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.	84604 84605 84606 84607 84608 84609
(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.	84610 84611 84612 84613 84614 84615
(4)(a) A finding by the registrar or court that a person is	84616

covered by proof of financial responsibility in the form of an 84617
insurance policy or surety bond is not binding upon the named 84618
insurer or surety or any of its officers, employees, agents, or 84619
representatives and has no legal effect except for the purpose of 84620
administering this section. 84621

(b) The preparation and delivery of a financial 84622
responsibility identification card or any other document 84623
authorized to be used as proof of financial responsibility under 84624
this division does not do any of the following: 84625

(i) Create any liability or estoppel against an insurer or 84626
surety, or any of its officers, employees, agents, or 84627
representatives; 84628

(ii) Constitute an admission of the existence of, or of any 84629
liability or coverage under, any policy or bond; 84630

(iii) Waive any defenses or counterclaims available to an 84631
insurer, surety, agent, employee, or representative in an action 84632
commenced by an insured or third-party claimant upon a cause of 84633
action alleged to have arisen under an insurance policy or surety 84634
bond or by reason of the preparation and delivery of a document 84635
for use as proof of financial responsibility. 84636

(c) Whenever it is determined by a final judgment in a 84637
judicial proceeding that an insurer or surety, which has been 84638
named on a document accepted by a court or the registrar as proof 84639
of financial responsibility covering the operation of a motor 84640
vehicle at the time of an accident or offense, is not liable to 84641
pay a judgment for injuries or damages resulting from such 84642
operation, the registrar, notwithstanding any previous contrary 84643
finding, shall forthwith suspend the operating privileges and 84644
registration rights of the person against whom the judgment was 84645
rendered as provided in division (A)(2) of this section. 84646

(H) In order for any document described in division (G)(1)(b) 84647

of this section to be used for the demonstration of proof of 84648
financial responsibility under this section, the document shall 84649
state the name of the insured or obligor, the name of the insurer 84650
or surety company, and the effective and expiration dates of the 84651
financial responsibility, and designate by explicit description or 84652
by appropriate reference all motor vehicles covered which may 84653
include a reference to fleet insurance coverage. 84654

(I) For purposes of this section, "owner" does not include a 84655
licensed motor vehicle leasing dealer as defined in section 84656
4517.01 of the Revised Code, but does include a motor vehicle 84657
renting dealer as defined in section 4549.65 of the Revised Code. 84658
Nothing in this section or in section 4509.51 of the Revised Code 84659
shall be construed to prohibit a motor vehicle renting dealer from 84660
entering into a contractual agreement with a person whereby the 84661
person renting the motor vehicle agrees to be solely responsible 84662
for maintaining proof of financial responsibility, in accordance 84663
with this section, with respect to the operation, maintenance, or 84664
use of the motor vehicle during the period of the motor vehicle's 84665
rental. 84666

(J) The purpose of this section is to require the maintenance 84667
of proof of financial responsibility with respect to the operation 84668
of motor vehicles on the highways of this state, so as to minimize 84669
those situations in which persons are not compensated for injuries 84670
and damages sustained in motor vehicle accidents. The general 84671
assembly finds that this section contains reasonable civil 84672
penalties and procedures for achieving this purpose. 84673

(K) Nothing in this section shall be construed to be subject 84674
to section 4509.78 of the Revised Code. 84675

(L)(1) The registrar may terminate any suspension imposed 84676
under this section and not require the owner to comply with 84677
divisions (A)(5)(a), (b), and (c) of this section if the registrar 84678
with or without a hearing determines that the owner of the vehicle 84679

has established by clear and convincing evidence that all of the 84680
following apply: 84681

(a) The owner customarily maintains proof of financial 84682
responsibility. 84683

(b) Proof of financial responsibility was not in effect for 84684
the vehicle on the date in question for one of the following 84685
reasons: 84686

(i) The vehicle was inoperable. 84687

(ii) The vehicle is operated only seasonally, and the date in 84688
question was outside the season of operation. 84689

(iii) A person other than the vehicle owner or driver was at 84690
fault for the lapse of proof of financial responsibility through 84691
no fault of the owner or driver. 84692

(iv) The lapse of proof of financial responsibility was 84693
caused by excusable neglect under circumstances that are not 84694
likely to recur and do not suggest a purpose to evade the 84695
requirements of this chapter. 84696

(2) The registrar may grant an owner or driver relief for a 84697
reason specified in division (L)(1)(b)(i) or (ii) of this section 84698
whenever the owner or driver is randomly selected to verify the 84699
existence of proof of financial responsibility for such a vehicle. 84700
However, the registrar may grant an owner or driver relief for a 84701
reason specified in division (L)(1)(b)(iii) or (iv) of this 84702
section only if the owner or driver has not previously been 84703
granted relief under division (L)(1)(b)(iii) or (iv) of this 84704
section. 84705

(M) The registrar shall adopt rules in accordance with 84706
Chapter 119. of the Revised Code that are necessary to administer 84707
and enforce this section. The rules shall include procedures for 84708
the surrender of license plates upon failure to maintain proof of 84709

financial responsibility and provisions relating to reinstatement 84710
of registration rights, acceptable forms of proof of financial 84711
responsibility, and verification of the existence of financial 84712
responsibility during the period of registration. 84713

Sec. 4510.22. (A) If a person who has a current valid Ohio 84714
driver's, commercial driver's license, or temporary instruction 84715
permit is charged with a violation of any provision in sections 84716
4511.01 to 4511.76, 4511.84, 4513.01 to 4513.65, or 4549.01 to 84717
4549.65 of the Revised Code that is classified as a misdemeanor of 84718
the first, second, third, or fourth degree or with a violation of 84719
any substantially equivalent municipal ordinance and if the person 84720
either fails to appear in court at the required time and place to 84721
answer the charge or pleads guilty to or is found guilty of the 84722
violation and fails within the time allowed by the court to pay 84723
the fine imposed by the court, the court shall declare the 84724
forfeiture of the person's license. Thirty days after the 84725
declaration of forfeiture, the court shall inform the registrar of 84726
motor vehicles of the forfeiture by entering information relative 84727
to the of forfeiture on a form approved and furnished by the 84728
registrar and sending the form to the registrar. The court also 84729
shall forward the person's license, if it is in the possession of 84730
the court, to the registrar. 84731

The registrar shall impose a class F suspension of the 84732
person's driver's or commercial driver's license, or temporary 84733
instruction permit for the period of time specified in division 84734
(B)(6) of section 4510.02 of the Revised Code on any person who is 84735
named in a declaration received by the registrar under this 84736
section. The registrar shall send written notification of the 84737
suspension to the person at the person's last known address and, 84738
if the person is in possession of the license, order the person to 84739
surrender the person's license or permit to the registrar within 84740
forty-eight hours. 84741

No valid driver's or commercial driver's license shall be 84742
granted to the person after the suspension, unless the court 84743
having jurisdiction of the offense that led to the suspension 84744
orders that the forfeiture be terminated. The court shall order 84745
the termination of the forfeiture if the person thereafter appears 84746
to answer the charge and pays any fine imposed by the court or 84747
pays the fine originally imposed by the court. The court shall 84748
inform the registrar of the termination of the forfeiture by 84749
entering information relative to the termination on a form 84750
approved and furnished by the registrar and sending the form to 84751
the registrar. The person shall pay to the bureau of motor 84752
vehicles a ~~fifteen-dollar~~ twenty-five-dollar reinstatement fee ~~to~~ 84753
~~cover the costs of the bureau in administering this section.~~ The 84754
registrar shall deposit fifteen dollars of the fee into the state 84755
treasury to the credit of the state bureau of motor vehicles fund 84756
created by section 4501.25 of the Revised Code to cover the costs 84757
of the bureau in administering this section and shall deposit ten 84758
dollars of the fee into the state treasury to the credit of the 84759
indigent defense support fund created by section 120.08 of the 84760
Revised Code. 84761

(B) In addition to suspending the driver's or commercial 84762
driver's license or permit of the person named in a declaration of 84763
forfeiture, the registrar, upon receipt from the court of the copy 84764
of the declaration of forfeiture, shall take any measures that may 84765
be necessary to ensure that neither the registrar nor any deputy 84766
registrar accepts any application for the registration or transfer 84767
of registration of any motor vehicle owned or leased by the person 84768
named in the declaration of forfeiture. However, for a motor 84769
vehicle leased by a person named in a declaration of forfeiture, 84770
the registrar shall not implement the preceding sentence until the 84771
registrar adopts procedures for that implementation under section 84772
4503.39 of the Revised Code. The period of denial of registration 84773
or transfer shall continue until such time as the court having 84774

jurisdiction of the offense that led to the suspension orders the 84775
forfeiture be terminated. Upon receipt by the registrar of an 84776
order terminating the forfeiture, the registrar also shall take 84777
any measures that may be necessary to permit the person to 84778
register a motor vehicle owned or leased by the person or to 84779
transfer the registration of such a motor vehicle, if the person 84780
later makes application to take such action and otherwise is 84781
eligible to register the motor vehicle or to transfer its 84782
registration. 84783

The registrar shall not be required to give effect to any 84784
declaration of forfeiture or order terminating a forfeiture 84785
provided by a court under this section unless the information 84786
contained in the declaration or order is transmitted to the 84787
registrar by means of an electronic transfer system. The registrar 84788
shall not restore the person's driving or vehicle registration 84789
privileges until the person pays the reinstatement fee as provided 84790
in this section. 84791

The period of denial relating to the issuance or transfer of 84792
a certificate of registration for a motor vehicle imposed pursuant 84793
to this division remains in effect until the person pays any fine 84794
imposed by the court relative to the offense. 84795

Sec. 4511.191. (A)(1) As used in this section: 84796

(a) "Physical control" has the same meaning as in section 84797
4511.194 of the Revised Code. 84798

(b) "Alcohol monitoring device" means any device that 84799
provides for continuous alcohol monitoring, any ignition interlock 84800
device, any immobilizing or disabling device other than an 84801
ignition interlock device that is constantly available to monitor 84802
the concentration of alcohol in a person's system, or any other 84803
device that provides for the automatic testing and periodic 84804
reporting of alcohol consumption by a person and that a court 84805

orders a person to use as a sanction imposed as a result of the 84806
person's conviction of or plea of guilty to an offense. 84807

(2) Any person who operates a vehicle, streetcar, or 84808
trackless trolley upon a highway or any public or private property 84809
used by the public for vehicular travel or parking within this 84810
state or who is in physical control of a vehicle, streetcar, or 84811
trackless trolley shall be deemed to have given consent to a 84812
chemical test or tests of the person's whole blood, blood serum or 84813
plasma, breath, or urine to determine the alcohol, drug of abuse, 84814
controlled substance, metabolite of a controlled substance, or 84815
combination content of the person's whole blood, blood serum or 84816
plasma, breath, or urine if arrested for a violation of division 84817
(A) or (B) of section 4511.19 of the Revised Code, section 84818
4511.194 of the Revised Code or a substantially equivalent 84819
municipal ordinance, or a municipal OVI ordinance. 84820

(3) The chemical test or tests under division (A)(2) of this 84821
section shall be administered at the request of a law enforcement 84822
officer having reasonable grounds to believe the person was 84823
operating or in physical control of a vehicle, streetcar, or 84824
trackless trolley in violation of a division, section, or 84825
ordinance identified in division (A)(2) of this section. The law 84826
enforcement agency by which the officer is employed shall 84827
designate which of the tests shall be administered. 84828

(4) Any person who is dead or unconscious, or who otherwise 84829
is in a condition rendering the person incapable of refusal, shall 84830
be deemed to have consented as provided in division (A)(2) of this 84831
section, and the test or tests may be administered, subject to 84832
sections 313.12 to 313.16 of the Revised Code. 84833

(5)(a) If a law enforcement officer arrests a person for a 84834
violation of division (A) or (B) of section 4511.19 of the Revised 84835
Code, section 4511.194 of the Revised Code or a substantially 84836
equivalent municipal ordinance, or a municipal OVI ordinance and 84837

if the person if convicted would be required to be sentenced under 84838
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 84839
Code, the law enforcement officer shall request the person to 84840
submit, and the person shall submit, to a chemical test or tests 84841
of the person's whole blood, blood serum or plasma, breath, or 84842
urine for the purpose of determining the alcohol, drug of abuse, 84843
controlled substance, metabolite of a controlled substance, or 84844
combination content of the person's whole blood, blood serum or 84845
plasma, breath, or urine. A law enforcement officer who makes a 84846
request pursuant to this division that a person submit to a 84847
chemical test or tests is not required to advise the person of the 84848
consequences of submitting to, or refusing to submit to, the test 84849
or tests and is not required to give the person the form described 84850
in division (B) of section 4511.192 of the Revised Code, but the 84851
officer shall advise the person at the time of the arrest that if 84852
the person refuses to take a chemical test the officer may employ 84853
whatever reasonable means are necessary to ensure that the person 84854
submits to a chemical test of the person's whole blood or blood 84855
serum or plasma. The officer shall also advise the person at the 84856
time of the arrest that the person may have an independent 84857
chemical test taken at the person's own expense. Divisions (A)(3) 84858
and (4) of this section apply to the administration of a chemical 84859
test or tests pursuant to this division. 84860

84861

(b) If a person refuses to submit to a chemical test upon a 84862
request made pursuant to division (A)(5)(a) of this section, the 84863
law enforcement officer who made the request may employ whatever 84864
reasonable means are necessary to ensure that the person submits 84865
to a chemical test of the person's whole blood or blood serum or 84866
plasma. A law enforcement officer who acts pursuant to this 84867
division to ensure that a person submits to a chemical test of the 84868
person's whole blood or blood serum or plasma is immune from 84869
criminal and civil liability based upon a claim for assault and 84870

battery or any other claim for the acts, unless the officer so 84871
acted with malicious purpose, in bad faith, or in a wanton or 84872
reckless manner. 84873

(B)(1) Upon receipt of the sworn report of a law enforcement 84874
officer who arrested a person for a violation of division (A) or 84875
(B) of section 4511.19 of the Revised Code, section 4511.194 of 84876
the Revised Code or a substantially equivalent municipal 84877
ordinance, or a municipal OVI ordinance that was completed and 84878
sent to the registrar and a court pursuant to section 4511.192 of 84879
the Revised Code in regard to a person who refused to take the 84880
designated chemical test, the registrar shall enter into the 84881
registrar's records the fact that the person's driver's or 84882
commercial driver's license or permit or nonresident operating 84883
privilege was suspended by the arresting officer under this 84884
division and that section and the period of the suspension, as 84885
determined under this section. The suspension shall be subject to 84886
appeal as provided in section 4511.197 of the Revised Code. The 84887
suspension shall be for whichever of the following periods 84888
applies: 84889

(a) Except when division (B)(1)(b), (c), or (d) of this 84890
section applies and specifies a different class or length of 84891
suspension, the suspension shall be a class C suspension for the 84892
period of time specified in division (B)(3) of section 4510.02 of 84893
the Revised Code. 84894

(b) If the arrested person, within six years of the date on 84895
which the person refused the request to consent to the chemical 84896
test, had refused one previous request to consent to a chemical 84897
test or had been convicted of or pleaded guilty to one violation 84898
of division (A) or (B) of section 4511.19 of the Revised Code or 84899
one other equivalent offense, the suspension shall be a class B 84900
suspension imposed for the period of time specified in division 84901
(B)(2) of section 4510.02 of the Revised Code. 84902

(c) If the arrested person, within six years of the date on 84903
which the person refused the request to consent to the chemical 84904
test, had refused two previous requests to consent to a chemical 84905
test, had been convicted of or pleaded guilty to two violations of 84906
division (A) or (B) of section 4511.19 of the Revised Code or 84907
other equivalent offenses, or had refused one previous request to 84908
consent to a chemical test and also had been convicted of or 84909
pleaded guilty to one violation of division (A) or (B) of section 84910
4511.19 of the Revised Code or other equivalent offenses, which 84911
violation or offense arose from an incident other than the 84912
incident that led to the refusal, the suspension shall be a class 84913
A suspension imposed for the period of time specified in division 84914
(B)(1) of section 4510.02 of the Revised Code. 84915

(d) If the arrested person, within six years of the date on 84916
which the person refused the request to consent to the chemical 84917
test, had refused three or more previous requests to consent to a 84918
chemical test, had been convicted of or pleaded guilty to three or 84919
more violations of division (A) or (B) of section 4511.19 of the 84920
Revised Code or other equivalent offenses, or had refused a number 84921
of previous requests to consent to a chemical test and also had 84922
been convicted of or pleaded guilty to a number of violations of 84923
division (A) or (B) of section 4511.19 of the Revised Code or 84924
other equivalent offenses that cumulatively total three or more 84925
such refusals, convictions, and guilty pleas, the suspension shall 84926
be for five years. 84927

(2) The registrar shall terminate a suspension of the 84928
driver's or commercial driver's license or permit of a resident or 84929
of the operating privilege of a nonresident, or a denial of a 84930
driver's or commercial driver's license or permit, imposed 84931
pursuant to division (B)(1) of this section upon receipt of notice 84932
that the person has entered a plea of guilty to, or that the 84933
person has been convicted after entering a plea of no contest to, 84934

operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a

violation of section 4511.194 of the Revised Code or a 84967
substantially equivalent municipal ordinance who submits to a 84968
designated chemical test. The suspension shall be for whichever of 84969
the following periods applies: 84970

(a) Except when division (C)(1)(b), (c), or (d) of this 84971
section applies and specifies a different period, the suspension 84972
shall be a class E suspension imposed for the period of time 84973
specified in division (B)(5) of section 4510.02 of the Revised 84974
Code. 84975

(b) The suspension shall be a class C suspension for the 84976
period of time specified in division (B)(3) of section 4510.02 of 84977
the Revised Code if the person has been convicted of or pleaded 84978
guilty to, within six years of the date the test was conducted, 84979
one violation of division (A) or (B) of section 4511.19 of the 84980
Revised Code or one other equivalent offense. 84981

(c) If, within six years of the date the test was conducted, 84982
the person has been convicted of or pleaded guilty to two 84983
violations of a statute or ordinance described in division 84984
(C)(1)(b) of this section, the suspension shall be a class B 84985
suspension imposed for the period of time specified in division 84986
(B)(2) of section 4510.02 of the Revised Code. 84987

(d) If, within six years of the date the test was conducted, 84988
the person has been convicted of or pleaded guilty to more than 84989
two violations of a statute or ordinance described in division 84990
(C)(1)(b) of this section, the suspension shall be a class A 84991
suspension imposed for the period of time specified in division 84992
(B)(1) of section 4510.02 of the Revised Code. 84993

(2) The registrar shall terminate a suspension of the 84994
driver's or commercial driver's license or permit of a resident or 84995
of the operating privilege of a nonresident, or a denial of a 84996
driver's or commercial driver's license or permit, imposed 84997

pursuant to division (C)(1) of this section upon receipt of notice 84998
that the person has entered a plea of guilty to, or that the 84999
person has been convicted after entering a plea of no contest to, 85000
operating a vehicle in violation of section 4511.19 of the Revised 85001
Code or in violation of a municipal OVI ordinance, if the offense 85002
for which the conviction is had or the plea is entered arose from 85003
the same incident that led to the suspension or denial. 85004

The registrar shall credit against any judicial suspension of 85005
a person's driver's or commercial driver's license or permit or 85006
nonresident operating privilege imposed pursuant to section 85007
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 85008
Revised Code for a violation of a municipal OVI ordinance, any 85009
time during which the person serves a related suspension imposed 85010
pursuant to division (C)(1) of this section. 85011

(D)(1) A suspension of a person's driver's or commercial 85012
driver's license or permit or nonresident operating privilege 85013
under this section for the time described in division (B) or (C) 85014
of this section is effective immediately from the time at which 85015
the arresting officer serves the notice of suspension upon the 85016
arrested person. Any subsequent finding that the person is not 85017
guilty of the charge that resulted in the person being requested 85018
to take the chemical test or tests under division (A) of this 85019
section does not affect the suspension. 85020

(2) If a person is arrested for operating a vehicle, 85021
streetcar, or trackless trolley in violation of division (A) or 85022
(B) of section 4511.19 of the Revised Code or a municipal OVI 85023
ordinance, or for being in physical control of a vehicle, 85024
streetcar, or trackless trolley in violation of section 4511.194 85025
of the Revised Code or a substantially equivalent municipal 85026
ordinance, regardless of whether the person's driver's or 85027
commercial driver's license or permit or nonresident operating 85028
privilege is or is not suspended under division (B) or (C) of this 85029

section or Chapter 4510. of the Revised Code, the person's initial 85030
appearance on the charge resulting from the arrest shall be held 85031
within five days of the person's arrest or the issuance of the 85032
citation to the person, subject to any continuance granted by the 85033
court pursuant to section 4511.197 of the Revised Code regarding 85034
the issues specified in that division. 85035

(E) When it finally has been determined under the procedures 85036
of this section and sections 4511.192 to 4511.197 of the Revised 85037
Code that a nonresident's privilege to operate a vehicle within 85038
this state has been suspended, the registrar shall give 85039
information in writing of the action taken to the motor vehicle 85040
administrator of the state of the person's residence and of any 85041
state in which the person has a license. 85042

(F) At the end of a suspension period under this section, 85043
under section 4511.194, section 4511.196, or division (G) of 85044
section 4511.19 of the Revised Code, or under section 4510.07 of 85045
the Revised Code for a violation of a municipal OVI ordinance and 85046
upon the request of the person whose driver's or commercial 85047
driver's license or permit was suspended and who is not otherwise 85048
subject to suspension, cancellation, or disqualification, the 85049
registrar shall return the driver's or commercial driver's license 85050
or permit to the person upon the occurrence of all of the 85051
conditions specified in divisions (F)(1) and (2) of this section: 85052

(1) A showing that the person has proof of financial 85053
responsibility, a policy of liability insurance in effect that 85054
meets the minimum standards set forth in section 4509.51 of the 85055
Revised Code, or proof, to the satisfaction of the registrar, that 85056
the person is able to respond in damages in an amount at least 85057
equal to the minimum amounts specified in section 4509.51 of the 85058
Revised Code. 85059

(2) Subject to the limitation contained in division (F)(3) of 85060
this section, payment by the person to the bureau of motor 85061

vehicles of a license reinstatement fee of four hundred 85062
seventy-five dollars, which fee shall be deposited in the state 85063
treasury and credited as follows: 85064

(a) One hundred twelve dollars and fifty cents shall be 85065
credited to the statewide treatment and prevention fund created by 85066
section 4301.30 of the Revised Code. The fund shall be used to pay 85067
the costs of driver treatment and intervention programs operated 85068
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 85069
director of alcohol and drug addiction services shall determine 85070
the share of the fund that is to be allocated to alcohol and drug 85071
addiction programs authorized by section 3793.02 of the Revised 85072
Code, and the share of the fund that is to be allocated to 85073
drivers' intervention programs authorized by section 3793.10 of 85074
the Revised Code. 85075

(b) Seventy-five dollars shall be credited to the reparations 85076
fund created by section 2743.191 of the Revised Code. 85077

(c) Thirty-seven dollars and fifty cents shall be credited to 85078
the indigent drivers alcohol treatment fund, which is hereby 85079
established in the state treasury. Except as otherwise provided in 85080
division (F)(2)(c) of this section, moneys in the fund shall be 85081
distributed by the department of alcohol and drug addiction 85082
services to the county indigent drivers alcohol treatment funds, 85083
the county juvenile indigent drivers alcohol treatment funds, and 85084
the municipal indigent drivers alcohol treatment funds that are 85085
required to be established by counties and municipal corporations 85086
pursuant to division (H) of this section, and shall be used only 85087
to pay the cost of an alcohol and drug addiction treatment program 85088
attended by an offender or juvenile traffic offender who is 85089
ordered to attend an alcohol and drug addiction treatment program 85090
by a county, juvenile, or municipal court judge and who is 85091
determined by the county, juvenile, or municipal court judge not 85092
to have the means to pay for the person's attendance at the 85093

program or to pay the costs specified in division (H)(4) of this 85094
section in accordance with that division. In addition, a county, 85095
juvenile, or municipal court judge may use moneys in the county 85096
indigent drivers alcohol treatment fund, county juvenile indigent 85097
drivers alcohol treatment fund, or municipal indigent drivers 85098
alcohol treatment fund to pay for the cost of the continued use of 85099
an alcohol monitoring device as described in divisions (H)(3) and 85100
(4) of this section. Moneys in the fund that are not distributed 85101
to a county indigent drivers alcohol treatment fund, a county 85102
juvenile indigent drivers alcohol treatment fund, or a municipal 85103
indigent drivers alcohol treatment fund under division (H) of this 85104
section because the director of alcohol and drug addiction 85105
services does not have the information necessary to identify the 85106
county or municipal corporation where the offender or juvenile 85107
offender was arrested may be transferred by the director of budget 85108
and management to the statewide treatment and prevention fund 85109
created by section 4301.30 of the Revised Code, upon certification 85110
of the amount by the director of alcohol and drug addiction 85111
services. 85112

(d) Seventy-five dollars shall be credited to the Ohio 85113
rehabilitation services commission established by section 3304.12 85114
of the Revised Code, to the services for rehabilitation fund, 85115
which is hereby established. The fund shall be used to match 85116
available federal matching funds where appropriate, and for any 85117
other purpose or program of the commission to rehabilitate people 85118
with disabilities to help them become employed and independent. 85119

(e) Seventy-five dollars shall be deposited into the state 85120
treasury and credited to the drug abuse resistance education 85121
programs fund, which is hereby established, to be used by the 85122
attorney general for the purposes specified in division (F)(4) of 85123
this section. 85124

(f) Thirty dollars shall be credited to the state bureau of 85125

motor vehicles fund created by section 4501.25 of the Revised Code. 85126
85127

(g) Twenty dollars shall be credited to the trauma and emergency medical services grants fund created by section 4513.263 of the Revised Code. 85128
85129
85130

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Monies in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device. 85131
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(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the bureau, only one reinstatement fee of four hundred twenty-five dollars. The reinstatement fee shall be distributed by the bureau in accordance with division (F)(2) of this section. 85147
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(4) The attorney general shall use amounts in the drug abuse resistance education programs fund to award grants to law enforcement agencies to establish and implement drug abuse resistance education programs in public schools. Grants awarded to a law enforcement agency under this section shall be used by the agency to pay for not more than fifty per cent of the amount of the salaries of law enforcement officers who conduct drug abuse resistance education programs in public schools. The attorney general shall not use more than six per cent of the amounts the attorney general's office receives under division (F)(2)(e) of this section to pay the costs it incurs in administering the grant program established by division (F)(2)(e) of this section and in providing training and materials relating to drug abuse resistance education programs.

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund, each county shall establish a juvenile indigent drivers alcohol treatment fund, and each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of fees that are paid under division (F) of this section and that are credited under that division to the indigent drivers alcohol treatment fund in the state treasury for a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund, all portions of additional costs imposed under section 2949.094 of the Revised Code that are specified for deposit into a county, county juvenile, or municipal indigent drivers alcohol treatment fund by that section, and all portions of fines that are specified for deposit into a county or municipal indigent drivers alcohol treatment fund by section 4511.193 of the Revised Code shall be deposited into that county indigent drivers alcohol treatment fund, county juvenile indigent drivers alcohol treatment fund, or municipal indigent drivers alcohol treatment fund. The portions of the fees paid under division (F) of this section that are to be so deposited shall be determined in accordance with division (H)(2) of this section. Additionally, all portions of fines that are paid for a violation of section 4511.19 of the Revised Code or of any prohibition contained in Chapter 4510. of the Revised Code, and that are required under section 4511.19 or any provision of Chapter 4510. of the Revised Code to be deposited into a county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund shall be deposited into the

appropriate fund in accordance with the applicable division of the 85223
section or provision. 85224

(2) That portion of the license reinstatement fee that is 85225
paid under division (F) of this section and that is credited under 85226
that division to the indigent drivers alcohol treatment fund shall 85227
be deposited into a county indigent drivers alcohol treatment 85228
fund, a county juvenile indigent drivers alcohol treatment fund, 85229
or a municipal indigent drivers alcohol treatment fund as follows: 85230
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(a) Regarding a suspension imposed under this section, that 85232
portion of the fee shall be deposited as follows: 85233

(i) If the fee is paid by a person who was charged in a 85234
county court with the violation that resulted in the suspension or 85235
in the imposition of the court costs, the portion shall be 85236
deposited into the county indigent drivers alcohol treatment fund 85237
under the control of that court; 85238

(ii) If the fee is paid by a person who was charged in a 85239
juvenile court with the violation that resulted in the suspension 85240
or in the imposition of the court costs, the portion shall be 85241
deposited into the county juvenile indigent drivers alcohol 85242
treatment fund established in the county served by the court; 85243

(iii) If the fee is paid by a person who was charged in a 85244
municipal court with the violation that resulted in the suspension 85245
or in the imposition of the court costs, the portion shall be 85246
deposited into the municipal indigent drivers alcohol treatment 85247
fund under the control of that court. 85248

(b) Regarding a suspension imposed under section 4511.19 of 85249
the Revised Code or under section 4510.07 of the Revised Code for 85250
a violation of a municipal OVI ordinance, that portion of the fee 85251
shall be deposited as follows: 85252

(i) If the fee is paid by a person whose license or permit 85253

was suspended by a county court, the portion shall be deposited 85254
into the county indigent drivers alcohol treatment fund under the 85255
control of that court; 85256

(ii) If the fee is paid by a person whose license or permit 85257
was suspended by a municipal court, the portion shall be deposited 85258
into the municipal indigent drivers alcohol treatment fund under 85259
the control of that court. 85260

(3) Expenditures from a county indigent drivers alcohol 85261
treatment fund, a county juvenile indigent drivers alcohol 85262
treatment fund, or a municipal indigent drivers alcohol treatment 85263
fund shall be made only upon the order of a county, juvenile, or 85264
municipal court judge and only for payment of the cost of an 85265
assessment or the cost of the attendance at an alcohol and drug 85266
addiction treatment program of a person who is convicted of, or 85267
found to be a juvenile traffic offender by reason of, a violation 85268
of division (A) of section 4511.19 of the Revised Code or a 85269
substantially similar municipal ordinance, who is ordered by the 85270
court to attend the alcohol and drug addiction treatment program, 85271
and who is determined by the court to be unable to pay the cost of 85272
the assessment or the cost of attendance at the treatment program 85273
or for payment of the costs specified in division (H)(4) of this 85274
section in accordance with that division. The alcohol and drug 85275
addiction services board or the board of alcohol, drug addiction, 85276
and mental health services established pursuant to section 340.02 85277
or 340.021 of the Revised Code and serving the alcohol, drug 85278
addiction, and mental health service district in which the court 85279
is located shall administer the indigent drivers alcohol treatment 85280
program of the court. When a court orders an offender or juvenile 85281
traffic offender to obtain an assessment or attend an alcohol and 85282
drug addiction treatment program, the board shall determine which 85283
program is suitable to meet the needs of the offender or juvenile 85284
traffic offender, and when a suitable program is located and space 85285

is available at the program, the offender or juvenile traffic 85286
offender shall attend the program designated by the board. A 85287
reasonable amount not to exceed five per cent of the amounts 85288
credited to and deposited into the county indigent drivers alcohol 85289
treatment fund, the county juvenile indigent drivers alcohol 85290
treatment fund, or the municipal indigent drivers alcohol 85291
treatment fund serving every court whose program is administered 85292
by that board shall be paid to the board to cover the costs it 85293
incurs in administering those indigent drivers alcohol treatment 85294
programs. 85295

In addition, upon exhaustion of moneys in the indigent 85296
drivers interlock and alcohol monitoring fund for the use of an 85297
alcohol monitoring device, a county, juvenile, or municipal court 85298
judge may use moneys in the county indigent drivers alcohol 85299
treatment fund, county juvenile indigent drivers alcohol treatment 85300
fund, or municipal indigent drivers alcohol treatment fund in the 85301
following manners: 85302

(a) If the source of the moneys was an appropriation of the 85303
general assembly, a portion of a fee that was paid under division 85304
(F) of this section, a portion of a fine that was specified for 85305
deposit into the fund by section 4511.193 of the Revised Code, or 85306
a portion of a fine that was paid for a violation of section 85307
4511.19 of the Revised Code or of a provision contained in Chapter 85308
4510. of the Revised Code that was required to be deposited into 85309
the fund, to pay for the continued use of an alcohol monitoring 85310
device by an offender or juvenile traffic offender, in conjunction 85311
with a treatment program approved by the department of alcohol and 85312
drug addiction services, when such use is determined clinically 85313
necessary by the treatment program and when the court determines 85314
that the offender or juvenile traffic offender is unable to pay 85315
all or part of the daily monitoring or cost of the device; 85316
85317

(b) If the source of the moneys was a portion of an 85318
additional court cost imposed under section 2949.094 of the 85319
Revised Code, to pay for the continued use of an alcohol 85320
monitoring device by an offender or juvenile traffic offender when 85321
the court determines that the offender or juvenile traffic 85322
offender is unable to pay all or part of the daily monitoring or 85323
cost of the device. The moneys may be used for a device as 85324
described in this division if the use of the device is in 85325
conjunction with a treatment program approved by the department of 85326
alcohol and drug addiction services, when the use of the device is 85327
determined clinically necessary by the treatment program, but the 85328
use of a device is not required to be in conjunction with a 85329
treatment program approved by the department in order for the 85330
moneys to be used for the device as described in this division. 85331

(4) If a county, juvenile, or municipal court determines, in 85332
consultation with the alcohol and drug addiction services board or 85333
the board of alcohol, drug addiction, and mental health services 85334
established pursuant to section 340.02 or 340.021 of the Revised 85335
Code and serving the alcohol, drug addiction, and mental health 85336
district in which the court is located, that the funds in the 85337
county indigent drivers alcohol treatment fund, the county 85338
juvenile indigent drivers alcohol treatment fund, or the municipal 85339
indigent drivers alcohol treatment fund under the control of the 85340
court are more than sufficient to satisfy the purpose for which 85341
the fund was established, as specified in divisions (H)(1) to (3) 85342
of this section, the court may declare a surplus in the fund. If 85343
the court declares a surplus in the fund, the court may expend the 85344
amount of the surplus in the fund for: 85345

(a) Alcohol and drug abuse assessment and treatment of 85347
persons who are charged in the court with committing a criminal 85348
offense or with being a delinquent child or juvenile traffic 85349

offender and in relation to whom both of the following apply: 85350

(i) The court determines that substance abuse was a 85351
contributing factor leading to the criminal or delinquent activity 85352
or the juvenile traffic offense with which the person is charged. 85353

(ii) The court determines that the person is unable to pay 85354
the cost of the alcohol and drug abuse assessment and treatment 85355
for which the surplus money will be used. 85356

(b) All or part of the cost of purchasing alcohol monitoring 85357
devices to be used in conjunction with division (H)(3) of this 85358
section, upon exhaustion of moneys in the indigent drivers 85359
interlock and alcohol monitoring fund for the use of an alcohol 85360
monitoring device. 85361

(5) For the purpose of determining as described in division 85362
(F)(2)(c) of this section whether an offender does not have the 85363
means to pay for the offender's attendance at an alcohol and drug 85364
addiction treatment program or whether an alleged offender or 85365
delinquent child is unable to pay the costs specified in division 85366
(H)(4) of this section, the court shall use the indigent client 85367
eligibility guidelines and the standards of indigency established 85368
by the state public defender to make the determination. 85369

(6) The court shall identify and refer any alcohol and drug 85370
addiction program that is not certified under section 3793.06 of 85371
the Revised Code and that is interested in receiving amounts from 85372
the surplus in the fund declared under division (H)(4) of this 85373
section to the department of alcohol and drug addiction services 85374
in order for the program to become a certified alcohol and drug 85375
addiction program. The department shall keep a record of applicant 85376
referrals received pursuant to this division and shall submit a 85377
report on the referrals each year to the general assembly. If a 85378
program interested in becoming certified makes an application to 85379
become certified pursuant to section 3793.06 of the Revised Code, 85380

the program is eligible to receive surplus funds as long as the 85381
application is pending with the department. The department of 85382
alcohol and drug addiction services must offer technical 85383
assistance to the applicant. If the interested program withdraws 85384
the certification application, the department must notify the 85385
court, and the court shall not provide the interested program with 85386
any further surplus funds. 85387

(7)(a) Each alcohol and drug addiction services board and 85388
board of alcohol, drug addiction, and mental health services 85389
established pursuant to section 340.02 or 340.021 of the Revised 85390
Code shall submit to the department of alcohol and drug addiction 85391
services an annual report for each indigent drivers alcohol 85392
treatment fund in that board's area. 85393

(b) The report, which shall be submitted not later than sixty 85394
days after the end of the state fiscal year, shall provide the 85395
total payment that was made from the fund, including the number of 85396
indigent consumers that received treatment services and the number 85397
of indigent consumers that received an alcohol monitoring device. 85398
The report shall identify the treatment program and expenditure 85399
for an alcohol monitoring device for which that payment was made. 85400
The report shall include the fiscal year balance of each indigent 85401
drivers alcohol treatment fund located in that board's area. In 85402
the event that a surplus is declared in the fund pursuant to 85403
division (H)(4) of this section, the report also shall provide the 85404
total payment that was made from the surplus moneys and identify 85405
the treatment program and expenditure for an alcohol monitoring 85406
device for which that payment was made. The department may require 85407
additional information necessary to complete the comprehensive 85408
statewide alcohol and drug addiction services plan as required by 85409
section 3793.04 of the Revised Code. 85410

(c) If a board is unable to obtain adequate information to 85411
develop the report to submit to the department for a particular 85412

indigent drivers alcohol treatment fund, the board shall submit a 85413
report detailing the effort made in obtaining the information. 85414

(I)(1) Each county shall establish an indigent drivers 85415
interlock and alcohol monitoring fund and a juvenile indigent 85416
drivers interlock and alcohol treatment fund, and each municipal 85417
corporation in which there is a municipal court shall establish an 85418
indigent drivers interlock and alcohol monitoring fund. All 85419
revenue that the general assembly appropriates to the indigent 85420
drivers interlock and alcohol monitoring fund for transfer to a 85421
county indigent drivers interlock and alcohol monitoring fund, a 85422
county juvenile indigent drivers interlock and alcohol monitoring 85423
fund, or a municipal indigent drivers interlock and alcohol 85424
monitoring fund, all portions of license reinstatement fees that 85425
are paid under division (F)(2) of this section and that are 85426
credited under that division to the indigent drivers interlock and 85427
alcohol monitoring fund in the state treasury, and all portions of 85428
fines that are paid under division (G) of section 4511.19 of the 85429
Revised Code and that are credited by division (G)(5)(e) of that 85430
section to the indigent drivers interlock and alcohol monitoring 85431
fund in the state treasury shall be deposited in the appropriate 85432
fund in accordance with division (I)(2) of this section. 85433

(2) That portion of the license reinstatement fee that is 85434
paid under division (F) of this section and that portion of the 85435
fine paid under division (G) of section 4511.19 of the Revised 85436
Code and that is credited under either division to the indigent 85437
drivers interlock and alcohol monitoring fund shall be deposited 85438
into a county indigent drivers interlock and alcohol monitoring 85439
fund, a county juvenile indigent drivers interlock and alcohol 85440
monitoring fund, or a municipal indigent drivers interlock and 85441
alcohol monitoring fund as follows: 85442

(a) If the fee or fine is paid by a person who was charged in 85443
a county court with the violation that resulted in the suspension 85444

or fine, the portion shall be deposited into the county indigent 85445
drivers interlock and alcohol monitoring fund under the control of 85446
that court. 85447

(b) If the fee or fine is paid by a person who was charged in 85448
a juvenile court with the violation that resulted in the 85449
suspension or fine, the portion shall be deposited into the county 85450
juvenile indigent drivers interlock and alcohol monitoring fund 85451
established in the county served by the court. 85452

(c) If the fee or fine is paid by a person who was charged in 85453
a municipal court with the violation that resulted in the 85454
suspension, the portion shall be deposited into the municipal 85455
indigent drivers interlock and alcohol monitoring fund under the 85456
control of that court. 85457

Sec. 4511.81. (A) When any child who is in either or both of 85458
the following categories is being transported in a motor vehicle, 85459
other than a taxicab or public safety vehicle as defined in 85460
section 4511.01 of the Revised Code, that is required by the 85461
United States department of transportation to be equipped with 85462
seat belts at the time of manufacture or assembly, the operator of 85463
the motor vehicle shall have the child properly secured in 85464
accordance with the manufacturer's instructions in a child 85465
restraint system that meets federal motor vehicle safety 85466
standards: 85467

(1) A child who is less than four years of age; 85468

(2) A child who weighs less than forty pounds. 85469

(B) When any child who is in either or both of the following 85470
categories is being transported in a motor vehicle, other than a 85471
taxicab, that is owned, leased, or otherwise under the control of 85472
a nursery school or day-care center, the operator of the motor 85473
vehicle shall have the child properly secured in accordance with 85474

the manufacturer's instructions in a child restraint system that 85475
meets federal motor vehicle safety standards: 85476

(1) A child who is less than four years of age; 85477

(2) A child who weighs less than forty pounds. 85478

(C) When any child who is less than eight years of age and 85479
less than four feet nine inches in height, who is not required by 85480
division (A) or (B) of this section to be secured in a child 85481
restraint system, is being transported in a motor vehicle, other 85482
than a taxicab or public safety vehicle as defined in section 85483
4511.01 of the Revised Code or a vehicle that is regulated under 85484
section 5104.011 of the Revised Code, that is required by the 85485
United States department of transportation to be equipped with 85486
seat belts at the time of manufacture or assembly, the operator of 85487
the motor vehicle shall have the child properly secured in 85488
accordance with the manufacturer's instructions on a booster seat 85489
that meets federal motor vehicle safety standards. 85490

(D) When any child who is at least eight years of age but not 85491
older than fifteen years of age, and who is not otherwise required 85492
by division (A), (B), or (C) of this section to be secured in a 85493
child restraint system or booster seat, is being transported in a 85494
motor vehicle, other than a taxicab or public safety vehicle as 85495
defined in section 4511.01 of the Revised Code, that is required 85496
by the United States department of transportation to be equipped 85497
with seat belts at the time of manufacture or assembly, the 85498
operator of the motor vehicle shall have the child properly 85499
restrained either in accordance with the manufacturer's 85500
instructions in a child restraint system or booster seat that 85501
meets federal motor vehicle safety standards or in an occupant 85502
restraining device as defined in section 4513.263 of the Revised 85503
Code. 85504

(E) Notwithstanding any provision of law to the contrary, no 85505

law enforcement officer shall cause an operator of a motor vehicle 85506
being operated on any street or highway to stop the motor vehicle 85507
for the sole purpose of determining whether a violation of 85508
division (C) or (D) of this section has been or is being committed 85509
or for the sole purpose of issuing a ticket, citation, or summons 85510
for a violation of division (C) or (D) of this section or causing 85511
the arrest of or commencing a prosecution of a person for a 85512
violation of division (C) or (D) of this section, and absent 85513
another violation of law, a law enforcement officer's view of the 85514
interior or visual inspection of a motor vehicle being operated on 85515
any street or highway may not be used for the purpose of 85516
determining whether a violation of division (C) or (D) of this 85517
section has been or is being committed. 85518

(F) The director of public safety shall adopt such rules as 85519
are necessary to carry out this section. 85520

(G) The failure of an operator of a motor vehicle to secure a 85521
child in a child restraint system, a booster seat, or an occupant 85522
restraining device as required by this section is not negligence 85523
imputable to the child, and is not admissible as evidence in any 85524
civil action involving the rights of the child against any other 85525
person allegedly liable for injuries to the child, ~~is not to be~~ 85526
~~used as a basis for a criminal prosecution of the operator of the~~ 85527
~~motor vehicle other than a prosecution for a violation of this~~ 85528
~~section, and is not admissible as evidence in any criminal action~~ 85529
~~involving the operator of the motor vehicle other than a~~ 85530
~~prosecution for a violation of this section.~~ 85531

(H) This section does not apply when an emergency exists that 85532
threatens the life of any person operating or occupying a motor 85533
vehicle that is being used to transport a child who otherwise 85534
would be required to be restrained under this section. This 85535
section does not apply to a person operating a motor vehicle who 85536
has an affidavit signed by a physician licensed to practice in 85537

this state under Chapter 4731. of the Revised Code or a 85538
chiropractor licensed to practice in this state under Chapter 85539
4734. of the Revised Code that states that the child who otherwise 85540
would be required to be restrained under this section has a 85541
physical impairment that makes use of a child restraint system, 85542
booster seat, or an occupant restraining device impossible or 85543
impractical, provided that the person operating the vehicle has 85544
safely and appropriately restrained the child in accordance with 85545
any recommendations of the physician or chiropractor as noted on 85546
the affidavit. 85547

(I) There is hereby created in the state treasury the child 85548
highway safety fund, consisting of fines imposed pursuant to 85549
division ~~(K)~~(L)(1) of this section for violations of divisions 85550
(A), (B), (C), and (D) of this section. The money in the fund 85551
shall be used by the department of health ~~only to defray the cost~~ 85552
~~of designating hospitals as pediatric trauma centers under section~~ 85553
~~3727.081 of the Revised Code and~~ to establish and administer a 85554
child highway safety program. The purpose of the program shall be 85555
to educate the public about child restraint systems and booster 85556
seats and the importance of their proper use. The program also 85557
shall include a process for providing child restraint systems and 85558
booster seats to persons who meet the eligibility criteria 85559
established by the department, and a toll-free telephone number 85560
the public may utilize to obtain information about child restraint 85561
systems and booster seats, and their proper use. 85562

(J) The director of health, in accordance with Chapter 119. 85564
of the Revised Code, shall adopt any rules necessary to carry out 85565
this section, including rules establishing the criteria a person 85566
must meet in order to receive a child restraint system or booster 85567
seat under the department's child highway safety program; ~~provided~~ 85568
~~that rules relating to the verification of pediatric trauma~~ 85569

~~centers shall not be adopted under this section.~~ 85570

(K) Nothing in this section shall be construed to require any 85571
person to carry with the person the birth certificate of a child 85572
to prove the age of the child, but the production of a valid birth 85573
certificate for a child showing that the child was not of an age 85574
to which this section applies is a defense against any ticket, 85575
citation, or summons issued for violating this section. 85576

(L)(1) Whoever violates division (A), (B), (C), or (D) of 85577
this section shall be punished as follows, provided that the 85578
failure of an operator of a motor vehicle to secure more than one 85579
child in a child restraint system, booster seat, or occupant 85580
restraining device as required by this section that occurred at 85581
the same time, on the same day, and at the same location is deemed 85582
to be a single violation of this section: 85583

(a) Except as otherwise provided in division (L)(1)(b) of 85584
this section, the offender is guilty of a minor misdemeanor and 85585
shall be fined not less than ~~twenty-five~~ fifty dollars nor more 85586
than seventy-five dollars for a first offense. 85587

(b) If the offender previously has been convicted of or 85588
pleaded guilty to a violation of division (A), (B), (C), or (D) of 85589
this section or of a municipal ordinance that is substantially 85590
similar to any of those divisions, the offender is guilty of a 85591
misdemeanor of the fourth degree and shall be fined not less than 85592
one hundred dollars. 85593

(2) ~~All fines~~ For every fine imposed pursuant to division 85594
(L)(1) of this section not less than fifty dollars shall be 85595
forwarded to the treasurer of state for deposit in the child 85596
highway safety fund created by division (I) of this section. 85597

Sec. 4513.021. (A) As used in this section: 85598

(1) "Passenger car" means any motor vehicle with motive 85599

power, designed for carrying ten persons or less, except a 85600
multipurpose passenger vehicle or motorcycle. 85601

(2) "Multipurpose passenger vehicle" means a motor vehicle 85602
with motive power, except a motorcycle, designed to carry ten 85603
persons or less, that is constructed either on a truck chassis or 85604
with special features for occasional off-road operation. 85605

(3) "Truck" means every motor vehicle, except trailers and 85606
semitrailers, designed and used to carry property and having a 85607
gross vehicle weight rating of ten thousand pounds or less. 85608

(4) "Manufacturer" has the same meaning as in section 4501.01 85609
of the Revised Code. 85610

(5) "Gross vehicle weight rating" means the manufacturer's 85611
gross vehicle weight rating established for that vehicle. 85612

(B) The director of public safety, in accordance with Chapter 85613
119. of the Revised Code, shall adopt rules in conformance with 85614
standards of the vehicle equipment safety commission, that shall 85615
govern the maximum bumper height or, in the absence of bumpers and 85616
in cases where bumper heights have been lowered or modified, the 85617
maximum height to the bottom of the frame rail, of any passenger 85618
car, multipurpose passenger vehicle, or truck. 85619

(C) No person shall operate upon a street or highway any 85620
passenger car, multipurpose passenger vehicle, or truck registered 85621
in this state that does not conform to the requirements of this 85622
section or to any applicable rule adopted pursuant to this 85623
section. 85624

(D) No person shall modify any motor vehicle registered in 85625
this state in such a manner as to cause the vehicle body or 85626
chassis to come in contact with the ground, expose the fuel tank 85627
to damage from collision, or cause the wheels to come in contact 85628
with the body under normal operation, and no person shall 85629
disconnect any part of the original suspension system of the 85630

vehicle to defeat the safe operation of that system. 85631

(E) Nothing contained in this section or in the rules adopted 85632
pursuant to this section shall be construed to prohibit either of 85633
the following: 85634

(1) The installation upon a passenger car, multipurpose 85635
passenger vehicle, or truck registered in this state of heavy duty 85636
equipment, including shock absorbers and overload springs; 85637

(2) The operation on a street or highway of a passenger car, 85638
multipurpose passenger vehicle, or truck registered in this state 85639
with normal wear to the suspension system if the normal wear does 85640
not adversely affect the control of the vehicle. 85641

(F) This section and the rules adopted pursuant to it do not 85642
apply to any specially designed or modified passenger car, 85643
multipurpose passenger vehicle, or truck when operated off a 85644
street or highway in races and similar events. 85645

(G) ~~Except as otherwise provided in this division, whoever~~ 85646
Whoever violates this section is guilty of a minor misdemeanor. ~~If~~ 85647
~~the offender previously has been convicted of a violation of this~~ 85648
~~section, whoever violates this section is guilty of a misdemeanor~~ 85649
~~of the third degree.~~ 85650

Sec. 4513.03. (A) Every vehicle upon a street or highway 85651
within this state during the time from sunset to sunrise, and at 85652
any other time when there are unfavorable atmospheric conditions 85653
or when there is not sufficient natural light to render 85654
discernible persons, vehicles, and substantial objects on the 85655
highway at a distance of one thousand feet ahead, shall display 85656
lighted lights and illuminating devices as required by sections 85657
4513.04 to 4513.37 of the Revised Code, for different classes of 85658
vehicles; except that every motorized bicycle shall display at 85659
such times lighted lights meeting the rules adopted by the 85660

director of public safety under section 4511.521 of the Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.04. (A) Every motor vehicle, other than a motorcycle, and every trackless trolley shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle or trackless trolley.

Every motorcycle shall be equipped with at least one and not more than two headlights.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.05. (A) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted,

shall emit a red light visible from a distance of five hundred 85691
feet to the rear, provided that in the case of a train of vehicles 85692
only the tail light on the rearmost vehicle need be visible from 85693
the distance specified. 85694

Either a tail light or a separate light shall be so 85695
constructed and placed as to illuminate with a white light the 85696
rear registration plate, when such registration plate is required, 85697
and render it legible from a distance of fifty feet to the rear. 85698
Any tail light, together with any separate light for illuminating 85699
the rear registration plate, shall be so wired as to be lighted 85700
whenever the headlights or auxiliary driving lights are lighted, 85701
except where separate lighting systems are provided for trailers 85702
for the purpose of illuminating such registration plate. 85703

(B) Whoever violates this section ~~shall be punished as~~ 85704
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85705
minor misdemeanor. 85706

Sec. 4513.06. (A) Every new motor vehicle sold after 85707
September 6, 1941, and operated on a highway, other than a 85708
commercial tractor, to which a trailer or semitrailer is attached 85709
shall carry at the rear, either as a part of the tail lamps or 85710
separately, two red reflectors meeting the requirements of this 85711
section, except that vehicles of the type mentioned in section 85712
4513.07 of the Revised Code shall be equipped with reflectors as 85713
required by the regulations provided for in said section. 85714

Every such reflector shall be of such size and 85715
characteristics and so maintained as to be visible at night from 85716
all distances within three hundred feet to fifty feet from such 85717
vehicle. 85718

(B) Whoever violates this section ~~shall be punished as~~ 85719
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85720

minor misdemeanor. 85721

Sec. 4513.07. (A) The director of public safety shall 85722
prescribe and promulgate regulations relating to clearance lights, 85723
marker lights, reflectors, and stop lights on buses, trackless 85724
trolleys, trucks, commercial tractors, trailers, semitrailers, and 85725
pole trailers, when operated upon any highway, and such vehicles 85726
shall be equipped as required by such regulations, and such 85727
equipment shall be lighted at all times mentioned in section 85728
4513.03 of the Revised Code, except that clearance lights and side 85729
marker lights need not be lighted on any such vehicle when it is 85730
operated within a municipal corporation where there is sufficient 85731
light to reveal any person or substantial object on the highway at 85732
a distance of five hundred feet. 85733

Such equipment shall be in addition to all other lights 85734
specifically required by sections 4513.03 to 4513.16 of the 85735
Revised Code. 85736

Vehicles operated under the jurisdiction of the public 85737
utilities commission are not subject to this section. 85738

(B) Whoever violates this section ~~shall be punished as~~ 85739
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85740
minor misdemeanor. 85741

Sec. 4513.071. (A) Every motor vehicle, trailer, semitrailer, 85742
and pole trailer when operated upon a highway shall be equipped 85743
with two or more stop lights, except that passenger cars 85744
manufactured or assembled prior to January 1, 1967, motorcycles, 85745
and motor-driven cycles shall be equipped with at least one stop 85746
light. Stop lights shall be mounted on the rear of the vehicle, 85747
actuated upon application of the service brake, and may be 85748
incorporated with other rear lights. Such stop lights when 85749
actuated shall emit a red light visible from a distance of five 85750

hundred feet to the rear, provided that in the case of a train of 85751
vehicles only the stop lights on the rear-most vehicle need be 85752
visible from the distance specified. 85753

Such stop lights when actuated shall give a steady warning 85754
light to the rear of a vehicle or train of vehicles to indicate 85755
the intention of the operator to diminish the speed of or stop a 85756
vehicle or train of vehicles. 85757

When stop lights are used as required by this section, they 85758
shall be constructed or installed so as to provide adequate and 85759
reliable illumination and shall conform to the appropriate rules 85760
and regulations established under section 4513.19 of the Revised 85761
Code. 85762

Historical motor vehicles as defined in section 4503.181 of 85763
the Revised Code, not originally manufactured with stop lights, 85764
are not subject to this section. 85765

(B) Whoever violates this section ~~shall be punished as~~ 85766
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85767
minor misdemeanor. 85768

Sec. 4513.09. (A) Whenever the load upon any vehicle extends 85769
to the rear four feet or more beyond the bed or body of such 85770
vehicle, there shall be displayed at the extreme rear end of the 85771
load, at the times specified in section 4513.03 of the Revised 85772
Code, a red light or lantern plainly visible from a distance of at 85773
least five hundred feet to the sides and rear. The red light or 85774
lantern required by this section is in addition to the red rear 85775
light required upon every vehicle. At any other time there shall 85776
be displayed at the extreme rear end of such load a red flag or 85777
cloth not less than sixteen inches square. 85778

(B) Whoever violates this section ~~shall be punished as~~ 85779
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85780

minor misdemeanor. 85781

Sec. 4513.11. (A) All vehicles other than bicycles, including 85782
animal-drawn vehicles and vehicles referred to in division (G) of 85783
section 4513.02 of the Revised Code, not specifically required to 85784
be equipped with lamps or other lighting devices by sections 85785
4513.03 to 4513.10 of the Revised Code, shall, at the times 85786
specified in section 4513.03 of the Revised Code, be equipped with 85787
at least one lamp displaying a white light visible from a distance 85788
of not less than one thousand feet to the front of the vehicle, 85789
and also shall be equipped with two lamps displaying red light 85790
visible from a distance of not less than one thousand feet to the 85791
rear of the vehicle, or as an alternative, one lamp displaying a 85792
red light visible from a distance of not less than one thousand 85793
feet to the rear and two red reflectors visible from all distances 85794
of six hundred feet to one hundred feet to the rear when 85795
illuminated by the lawful lower beams of headlamps. 85796

Lamps and reflectors required or authorized by this section 85797
shall meet standards adopted by the director of public safety. 85798

(B) All boat trailers, farm machinery, and other machinery, 85799
including all road construction machinery, upon a street or 85800
highway, except when being used in actual construction and 85801
maintenance work in an area guarded by a flagperson, or where 85802
flares are used, or when operating or traveling within the limits 85803
of a construction area designated by the director of 85804
transportation, a city engineer, or the county engineer of the 85805
several counties, when such construction area is marked in 85806
accordance with requirements of the director and the manual of 85807
uniform traffic control devices, as set forth in section 4511.09 85808
of the Revised Code, which is designed for operation at a speed of 85809
twenty-five miles per hour or less shall be operated at a speed 85810
not exceeding twenty-five miles per hour, and shall display a 85811

triangular slow-moving vehicle emblem (SMV). The emblem shall be 85812
mounted so as to be visible from a distance of not less than five 85813
hundred feet to the rear. The director of public safety shall 85814
adopt standards and specifications for the design and position of 85815
mounting the SMV emblem. The standards and specifications for SMV 85816
emblems referred to in this section shall correlate with and, so 85817
far as possible, conform with those approved by the American 85818
society of agricultural engineers. 85819

A unit of farm machinery that is designed by its manufacturer 85820
to operate at a speed greater than twenty-five miles per hour may 85821
be operated on a street or highway at a speed greater than 85822
twenty-five miles per hour provided it is operated in accordance 85823
with this section. 85824

As used in this division, "machinery" does not include any 85825
vehicle designed to be drawn by an animal. 85826

(C) The use of the SMV emblem shall be restricted to 85827
animal-drawn vehicles, and to the slow-moving vehicles specified 85828
in division (B) of this section operating or traveling within the 85829
limits of the highway. Its use on slow-moving vehicles being 85830
transported upon other types of vehicles or on any other type of 85831
vehicle or stationary object on the highway is prohibited. 85832

(D)(1) No person shall sell, lease, rent, or operate any boat 85833
trailer, farm machinery, or other machinery defined as a 85834
slow-moving vehicle in division (B) of this section, except those 85835
units designed to be completely mounted on a primary power unit, 85836
which is manufactured or assembled on or after April 1, 1966, 85837
unless the vehicle is equipped with a slow-moving vehicle emblem 85838
mounting device as specified in division (B) of this section. 85839

(2) No person shall sell, lease, rent, or operate on a street 85840
or highway any unit of farm machinery that is designed by its 85841
manufacturer to operate at a speed greater than twenty-five miles 85842

per hour unless the unit displays a slow-moving vehicle emblem as 85843
specified in division (B) of this section and a speed 85844
identification symbol that meets the specifications contained in 85845
the American society of agricultural engineers standard ANSI/SAE 85846
S584 JAN2005, agricultural equipment: speed identification symbol 85847
(SIS). 85848

(E) Any boat trailer, farm machinery, or other machinery 85849
defined as a slow-moving vehicle in division (B) of this section, 85850
in addition to the use of the slow-moving vehicle emblem, and any 85851
unit of farm machinery that is designed by its manufacturer to 85852
operate at a speed greater than twenty-five miles per hour, in 85853
addition to the display of a speed identification symbol, may be 85854
equipped with a red flashing light that shall be visible from a 85855
distance of not less than one thousand feet to the rear at all 85856
times specified in section 4513.03 of the Revised Code. When a 85857
double-faced light is used, it shall display amber light to the 85858
front and red light to the rear. 85859

In addition to the lights described in this division, farm 85860
machinery and motor vehicles escorting farm machinery may display 85861
a flashing, oscillating, or rotating amber light, as permitted by 85862
section 4513.17 of the Revised Code, and also may display 85863
simultaneously flashing turn signals or warning lights, as 85864
permitted by that section. 85865

(F) Every animal-drawn vehicle upon a street or highway shall 85866
at all times be equipped in one of the following ways: 85867

(1) With a slow-moving vehicle emblem complying with division 85868
(B) of this section; 85869

(2) With alternate reflective material complying with rules 85870
adopted under this division; 85871

(3) With both a slow-moving vehicle emblem and alternate 85872
reflective material as specified in this division. 85873

The director of public safety, subject to Chapter 119. of the Revised Code, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, as a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 4513.03 of the Revised Code, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American society of agricultural engineers standard ANSI/ASAE S584 JAN2005, agricultural equipment: speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this division.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling, or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(H) When an agricultural tractor that is designed by its

manufacturer to operate at a speed greater than twenty-five miles 85906
per hour is being operated on a street or highway at a speed 85907
greater than twenty-five miles per hour, the operator shall 85908
possess some documentation published or provided by the 85909
manufacturer indicating the maximum speed in miles per hour at 85910
which the manufacturer designed the agricultural tractor to 85911
operate. 85912

(I) Whoever violates this section ~~shall be punished as~~ 85913
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85914
minor misdemeanor. 85915

(J) As used in this section, "boat trailer" means any vehicle 85916
designed and used exclusively to transport a boat between a place 85917
of storage and a marina, or in and around a marina, when drawn or 85918
towed on a street or highway for a distance of no more than ten 85919
miles and at a speed of twenty-five miles per hour or less. 85920

Sec. 4513.111. (A)(1) Every multi-wheel agricultural tractor 85921
whose model year was 2001 or earlier, when being operated or 85922
traveling on a street or highway at the times specified in section 85923
4513.03 of the Revised Code, at a minimum shall be equipped with 85924
and display reflectors and illuminated amber lamps so that the 85925
extreme left and right projections of the tractor are indicated by 85926
flashing lamps displaying amber light, visible to the front and 85927
the rear, by amber reflectors, all visible to the front, and by 85928
red reflectors, all visible to the rear. 85929

(2) The lamps displaying amber light need not flash 85930
simultaneously and need not flash in conjunction with any 85931
directional signals of the tractor. 85932

(3) The lamps and reflectors required by division (A)(1) of 85933
this section and their placement shall meet standards and 85934
specifications contained in rules adopted by the director of 85935
public safety in accordance with Chapter 119. of the Revised Code. 85936

The rules governing the amber lamps, amber reflectors, and red reflectors and their placement shall correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1, and 4.1.7.2 respectively of the American society of agricultural engineers standard ANSI/ASAE S279.10 OCT98, lighting and marking of agricultural equipment on highways.

(B) Every unit of farm machinery whose model year was 2002 or later, when being operated or traveling on a street or highway at the times specified in section 4513.03 of the Revised Code, shall be equipped with and display markings and illuminated lamps that meet or exceed the lighting, illumination, and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American society of agricultural engineers standard ANSI/ASAE S279.11 APR01, lighting and marking of agricultural equipment on highways, or any subsequent revisions of that standard.

(C) The lights and reflectors required by division (A) of this section are in addition to the slow-moving vehicle emblem and lights required or permitted by section 4513.11 or 4513.17 of the Revised Code to be displayed on farm machinery being operated or traveling on a street or highway.

(D) No person shall operate any unit of farm machinery on a street or highway or cause any unit of farm machinery to travel on a street or highway in violation of division (A) or (B) of this section.

(E) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.12. (A) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of

the high-intensity portion of the beam will be directed to the 85968
left of the prolongation of the extreme left side of the vehicle, 85969
nor more than one hundred feet ahead of the vehicle. 85970

Any motor vehicle may be equipped with not more than three 85971
auxiliary driving lights mounted on the front of the vehicle. The 85972
director of public safety shall prescribe specifications for 85973
auxiliary driving lights and regulations for their use, and any 85974
such lights which do not conform to said specifications and 85975
regulations shall not be used. 85976

(B) Whoever violates this section ~~shall be punished as~~ 85977
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85978
minor misdemeanor. 85979

Sec. 4513.13. (A) Any motor vehicle may be equipped with side 85980
cowl or fender lights which shall emit a white or amber light 85981
without glare. 85982

Any motor vehicle may be equipped with lights on each side 85983
thereof which shall emit a white or amber light without glare. 85984

Any motor vehicle may be equipped with back-up lights, either 85985
separately or in combination with another light. No back-up lights 85986
shall be continuously lighted when the motor vehicle is in forward 85987
motion. 85988

(B) Whoever violates this section ~~shall be punished as~~ 85989
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 85990
minor misdemeanor. 85991

Sec. 4513.14. (A) At all times mentioned in section 4513.03 85992
of the Revised Code at least two lighted lights shall be 85993
displayed, one near each side of the front of every motor vehicle 85994
and trackless trolley, except when such vehicle or trackless 85995
trolley is parked subject to the regulations governing lights on 85996

parked vehicles and trackless trolleys. 85997

The director of public safety shall prescribe and promulgate 85998
regulations relating to the design and use of such lights and such 85999
regulations shall be in accordance with currently recognized 86000
standards. 86001

(B) Whoever violates this section ~~shall be punished as~~ 86002
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86003
minor misdemeanor. 86004

Sec. 4513.15. (A) Whenever a motor vehicle is being operated 86005
on a roadway or shoulder adjacent thereto during the times 86006
specified in section 4513.03 of the Revised Code, the driver shall 86007
use a distribution of light, or composite beam, directed high 86008
enough and of sufficient intensity to reveal persons, vehicles, 86009
and substantial objects at a safe distance in advance of the 86010
vehicle, subject to the following requirements; 86011

(1) Whenever the driver of a vehicle approaches an oncoming 86012
vehicle, such driver shall use a distribution of light, or 86013
composite beam, so aimed that the glaring rays are not projected 86014
into the eyes of the oncoming driver. 86015

(2) Every new motor vehicle registered in this state, which 86016
has multiple-beam road lighting equipment shall be equipped with a 86017
beam indicator, which shall be lighted whenever the uppermost 86018
distribution of light from the headlights is in use, and shall not 86019
otherwise be lighted. Said indicator shall be so designed and 86020
located that, when lighted, it will be readily visible without 86021
glare to the driver of the vehicle. 86022

(B) Whoever violates this section ~~shall be punished as~~ 86023
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86024
minor misdemeanor. 86025

Sec. 4513.16. (A) Any motor vehicle may be operated under the 86026
conditions specified in section 4513.03 of the Revised Code when 86027
it is equipped with two lighted lights upon the front thereof 86028
capable of revealing persons and substantial objects seventy-five 86029
feet ahead, in lieu of lights required in section 4513.14 of the 86030
Revised Code, provided that such vehicle shall not be operated at 86031
a speed in excess of twenty miles per hour. 86032

(B) Whoever violates this section ~~shall be punished as~~ 86033
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86034
minor misdemeanor. 86035

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 86036
headlights also is equipped with any auxiliary lights or spotlight 86037
or any other light on the front thereof projecting a beam of an 86038
intensity greater than three hundred candle power, not more than a 86039
total of five of any such lights on the front of a vehicle shall 86040
be lighted at any one time when the vehicle is upon a highway. 86041

(B) Any lighted light or illuminating device upon a motor 86042
vehicle, other than headlights, spotlights, signal lights, or 86043
auxiliary driving lights, that projects a beam of light of an 86044
intensity greater than three hundred candle power, shall be so 86045
directed that no part of the beam will strike the level of the 86046
roadway on which the vehicle stands at a distance of more than 86047
seventy-five feet from the vehicle. 86048

(C)(1) Flashing lights are prohibited on motor vehicles, 86049
except as a means for indicating a right or a left turn, or in the 86050
presence of a vehicular traffic hazard requiring unusual care in 86051
approaching, or overtaking or passing. This prohibition does not 86052
apply to emergency vehicles, road service vehicles servicing or 86053
towing a disabled vehicle, traffic line strippers, snow plows, 86054
rural mail delivery vehicles, vehicles as provided in section 86055

4513.182 of the Revised Code, department of transportation 86056
maintenance vehicles, funeral hearses, funeral escort vehicles, 86057
and similar equipment operated by the department or local 86058
authorities, which shall be equipped with and display, when used 86059
on a street or highway for the special purpose necessitating such 86060
lights, a flashing, oscillating, or rotating amber light, but 86061
shall not display a flashing, oscillating, or rotating light of 86062
any other color, nor to vehicles or machinery permitted by section 86063
4513.11 of the Revised Code to have a flashing red light. 86064

(2) When used on a street or highway, farm machinery and 86065
vehicles escorting farm machinery may be equipped with and display 86066
a flashing, oscillating, or rotating amber light, and the 86067
prohibition contained in division (C)(1) of this section does not 86068
apply to such machinery or vehicles. Farm machinery also may 86069
display the lights described in section 4513.11 of the Revised 86070
Code. 86071

(D) Except a person operating a public safety vehicle, as 86072
defined in division (E) of section 4511.01 of the Revised Code, or 86073
a school bus, no person shall operate, move, or park upon, or 86074
permit to stand within the right-of-way of any public street or 86075
highway any vehicle or equipment that is equipped with and 86076
displaying a flashing red or a flashing combination red and white 86077
light, or an oscillating or rotating red light, or a combination 86078
red and white oscillating or rotating light; and except a public 86079
law enforcement officer, or other person sworn to enforce the 86080
criminal and traffic laws of the state, operating a public safety 86081
vehicle when on duty, no person shall operate, move, or park upon, 86082
or permit to stand within the right-of-way of any street or 86083
highway any vehicle or equipment that is equipped with, or upon 86084
which is mounted, and displaying a flashing blue or a flashing 86085
combination blue and white light, or an oscillating or rotating 86086
blue light, or a combination blue and white oscillating or 86087

rotating light. 86088

(E) This section does not prohibit the use of warning lights 86089
required by law or the simultaneous flashing of turn signals on 86090
disabled vehicles or on vehicles being operated in unfavorable 86091
atmospheric conditions in order to enhance their visibility. This 86092
section also does not prohibit the simultaneous flashing of turn 86093
signals or warning lights either on farm machinery or vehicles 86094
escorting farm machinery, when used on a street or highway. 86095

(F) Whoever violates this section ~~shall be punished as~~ 86096
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86097
minor misdemeanor. 86098

Sec. 4513.171. (A) Notwithstanding any other provision of 86099
law, a motor vehicle operated by a coroner, deputy coroner, or 86100
coroner's investigator may be equipped with a flashing, 86101
oscillating, or rotating red or blue light and a siren, whistle, 86102
or bell capable of emitting sound audible under normal conditions 86103
from a distance of not less than five hundred feet. Such a vehicle 86104
may display the flashing, oscillating, or rotating red or blue 86105
light and may give the audible signal of the siren, exhaust 86106
whistle, or bell only when responding to a fatality or a fatal 86107
motor vehicle accident on a street or highway and only at those 86108
locations where the stoppage of traffic impedes the ability of the 86109
coroner, deputy coroner, or coroner's investigator to arrive at 86110
the site of the fatality. 86111

This section does not relieve a coroner, deputy coroner, or 86112
coroner's investigator operating a motor vehicle from the duty to 86113
drive with due regard for the safety of all persons and property 86114
upon the highway. 86115

(B) Whoever violates this section ~~shall be punished as~~ 86116
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86117
minor misdemeanor. 86118

Sec. 4513.18. (A) The director of transportation shall adopt standards and specifications applicable to headlights, clearance lights, identification, and other lights, on snow removal equipment when operated on the highways, and on vehicles operating under special permits pursuant to section 4513.34 of the Revised Code, in lieu of the lights otherwise required on motor vehicles. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow removal equipment, and oversize vehicles when in service upon the highways. The standards and specifications for lights referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

It is unlawful to operate snow removal equipment on a highway unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.19. (A) No person shall use any lights mentioned in sections 4513.03 to 4513.18 of the Revised Code upon any motor vehicle, trailer, or semitrailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the director of public safety.

(B) Whoever violates this section ~~shall be punished as provided in section 4513.99 of the Revised Code~~ is guilty of a minor misdemeanor.

Sec. 4513.21. (A) Every motor vehicle or trackless trolley when operated upon a highway shall be equipped with a horn which

is in good working order and capable of emitting sound audible, 86149
under normal conditions, from a distance of not less than two 86150
hundred feet. 86151

No motor vehicle or trackless trolley shall be equipped with, 86152
nor shall any person use upon a vehicle, any siren, whistle, or 86153
bell. Any vehicle may be equipped with a theft alarm signal device 86154
which shall be so arranged that it cannot be used as an ordinary 86155
warning signal. Every emergency vehicle shall be equipped with a 86156
siren, whistle, or bell, capable of emitting sound audible under 86157
normal conditions from a distance of not less than five hundred 86158
feet and of a type approved by the director of public safety. Such 86159
equipment shall not be used except when such vehicle is operated 86160
in response to an emergency call or is in the immediate pursuit of 86161
an actual or suspected violator of the law, in which case the 86162
driver of the emergency vehicle shall sound such equipment when it 86163
is necessary to warn pedestrians and other drivers of the approach 86164
thereof. 86165

(B) Whoever violates this section ~~shall be punished as~~ 86166
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86167
minor misdemeanor. 86168

Sec. 4513.22. (A) Every motor vehicle and motorcycle with an 86169
internal combustion engine shall at all times be equipped with a 86170
muffler which is in good working order and in constant operation 86171
to prevent excessive or unusual noise, and no person shall use a 86172
muffler cutout, by-pass, or similar device upon a motor vehicle on 86173
a highway. Every motorcycle muffler shall be equipped with baffle 86174
plates. 86175

No person shall own, operate, or have in the person's 86176
possession any motor vehicle or motorcycle equipped with a device 86177
for producing excessive smoke or gas, or so equipped as to permit 86178

oil or any other chemical to flow into or upon the exhaust pipe or 86179
muffler of such vehicle, or equipped in any other way to produce 86180
or emit smoke or dangerous or annoying gases from any portion of 86181
such vehicle, other than the ordinary gases emitted by the exhaust 86182
of an internal combustion engine under normal operation. 86183

(B) Whoever violates this section ~~shall be punished as~~ 86184
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86185
minor misdemeanor. 86186

Sec. 4513.23. (A) Every motor vehicle, motorcycle, and 86187
trackless trolley shall be equipped with a mirror so located as to 86188
reflect to the operator a view of the highway to the rear of such 86189
vehicle, motorcycle, or trackless trolley. Operators of vehicles, 86190
motorcycles, streetcars, and trackless trolleys shall have a clear 86191
and unobstructed view to the front and to both sides of their 86192
vehicles, motorcycles, streetcars, or trackless trolleys and shall 86193
have a clear view to the rear of their vehicles, motorcycles, 86194
streetcars, or trackless trolleys by mirror. 86195

(B) Whoever violates this section ~~shall be punished as~~ 86196
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86197
minor misdemeanor. 86198

Sec. 4513.24. (A) No person shall drive any motor vehicle on 86199
a street or highway in this state, other than a motorcycle or 86200
motorized bicycle, that is not equipped with a windshield. 86201

(B) No person shall drive any motor vehicle, other than a 86202
bus, with any sign, poster, or other nontransparent material upon 86203
the front windshield, sidewings, side, or rear windows of such 86204
vehicle other than a certificate or other paper required to be 86205
displayed by law, except that there may be in the lower left-hand 86206
or right-hand corner of the windshield a sign, poster, or decal 86207
not to exceed four inches in height by six inches in width. No 86208

sign, poster, or decal shall be displayed in the front windshield 86209
in such a manner as to conceal the vehicle identification number 86210
for the motor vehicle when, in accordance with federal law, that 86211
number is located inside the vehicle passenger compartment and so 86212
placed as to be readable through the vehicle glazing without 86213
moving any part of the vehicle. 86214

(C) The windshield on every motor vehicle, streetcar, and 86215
trackless trolley shall be equipped with a device for cleaning 86216
rain, snow, or other moisture from the windshield. The device 86217
shall be maintained in good working order and so constructed as to 86218
be controlled or operated by the operator of the vehicle, 86219
streetcar, or trackless trolley. 86220

(D) Whoever violates this section ~~shall be punished as~~ 86221
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86222
minor misdemeanor. 86223

Sec. 4513.242. (A) Notwithstanding section 4513.24 and 86224
division (F) of section 4513.241 of the Revised Code or any rule 86225
adopted thereunder, a decal, whether reflectorized or not, may be 86226
displayed upon any side window or siding of a motor vehicle if 86227
all of the following are met: 86228

(1) The decal is necessary for public or private security 86229
arrangements to which the motor vehicle periodically is subjected; 86230

(2) The decal is no larger than is necessary to accomplish 86231
the security arrangements; 86232

(3) The decal does not obscure the vision of the motor 86233
vehicle operator or prevent a person looking into the motor 86234
vehicle from seeing or identifying persons or objects inside the 86235
motor vehicle. 86236

(B) Whoever violates this section ~~shall be punished as~~ 86237
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86238

minor misdemeanor. 86239

Sec. 4513.28. (A) Whenever any motor truck, trackless 86240
trolley, bus, commercial tractor, trailer, semi-trailer, or pole 86241
trailer is disabled upon the traveled portion of any highway or 86242
the shoulder thereof outside of any municipality, or upon any 86243
freeway, expressway, thruway and connecting, entering or exiting 86244
ramps within a municipality, at any time when lighted lamps are 86245
required on vehicles and trackless trolleys, the operator of such 86246
vehicle or trackless trolley shall display the following warning 86247
devices upon the highway during the time the vehicle or trackless 86248
trolley is so disabled on the highway except as provided in 86249
division (B) of this section: 86250

(1) A lighted fusee shall be immediately placed on the 86251
roadway at the traffic side of such vehicle or trackless trolley, 86252
unless red electric lanterns or red reflectors are displayed. 86253

(2) Within the burning period of the fusee and as promptly as 86254
possible, three lighted flares or pot torches, or three red 86255
reflectors or three red electric lanterns shall be placed on the 86256
roadway as follows: 86257

(a) One at a distance of forty paces or approximately one 86258
hundred feet in advance of the vehicle; 86259

(b) One at a distance of forty paces or approximately one 86260
hundred feet to the rear of the vehicle or trackless trolley 86261
except as provided in this section, each in the center of the lane 86262
of traffic occupied by the disabled vehicle or trackless trolley; 86263

(c) One at the traffic side of the vehicle or trackless 86264
trolley. 86265

(B) Whenever any vehicle used in transporting flammable 86266
liquids in bulk, or in transporting compressed flammable gases, is 86267
disabled upon a highway at any time or place mentioned in division 86268

(A) of this section, the driver of such vehicle shall display upon 86269
the roadway the following warning devices: 86270

(1) One red electric lantern or one red reflector shall be 86271
immediately placed on the roadway at the traffic side of the 86272
vehicle; 86273

(2) Two other red electric lanterns or two other red 86274
reflectors shall be placed to the front and rear of the vehicle in 86275
the same manner prescribed for flares in division (A) of this 86276
section. 86277

(C) When a vehicle of a type specified in division (B) of 86278
this section is disabled, the use of flares, fusees, or any signal 86279
produced by flame as warning signals is prohibited. 86280

(D) Whenever any vehicle or trackless trolley of a type 86281
referred to in this section is disabled upon the traveled portion 86282
of a highway or the shoulder thereof, outside of any municipality, 86283
or upon any freeway, expressway, thruway and connecting, entering 86284
or exiting ramps within a municipality, at any time when the 86285
display of fusees, flares, red reflectors, or electric lanterns is 86286
not required, the operator of such vehicle or trackless trolley 86287
shall display two red flags upon the roadway in the lane of 86288
traffic occupied by the disabled vehicle or trackless trolley, one 86289
at a distance of forty paces or approximately one hundred feet in 86290
advance of the vehicle or trackless trolley, and one at a distance 86291
of forty paces or approximately one hundred feet to the rear of 86292
the vehicle or trackless trolley, except as provided in this 86293
section. 86294

(E) The flares, fusees, lanterns, red reflectors, and flags 86295
to be displayed as required in this section shall conform with the 86296
requirements of section 4513.27 of the Revised Code applicable 86297
thereto. 86298

(F) In the event the vehicle or trackless trolley is disabled 86299

near a curve, crest of a hill, or other obstruction of view, the 86300
flare, flag, reflector, or lantern in that direction shall be 86301
placed as to afford ample warning to other users of the highway, 86302
but in no case shall it be placed less than forty paces or 86303
approximately one hundred feet nor more than one hundred twenty 86304
paces or approximately three hundred feet from the disabled 86305
vehicle or trackless trolley. 86306

(G) This section does not apply to the operator of any 86307
vehicle in a work area designated by protection equipment devices 86308
that are displayed and used in accordance with the manual adopted 86309
by the department of transportation under section 4511.09 of the 86310
Revised Code. 86311

(H) Whoever violates this section ~~shall be punished as~~ 86312
~~provided in section 4513.99 of the Revised Code~~ is guilty of a 86313
minor misdemeanor. 86314

Sec. 4513.60. (A)(1) The sheriff of a county or chief of 86315
police of a municipal corporation, township, or township police 86316
district, within the sheriff's or chief's respective territorial 86317
jurisdiction, upon complaint of any person adversely affected, may 86318
order into storage any motor vehicle, other than an abandoned junk 86319
motor vehicle as defined in section 4513.63 of the Revised Code, 86320
that has been left on private residential or private agricultural 86321
property for at least four hours without the permission of the 86322
person having the right to the possession of the property. The 86323
sheriff or chief of police, upon complaint of the owner of a 86324
repair garage or place of storage, may order into storage any 86325
motor vehicle, other than an abandoned junk motor vehicle, that 86326
has been left at the garage or place of storage for a longer 86327
period than that agreed upon. The place of storage shall be 86328
designated by the sheriff or chief of police. When ordering a 86329
motor vehicle into storage pursuant to this division, a sheriff or 86330

chief of police, whenever possible, shall arrange for the removal 86331
of the motor vehicle by a private tow truck operator or towing 86332
company. Subject to division (C) of this section, the owner of a 86333
motor vehicle that has been removed pursuant to this division may 86334
recover the vehicle only in accordance with division (E) of this 86335
section. 86336

(2) Divisions (A)(1) to (3) of this section do not apply to 86337
any private residential or private agricultural property that is 86338
established as a private tow-away zone in accordance with division 86339
(B) of this section. 86340

(3) As used in divisions (A)(1) and (2) of this section, 86341
"private residential property" means private property on which is 86342
located one or more structures that are used as a home, residence, 86343
or sleeping place by one or more persons, if no more than three 86344
separate households are maintained in the structure or structures. 86345
"Private residential property" does not include any private 86346
property on which is located one or more structures that are used 86347
as a home, residence, or sleeping place by two or more persons, if 86348
more than three separate households are maintained in the 86349
structure or structures. 86350

(B)(1) The owner of private property may establish a private 86351
tow-away zone only if all of the following conditions are 86352
satisfied: 86353

(a) The owner posts on the owner's property a sign, that is 86354
at least eighteen inches by twenty-four inches in size, that is 86355
visible from all entrances to the property, and that contains at 86356
least all of the following information: 86357

(i) A notice that the property is a private tow-away zone and 86358
that vehicles not authorized to park on the property will be towed 86359
away; 86360

(ii) The telephone number of the person from whom a 86361

towed-away vehicle can be recovered, and the address of the place 86362
to which the vehicle will be taken and the place from which it may 86363
be recovered; 86364

(iii) A statement that the vehicle may be recovered at any 86365
time during the day or night upon the submission of proof of 86366
ownership and the payment of a towing charge, in an amount not to 86367
exceed ninety dollars, and a storage charge, in an amount not to 86368
exceed twelve dollars per twenty-four-hour period; except that the 86369
charge for towing shall not exceed one hundred fifty dollars, and 86370
the storage charge shall not exceed twenty dollars per 86371
twenty-four-hour period, if the vehicle has a manufacturer's gross 86372
vehicle weight rating in excess of ten thousand pounds and is a 86373
truck, bus, or a combination of a commercial tractor and trailer 86374
or semitrailer. 86375

(b) The place to which the towed vehicle is taken and from 86376
which it may be recovered is conveniently located, is well 86377
lighted, and is on or within a reasonable distance of a regularly 86378
scheduled route of one or more modes of public transportation, if 86379
any public transportation is available in the municipal 86380
corporation or township in which the private tow-away zone is 86381
located. 86382

(2) If a vehicle is parked on private property that is 86383
established as a private tow-away zone in accordance with division 86384
(B)(1) of this section, without the consent of the owner of the 86385
property or in violation of any posted parking condition or 86386
regulation, the owner or the owner's agent may remove, or cause 86387
the removal of, the vehicle, the owner and the operator of the 86388
vehicle shall be deemed to have consented to the removal and 86389
storage of the vehicle and to the payment of the towing and 86390
storage charges specified in division (B)(1)(a)(iii) of this 86391
section, and the owner, subject to division (C) of this section, 86392
may recover a vehicle that has been so removed only in accordance 86393

with division (E) of this section. 86394

(3) If a municipal corporation requires tow trucks and tow 86395
truck operators to be licensed, no owner of private property 86396
located within the municipal corporation shall remove, or shall 86397
cause the removal and storage of, any vehicle pursuant to division 86398
(B)(2) of this section by an unlicensed tow truck or unlicensed 86399
tow truck operator. 86400

(4) Divisions (B)(1) to (3) of this section do not affect or 86401
limit the operation of division (A) of this section or sections 86402
4513.61 to 4513.65 of the Revised Code as they relate to property 86403
other than private property that is established as a private 86404
tow-away zone under division (B)(1) of this section. 86405

(C) If the owner or operator of a motor vehicle that has been 86406
ordered into storage pursuant to division (A)(1) of this section 86407
or of a vehicle that is being removed under authority of division 86408
(B)(2) of this section arrives after the motor vehicle or vehicle 86409
has been prepared for removal, but prior to its actual removal 86410
from the property, the owner or operator shall be given the 86411
opportunity to pay a fee of not more than one-half of the charge 86412
for the removal of motor vehicles under division (A)(1) of this 86413
section or of vehicles under division (B)(2) of this section, 86414
whichever is applicable, that normally is assessed by the person 86415
who has prepared the motor vehicle or vehicle for removal, in 86416
order to obtain release of the motor vehicle or vehicle. Upon 86417
payment of that fee, the motor vehicle or vehicle shall be 86418
released to the owner or operator, and upon its release, the owner 86419
or operator immediately shall move it so that: 86420

(1) If the motor vehicle was ordered into storage pursuant to 86421
division (A)(1) of this section, it is not on the private 86422
residential or private agricultural property without the 86423
permission of the person having the right to possession of the 86424
property, or is not at the garage or place of storage without the 86425

permission of the owner, whichever is applicable. 86426

(2) If the vehicle was being removed under authority of 86427
division (B)(2) of this section, it is not parked on the private 86428
property established as a private tow-away zone without the 86429
consent of the owner or in violation of any posted parking 86430
condition or regulation. 86431

(D)(1) If an owner of private property that is established as 86432
a private tow-away zone in accordance with division (B)(1) of this 86433
section or the authorized agent of such an owner removes or causes 86434
the removal of a vehicle from that property under authority of 86435
division (B)(2) of this section, the owner or agent promptly shall 86436
notify the police department of the municipal corporation, 86437
township, or township police district in which the property is 86438
located, of the removal, the vehicle's license number, make, 86439
model, and color, the location from which it was removed, the date 86440
and time of its removal, the telephone number of the person from 86441
whom it may be recovered, and the address of the place to which it 86442
has been taken and from which it may be recovered. 86443

(2) Each county sheriff and each chief of police of a 86444
municipal corporation, township, or township police district shall 86445
maintain a record of motor vehicles that the sheriff or chief 86446
orders into storage pursuant to division (A)(1) of this section 86447
and of vehicles removed from private property in the sheriff's or 86448
chief's jurisdiction that is established as a private tow-away 86449
zone of which the sheriff or chief has received notice under 86450
division (D)(1) of this section. The record shall include an entry 86451
for each such motor vehicle or vehicle that identifies the motor 86452
vehicle's or vehicle's license number, make, model, and color, the 86453
location from which it was removed, the date and time of its 86454
removal, the telephone number of the person from whom it may be 86455
recovered, and the address of the place to which it has been taken 86456
and from which it may be recovered. Any information in the record 86457

that pertains to a particular motor vehicle or vehicle shall be 86458
provided to any person who, either in person or pursuant to a 86459
telephone call, identifies self as the owner or operator of the 86460
motor vehicle or vehicle and requests information pertaining to 86461
its location. 86462

(3) Any person who registers a complaint that is the basis of 86463
a sheriff's or police chief's order for the removal and storage of 86464
a motor vehicle under division (A)(1) of this section shall 86465
provide the identity of the law enforcement agency with which the 86466
complaint was registered to any person who identifies self as the 86467
owner or operator of the motor vehicle and requests information 86468
pertaining to its location. 86469

(E) The owner of a motor vehicle that is ordered into storage 86470
pursuant to division (A)(1) of this section or of a vehicle that 86471
is removed under authority of division (B)(2) of this section may 86472
reclaim it upon payment of any expenses or charges incurred in its 86473
removal, in an amount not to exceed ninety dollars, and storage, 86474
in an amount not to exceed twelve dollars per twenty-four-hour 86475
period; except that the charge for towing shall not exceed one 86476
hundred fifty dollars, and the storage charge shall not exceed 86477
twenty dollars per twenty-four-hour period, if the vehicle has a 86478
manufacturer's gross vehicle weight rating in excess of ten 86479
thousand pounds and is a truck, bus, or a combination of a 86480
commercial tractor and trailer or semitrailer. Presentation of 86481
proof of ownership, which may be evidenced by a certificate of 86482
title to the motor vehicle or vehicle also shall be required for 86483
reclamation of the vehicle. If a motor vehicle that is ordered 86484
into storage pursuant to division (A)(1) of this section remains 86485
unclaimed by the owner for thirty days, the procedures established 86486
by sections 4513.61 and 4513.62 of the Revised Code shall apply. 86487

(F) No person shall remove, or cause the removal of, any 86488
vehicle from private property that is established as a private 86489

tow-away zone under division (B)(1) of this section other than in 86490
accordance with division (B)(2) of this section, and no person 86491
shall remove, or cause the removal of, any motor vehicle from any 86492
other private property other than in accordance with division 86493
(A)(1) of this section or sections 4513.61 to 4513.65 of the 86494
Revised Code. 86495

(G)~~(1)~~ Whoever violates division (B)(3) or (F) of this 86496
section is guilty of a minor misdemeanor. 86497

~~(2) Except as otherwise provided in this division, whoever 86498
violates division (F) of this section is guilty of a minor 86499
misdemeanor. If the offender previously has been convicted of or 86500
pleaded guilty to a violation of division (F) of this section, 86501
whoever violates division (F) of this section is guilty of a 86502
misdemeanor of the third degree. 86503~~

Sec. 4513.65. (A) For purposes of this section, "junk motor 86504
vehicle" means any motor vehicle meeting the requirements of 86505
divisions (B), (C), (D), and (E) of section 4513.63 of the Revised 86506
Code that is left uncovered in the open on private property for 86507
more than seventy-two hours with the permission of the person 86508
having the right to the possession of the property, except if the 86509
person is operating a junk yard or scrap metal processing facility 86510
licensed under authority of sections 4737.05 to 4737.12 of the 86511
Revised Code, or regulated under authority of a political 86512
subdivision; or if the property on which the motor vehicle is left 86513
is not subject to licensure or regulation by any governmental 86514
authority, unless the person having the right to the possession of 86515
the property can establish that the motor vehicle is part of a 86516
bona fide commercial operation; or if the motor vehicle is a 86517
collector's vehicle. 86518

No political subdivision shall prevent a person from storing 86519
or keeping, or restrict a person in the method of storing or 86520

keeping, any collector's vehicle on private property with the 86521
permission of the person having the right to the possession of the 86522
property; except that a political subdivision may require a person 86523
having such permission to conceal, by means of buildings, fences, 86524
vegetation, terrain, or other suitable obstruction, any unlicensed 86525
collector's vehicle stored in the open. 86526

The sheriff of a county, or chief of police of a municipal 86527
corporation, within the sheriff's or chief's respective 86528
territorial jurisdiction, a state highway patrol trooper, a board 86529
of township trustees, the legislative authority of a municipal 86530
corporation, or the zoning authority of a township or a municipal 86531
corporation, may send notice, by certified mail with return 86532
receipt requested, to the person having the right to the 86533
possession of the property on which a junk motor vehicle is left, 86534
that within ten days of receipt of the notice, the junk motor 86535
vehicle either shall be covered by being housed in a garage or 86536
other suitable structure, or shall be removed from the property. 86537

No person shall willfully leave a junk motor vehicle 86538
uncovered in the open for more than ten days after receipt of a 86539
notice as provided in this section. The fact that a junk motor 86540
vehicle is so left is prima-facie evidence of willful failure to 86541
comply with the notice, and each subsequent period of thirty days 86542
that a junk motor vehicle continues to be so left constitutes a 86543
separate offense. 86544

(B) ~~Except as otherwise provided in this division, whoever~~ 86545
Whoever violates this section is guilty of a minor misdemeanor ~~on~~ 86546
~~a first offense. If the offender previously has been convicted of~~ 86547
~~or pleaded guilty to one violation of this section, whoever~~ 86548
~~violates this section is guilty of a misdemeanor of the fourth~~ 86549
~~degree. If the offender previously has been convicted of or~~ 86550
~~pleaded guilty to two or more violations of this section, whoever~~ 86551
~~violates this section is guilty of a misdemeanor of the third~~ 86552

degree. 86553

Sec. 4513.99. (A) Any violation of section ~~4513.03, 4513.04,~~ 86554
~~4513.05, 4513.06, 4513.07, 4513.071, 4513.09,~~ 4513.10, ~~4513.11~~ 86555
~~except for division (H) of that section, 4513.111, 4513.12,~~ 86556
~~4513.13, 4513.14, 4513.15, 4513.16, 4513.17, 4513.171, 4513.18,~~ 86557
4513.182, ~~4513.19,~~ 4513.20, 4513.201, 4513.202, ~~4513.21, 4513.22,~~ 86558
~~4513.23, 4513.24, 4513.242,~~ 4513.25, 4513.26, 4513.27, ~~4513.28,~~ 86559
4513.29, 4513.30, 4513.31, 4513.32, or 4513.34 of the Revised Code 86560
shall be punished under division (B) of this section. 86561

(B) Whoever violates the sections of this chapter that are 86562
specifically required to be punished under this division, or any 86563
provision of sections 4513.03 to 4513.262 or 4513.27 to 4513.37 of 86564
the Revised Code for which violation no penalty is otherwise 86565
provided, is guilty of a minor misdemeanor on a first offense; on 86566
a second offense within one year after the first offense, the 86567
person is guilty of a misdemeanor of the fourth degree; on each 86568
subsequent offense within one year after the first offense, the 86569
person is guilty of a misdemeanor of the third degree. 86570

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 86571
Revised Code: 86572

(A) "Persons" includes individuals, firms, partnerships, 86573
associations, joint stock companies, corporations, and any 86574
combinations of individuals. 86575

(B) "Motor vehicle" means motor vehicle as defined in section 86576
4501.01 of the Revised Code and also includes "all-purpose 86577
vehicle" and "off-highway motorcycle" as those terms are defined 86578
in section 4519.01 of the Revised Code ~~and manufactured and mobile~~ 86579
~~homes~~. "Motor vehicle" does not include a snowmobile as defined in 86580
section 4519.01 of the Revised Code or manufactured and mobile 86581
homes. 86582

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle to an ultimate purchaser for use as a consumer.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor vehicle dealer, any motor vehicle leasing dealer, and any used motor vehicle dealer.

(K) "New motor vehicle dealer" means any person engaged in 86614
the business of selling at retail, displaying, offering for sale, 86615
or dealing in new motor vehicles pursuant to a contract or 86616
agreement entered into with the manufacturer, remanufacturer, or 86617
distributor of the motor vehicles. 86618

(L) "Used motor vehicle dealer" means any person engaged in 86619
the business of selling, displaying, offering for sale, or dealing 86620
in used motor vehicles, at retail or wholesale, but does not mean 86621
any new motor vehicle dealer selling, displaying, offering for 86622
sale, or dealing in used motor vehicles incidentally to engaging 86623
in the business of selling, displaying, offering for sale, or 86624
dealing in new motor vehicles, any person engaged in the business 86625
of dismantling, salvaging, or rebuilding motor vehicles by means 86626
of using used parts, or any public officer performing official 86627
duties. 86628

(M) "Motor vehicle leasing dealer" means any person engaged 86629
in the business of regularly making available, offering to make 86630
available, or arranging for another person to use a motor vehicle 86631
pursuant to a bailment, lease, sublease, or other contractual 86632
arrangement under which a charge is made for its use at a periodic 86633
rate for a term of thirty days or more, and title to the motor 86634
vehicle is in and remains in the motor vehicle leasing dealer who 86635
originally leases it, irrespective of whether or not the motor 86636
vehicle is the subject of a later sublease, and not in the user, 86637
but does not mean a manufacturer or its affiliate leasing to its 86638
employees or to dealers. 86639

(N) "Salesperson" means any person employed by a dealer or 86640
manufactured home broker to sell, display, and offer for sale, or 86641
deal in motor vehicles for a commission, compensation, or other 86642
valuable consideration, but does not mean any public officer 86643
performing official duties. 86644

(O) "Casual sale" means any transfer of a motor vehicle by a 86645

person other than a new motor vehicle dealer, used motor vehicle 86646
dealer, motor vehicle salvage dealer, as defined in division (A) 86647
of section 4738.01 of the Revised Code, salesperson, motor vehicle 86648
auction owner, manufacturer, or distributor acting in the capacity 86649
of a dealer, salesperson, auction owner, manufacturer, or 86650
distributor, to a person who purchases the motor vehicle for use 86651
as a consumer. 86652

(P) "Motor vehicle show" means a display of current models of 86653
motor vehicles whereby the primary purpose is the exhibition of 86654
competitive makes and models in order to provide the general 86655
public the opportunity to review and inspect various makes and 86656
models of motor vehicles at a single location. 86657

(Q) "Motor vehicle auction owner" means any person who is 86658
engaged wholly or in part in the business of auctioning motor 86659
vehicles. 86660

(R) "Manufacturer" means a person who manufactures, 86661
assembles, or imports motor vehicles, including motor homes, but 86662
does not mean a person who only assembles or installs a body, 86663
special equipment unit, finishing trim, or accessories on a motor 86664
vehicle chassis supplied by a manufacturer or distributor. 86665

(S) "Tent-type fold-out camping trailer" means any vehicle 86666
intended to be used, when stationary, as a temporary shelter with 86667
living and sleeping facilities, and that is subject to the 86668
following properties and limitations: 86669

(1) A minimum of twenty-five per cent of the fold-out portion 86670
of the top and sidewalls combined must be constructed of canvas, 86671
vinyl, or other fabric, and form an integral part of the shelter. 86672

(2) When folded, the unit must not exceed: 86673

(a) Fifteen feet in length, exclusive of bumper and tongue; 86674

(b) Sixty inches in height from the point of contact with the 86675

ground;	86676
(c) Eight feet in width;	86677
(d) One ton gross weight at time of sale.	86678
(T) "Distributor" means any person authorized by a motor	86679
vehicle manufacturer to distribute new motor vehicles to licensed	86680
new motor vehicle dealers, but does not mean a person who only	86681
assembles or installs a body, special equipment unit, finishing	86682
trim, or accessories on a motor vehicle chassis supplied by a	86683
manufacturer or distributor.	86684
(U) "Flea market" means a market place, other than a dealer's	86685
location licensed under this chapter, where a space or location is	86686
provided for a fee or compensation to a seller to exhibit and	86687
offer for sale or trade, motor vehicles to the general public.	86688
(V) "Franchise" means any written agreement, contract, or	86689
understanding between any motor vehicle manufacturer or	86690
remanufacturer engaged in commerce and any motor vehicle dealer	86691
that purports to fix the legal rights and liabilities of the	86692
parties to such agreement, contract, or understanding.	86693
(W) "Franchisee" means a person who receives new motor	86694
vehicles from the franchisor under a franchise agreement and who	86695
offers, sells, and provides service for such new motor vehicles to	86696
the general public.	86697
(X) "Franchisor" means a new motor vehicle manufacturer,	86698
remanufacturer, or distributor who supplies new motor vehicles	86699
under a franchise agreement to a franchisee.	86700
(Y) "Dealer organization" means a state or local trade	86701
association the membership of which is comprised predominantly of	86702
new motor vehicle dealers.	86703
(Z) "Factory representative" means a representative employed	86704
by a manufacturer, remanufacturer, or by a factory branch	86705

primarily for the purpose of promoting the sale of its motor 86706
vehicles, parts, or accessories to dealers or for supervising or 86707
contacting its dealers or prospective dealers. 86708

(AA) "Administrative or executive management" means those 86709
individuals who are not subject to federal wage and hour laws. 86710

(BB) "Good faith" means honesty in the conduct or transaction 86711
concerned and the observance of reasonable commercial standards of 86712
fair dealing in the trade as is defined in division (S) of section 86713
1301.01 of the Revised Code, including, but not limited to, the 86714
duty to act in a fair and equitable manner so as to guarantee 86715
freedom from coercion, intimidation, or threats of coercion or 86716
intimidation; provided however, that recommendation, endorsement, 86717
exposition, persuasion, urging, or argument shall not be 86718
considered to constitute a lack of good faith. 86719

(CC) "Coerce" means to compel or attempt to compel by failing 86720
to act in good faith or by threat of economic harm, breach of 86721
contract, or other adverse consequences. Coerce does not mean to 86722
argue, urge, recommend, or persuade. 86723

(DD) "Relevant market area" means any area within a radius of 86724
ten miles from the site of a potential new dealership, except that 86725
for manufactured home or recreational vehicle dealerships the 86726
radius shall be twenty-five miles. The ten-mile radius shall be 86727
measured from the dealer's established place of business that is 86728
used exclusively for the purpose of selling, displaying, offering 86729
for sale, or dealing in motor vehicles. 86730

(EE) "Wholesale" or "at wholesale" means the act or attempted 86731
act of selling, bartering, exchanging, or otherwise disposing of a 86732
motor vehicle to a transferee for the purpose of resale and not 86733
for ultimate consumption by that transferee. 86734

(FF) "Motor vehicle wholesaler" means any person licensed as 86735
a dealer under the laws of another state and engaged in the 86736

business of selling, displaying, or offering for sale used motor vehicles, at wholesale, but does not mean any motor vehicle dealer as defined in this section.

(GG)(1) "Remanufacturer" means a person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a conversion van with the motor vehicle chassis supplied by a manufacturer or distributor, a person who modifies a truck chassis supplied by a manufacturer or distributor for use as a public safety or public service vehicle, a person who modifies a motor vehicle chassis supplied by a manufacturer or distributor for use as a limousine or hearse, or a person who modifies an incomplete motor vehicle cab and chassis supplied by a new motor vehicle dealer or distributor for use as a tow truck, but does not mean either of the following:

(a) A person who assembles or installs passenger seating, walls, a roof elevation, or a body extension on a ~~manufactured home as defined in division (C)(4) of section 3781.06 of the Revised Code, a mobile home as defined in division (O) and referred to in division (B) of section 4501.01 of the Revised Code, or~~ a recreational vehicle as defined in division (Q) and referred to in division (B) of section 4501.01 of the Revised Code;

(b) A person who assembles or installs special equipment or accessories for handicapped persons, as defined in section 4503.44 of the Revised Code, upon a motor vehicle chassis supplied by a manufacturer or distributor.

(2) For the purposes of division (GG)(1) of this section, "public safety vehicle or public service vehicle" means a fire truck, ambulance, school bus, street sweeper, garbage packing truck, or cement mixer, or a mobile self-contained facility vehicle.

(3) For the purposes of division (GG)(1) of this section, 86768
"limousine" means a motor vehicle, designed only for the purpose 86769
of carrying nine or fewer passengers, that a person modifies by 86770
cutting the original chassis, lengthening the wheelbase by forty 86771
inches or more, and reinforcing the chassis in such a way that all 86772
modifications comply with all applicable federal motor vehicle 86773
safety standards. No person shall qualify as or be deemed to be a 86774
remanufacturer who produces limousines unless the person has a 86775
written agreement with the manufacturer of the chassis the person 86776
utilizes to produce the limousines to complete properly the 86777
remanufacture of the chassis into limousines. 86778

(4) For the purposes of division (GG)(1) of this section, 86779
"hearse" means a motor vehicle, designed only for the purpose of 86780
transporting a single casket, that is equipped with a compartment 86781
designed specifically to carry a single casket that a person 86782
modifies by cutting the original chassis, lengthening the 86783
wheelbase by ten inches or more, and reinforcing the chassis in 86784
such a way that all modifications comply with all applicable 86785
federal motor vehicle safety standards. No person shall qualify as 86786
or be deemed to be a remanufacturer who produces hearses unless 86787
the person has a written agreement with the manufacturer of the 86788
chassis the person utilizes to produce the hearses to complete 86789
properly the remanufacture of the chassis into hearses. 86790

(5) For the purposes of division (GG)(1) of this section, 86791
"mobile self-contained facility vehicle" means a mobile classroom 86792
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 86793
testing laboratory, and mobile display vehicle, each of which is 86794
designed for purposes other than for passenger transportation and 86795
other than the transportation or displacement of cargo, freight, 86796
materials, or merchandise. A vehicle is remanufactured into a 86797
mobile self-contained facility vehicle in part by the addition of 86798
insulation to the body shell, and installation of all of the 86799

following: a generator, electrical wiring, plumbing, holding 86800
tanks, doors, windows, cabinets, shelving, and heating, 86801
ventilating, and air conditioning systems. 86802

(6) For the purposes of division (GG)(1) of this section, 86803
"tow truck" means both of the following: 86804

(a) An incomplete cab and chassis that are purchased by a 86805
remanufacturer from a new motor vehicle dealer or distributor of 86806
the cab and chassis and on which the remanufacturer then installs 86807
in a permanent manner a wrecker body it purchases from a 86808
manufacturer or distributor of wrecker bodies, installs an 86809
emergency flashing light pylon and emergency lights upon the mast 86810
of the wrecker body or rooftop, and installs such other related 86811
accessories and equipment, including push bumpers, front grille 86812
guards with pads and other custom-ordered items such as painting, 86813
special lettering, and safety striping so as to create a complete 86814
motor vehicle capable of lifting and towing another motor vehicle. 86815

(b) An incomplete cab and chassis that are purchased by a 86816
remanufacturer from a new motor vehicle dealer or distributor of 86817
the cab and chassis and on which the remanufacturer then installs 86818
in a permanent manner a car carrier body it purchases from a 86819
manufacturer or distributor of car carrier bodies, installs an 86820
emergency flashing light pylon and emergency lights upon the 86821
rooftop, and installs such other related accessories and 86822
equipment, including push bumpers, front grille guards with pads 86823
and other custom-ordered items such as painting, special 86824
lettering, and safety striping. 86825

As used in division (GG)(6)(b) of this section, "car carrier 86826
body" means a mechanical or hydraulic apparatus capable of lifting 86827
and holding a motor vehicle on a flat level surface so that one or 86828
more motor vehicles can be transported, once the car carrier is 86829
permanently installed upon an incomplete cab and chassis. 86830

(HH) "Operating as a new motor vehicle dealership" means 86831
engaging in activities such as displaying, offering for sale, and 86832
selling new motor vehicles at retail, operating a service facility 86833
to perform repairs and maintenance on motor vehicles, offering for 86834
sale and selling motor vehicle parts at retail, and conducting all 86835
other acts that are usual and customary to the operation of a new 86836
motor vehicle dealership. For the purposes of this chapter only, 86837
possession of either a valid new motor vehicle dealer franchise 86838
agreement or a new motor vehicle dealers license, or both of these 86839
items, is not evidence that a person is operating as a new motor 86840
vehicle dealership. 86841

(II) ~~"Manufactured home broker" means any person acting as a 86842
selling agent on behalf of an owner of a manufactured or mobile 86843
home that is subject to taxation under section 4503.06 of the 86844
Revised Code.~~ 86845

~~(JJ)~~ "Outdoor power equipment" means garden and small utility 86846
tractors, walk-behind and riding mowers, chainsaws, and tillers. 86847

~~(KK)~~(JJ) "Remote service facility" means premises that are 86848
separate from a licensed new motor vehicle dealer's sales facility 86849
by not more than one mile and that are used by the dealer to 86850
perform repairs, warranty work, recall work, and maintenance on 86851
motor vehicles pursuant to a franchise agreement entered into with 86852
a manufacturer of motor vehicles. A remote service facility shall 86853
be deemed to be part of the franchise agreement and is subject to 86854
all the rights, duties, obligations, and requirements of Chapter 86855
4517. of the Revised Code that relate to the performance of motor 86856
vehicle repairs, warranty work, recall work, and maintenance work 86857
by new motor vehicle dealers. 86858

Sec. 4517.02. (A) Except as otherwise provided in this 86859
section, no person shall do any of the following: 86860

(1) Engage in the business of displaying or selling at retail 86861

new motor vehicles or assume to engage in that business, unless 86862
the person is licensed as a new motor vehicle dealer under 86863
sections 4517.01 to 4517.45 of the Revised Code, or is a 86864
salesperson licensed under those sections and employed by a 86865
licensed new motor vehicle dealer; 86866

(2) Engage in the business of offering for sale, displaying 86867
for sale, or selling at retail or wholesale used motor vehicles or 86868
assume to engage in that business, unless the person is licensed 86869
as a dealer under sections 4517.01 to 4517.45 of the Revised Code, 86870
or is a salesperson licensed under those sections and employed by 86871
a licensed used motor vehicle dealer or licensed new motor vehicle 86872
dealer; 86873

(3) Engage in the business of regularly making available, 86874
offering to make available, or arranging for another person to use 86875
a motor vehicle, in the manner described in division (M) of 86876
section 4517.01 of the Revised Code, unless the person is licensed 86877
as a motor vehicle leasing dealer under sections 4517.01 to 86878
4517.45 of the Revised Code; 86879

(4) Engage in the business of motor vehicle auctioning or 86880
assume to engage in that business, unless the person is licensed 86881
as a motor vehicle auction owner under sections 4517.01 to 4517.45 86882
of the Revised Code and the person uses an auctioneer who is 86883
licensed under Chapter 4707. of the Revised Code to conduct the 86884
motor vehicle auctions; 86885

(5) Engage in the business of distributing motor vehicles or 86886
assume to engage in that business, unless the person is licensed 86887
as a distributor under sections 4517.01 to 4517.45 of the Revised 86888
Code; 86889

(6) Make more than five casual sales of motor vehicles in a 86890
twelve-month period, commencing with the day of the month in which 86891
the first such sale is made, nor provide a location or space for 86892

the sale of motor vehicles at a flea market, without obtaining a license as a dealer under sections 4517.01 to 4517.45 of the Revised Code, provided that nothing in this section shall be construed to prohibit the disposition without a license of a motor vehicle originally acquired and held for purposes other than sale, rental, or lease to an employee, retiree, officer, or director of the person making the disposition, to a corporation affiliated with the person making the disposition, or to a person licensed under sections 4517.01 to 4517.45 of the Revised Code+

~~(7) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured home broker under sections 4517.01 to 4517.45 of the Revised Code.~~

(B) Nothing in this section shall be construed to require an auctioneer licensed under sections 4707.01 to 4707.19 of the Revised Code, to obtain a motor vehicle salesperson's license under sections 4517.01 to 4517.45 of the Revised Code when conducting an auction sale for a licensed motor vehicle dealer on the dealer's premises, or when conducting an auction sale for a licensed motor vehicle auction owner; nor shall such an auctioneer be required to obtain a motor vehicle auction owner's license under sections 4517.01 to 4517.45 of the Revised Code when engaged in auctioning for a licensed motor vehicle auction owner.

(C) Sections 4517.01 to 4517.45 of the Revised Code do not apply to any of the following:

(1) Persons engaging in the business of selling commercial tractors, trailers, or semitrailers incidentally to engaging primarily in business other than the selling or leasing of motor vehicles;

(2) Mortgagees selling at retail only those motor vehicles that have come into their possession by a default in the terms of a mortgage contract;

(3) The leasing, rental, and interchange of motor vehicles 86924
used directly in the rendition of a public utility service by 86925
regulated motor carriers. 86926

(D) When a partnership licensed under sections 4517.01 to 86927
4517.45 of the Revised Code is dissolved by death, the surviving 86928
partners may operate under the license for a period of sixty days, 86929
and the heirs or representatives of deceased persons and receivers 86930
or trustees in bankruptcy appointed by any competent authority may 86931
operate under the license of the person succeeded in possession by 86932
that heir, representative, receiver, or trustee in bankruptcy. 86933

(E) No remanufacturer shall engage in the business of selling 86934
at retail any new motor vehicle without having written authority 86935
from the manufacturer or distributor of the vehicle to sell new 86936
motor vehicles and to perform repairs under the terms of the 86937
manufacturer's or distributor's new motor vehicle warranty, 86938
unless, at the time of the sale of the vehicle, each customer is 86939
furnished with a binding agreement ensuring that the customer has 86940
the right to have the vehicle serviced or repaired by a new motor 86941
vehicle dealer who is franchised to sell and service vehicles of 86942
the same line-make as the chassis of the remanufactured vehicle 86943
purchased by the customer and whose service or repair facility is 86944
located within either twenty miles of the remanufacturer's 86945
location and place of business or twenty miles of the customer's 86946
residence or place of business. If there is no such new motor 86947
vehicle dealer located within twenty miles of the remanufacturer's 86948
location and place of business or the customer's residence or 86949
place of business, the binding agreement furnished to the customer 86950
may be with the new motor vehicle dealer who is franchised to sell 86951
and service vehicles of the same line-make as the chassis of the 86952
remanufactured vehicle purchased by the customer and whose service 86953
or repair facility is located nearest to the remanufacturer's 86954
location and place of business or the customer's residence or 86955

place of business. Additionally, at the time of sale of any 86956
vehicle, each customer of the remanufacturer shall be furnished 86957
with a warranty issued by the remanufacturer for a term of at 86958
least one year. 86959

(F) Except as otherwise provided in this division, whoever 86960
violates this section is guilty of a minor misdemeanor and shall 86961
be subject to a mandatory fine of one hundred dollars. If the 86962
offender previously has been convicted of or pleaded guilty to a 86963
violation of this section, whoever violates this section is guilty 86964
of a misdemeanor of the first degree and shall be subject to a 86965
mandatory fine of one thousand dollars. 86966

Sec. 4517.03. (A) A place of business that is used for 86967
selling, displaying, offering for sale, or dealing in motor 86968
vehicles shall be considered as used exclusively for those 86969
purposes even though snowmobiles, farm machinery, outdoor power 86970
equipment, watercraft and related products, or products 86971
manufactured or distributed by a motor vehicle manufacturer with 86972
which the motor vehicle dealer has a franchise agreement are sold 86973
or displayed there, or if repair, accessory, gasoline and oil, 86974
storage, parts, service, or paint departments are maintained 86975
there, or such products or services are provided there, if the 86976
departments are operated or the products or services are provided 86977
for the business of selling, displaying, offering for sale, or 86978
dealing in motor vehicles. Places of business or departments in a 86979
place of business used to dismantle, salvage, or rebuild motor 86980
vehicles by means of using used parts, are not considered as being 86981
maintained for the purpose of assisting or furthering the selling, 86982
displaying, offering for sale, or dealing in motor vehicles. A 86983
place of business shall be considered as used exclusively for 86984
selling, displaying, offering for sale, or dealing in motor 86985
vehicles even though a business owned by a motor vehicle leasing 86986
dealer or a motor vehicle renting dealer is located at the place 86987

of business. 86988

(B)(1) No new motor vehicle dealer shall sell, display, offer 86989
for sale, or deal in motor vehicles at any place except an 86990
established place of business that is used exclusively for the 86991
purpose of selling, displaying, offering for sale, or dealing in 86992
motor vehicles. The place of business shall have space, under 86993
roof, for the display of at least one new motor vehicle. The 86994
established place of business or, if the dealer operates a remote 86995
service facility, the dealer's remote service facility shall have 86996
facilities and space for the inspection, servicing, and repair of 86997
at least one motor vehicle. However a new motor vehicle dealer 86998
selling manufactured or mobile homes is exempt from the 86999
requirement that a place of business have space, under roof, for 87000
the display of at least one new motor vehicle and facilities and 87001
space for the inspection, servicing, and repair of at least one 87002
motor vehicle. 87003

(2) A licensed new motor vehicle dealer may operate a remote 87004
service facility with the consent of the manufacturer and only to 87005
perform repairs, warranty work, recall work, and maintenance on 87006
motor vehicles as part of the dealer's franchised and licensed new 87007
motor vehicle dealership. The remote service facility shall be 87008
included on the new motor vehicle dealer's license and be deemed 87009
to be part of the dealer's licensed location. 87010

(3) No person shall use a remote service facility for 87011
selling, displaying, or offering for sale motor vehicles. 87012

~~(4) Nothing in Chapter 4517. of the Revised Code shall be 87013
construed as prohibiting the sale of a new or used manufactured or 87014
mobile home located in a manufactured home park by a licensed new 87015
or used motor vehicle dealer. 87016~~

(C) No used motor vehicle dealer shall sell, display, offer 87017
for sale, or deal in motor vehicles at any place except an 87018

established place of business that is used exclusively for the 87019
purpose of selling, displaying, offering for sale, or dealing in 87020
motor vehicles. 87021

(D) No motor vehicle leasing dealer shall make a motor 87022
vehicle available for use by another, in the manner described in 87023
division (M) of section 4517.01 of the Revised Code, at any place 87024
except an established place of business that is used for leasing 87025
motor vehicles; except that a motor vehicle leasing dealer who is 87026
also a new motor vehicle dealer or used motor vehicle dealer may 87027
lease motor vehicles at the same place of business at which the 87028
dealer sells, offers for sale, or deals in new or used motor 87029
vehicles. 87030

(E) No motor vehicle leasing dealer or motor vehicle renting 87031
dealer shall sell a motor vehicle within ninety days after a 87032
certificate of title to the motor vehicle is issued to the dealer, 87033
except when a salvage certificate of title is issued to replace 87034
the original certificate of title and except when a motor vehicle 87035
leasing dealer sells a motor vehicle to another motor vehicle 87036
leasing dealer at the end of a sublease pursuant to that sublease. 87037

(F) No distributor shall distribute new motor vehicles to new 87038
motor vehicle dealers at any place except an established place of 87039
business that is used exclusively for the purpose of distributing 87040
new motor vehicles to new motor vehicle dealers; except that a 87041
distributor who is also a new motor vehicle dealer may distribute 87042
new motor vehicles at the same place of business at which the 87043
distributor sells, displays, offers for sale, or deals in new 87044
motor vehicles. 87045

(G) No person, firm, or corporation that sells, displays, or 87046
offers for sale tent-type fold-out camping trailers is subject to 87047
the requirement that the person's, firm's, or corporation's place 87048
of business be used exclusively for the purpose of selling, 87049
displaying, offering for sale, or dealing in motor vehicles. No 87050

person, firm, or corporation that sells, displays, or offers for 87051
sale tent-type fold-out camping trailers, trailers, semitrailers, 87052
or park trailers is subject to the requirement that the place of 87053
business have space, under roof, for the display of at least one 87054
new motor vehicle and facilities and space for the inspection, 87055
servicing, and repair of at least one motor vehicle. 87056

~~(H) No manufactured or mobile home broker shall engage in the 87057
business of brokering manufactured or mobile homes at any place 87058
except an established place of business that is used exclusively 87059
for the purpose of brokering manufactured or mobile homes. 87060~~

~~(I)~~ Nothing in this section shall be construed to prohibit 87061
persons licensed under this chapter from making sales calls. 87062

~~(J)~~(I) Whoever violates this section is guilty of a 87063
misdemeanor of the fourth degree. 87064

~~(K)~~(J) As used in this section: 87065

(1) "Motor vehicle leasing dealer" has the same meaning as in 87066
section 4517.01 of the Revised Code. 87067

(2) "Motor vehicle renting dealer" has the same meaning as in 87068
section 4549.65 of the Revised Code. 87069

(3) "Watercraft" has the same meaning as in section 1547.01 87070
of the Revised Code. 87071

Sec. 4517.30. The motor vehicle dealers board shall consist 87072
of eleven members. The registrar of motor vehicles or the 87073
registrar's designee shall be a member of the board, and the other 87074
ten members shall be appointed by the governor with the advice and 87075
consent of the senate. Not more than five of the ten members other 87076
than the registrar shall be of any one political party, and of the 87077
ten: 87078

(A) Three shall represent the public and shall not have 87079
engaged in the business of selling motor vehicles at retail in 87080

this state; 87081

(B) Five shall have been engaged in the business of selling 87082
motor vehicles at retail in this state for at least five years and 87083
have been engaged in such business within two years prior to the 87084
date of their appointment. Of these five: 87085

(1) Three shall have been engaged in the sale of new motor 87086
vehicles; 87087

(2) One shall have been engaged in the business of selling 87088
~~manufactured homes, mobile homes, or~~ recreational vehicles at 87089
retail; 87090

(3) One shall have been engaged in the sale of used motor 87091
vehicles. 87092

(C) Two shall have been engaged in the leasing of motor 87093
vehicles. 87094

Terms of office of the ten members appointed by the governor 87095
shall be for three years, commencing on the fifth day of October 87096
and ending on the fourth day of October. Each member shall hold 87097
office from the date of the member's appointment until the end of 87098
the term for which the member was appointed. Any member appointed 87099
to fill a vacancy occurring prior to the expiration of the term 87100
for which the member's predecessor was appointed shall hold office 87101
for the remainder of such term. Any appointed member shall 87102
continue in office subsequent to the expiration date of the 87103
member's term until a successor takes office, or until a period of 87104
sixty days has elapsed, whichever occurs first. Annually the board 87105
shall organize by selecting from its members a president. Each 87106
appointed member of the board shall receive an amount fixed in 87107
accordance with division (J) of section 124.15 of the Revised 87108
Code, and shall be reimbursed for the actual and necessary 87109
expenses incurred in the discharge of the member's official 87110
duties. 87111

Sec. 4517.33. The motor vehicle dealers board shall hear 87112
appeals which may be taken from an order of the registrar of motor 87113
vehicles, refusing to issue a license. All appeals from any order 87114
of the registrar refusing to issue any license upon proper 87115
application must be taken within thirty days from the date of the 87116
order, or the order is final and conclusive. All appeals from 87117
orders of the registrar must be by petition in writing and 87118
verified under oath by the applicant whose application for license 87119
has been denied, and must set forth the reason for the appeal and 87120
the reason why, in the petitioner's opinion, the order of the 87121
registrar is not correct. In such appeals the board may make 87122
investigation to determine the correctness and legality of the 87123
order of the registrar. 87124

The board may make rules governing its actions relative to 87125
the suspension and revocation of dealers', motor vehicle leasing 87126
dealers', ~~manufactured home brokers'~~, distributors', auction 87127
owners', and salespersons' licenses, and may, upon its own motion, 87128
and shall, upon the verified complaint in writing of any person, 87129
investigate the conduct of any licensee under sections 4517.01 to 87130
4517.65 of the Revised Code. The board shall suspend or revoke or 87131
notify the registrar to refuse to renew any dealer's, motor 87132
vehicle leasing dealer's, ~~manufactured home broker's,~~ 87133
distributor's, auction owner's, or salesperson's license, if any 87134
ground existed upon which the license might have been refused, or 87135
if a ground exists that would be cause for refusal to issue a 87136
license. 87137

The board may suspend or revoke any license if the licensee 87138
has in any manner violated the rules issued pursuant to sections 87139
4517.01 to 4517.65 of the Revised Code, or has violated section 87140
4501.02 of the Revised Code, or has been convicted of committing a 87141
felony or violating any law that in any way relates to the 87142
selling, taxing, licensing, or regulation of sales of motor 87143

vehicles. 87144

Sec. 4517.43. (A) The applications for licenses and the 87145
copies of contracts required by sections 4517.04, 4517.05, 87146
4517.051, ~~4517.052~~, 4517.06, 4517.07, 4517.08, and 4517.09 of the 87147
Revised Code are not part of the public records but are 87148
confidential information for the use of the registrar of motor 87149
vehicles and the motor vehicle dealers board. No person shall 87150
divulge any information contained in such applications and 87151
acquired by the person in the person's capacity as an official or 87152
employee of the bureau of motor vehicles or of the board, except 87153
in a report to the registrar, to the board, or when called upon to 87154
testify in any court or proceeding. 87155

(B) Whoever violates this section is guilty of a minor 87156
misdemeanor. 87157

Sec. 4519.02. (A) Except as provided in divisions (B), (C), 87158
and (D) of this section, no person shall operate any snowmobile, 87159
off-highway motorcycle, or all-purpose vehicle within this state 87160
unless the snowmobile, off-highway motorcycle, or all-purpose 87161
vehicle is registered and numbered in accordance with sections 87162
4519.03 and 4519.04 of the Revised Code. 87163

(B)(1) No registration is required for a snowmobile or 87164
off-highway motorcycle that is operated exclusively upon lands 87165
owned by the owner of the snowmobile or off-highway motorcycle, or 87166
on lands to which the owner of the snowmobile or off-highway 87167
motorcycle has a contractual right. 87168

(2) No registration is required for an all-purpose vehicle 87169
that is used primarily ~~on a farm as a farm implement for~~ 87170
agricultural purposes when the owner qualifies for the current 87171
agricultural use valuation tax credit, unless it is to be used on 87172
any public land, trail, or right-of-way. 87173

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate section 4519.41 of the Revised Code.

(C) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to this chapter and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to this chapter shall comply with section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this state by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this state shall comply with Chapters 1547. and 1548. of the Revised Code relative to the operation of watercraft.

(F) Except as otherwise provided in this division, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars.

Sec. 4519.03. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration with the registrar of motor vehicles

or a deputy registrar, on blanks furnished by the registrar for 87205
that purpose and containing all of the following information: 87206

87207

(1) A brief description of the snowmobile, off-highway 87208
motorcycle, or all-purpose vehicle, including the year, make, 87209
model, and the vehicle identification number; 87210

(2) The name, residence, and business address of the owner; 87211

(3) A statement that the snowmobile, off-highway motorcycle, 87212
or all-purpose vehicle is equipped as required by section 4519.20 87213
of the Revised Code and any rule adopted under that section. The 87214
statement shall include a check list of the required equipment 87215
items in the form the registrar shall prescribe. 87216

The application shall be signed by the owner of the 87217
snowmobile, off-highway motorcycle, or all-purpose vehicle and 87218
shall be accompanied by a fee as provided in division (C) of 87219
section 4519.04 of the Revised Code. 87220

If the application is not in proper form, or if the vehicle 87221
for which registration is sought does not appear to be equipped as 87222
required by section 4519.20 of the Revised Code or any rule 87223
adopted under that section, the registration shall be refused, and 87224
no registration sticker, license plate, or validation sticker 87225
shall be issued. 87226

(B) ~~On and after July 1, 1999, no~~ Except as provided in this 87227
division, no certificate of registration or renewal of a 87228
certificate of registration shall be issued for an off-highway 87229
motorcycle or all-purpose vehicle required to be registered under 87230
section 4519.02 of the Revised Code, and no certificate of 87231
registration issued under this chapter for an off-highway 87232
motorcycle or all-purpose vehicle that is sold or otherwise 87233
transferred shall be transferred to the new owner of the 87234
off-highway motorcycle or all-purpose vehicle as permitted by 87235

division (B) of section 4519.05 of the Revised Code, unless a 87236
certificate of title has been issued under this chapter for the 87237
motorcycle or vehicle, and the owner or new owner, as the case may 87238
be, presents a physical certificate of title or memorandum 87239
certificate of title for inspection at the time the owner or new 87240
owner first submits a registration application, registration 87241
renewal application, or registration transfer application for the 87242
motorcycle or vehicle ~~on or after July 1, 1999,~~ if a physical 87243
certificate of title or memorandum certificate has been issued by 87244
a clerk of a court of common pleas. If, under sections 4519.512 87245
and 4519.58 of the Revised Code, a clerk instead has issued an 87246
electronic certificate of title for the applicant's off-highway 87247
motorcycle or all-purpose vehicle, that certificate may be 87248
presented for inspection at the time of first registration in a 87249
manner prescribed by rules adopted by the registrar. In the case 87250
of an off-highway motorcycle or all-purpose vehicle that was 87251
purchased prior to October 1, 2005, and for which a certificate of 87252
title has not been issued, the owner shall not be required to 87253
present a physical certificate of title or memorandum certificate 87254
of title or an electronic certificate of title for the motorcycle 87255
or vehicle but instead may present a signed affidavit of ownership 87256
in a form prescribed by the registrar. The affidavit shall 87257
include, at a minimum, the date of purchase, make, model, and 87258
vehicle identification number of the motorcycle or vehicle. If no 87259
vehicle identification number has been assigned to the off-highway 87260
motorcycle or all-purpose vehicle, then the serial number of the 87261
motorcycle or vehicle shall be presented at the time of 87262
application. 87263

(C) When the owner of an off-highway motorcycle or 87264
all-purpose vehicle first registers it in the owner's name, and a 87265
certificate of title has been issued for the motorcycle or 87266
vehicle, the owner shall present for inspection a physical 87267
certificate of title or memorandum certificate of title showing 87268

title to the off-highway motorcycle or all-purpose vehicle in the 87269
name of the owner if a physical certificate of title or memorandum 87270
certificate has been issued by a clerk of a court of common pleas. 87271
If, under sections 4519.512 and 4519.58 of the Revised Code, a 87272
clerk instead has issued an electronic certificate of title for 87273
the applicant's off-highway motorcycle or all-purpose vehicle, 87274
that certificate may be presented for inspection at the time of 87275
first registration in a manner prescribed by rules adopted by the 87276
registrar. In the case of an off-highway motorcycle or all-purpose 87277
vehicle that was purchased prior to October 1, 2005, and for which 87278
a certificate of title has not been issued, the owner shall not be 87279
required to present a physical certificate of title or memorandum 87280
certificate of title or an electronic certificate of title for the 87281
motorcycle or vehicle but instead may present a signed affidavit 87282
of ownership in a form prescribed by the registrar. The affidavit 87283
shall include, at a minimum, the date of purchase, make, model, 87284
and vehicle identification number of the motorcycle or vehicle. If 87285
no vehicle identification number has been assigned to the 87286
off-highway motorcycle or all-purpose vehicle, then the serial 87287
number of the motorcycle or vehicle shall be presented at the time 87288
of application. If, when the owner of such an off-highway 87289
motorcycle or all-purpose vehicle first makes application to 87290
register it in the owner's name, the application is not in proper 87291
form or the certificate of title or memorandum certificate of 87292
title does not accompany the registration or, in the case of an 87293
electronic certificate of title or ownership affidavit, it is not 87294
presented in a manner prescribed by the registrar, the 87295
registration shall be refused, and neither a certificate of 87296
registration nor a registration sticker, license plate, or 87297
validation sticker shall be issued. When a certificate of 87298
registration and registration sticker, license plate, or 87299
validation sticker are issued upon the first registration of an 87300
off-highway motorcycle or all-purpose vehicle by or on behalf of 87301

the owner, the official issuing them shall indicate the issuance 87302
with a stamp on the certificate of title ~~or~~, memorandum 87303
certificate of title, or affidavit, or, in the case of an 87304
electronic certificate of title, an electronic stamp or other 87305
notation as specified in rules adopted by the registrar. 87306

(D) Each deputy registrar shall be allowed a fee of three 87307
dollars and fifty cents for each application or renewal 87308
application received by the deputy registrar, which shall be for 87309
the purpose of compensating the deputy registrar for services, and 87310
office and rental expense, as may be necessary for the proper 87311
discharge of the deputy registrar's duties in the receiving of 87312
applications and the issuing of certificates of registration. 87313

Each deputy registrar, upon receipt of any application for 87314
registration, together with the registration fee, shall transmit 87315
the fee, together with the original and duplicate copy of the 87316
application, to the registrar in the manner and at the times the 87317
registrar, subject to the approval of the director of public 87318
safety and the treasurer of state, shall prescribe by rule. 87319

Sec. 4519.04. (A) Upon the filing of an application for 87320
registration of a snowmobile, off-highway motorcycle, or 87321
all-purpose vehicle and the payment of the tax therefor, the 87322
registrar of motor vehicles or a deputy registrar shall assign to 87323
the snowmobile, off-highway motorcycle, or all-purpose vehicle a 87324
distinctive number and issue and deliver to the owner in such 87325
manner as the registrar may select, a certificate of registration, 87326
in such form as the registrar shall prescribe. Any number so 87327
assigned to a snowmobile, off-highway motorcycle, or all-purpose 87328
vehicle shall be a permanent number, and shall not be issued to 87329
any other snowmobile, off-highway motorcycle, or all-purpose 87330
vehicle. 87331

(B)(1) In addition to the certificate of registration, the 87332

registrar or deputy registrar also shall issue to the owner of a 87333
snowmobile or off-highway motorcycle a two decal registration 87334
~~sticker~~ stickers. The registrar shall prescribe the color and size 87335
of the ~~sticker~~, stickers and the combination of numerals and 87336
letters displayed on ~~it, and them.~~ The placement of the ~~sticker~~ 87337
decal stickers shall be one on the snowmobile or off-highway 87338
~~motorcycle.~~ 87339

~~Upon receipt of a certificate of registration for a~~ 87340
~~snowmobile, the owner shall paint or otherwise attach upon each~~ 87341
either side of the forward cowling ~~of the snowmobile the~~ 87342
~~identifying registration number, in block characters of not less~~ 87343
~~than two inches in height and of such color as to be distinctly~~ 87344
~~visible and legible~~ or fuel tank. 87345

(2) The registrar or deputy registrar also shall issue to the 87346
owner of an all-purpose vehicle, in addition to the certificate of 87347
registration, one license plate and a validation sticker, or a 87348
validation sticker alone when applicable upon a registration 87349
renewal. The license plate and validation sticker shall be 87350
displayed on the all-purpose vehicle so that they are distinctly 87351
visible, in accordance with such rules as the registrar adopts. 87352
The validation sticker shall indicate the expiration date of the 87353
registration period of the all-purpose vehicle. During each 87354
succeeding registration period following the issuance of the 87355
license plate and validation sticker, upon the filing of an 87356
application for registration and payment of the fee specified in 87357
division (C) of this section, a validation sticker alone shall be 87358
issued. 87359

(C) Unless previously canceled, each certificate of 87360
registration issued for a snowmobile, off-highway motorcycle, or 87361
all-purpose vehicle expires upon the thirty-first day of December 87362
in the third year after the date it is issued. Application for 87363
renewal of a certificate may be made not earlier than ninety days 87364

preceding the expiration date, and shall be accompanied by a fee 87365
of ~~thirty-one~~ thirty-two dollars and twenty-five cents. 87366

Notwithstanding section 4519.11 of the Revised Code, of each 87367
~~thirty-one~~ thirty-two dollar and twenty-five-cent fee collected 87368
for the registration of ~~an~~ a snowmobile, off-highway motorcycle, 87369
or all-purpose vehicle, the registrar shall retain not more than 87370
~~five~~ six dollars to pay for the licensing and registration costs 87371
the bureau of motor vehicles incurs in registering the snowmobile, 87372
off-highway motorcycle, or all-purpose vehicle. The remainder of 87373
the fee shall be deposited into the state treasury to the credit 87374
of the state recreational vehicle fund created by section 4519.11 87375
of the Revised Code. 87376

Sec. 4519.44. (A) No person who does not hold a valid, 87377
current motor vehicle driver's or commercial driver's license, 87378
motorcycle operator's endorsement, or probationary license, issued 87379
under Chapter 4506. or 4507. of the Revised Code or a valid, 87380
current driver's license issued by another jurisdiction, shall 87381
operate a snowmobile, off-highway motorcycle, or all-purpose 87382
vehicle on any street or highway in this state, on any portion of 87383
the right-of-way thereof, or on any public land or waters. 87384

(B) No person who is less than sixteen years of age shall 87385
operate a snowmobile, off-highway motorcycle, or all-purpose 87386
vehicle on any land or waters other than private property or 87387
waters owned by or leased to the person's parent or guardian, 87388
unless accompanied by another person who is eighteen years of age, 87389
or older, and who holds a license as provided in division (A) of 87390
this section, except that the department of natural resources may 87391
permit such operation on state controlled land under its 87392
jurisdiction when such person is less than sixteen years of age, 87393
~~but is twelve years of age or older~~ and is accompanied by a parent 87394
or guardian who is a licensed driver eighteen years of age or 87395

older. 87396

(C) Whoever violates this section shall be fined not less 87397
than fifty nor more than five hundred dollars, imprisoned not less 87398
than three nor more than thirty days, or both. 87399

Sec. 4519.59. (A)(1) The clerk of a court of common pleas 87400
shall charge and retain fees as follows: 87401

(a) Fifteen dollars for each certificate of title or 87402
duplicate certificate of title including the issuance of a 87403
memorandum certificate of title, authorization to print a 87404
non-negotiable evidence of ownership described in division (D) of 87405
section 4519.58 of the Revised Code, non-negotiable evidence of 87406
ownership printed by the clerk under division (E) of that section, 87407
and notation of any lien on a certificate of title that is applied 87408
for at the same time as the certificate of title. The clerk shall 87409
retain eleven dollars and fifty cents of that fee for each 87410
certificate of title when there is a notation of a lien or 87411
security interest on the certificate of title, twelve dollars and 87412
twenty-five cents when there is no lien or security interest noted 87413
on the certificate of title, and eleven dollars and fifty cents 87414
for each duplicate certificate of title. 87415

(b) Five dollars for each certificate of title with no 87416
security interest noted that is issued to a licensed motor vehicle 87417
dealer for resale purposes. The clerk shall retain two dollars and 87418
twenty-five cents of that fee. 87419

(c) Five dollars for each memorandum certificate of title or 87420
non-negotiable evidence of ownership that is applied for 87421
separately. The clerk shall retain that entire fee. 87422

(2) The fees that are not retained by the clerk shall be paid 87423
to the registrar of motor vehicles by monthly returns, which shall 87424
be forwarded to the registrar not later than the fifth day of the 87425

month next succeeding that in which the certificate is forwarded 87426
or that in which the registrar is notified of a lien or 87427
cancellation of a lien. 87428

(B)(1) The registrar shall pay twenty-five cents of the 87429
amount received for each certificate of title that is issued to a 87430
motor vehicle dealer for resale ~~and~~, one dollar for ~~all other~~ 87431
certificates of title issued with a lien or security interest 87432
noted on the certificate of title, and twenty-five cents for each 87433
certificate of title with no lien or security interest noted on 87434
the certificate of title into the state bureau of motor vehicles 87435
fund established in section 4501.25 of the Revised Code. 87436

(2) Fifty cents of the amount received for each certificate 87437
of title shall be paid by the registrar as follows: 87438

(a) Four cents shall be paid into the state treasury to the 87439
credit of the motor vehicle dealers board fund created in section 87440
4505.09 of the Revised Code, for use as described in division 87441
(B)(2)(a) of that section. 87442

(b) Twenty-one cents shall be paid into the highway operating 87443
fund. 87444

(c) Twenty-five cents shall be paid into the state treasury 87445
to the credit of the motor vehicle sales audit fund created in 87446
section 4505.09 of the Revised Code, for use as described in 87447
division (B)(2)(c) of that section. 87448

(3) Two dollars of the amount received by the registrar for 87449
each certificate of title shall be paid into the state treasury to 87450
the credit of the automated title processing fund created in 87451
section 4505.09 of the Revised Code, for use as described in 87452
divisions (B)(3)(a) and (c) of that section. 87453

Sec. 4549.10. (A) No person shall operate or cause to be 87454
operated upon a public road or highway a motor vehicle of a 87455

manufacturer or dealer unless the vehicle carries and displays two 87456
placards, except as provided in section 4503.21 of the Revised 87457
Code, issued by the director of public safety that bear the 87458
registration number of its manufacturer or dealer. 87459

(B) Whoever violates division (A) of this section is guilty 87460
of illegal operation of a manufacturer's or dealer's motor 87461
vehicle, a minor misdemeanor ~~on a first offense and a misdemeanor~~ 87462
~~of the fourth degree on each subsequent offense.~~ 87463

Sec. 4549.12. (A) No person who is the owner of a motor 87464
vehicle and a resident of this state shall operate or drive the 87465
motor vehicle upon the highways of this state, while it displays a 87466
distinctive number or identification mark issued by or under the 87467
authority of another state, without complying with the laws of 87468
this state relating to the registration and identification of 87469
motor vehicles. 87470

(B) Whoever violates division (A) of this section is guilty 87471
of illegal operation by a resident of this state of a motor 87472
vehicle bearing the distinctive number or identification mark 87473
issued by a foreign jurisdiction, a minor misdemeanor ~~on a first~~ 87474
~~offense and a misdemeanor of the fourth degree on each subsequent~~ 87475
~~offense.~~ 87476

Sec. 4582.71. (A) As used in this section: 87477

(1) "Bond proceedings" means, with respect to obligations 87478
authorized under this section, the resolutions, certifications and 87479
agreements, including without limitation a venture capital 87480
agreement, the loan documents and any trust agreements, and any 87481
authorized credit enhancement facilities or swaps or other hedging 87482
instruments, and amendments or supplements thereto, or to any one 87483
or more or combination of them, authorizing, awarding, or 87484
providing for the terms and conditions applicable to or providing 87485

for the security or liquidity of, the particular obligations, and 87486
the provisions contained in those obligations. 87487

(2) "Issuing authority" means a port authority that, pursuant 87488
to a venture capital agreement, issues or issued obligations to 87489
fund one or more loans to the program fund. 87490

(3) "Loan" means an extension of credit to or in aid of the 87491
program fund in any form, including loans to lenders or the 87492
purchase of loans, including the purchase for cancellation of any 87493
loan, and evidenced in any manner including, without limitation, 87494
by a loan agreement, a promissory note, a bond, note, certificate 87495
of participation or other security, a letter of credit and 87496
reimbursement agreement or other credit facility, or a standby 87497
bond or note purchase agreement, line of credit or other liquidity 87498
facility, and including, in any event, any related swap or other 87499
hedging instrument. 87500

(4) "Obligations" means, as applicable to the issuing 87501
authority, bonds, notes, or other forms or evidences of obligation 87502
constituting revenue bonds as that term is used in division (A)(4) 87503
of section 4582.06 of the Revised Code, or port authority revenue 87504
bonds as that term is used in section 4582.48 and division (A)(8) 87505
of section 4582.31 of the Revised Code, which obligations are 87506
issued by the issuing authority pursuant to the bond proceedings 87507
and this section. 87508

(5) "Port authority" means a port authority organized and 87509
existing under Chapter 4582. of the Revised Code. 87510

(6) "Research and development costs" means costs of or in 87511
support of or related to the implementation of research and 87512
development purposes including, without limitation, capital 87513
formation, direct operating costs, costs of research and 87514
facilities, including interests in real property therefor, and 87515
other support, and costs of making grants, loans, including loans 87516

to lenders or the purchase of loans, subsidies, contributions, 87517
advances or guarantees, or direct investments in, or payment, or 87518
reimbursement from available moneys for, implementing research and 87519
development purposes consistent with Section 2p of Article VIII, 87520
Ohio Constitution, and the investment policy adopted by the 87521
venture capital authority pursuant to section 150.03 of the 87522
Revised Code, and includes financing charges, amounts necessary to 87523
establish the reserves required pursuant to the bond proceedings, 87524
interest on loans including loans purchased for cancellation, 87525
interest on the obligations from their date until the time 87526
determined in the bond proceedings when interest is to be paid 87527
from sources other than the proceeds of obligations, legal 87528
expenses and other costs of or related to the issuance of 87529
obligations, estimates of costs and revenues or other expenses 87530
necessary or incident to determining the feasibility or 87531
practicability of the financing of any research and development 87532
costs with proceeds of obligations or other sources, 87533
administrative expenses related to obligations, and the 87534
application of the proceeds of obligations, including fees of the 87535
issuing authority, any trustee, and any other costs and expenses 87536
reasonably necessary or incident thereto or to the financing of 87537
research and development costs, and costs described in this 87538
division incurred prior to the issuance of obligations and paid, 87539
advanced, or borrowed by an issuing authority, the venture capital 87540
authority, the program fund or other public or private person or 87541
entity, which costs may be reimbursed from the proceeds of such 87542
obligations. "Research and development costs" does not include any 87543
otherwise qualifying costs that are in support of the purposes 87544
provided for in Section 15 of Article VIII, Ohio Constitution. 87545

(7) "Tax credits" means the refundable tax credits authorized 87546
by section 150.07 of the Revised Code and to be issued by the 87547
venture capital authority to any lender. 87548

(8) "Venture capital agreement" means an agreement between the venture capital authority and an issuing authority entered into under division (E) of section 150.02 of the Revised Code. 87549
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(9) "Venture capital authority" means the Ohio venture capital authority established under section 150.02 of the Revised Code. 87552
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(10) "Lender," "program fund," and "research and development purposes" have the same meanings as in section 150.01 of the Revised Code. 87555
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(B) In addition to other authorized purposes of a port authority, activities authorized by Section 2p of Article VIII, Ohio Constitution, shall be authorized purposes of port authorities. 87558
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(C) An issuing authority may issue obligations pursuant to this section and Section 2p of Article VIII, Ohio Constitution, to make loans to the program fund to provide for research and development costs. The proceeds of the obligations shall be used to make loans to provide for research and development costs and all such proceeds shall be so used in accordance with the bond proceedings. 87562
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(D) Except to any extent inconsistent with this section, all terms, provisions, and authorizations in Chapter 4582. of the Revised Code as applicable to the issuing authority, and the terms, provisions, and authorizations of sections 9.96, 9.98, 9.981, 9.982, and 9.983 of the Revised Code apply to the obligations and the bond proceedings except as otherwise provided or provided for in those obligations and bond proceedings. The obligations shall be secured by a trust agreement between the issuing authority and a trustee, and such trust agreement, and the establishment, deposit, investment and application of special funds, and the safeguarding of moneys shall be governed by the 87569
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bond proceedings and by Chapter 4582. of the Revised Code, as 87580
applicable to the issuing authority. Pursuant to the trust 87581
agreement and other bond proceedings, there shall be established, 87582
in addition to any other special funds in the custody of the 87583
trustee, one or more funds into which shall be deposited the 87584
proceeds of the obligations and the revenues pledged to the 87585
payment of the obligations, including a reserve fund in an amount 87586
established in, and to be funded as provided in, the bond 87587
proceedings. 87588

(E) The issuing authority, the trustee, or both shall be 87589
authorized under the venture capital agreement to receive and 87590
claim tax credits in accordance with division (E) of section 87591
150.07 of the Revised Code, and the holders of the obligations, or 87592
any book-entry interests therein, shall have no rights with 87593
respect to the tax credits except any right established under the 87594
applicable trust agreement to direct the trustee to take, or 87595
require the issuing authority to take, the actions necessary to 87596
receive and claim any available tax credits. Upon receipt of any 87597
tax credits issued by the venture capital authority, the issuing 87598
authority or the trustee shall, within the times required by law, 87599
file an appropriate tax return to claim the applicable tax credits 87600
and, upon receipt of the proceeds of any such tax credits, an 87601
issuing authority shall promptly deliver to the trustee for 87602
deposit, and the trustee shall upon receipt deposit, such proceeds 87603
into the funds established in accordance with division (D) of this 87604
section. 87605

(F) The venture capital authority, the director of 87606
development, or the tax commissioner may covenant in the bond 87607
proceedings, and such covenants shall be controlling 87608
notwithstanding any other provision of law, that the state and 87609
applicable officers and state agencies, including the general 87610
assembly, so long as any obligations issued under this section are 87611

outstanding, shall maintain statutory authority for and shall 87612
authorize, issue, and deliver fully refundable tax credits in such 87613
amounts and for such periods, subject to the limitation in section 87614
150.07 of the Revised Code on the date of such covenant, so that 87615
the tax credits will be sufficient, subject to such limits, in 87616
time and amount to meet debt service on the obligations and for 87617
the establishment and maintenance of any reserves and other 87618
requirements provided for in the bond proceedings. The general 87619
assembly may from time to time repeal any of the taxes against 87620
which the tax credits may be claimed, and may authorize the tax 87621
credits to be claimed with respect to any new tax to meet any such 87622
covenant made in the bond proceedings, provided that, so long as 87623
any obligations issued under this section are outstanding, nothing 87624
in this division authorizes any impairment of a covenant to 87625
maintain statutory authority for and to authorize, issue, and 87626
deliver fully refundable tax credits sufficient, subject to 87627
applicable limits, to meet the commitments made in any such 87628
covenant. 87629

(G) The obligations do not constitute a debt, or a pledge of 87630
the faith and credit, of the state, the issuing authority or any 87631
political subdivision of the state, and the holders or owners of 87632
the obligations have no right to have taxes levied by the general 87633
assembly or the taxing authority of the issuing authority or any 87634
political subdivision of the state for the payment of the 87635
principal of or interest on the obligations, but the obligations 87636
are payable solely from the revenues and funds pledged for their 87637
payment as authorized in or pursuant to this section and the bond 87638
proceedings, and the obligations shall contain on the face thereof 87639
a statement to the effect that the obligations, as to both 87640
principal and interest, are not debts of the state, the issuing 87641
authority, or any political subdivision of the state, but are 87642
payable solely from the revenues and funds pledged for their 87643
payment. 87644

(H) This section is intended to implement Section 2p of Article VIII, Ohio Constitution, including provision for procedures for incurring and issuing obligations of local public entities and agencies authorized by that section, and shall be liberally construed to effect the purposes of that section. The powers and authorizations granted in this section may be exercised jointly or separately by one or more issuing authorities and are in addition to and supplemental to the powers and authorizations otherwise granted to port authorities under applicable provisions of Chapter 4582. of the Revised Code and shall not be construed as a limitation on any such powers or authorizations.

Sec. 4705.09. (A)(1) Any person admitted to the practice of law in this state by order of the supreme court in accordance with its prescribed and published rules, or any law firm or legal professional association, may establish and maintain an interest-bearing trust account, for purposes of depositing client funds held by the attorney, firm, or association that are nominal in amount or are to be held by the attorney, firm, or association for a short period of time, ~~with any bank, savings bank, or savings and loan association that is authorized to do business in this state and is insured by the federal deposit insurance corporation or the successor to that corporation, or any credit union insured by the national credit union administration operating under the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C.A. 1751, or insured by a credit union share guaranty corporation established under Chapter 1761. of the Revised Code. Each~~

(2) The account established under division (A) of this section shall be established and maintained at an eligible depository.

(3) Each account established under this division (A) of this

section shall be in the name of the attorney, firm, or association 87676
that established and is maintaining it and shall be identified as 87677
an IOLTA or an interest on lawyer's trust account. The name of the 87678
account may contain additional identifying features to distinguish 87679
it from other trust accounts established and maintained by the 87680
attorney, firm, or association. 87681

~~(2)~~(4) Each attorney who receives funds belonging to a client 87682
shall do one of the following: 87683

(a) Establish and maintain one or more interest-bearing trust 87684
accounts in accordance with division (A)(1) of this section or 87685
maintain one or more interest-bearing trust accounts previously 87686
established in accordance with that division~~7~~ and deposit all 87687
client funds held that are nominal in amount or are to be held by 87688
the attorney for a short period of time in the account or 87689
accounts; 87690

(b) If the attorney is affiliated with a law firm or legal 87691
professional association, comply with division (A)~~(2)~~(4)(a) of 87692
this section or deposit all client funds held that are nominal in 87693
amount or are to be held by the attorney for a short period of 87694
time in one or more interest-bearing trust accounts established 87695
and maintained by the firm or association in accordance with 87696
division (A)(1) of this section. 87697

~~(3)~~(5) No funds belonging to any attorney, firm, or legal 87698
professional association shall be deposited in any 87699
interest-bearing trust account established under division (A)~~(1)~~ 87700
~~or (2)~~ of this section, except that funds sufficient to establish 87701
the account or to pay or enable a waiver of depository institution 87702
service charges on the account shall be deposited in the account 87703
and other funds belonging to the attorney, firm, or association 87704
may be deposited as authorized by the ~~Code of Professional~~ 87705
~~Responsibility~~ Rules of Professional Conduct adopted by the 87706
supreme court. The determinations of whether funds held are 87707

nominal or more than nominal in amount and of whether funds are to 87708
be held for a short period or longer than a short period of time 87709
rests in the sound judgment of the particular attorney. No 87710
imputation of professional misconduct shall arise from the 87711
attorney's exercise of judgment in these matters. 87712

(B) All interest earned on funds deposited in an 87713
interest-bearing trust account established under division (A)~~(1)~~ 87714
~~or (2)~~ of this section shall be transmitted to the treasurer of 87715
state for deposit in the legal aid fund established under section 87716
120.52 of the Revised Code. No part of the interest earned on 87717
funds deposited in an interest-bearing trust account established 87718
under division (A)~~(1)~~ ~~or (2)~~ of this section shall be paid to, or 87719
inure to the benefit of, the attorney, the attorney's law firm or 87720
legal professional association, the client or other person who 87721
owns or has a beneficial ownership of the funds deposited, or any 87722
other account, person, or entity other than in accordance with 87723
this section, section 4705.10, and sections 120.51 to 120.55 of 87724
the Revised Code. 87725

(C) No liability arising out of any act or omission by any 87726
attorney, law firm, or legal professional association with respect 87727
to any interest-bearing trust account established under division 87728
(A)~~(1)~~ ~~or (2)~~ of this section shall be imputed to the depository 87729
institution. 87730

(D) The supreme court may adopt and enforce rules of 87731
professional conduct that pertain to the use, by attorneys, law 87732
firms, or legal professional associations, of interest-bearing 87733
trust accounts established under division (A)~~(1)~~ ~~or (2)~~ of this 87734
section, and that pertain to the enforcement of division (A)~~(2)~~ of 87735
this section. Any rules adopted by the supreme court under this 87736
authority shall conform to the provisions of this section, section 87737
4705.10, and sections 120.51 to 120.55 of the Revised Code and any 87738
rules adopted by the Ohio legal assistance foundation pursuant to 87739

section 120.52 of the Revised Code. 87740

(E) As used in this section, "eligible depository" has the 87741

same meaning as in section 3953.231 of the Revised Code. 87742

Sec. 4705.10. (A) All of the following apply to an 87743
interest-bearing trust account established under authority of 87744
section 4705.09 of the Revised Code: 87745

(1) All funds ~~in the~~ shall be deposited into an IOLTA account 87746
product at an eligible depository and shall be subject to 87747
withdrawal upon request and without delay, or as soon as is 87748
permitted by federal law; 87749

(2)(a) The approved rate of interest payable on the account 87750
shall ~~not be less than the~~ equal or exceed the highest interest 87751
rate or dividend rate paid by the eligible depository ~~institution~~ 87752
~~to regular, nonattorney depositors on its account products that~~ 87753
~~are not IOLTA account products.~~ Higher The eligible depository 87754
shall pay on its IOLTA account product any higher rates offered by 87755
~~the institution to customers whose deposits exceed certain time or~~ 87756
~~quantity qualifications, such as those offered in the form of~~ 87757
~~certificates of deposit, may be obtained by a person or law firm~~ 87758
~~establishing the account if there is no impairment of the right to~~ 87759
~~withdraw or transfer principal immediately~~ it on its account 87760
products that are not IOLTA account products. 87761

(b) In paying not less than the highest interest rate or 87762
dividend paid by the eligible depository on its account products 87763
that are not IOLTA account products, an eligible depository shall 87764
do both of the following: 87765

(i) For IOLTA accounts with balances of less than one hundred 87766
thousand dollars, pay a rate that equals or exceeds the highest 87767
rate paid on its business checking account paying preferred 87768
interest rates, such as money market or indexed rates, or any 87769

other similar, suitable interest-bearing account offered by the 87770
eligible depository on its account products that are not IOLTA 87771
account products; 87772

(ii) For IOLTA accounts with balances of one hundred thousand 87773
dollars or more, pay a rate that equals or exceeds the highest 87774
rate paid on its business checking account with an automated 87775
investment feature, such as an overnight sweep account, business 87776
investment or other similar premium checking account, short-term 87777
jumbo certificate of deposit, money market account, or any other 87778
similar, suitable interest-bearing account offered by the eligible 87779
depository on its account products that are not IOLTA account 87780
products. 87781

(c) In determining the highest interest rate or dividend paid 87782
by the eligible depository on its account products that are not 87783
IOLTA account products, an eligible depository shall consider the 87784
rates it offers its customers from internal rate sheets or through 87785
preferred or negotiated rates on a per customer basis. In 87786
considering the rate for the IOLTA account product, the eligible 87787
depository may also take into consideration and discount for 87788
factors such as fees paid by the account-holder, time commitments, 87789
and withdrawal limitations on other account products. The eligible 87790
depository shall not use these factors to preclude consideration 87791
of the rates paid on one or more of its account products that are 87792
not IOLTA account products in the eligible depository's 87793
establishment of a rate for the IOLTA account product. 87794

(d) If an eligible depository determines that it is unable to 87795
pay the rate required under this division during any reporting 87796
period, the eligible depository may request from the Ohio legal 87797
assistance foundation a waiver from the approved rate requirement 87798
for that reporting period. If an eligible depository requests a 87799
waiver from the approved rate requirement, the eligible depository 87800
shall demonstrate in the form and manner prescribed in rules 87801

adopted by the Ohio legal assistance foundation pursuant to 87802
section 120.52 of the Revised Code that the rates of interest paid 87803
on its IOLTA account product are generally not less than the 87804
highest rates paid by the eligible depository on its account 87805
products that are not IOLTA account products. At a minimum, the 87806
eligible depository shall demonstrate by an independent, 87807
third-party auditor's certification that not more than five per 87808
cent of the eligible depository's account products that are not 87809
IOLTA account products with an average daily balance of greater 87810
than or equal to one hundred thousand dollars have rates that are 87811
higher than the rate paid on the its IOLTA account product during 87812
the same reporting period. 87813

(3) ~~The depository institution shall be directed, by the~~ 87814
person or law firm establishing the account, shall direct the 87815
eligible depository to do all of the following: 87816

(a) Remit by the fifteenth day of each month interest or 87817
dividends, whichever is applicable, on the average monthly balance 87818
in the account earned in the preceding month or as otherwise 87819
computed in accordance with the ~~institution's~~ eligible 87820
depository's standard accounting practice, ~~less reasonable service~~ 87821
~~charges,~~ to the treasurer of state ~~at least quarterly~~ for deposit 87822
in the legal aid fund established under section 120.52 of the 87823
Revised Code; 87824

(b) Transmit to the treasurer of state, ~~upon its request,~~ to 87825
the Ohio Legal Assistance Foundation, and if requested, to the 87826
depositing attorney, law firm, or legal professional association 87827
upon the attorney's, firm's, or association's request, at the time 87828
of each remittance required by division (A)(3)(a) of this section, 87829
a statement showing the name of the attorney for whom or the law 87830
firm or legal professional association for which the remittance is 87831
sent, the comparable accounts or product types and the rates paid, 87832
as required in division (A)(2)(b) of this section, the rate of 87833

interest applied, the accounting period, the net amount remitted 87834
to the treasurer of state for each account, the total remitted, 87835
the average account balance for each month of the period for which 87836
the report is made, and the amount deducted for service charges 87837
assessed to and paid by the account holder or other party; 87838

~~(4) The depository institution shall notify (c) Notify the 87839~~
office of disciplinary counsel or other entity designated by the 87840
supreme court on each occasion when a properly payable instrument 87841
is presented for payment from the account, and the account 87842
contains insufficient funds. ~~The depository institution shall,~~ 87843
provide this notice without regard to whether the instrument is 87844
honored by the eligible depository institution. ~~The depository~~ 87845
~~institution shall,~~ provide the notice described in division 87846
(A)~~(4)~~(3)(c) of this section by electronic or other means within 87847
five banking days of the date that the instrument was honored or 87848
returned as dishonored. ~~The, and include in the notice shall~~ 87849
~~contain~~ all of the following: 87850

~~(a)(i)~~ The name and address of the eligible depository 87851
institution; 87852

~~(b)(ii)~~ The name and address of the lawyer, law firm, or 87853
legal professional association that maintains the account; 87854

~~(e)(iii)~~ The account number and either the amount of the 87855
overdraft and the date issued or the amount of the dishonored 87856
instrument and the date returned. 87857

(B)(1) The statements and reports of individual depositor 87858
information made under ~~divisions~~ division (A)(3) ~~and (4)~~ of this 87859
section are confidential and are not public records subject to 87860
section 149.43 of the Revised Code and shall be used by the Ohio 87861
legal assistance foundation only for purposes of administering the 87862
legal aid fund and by the supreme court for enforcement of the 87863
rules of professional conduct adopted by the supreme court. 87864

(2) A depository institution may charge the lawyer, law firm, 87865
or legal professional association that maintains the account with 87866
fees associated with producing and mailing a notice required by 87867
division (A)~~(4)~~(3)(c) of this section but shall not deduct such 87868
fees from the interest earned on the account. 87869

(C) As used in this section: 87870

(1) "Approved rate" and "eligible depository" have the same 87871
meaning as in section 3953.231 of the Revised Code. 87872

(2) "IOLTA account product" means a separate and unique 87873
product offered by an eligible depository that is used exclusively 87874
for the deposit of funds transferred electronically or otherwise, 87875
cash, money orders, or negotiable instruments that are received by 87876
an attorney that is used to hold client funds and fully complies 87877
with the account requirements of sections 120.52, 4705.09, and 87878
4705.10 of the Revised Code. 87879

Sec. 4709.12. (A) The barber board shall charge and collect 87880
the following fees: 87881

(1) For the application to take the barber examination, 87882
ninety dollars; 87883

(2) For an application to retake any part of the barber 87884
examination, forty-five dollars; 87885

(3) For the initial issuance of a license to practice as a 87886
barber, thirty dollars; 87887

(4) For the biennial renewal of the license to practice as a 87888
barber, one hundred ten dollars; 87889

(5) For the restoration of an expired barber license, one 87890
hundred dollars, and seventy-five dollars for each lapsed year, 87891
provided that the total fee shall not exceed six hundred ninety 87892
dollars; 87893

(6) For the issuance of a duplicate barber or shop license,	87894
forty-five dollars;	87895
(7) For the inspection of a new barber shop, change of	87896
ownership, or reopening of premises or facilities formerly	87897
operated as a barber shop, and issuance of a shop license, one	87898
hundred ten dollars;	87899
(8) For the biennial renewal of a barber shop license,	87900
seventy-five dollars;	87901
(9) For the restoration of a barber shop license, one hundred	87902
ten dollars;	87903
(10) For each inspection of premises for location of a new	87904
barber school, or each inspection of premises for relocation of a	87905
currently licensed barber school, seven hundred fifty dollars;	87906
(11) For the initial barber school license, one thousand	87907
dollars, and one thousand dollars for the renewal of the license;	87908
(12) For the restoration of a barber school license, one	87909
thousand dollars;	87910
(13) For the issuance of a student registration, forty	87911
dollars;	87912
(14) For the examination and issuance of a biennial teacher	87913
license, one hundred eighty-five dollars;	87914
(15) For the renewal of a biennial teacher license, one	87915
hundred fifty dollars;	87916
(16) For the restoration of an expired teacher license, two	87917
hundred twenty-five dollars, and sixty dollars for each lapsed	87918
year, provided that the total fee shall not exceed four hundred	87919
fifty dollars;	87920
(17) For the issuance of a barber license by reciprocity	87921
pursuant to section 4709.08 of the Revised Code, three hundred	87922
dollars;	87923

(18) For providing licensure information concerning an applicant, upon written request of the applicant, forty dollars. 87924
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(B) The board, subject to the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that the fees do not exceed the amounts permitted by this section by more than fifty per cent. 87926
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(C) In addition to any other fee charged and collected under this section, the barber board shall ask each person renewing a license to practice as a barber whether the person wishes to make a two-dollar voluntary contribution to the Ed Jeffers barber museum. The board shall transmit any contributions to the treasurer of state for deposit into the occupational licensing fund. 87930
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Sec. 4713.28. The state board of cosmetology shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions: 87937
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(A) Is at least sixteen years of age; 87941

(B) Is of good moral character; 87942

(C) ~~Has the equivalent of an Ohio public school tenth grade education~~ high school diploma, certificate of completion, or a general equivalency diploma or has met all career technical requirements as established by the Ohio department of education; 87943
87944
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(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice; 87947
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(E) Pays to the board the applicable fee; 87950

(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology 87951
87952
87953

licensed in this state, except that only one thousand hours of 87954
board-approved cosmetology training in a school of cosmetology 87955
licensed in this state is required of a person licensed as a 87956
barber under Chapter 4709. of the Revised Code; 87957

(G) In the case of an applicant for an initial esthetician 87958
license, has successfully completed at least six hundred hours of 87959
board-approved esthetics training in a school of cosmetology 87960
licensed in this state; 87961

(H) In the case of an applicant for an initial hair designer 87962
license, has successfully completed at least one thousand two 87963
hundred hours of board-approved hair designer training in a school 87964
of cosmetology licensed in this state, except that only one 87965
thousand hours of board-approved hair designer training in a 87966
school of cosmetology licensed in this state is required of a 87967
person licensed as a barber under Chapter 4709. of the Revised 87968
Code; 87969

(I) In the case of an applicant for an initial manicurist 87970
license, has successfully completed at least two hundred hours of 87971
board-approved manicurist training in a school of cosmetology 87972
licensed in this state; 87973

(J) In the case of an applicant for an initial natural hair 87974
stylist license, has successfully completed at least four hundred 87975
fifty hours of instruction in subjects relating to sanitation, 87976
scalp care, anatomy, hair styling, communication skills, and laws 87977
and rules governing the practice of cosmetology. 87978

Sec. 4713.32. When determining the total hours of instruction 87979
received by an applicant for a license under section 4713.28, 87980
4713.30, or 4713.31 of the Revised Code, the state board of 87981
cosmetology shall not take into account more than ~~eight~~ ten hours 87982
of instruction per day. The board shall take into account 87983
instruction received more than five years prior to the date of 87984

application for the license in accordance with rules adopted under 87985
section 4713.08 of the Revised Code. 87986

Sec. 4713.63. A practicing license, managing license, or 87987
instructor license that has not been renewed for any reason other 87988
than because it has been revoked, suspended, or classified 87989
inactive, or because the license holder has been given a waiver or 87990
extension under section 4713.60 of the Revised Code, is expired. 87991
An expired license may be restored if the person who held the 87992
license meets all of the following applicable conditions: 87993

(A) Pays to the state board of cosmetology the restoration 87994
fee, the current renewal fee, and any applicable late fees; 87995

(B) Pays ~~all a~~ lapsed renewal fees fee of forty-five dollars 87996
per license renewal period that has elapsed since the license was 87997
last issued or renewed; 87998

(C) ~~Submits proof satisfactory to the state board of~~ 87999
~~cosmetology that the person has completed all applicable~~ 88000
~~continuing education requirements;~~ 88001

~~(D)~~ In the case of a practicing license or managing license 88002
that has been expired for more than two years, ~~retakes and passes~~ 88003
~~an examination conducted under section 4713.24 of the Revised Code~~ 88004
~~for the branch of cosmetology that the person seeks to practice or~~ 88005
~~type of salon the person seeks to manage~~ consecutive license 88006
renewal periods, completes eight hours of continuing education for 88007
each license renewal period that has elapsed since the license was 88008
last issued or renewed, up to a maximum of twenty-four hours. At 88009
least four of those hours shall include a course pertaining to 88010
sanitation and safety methods. 88011

The board shall deposit all fees it receives under division 88012
(B) of this section into the general revenue fund. 88013

Sec. 4713.64. (A) In accordance with Chapter 119. of the 88014
Revised Code, the state board of cosmetology may deny, revoke, or 88015
suspend a license or permit issued by the board or impose a fine 88016
for any of the following: 88017

(1) Failure to comply with the requirements of this chapter 88018
or rules adopted under it; 88019

(2) Continued practice by a person knowingly having an 88020
infectious or contagious disease; 88021

(3) Habitual drunkenness or addiction to any habit-forming 88022
drug; 88023

(4) Willful false and fraudulent or deceptive advertising; 88024

(5) Falsification of any record or application required to be 88025
filed with the board; 88026

(6) Failure to pay a fine or abide by a suspension order 88027
issued by the board. 88028

(B) The board may impose a separate fine for each offense 88029
listed in division (A) of this section. The amount of a fine shall 88030
be not more than ~~one~~ five hundred dollars if the violator has not 88031
previously been fined for that offense. The fine shall be not more 88032
than ~~five hundred~~ one thousand dollars if the violator has been 88033
fined for the same offense once before. The fine shall be not more 88034
than one thousand five hundred dollars if the violator has been 88035
fined for the same offense two or more times before. 88036

(C) If a person fails to request a hearing within thirty days 88037
of the date the board, in accordance with section 119.07 of the 88038
Revised Code, notifies the person of the board's intent to act 88039
against the person under division (A) of this section, the board 88040
by a majority vote of a quorum of the board members may take the 88041
action against the person without holding an adjudication hearing. 88042

(D) The board, after a hearing in accordance with Chapter 88043

119. of the Revised Code, may suspend a tanning facility permit if 88044
the owner or operator fails to correct an unsafe condition that 88045
exists in violation of the board's rules or fails to cooperate in 88046
an inspection of the tanning facility. If a violation has resulted 88047
in a condition reasonably believed by an inspector to create an 88048
immediate danger to the health and safety of any person using the 88049
tanning facility, the inspector may suspend the permit without a 88050
prior hearing until the condition is corrected or until a hearing 88051
in accordance with Chapter 119. of the Revised Code is held and 88052
the board either upholds the suspension or reinstates the permit. 88053

Sec. 4731.10. Upon the request of a person ~~licensed who holds~~ 88054
a certificate to practice in this state pursuant to Chapter 4731. 88055
of the Revised Code and is seeking licensure in another state, the 88056
state medical board shall ~~certify an application for licensure in~~ 88057
~~another~~ provide verification of the person's certificate to 88058
practice in this state. The fee for such ~~certification~~ 88059
verification shall be fifty dollars. 88060

Sec. 4731.26. Upon application by the holder of a certificate 88061
to practice or certificate of registration issued under this 88062
chapter, the state medical board shall issue a duplicate 88063
certificate to replace one missing or damaged, to reflect a name 88064
change, or for any other reasonable cause. The fee for ~~such a~~ 88065
duplicate certificate to practice or duplicate certificate of 88066
registration shall be thirty-five dollars. 88067

Sec. 4731.38. All vouchers of the state medical board shall 88068
be approved by the ~~board~~ board's president or, the board's 88069
executive ~~secretary~~ director, or ~~both, as~~ another person 88070
authorized by the board. 88071

Sec. 4733.10. The state board of registration for 88072

professional engineers and surveyors shall prepare annually a 88073
listing of all registered professional engineers, registered 88074
professional surveyors, and firms that possess a certificate of 88075
authorization. The board shall provide a copy of this listing upon 88076
request to registrants of the board and to firms possessing a 88077
certificate of authorization without charge and to the public upon 88078
request and payment of copy costs. 88079

Additionally, the board shall issue an official verification 88080
of the status of any person registered as a professional engineer 88081
or professional surveyor in this state upon receipt of a 88082
verification form and the payment of a fee established by the 88083
board. 88084

Sec. 4734.25. A license to practice chiropractic from the 88085
state chiropractic board expires ~~annually on the first day of~~ 88086
~~January~~ biennially in accordance with the schedule established in 88087
rules adopted under this section and may be renewed. The renewal 88088
process shall be conducted in accordance with the standard renewal 88089
procedures of Chapter 4745. of the Revised Code, except that the 88090
board's executive director shall notify each license holder of the 88091
license renewal requirements of this section not later than sixty 88092
days prior to the license's expiration date. When an application 88093
for renewal is submitted, the applicant shall provide the 88094
information necessary to process the application and pay a renewal 88095
fee ~~of two hundred fifty dollars~~ in an amount the board specifies 88096
in rules adopted under this section. 88097

Before a renewal of license is issued by the board, the 88098
licensee shall furnish the board with satisfactory evidence that 88099
the licensee has completed during the current licensing period not 88100
less than the number of hours of continuing education that the 88101
board requires in rules adopted under this section. For an 88102
activity to be applied toward the continuing education 88103

requirement, the activity must meet the board's approval as a 88104
continuing education activity, as specified in rules adopted under 88105
this section. Any exception from the continuing education 88106
requirement must be approved by the board. 88107

Failure of a licensee to comply with this section, ~~including~~ 88108
~~failure to pay the renewal fee on or before the first day of~~ 88109
~~January of each year,~~ shall operate as an automatic forfeiture of 88110
the right of the licensee to practice chiropractic in this state. 88111
A forfeited license may be reinstated by the board upon payment of 88112
all fees due and a penalty fee ~~of one hundred fifty dollars~~ in an 88113
amount the board specifies in rules adopted under this section for 88114
reinstatement, in addition to satisfying the board of having 88115
complied with the continuing education requirements of this 88116
section. If an individual's license has been forfeited for two or 88117
more years, the board may also require as a condition of 88118
reinstatement that the individual complete training or testing as 88119
specified by the board. 88120

The board shall adopt any rules it considers necessary to 88121
implement this section, including standards for approval of 88122
continuing education in the practice of chiropractic. All rules 88123
adopted under this section shall be adopted in accordance with 88124
Chapter 119. of the Revised Code. 88125

Sec. 4735.06. (A) Application for a license as a real estate 88126
broker shall be made to the superintendent of real estate on forms 88127
furnished by the superintendent and filed with the superintendent 88128
and shall be signed by the applicant or its members or officers. 88129
Each application shall state the name of the person applying and 88130
the location of the place of business for which the license is 88131
desired, and give such other information as the superintendent 88132
requires in the form of application prescribed by the 88133
superintendent. 88134

If the applicant is a partnership, limited liability company, 88135
limited liability partnership, or association, the names of all 88136
the members also shall be stated, and, if the applicant is a 88137
corporation, the names of its president and of each of its 88138
officers also shall be stated. The superintendent has the right to 88139
reject the application of any partnership, association, limited 88140
liability company, limited liability partnership, or corporation 88141
if the name proposed to be used by such partnership, association, 88142
limited liability company, limited liability partnership, or 88143
corporation is likely to mislead the public or if the name is not 88144
such as to distinguish it from the name of any existing 88145
partnership, association, limited liability company, limited 88146
liability partnership, or corporation licensed under this chapter, 88147
unless there is filed with the application the written consent of 88148
such existing partnership, association, limited liability company, 88149
limited liability partnership, or corporation, executed by a duly 88150
authorized representative of it, permitting the use of the name of 88151
such existing partnership, association, limited liability company, 88152
limited liability partnership, or corporation. 88153

(B) A fee of ~~sixty-nine~~ one hundred dollars shall accompany 88154
the application for a real estate broker's license, which fee 88155
includes the fee for the initial year of the licensing period, if 88156
a license is issued. The application fee shall be retained by the 88157
superintendent if the applicant is admitted to the examination for 88158
the license or the examination requirement is waived, but, if an 88159
applicant is not so admitted and a waiver is not involved, 88160
one-half of the fee shall be retained by the superintendent to 88161
cover the expenses of processing the application and the other 88162
one-half shall be returned to the applicant. A fee of ~~sixty-nine~~ 88163
one hundred dollars shall be charged by the superintendent for 88164
each successive application made by an applicant. In the case of 88165
issuance of a three-year license, upon passing the examination, or 88166
upon waiver of the examination requirement, if the superintendent 88167

determines it is necessary, the applicant shall submit an 88168
additional fee determined by the superintendent based upon the 88169
number of years remaining in a real estate salesperson's licensing 88170
period. 88171

(C) ~~Four dollars~~ One dollar of each application fee for a 88172
real estate broker's license shall be credited to the real estate 88173
education and research fund, which is hereby created in the state 88174
treasury. The Ohio real estate commission may use the fund in 88175
discharging the duties prescribed in divisions (E), (F), (G), and 88176
(H) of section 4735.03 of the Revised Code and shall use it in the 88177
advancement of education and research in real estate at any 88178
institution of higher education in the state, or in contracting 88179
with any such institution or a trade organization for a particular 88180
research or educational project in the field of real estate, or in 88181
advancing loans, not exceeding eight hundred dollars, to 88182
applicants for salesperson licenses, to defray the costs of 88183
satisfying the educational requirements of division (F) of section 88184
4735.09 of the Revised Code. Such loans shall be made according to 88185
rules established by the commission under the procedures of 88186
Chapter 119. of the Revised Code, and they shall be repaid to the 88187
fund within three years of the time they are made. No more than 88188
ten thousand dollars shall be lent from the fund in any one year. 88189

The governor may appoint a representative from the executive 88190
branch to be a member ex officio of the commission for the purpose 88191
of advising on research requests or educational projects. The 88192
commission shall report to the general assembly on the third 88193
Tuesday after the third Monday in January of each year setting 88194
forth the total amount contained in the fund and the amount of 88195
each research grant that it has authorized and the amount of each 88196
research grant requested. A copy of all research reports shall be 88197
submitted to the state library of Ohio and the library of the 88198
legislative service commission. 88199

(D) If the superintendent, with the consent of the 88200
commission, enters into an agreement with a national testing 88201
service to administer the real estate broker's examination, 88202
pursuant to division (A) of section 4735.07 of the Revised Code, 88203
the superintendent may require an applicant to pay the testing 88204
service's examination fee directly to the testing service. If the 88205
superintendent requires the payment of the examination fee 88206
directly to the testing service, each applicant shall submit to 88207
the superintendent a processing fee in an amount determined by the 88208
Ohio real estate commission pursuant to division (A)(2) of section 88209
4735.10 of the Revised Code. 88210

Sec. 4735.09. (A) Application for a license as a real estate 88211
salesperson shall be made to the superintendent of real estate on 88212
forms furnished by the superintendent and signed by the applicant. 88213
The application shall be in the form prescribed by the 88214
superintendent and shall contain such information as is required 88215
by this chapter and the rules of the Ohio real estate commission. 88216
The application shall be accompanied by the recommendation of the 88217
real estate broker with whom the applicant is associated or with 88218
whom the applicant intends to be associated, certifying that the 88219
applicant is honest, truthful, and of good reputation, has not 88220
been convicted of a felony or a crime involving moral turpitude, 88221
and has not been finally adjudged by a court to have violated any 88222
municipal, state, or federal civil rights laws relevant to the 88223
protection of purchasers or sellers of real estate, which 88224
conviction or adjudication the applicant has not disclosed to the 88225
superintendent, and recommending that the applicant be admitted to 88226
the real estate salesperson examination. 88227

(B) A fee of ~~forty-nine~~ sixty dollars shall accompany the 88228
application, which fee includes the fee for the initial year of 88229
the licensing period, if a license is issued. The application fee 88230
shall be retained by the superintendent if the applicant is 88231

admitted to the examination for the license or the examination 88232
requirement is waived, but, if an applicant is not so admitted and 88233
a waiver is not involved, one-half of the fee shall be retained by 88234
the superintendent to cover the expenses of processing the 88235
application and the other one-half shall be returned to the 88236
applicant. A fee of ~~forty-nine~~ sixty dollars shall be charged by 88237
the superintendent for each successive application made by the 88238
applicant. ~~Four dollars~~ One dollar of each application fee shall 88239
be credited to the real estate education and research fund. 88240

(C) There shall be no limit placed on the number of times an 88241
applicant may retake the examination. 88242

(D) The superintendent, with the consent of the commission, 88243
may enter into an agreement with a recognized national testing 88244
service to administer the real estate salesperson's examination 88245
under the superintendent's supervision and control, consistent 88246
with the requirements of this chapter as to the contents of the 88247
examination. 88248

If the superintendent, with the consent of the commission, 88249
enters into an agreement with a national testing service to 88250
administer the real estate salesperson's examination, the 88251
superintendent may require an applicant to pay the testing 88252
service's examination fee directly to the testing service. If the 88253
superintendent requires the payment of the examination fee 88254
directly to the testing service, each applicant shall submit to 88255
the superintendent a processing fee in an amount determined by the 88256
Ohio real estate commission pursuant to division (A)(1) of section 88257
4735.10 of the Revised Code. 88258

(E) The superintendent shall issue a real estate 88259
salesperson's license when satisfied that the applicant has 88260
received a passing score on each portion of the salesperson's 88261
examination as determined by rule by the real estate commission, 88262
except that the superintendent may waive one or more of the 88263

requirements of this section in the case of an applicant who is a 88264
licensed real estate salesperson in another state pursuant to a 88265
reciprocity agreement with the licensing authority of the state 88266
from which the applicant holds a valid real estate salesperson's 88267
license. 88268

(F) No applicant for a salesperson's license shall take the 88269
salesperson's examination who has not established to the 88270
satisfaction of the superintendent that the applicant: 88271

(1) Is honest, truthful, and of good reputation; 88272

(2)(a) Has not been convicted of a felony or crime of moral 88273
turpitude or, if the applicant has been so convicted, the 88274
superintendent has disregarded the conviction because the 88275
applicant has proven to the superintendent, by a preponderance of 88276
the evidence, that the applicant's activities and employment 88277
record since the conviction show that the applicant is honest, 88278
truthful, and of good reputation, and there is no basis in fact 88279
for believing that the applicant again will violate the laws 88280
involved; 88281

(b) Has not been finally adjudged by a court to have violated 88282
any municipal, state, or federal civil rights laws relevant to the 88283
protection of purchasers or sellers of real estate or, if the 88284
applicant has been so adjudged, at least two years have passed 88285
since the court decision and the superintendent has disregarded 88286
the adjudication because the applicant has proven, by a 88287
preponderance of the evidence, that the applicant is honest, 88288
truthful, and of good reputation, and there is no basis in fact 88289
for believing that the applicant again will violate the laws 88290
involved. 88291

(3) Has not, during any period in which the applicant was 88292
licensed under this chapter, violated any provision of, or any 88293
rule adopted pursuant to this chapter, or, if the applicant has 88294

violated such provision or rule, has established to the 88295
satisfaction of the superintendent that the applicant will not 88296
again violate such provision or rule; 88297

(4) Is at least eighteen years of age; 88298

(5) If born after the year 1950, has a high school diploma or 88299
its equivalent as recognized by the state department of education; 88300

(6)(a) If beginning instruction prior to August 1, 2001, has 88301
successfully completed at an institution of higher education all 88302
of the following: 88303

(i) Thirty hours of classroom instruction in real estate 88304
practice; 88305

(ii) Thirty hours of classroom instruction that includes the 88306
subjects of Ohio real estate law, municipal, state, and federal 88307
civil rights law, new case law on housing discrimination, 88308
desegregation issues, and methods of eliminating the effects of 88309
prior discrimination. If feasible, the classroom instruction in 88310
Ohio real estate law shall be taught by a member of the faculty of 88311
an accredited law school. If feasible, the classroom instruction 88312
in municipal, state, and federal civil rights law, new case law on 88313
housing discrimination, desegregation issues, and methods of 88314
eliminating the effects of prior discrimination shall be taught by 88315
a staff member of the Ohio civil rights commission who is 88316
knowledgeable with respect to those subjects. The requirements of 88317
this division do not apply to an applicant who is admitted to 88318
practice before the supreme court. 88319

(iii) Thirty hours of classroom instruction in real estate 88320
appraisal; 88321

(iv) Thirty hours of classroom instruction in real estate 88322
finance. 88323

(b) Any person who has not been licensed as a real estate 88324

salesperson or broker within a four-year period immediately 88325
preceding the person's current application for the salesperson's 88326
examination shall have successfully completed the classroom 88327
instruction required by division (F)(6)(a) of this section within 88328
a ten-year period immediately preceding the person's current 88329
application for the salesperson's examination. 88330

(7) If beginning instruction, as determined by the 88331
superintendent, on or after August 1, 2001, has successfully 88332
completed at an institution of higher education all of the 88333
following: 88334

(a) Forty hours of classroom instruction in real estate 88335
practice; 88336

(b) Forty hours of classroom instruction that includes the 88337
subjects of Ohio real estate law, municipal, state, and federal 88338
civil rights law, new case law on housing discrimination, 88339
desegregation issues, and methods of eliminating the effects of 88340
prior discrimination. If feasible, the classroom instruction in 88341
Ohio real estate law shall be taught by a member of the faculty of 88342
an accredited law school. If feasible, the classroom instruction 88343
in municipal, state, and federal civil rights law, new case law on 88344
housing discrimination, desegregation issues, and methods of 88345
eliminating the effects of prior discrimination shall be taught by 88346
a staff member of the Ohio civil rights commission who is 88347
knowledgeable with respect to those subjects. The requirements of 88348
this division do not apply to an applicant who is admitted to 88349
practice before the supreme court. 88350

(c) Twenty hours of classroom instruction in real estate 88351
appraisal; 88352

(d) Twenty hours of classroom instruction in real estate 88353
finance. 88354

(G) No later than twelve months after the date of issue of a 88355

real estate salesperson license to a licensee, the licensee shall 88356
submit proof satisfactory to the superintendent, on forms made 88357
available by the superintendent, of completion, at an institution 88358
of higher education or any other institution approved by the 88359
commission, of ten hours of classroom instruction in real estate 88360
courses that cover current issues regarding consumers, real estate 88361
practice, ethics, and real estate law. 88362

If proof of completion of the required instruction is not 88363
submitted within twelve months of the date a license is issued 88364
under this section, the licensee's license is suspended 88365
automatically without the taking of any action by the 88366
superintendent. The superintendent immediately shall notify the 88367
broker with whom such salesperson is associated of the suspension 88368
of the salesperson's license. A salesperson whose license has been 88369
suspended under this division shall have twelve months after the 88370
date of the suspension of the salesperson's license to submit 88371
proof of successful completion of the instruction required under 88372
this division. No such license shall be reactivated by the 88373
superintendent until it is established, to the satisfaction of the 88374
superintendent, that the requirements of this division have been 88375
met and that the licensee is in compliance with this chapter. A 88376
licensee's license is revoked automatically without the taking of 88377
any action by the superintendent when the licensee fails to submit 88378
the required proof of completion of the education requirements 88379
under division (G) of this section within twelve months of the 88380
date the license is suspended. 88381

(H) Examinations shall be administered with reasonable 88382
accommodations in accordance with the requirements of the 88383
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 88384
U.S.C. 12101. The contents of an examination shall be consistent 88385
with the classroom instructional requirements of division (F)(6) 88386
or (7) of this section. An applicant who has completed the 88387

classroom instructional requirements of division (F)(6) or (7) of 88388
this section at the time of application shall be examined no later 88389
than twelve months after the applicant is notified of the 88390
applicant's admission to the examination. 88391

Sec. 4735.12. (A) The real estate recovery fund is hereby 88392
created in the state treasury, to be administered by the 88393
superintendent of real estate. Amounts collected by the 88394
superintendent as prescribed in this section and interest earned 88395
on the assets of the fund shall be credited by the treasurer of 88396
state to the fund. The amount of money in the fund shall be 88397
ascertained by the superintendent as of the first day of July of 88398
each year. 88399

The commission, in accordance with rules adopted under 88400
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 88401
impose a special assessment not to exceed ten dollars per year for 88402
each year of a licensing period on each licensee filing a notice 88403
of renewal under section 4735.14 of the Revised Code if the amount 88404
available in the fund is less than ~~one million~~ five hundred
thousand dollars on the first day of July preceding that filing. 88405
The commission may impose a special assessment not to exceed five 88406
dollars per year for each year of a licensing period if the amount 88407
available in the fund is greater than one million dollars, but 88408
less than two million dollars on the first day of July preceding 88409
that filing. The commission shall not impose a special assessment 88410
if the amount available in the fund exceeds two million dollars on 88411
the first day of July preceding that filing. 88412
88413

(B)(1) Any person who obtains a final judgment in any court 88414
of competent jurisdiction against any broker or salesperson 88415
licensed under this chapter, on the grounds of conduct that is in 88416
violation of this chapter or the rules adopted under it, and that 88417
is associated with an act or transaction that only a licensed real 88418

estate broker or licensed real estate salesperson is authorized to 88419
perform as specified in division (A) or (C) of section 4735.01 of 88420
the Revised Code, may file a verified application, as described in 88421
division (B)(3) of this section, in ~~any~~ the court of common pleas 88422
of Franklin county for an order directing payment out of the real 88423
estate recovery fund of the portion of the judgment that remains 88424
unpaid and that represents the actual and direct loss sustained by 88425
the applicant. 88426

(2) Punitive damages, attorney's fees, and interest on a 88427
judgment are not recoverable from the fund. In the discretion of 88428
the superintendent of real estate, court costs may be recovered 88429
from the fund, and, if the superintendent authorizes the recovery 88430
of court costs, the order of the court of common pleas then may 88431
direct their payment from the fund. 88432

(3) The application shall specify the nature of the act or 88433
transaction upon which the underlying judgment was based, the 88434
activities of the applicant in pursuit of remedies available under 88435
law for the collection of judgments, and the actual and direct 88436
losses, attorney's fees, and the court costs sustained or incurred 88437
by the applicant. The applicant shall attach to the application a 88438
copy of each pleading and order in the underlying court action. 88439

(4) The court shall order the superintendent to make such 88440
payments out of the fund when the person seeking the order has 88441
shown all of the following: 88442

(a) The person has obtained a judgment, as provided in this 88443
division; 88444

(b) All appeals from the judgment have been exhausted and the 88445
person has given notice to the superintendent, as required by 88446
division (C) of this section; 88447

(c) The person is not a spouse of the judgment debtor, or the 88448
personal representative of such spouse; 88449

(d) The person has diligently pursued the person's remedies 88450
against all the judgment debtors and all other persons liable to 88451
the person in the transaction for which the person seeks recovery 88452
from the fund; 88453

(e) The person is making the person's application not more 88454
than one year after termination of all proceedings, including 88455
appeals, in connection with the judgment. 88456

(5) Divisions (B)(1) to (4) of this section do not apply to 88457
any of the following: 88458

(a) Actions arising from property management accounts 88459
maintained in the name of the property owner; 88460

(b) A bonding company when it is not a principal in a real 88461
estate transaction; 88462

(c) A person in an action for the payment of a commission or 88463
fee for the performance of an act or transaction specified or 88464
comprehended in division (A) or (C) of section 4735.01 of the 88465
Revised Code; 88466

(d) Losses incurred by investors in real estate if the 88467
applicant and the licensee are principals in the investment. 88468

(C) A person who applies to a court of common pleas for an 88469
order directing payment out of the fund shall file notice of the 88470
application with the superintendent. The superintendent may defend 88471
any such action on behalf of the fund and shall have recourse to 88472
all appropriate means of defense and review, including examination 88473
of witnesses, verification of actual and direct losses, and 88474
challenges to the underlying judgment required in division 88475
(B)(4)(a) of this section to determine whether the underlying 88476
judgment is based on activity only a licensed broker or licensed 88477
salesperson is permitted to perform. The superintendent may move 88478
the court at any time to dismiss the application when it appears 88479
there are no triable issues and the application is without merit. 88480

The motion may be supported by affidavit of any person having 88481
knowledge of the facts and may be made on the basis that the 88482
application, including the judgment referred to in it, does not 88483
form the basis for a meritorious recovery claim; provided, that 88484
the superintendent shall give written notice to the applicant at 88485
least ten days before such motion. The superintendent may, subject 88486
to court approval, compromise a claim based upon the application 88487
of an aggrieved party. The superintendent shall not be bound by 88488
any prior compromise or stipulation of the judgment debtor. 88489

(D) Notwithstanding any other provision of this section, the 88490
liability of the fund shall not exceed forty thousand dollars for 88491
any one licensee. If a licensee's license is reactivated as 88492
provided in division (E) of this section, the liability of the 88493
fund for the licensee under this section shall again be forty 88494
thousand dollars, but only for transactions that occur subsequent 88495
to the time of reactivation. 88496

If the forty-thousand-dollar liability of the fund is 88497
insufficient to pay in full the valid claims of all aggrieved 88498
persons by whom claims have been filed against any one licensee, 88499
the forty thousand dollars shall be distributed among them in the 88500
ratio that their respective claims bear to the aggregate of valid 88501
claims or in such other manner as the court finds equitable. 88502
Distribution of moneys shall be among the persons entitled to 88503
share in it, without regard to the order of priority in which 88504
their respective judgments may have been obtained or their claims 88505
have been filed. Upon petition of the superintendent, the court 88506
may require all claimants and prospective claimants against one 88507
licensee to be joined in one action, to the end that the 88508
respective rights of all such claimants to the fund may be 88509
equitably adjudicated and settled. 88510

(E) If the superintendent pays from the fund any amount in 88511
settlement of a claim or toward satisfaction of a judgment against 88512

a licensed broker or salesperson, the license of the broker or 88513
salesperson shall be automatically suspended upon the date of 88514
payment from the fund. The superintendent shall not reactivate the 88515
suspended license of that broker or salesperson until the broker 88516
or salesperson has repaid in full, plus interest per annum at the 88517
rate specified in division (A) of section 1343.03 of the Revised 88518
Code, the amount paid from the fund on the broker's or 88519
salesperson's account. A discharge in bankruptcy does not relieve 88520
a person from the suspension and requirements for reactivation 88521
provided in this section unless the underlying judgment has been 88522
included in the discharge and has not been reaffirmed by the 88523
debtor. 88524

(F) If, at any time, the money deposited in the fund is 88525
insufficient to satisfy any duly authorized claim or portion of a 88526
claim, the superintendent shall, when sufficient money has been 88527
deposited in the fund, satisfy such unpaid claims or portions, in 88528
the order that such claims or portions were originally filed, plus 88529
accumulated interest per annum at the rate specified in division 88530
(A) of section 1343.03 of the Revised Code. 88531

(G) When, upon the order of the court, the superintendent has 88532
paid from the fund any sum to the judgment creditor, the 88533
superintendent shall be subrogated to all of the rights of the 88534
judgment creditor to the extent of the amount so paid, and the 88535
judgment creditor shall assign all the judgment creditor's right, 88536
title, and interest in the judgment to the superintendent to the 88537
extent of the amount so paid. Any amount and interest so recovered 88538
by the superintendent on the judgment shall be deposited in the 88539
fund. 88540

(H) Nothing contained in this section shall limit the 88541
authority of the superintendent to take disciplinary action 88542
against any licensee under other provisions of this chapter; nor 88543
shall the repayment in full of all obligations to the fund by any 88544

licensee nullify or modify the effect of any other disciplinary 88545
proceeding brought pursuant to this chapter. 88546

(I) The superintendent shall collect from the fund a service 88547
fee in an amount equivalent to the interest rate specified in 88548
division (A) of section 1343.03 of the Revised Code multiplied by 88549
the annual interest earned on the assets of the fund, to defray 88550
the expenses incurred in the administration of the fund. 88551

Sec. 4735.13. (A) The license of a real estate broker shall 88552
be prominently displayed in the office or place of business of the 88553
broker, and no license shall authorize the licensee to do business 88554
except from the location specified in it. If the broker maintains 88555
more than one place of business within the state, the broker shall 88556
apply for and procure a duplicate license for each branch office 88557
maintained by the broker. Each branch office shall be in the 88558
charge of a licensed broker or salesperson. The branch office 88559
license shall be prominently displayed at the branch office 88560
location. 88561

(B) The license of each real estate salesperson shall be 88562
mailed to and remain in the possession of the licensed broker with 88563
whom the salesperson is or is to be associated until the licensee 88564
places the license on inactive, voluntary hold, or resigned status 88565
or until the salesperson leaves the brokerage or is terminated. 88566
The broker shall keep each salesperson's license in a way that it 88567
can, and shall on request, be made immediately available for 88568
public inspection at the office or place of business of the 88569
broker. Except as provided in divisions (G) and (H) of this 88570
section, immediately upon the salesperson's leaving the 88571
association or termination of the association of a real estate 88572
salesperson with the broker, the broker shall return the 88573
salesperson's license to the superintendent of real estate. 88574

The failure of a broker to return the license of a real 88575

estate salesperson or broker who leaves or who is terminated, via 88576
certified mail return receipt requested, within three business 88577
days of the receipt of a written request from the superintendent 88578
for the return of the license, is prima-facie evidence of 88579
misconduct under division (A)(6) of section 4735.18 of the Revised 88580
Code. 88581

(C) Any licensee who is convicted of a felony or a crime 88582
involving moral turpitude or of violating any federal, state, or 88583
municipal civil rights law pertaining to discrimination in 88584
housing, or any court that issues a finding of an unlawful 88585
discriminatory practice pertaining to housing accommodations 88586
described in division (H) of section 4112.02 of the Revised Code 88587
or that convicts a licensee of a violation of any municipal civil 88588
rights law pertaining to housing discrimination, shall notify the 88589
superintendent of the conviction or finding within fifteen days. 88590
If a licensee fails to notify the superintendent within the 88591
required time, the superintendent immediately may revoke the 88592
license of the licensee. 88593

Any court that convicts a licensee of a violation of any 88594
municipal civil rights law pertaining to housing discrimination 88595
also shall notify the Ohio civil rights commission within fifteen 88596
days of the conviction. 88597

(D) In case of any change of business location, a broker 88598
shall give notice in writing to the superintendent, whereupon the 88599
superintendent shall issue new licenses for the unexpired period 88600
without charge. If a broker changes a business location without 88601
giving the required notice and without receiving new licenses that 88602
action is prima-facie evidence of misconduct under division (A)(6) 88603
of section 4735.18 of the Revised Code. 88604

(E) If a real estate broker desires to associate with another 88605
real estate broker in the capacity of a real estate salesperson, 88606
the broker shall apply to the superintendent to deposit the 88607

broker's real estate broker's license with the superintendent and 88608
for the issuance of a real estate salesperson's license. The 88609
application shall be made on a form prescribed by the 88610
superintendent and shall be accompanied by the recommendation of 88611
the real estate broker with whom the applicant intends to become 88612
associated and a fee of twenty-five dollars for the real estate 88613
salesperson's license. ~~Four dollars~~ One dollar of the fee shall be 88614
credited to the real estate education and research fund. If the 88615
superintendent is satisfied that the applicant is honest, 88616
truthful, and of good reputation, has not been convicted of a 88617
felony or a crime involving moral turpitude, and has not been 88618
finally adjudged by a court to have violated any municipal, state, 88619
or federal civil rights laws relevant to the protection of 88620
purchasers or sellers of real estate, and that the association of 88621
the real estate broker and the applicant will be in the public 88622
interest, the superintendent shall grant the application and issue 88623
a real estate salesperson's license to the applicant. Any license 88624
so deposited with the superintendent shall be subject to this 88625
chapter. A broker who intends to deposit the broker's license with 88626
the superintendent, as provided in this section, shall give 88627
written notice of this fact in a format prescribed by the 88628
superintendent to all salespersons associated with the broker when 88629
applying to place the broker's license on deposit. 88630

(F) If a real estate broker desires to become a member or 88631
officer of a partnership, association, limited liability company, 88632
limited liability partnership, or corporation that is or intends 88633
to become a licensed real estate broker, the broker shall notify 88634
the superintendent of the broker's intentions. The notice of 88635
intention shall be on a form prescribed by the superintendent and 88636
shall be accompanied by a fee of twenty-five dollars. ~~Four dollars~~ 88637
One dollar of the fee shall be credited to the real estate 88638
education and research fund. 88639

No real estate broker who is a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is a licensed real estate broker shall perform any acts as a real estate broker other than as the agent of the partnership, association, limited liability company, limited liability partnership, or corporation, and such broker shall not have any real estate salespersons associated with the broker.

(G) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter. Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's discharge. The commission shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.15. (A) The fees for reactivation or transfer of a license shall be as follows:

(1) Reactivation or transfer of a broker's license into or out of a partnership, association, limited liability company, limited liability partnership, or corporation or from one partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, twenty-five dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.

(2) Reactivation or transfer of a license by a real estate salesperson, ~~twenty~~ twenty-five dollars.

(B) Except as may otherwise be specified pursuant to division (F) of this section, the nonrefundable fees for a branch office license, license renewal, late filing, and foreign real estate dealer and salesperson license are as follows per year for each year of a licensing period:

(1) Branch office license, ~~eight~~ fifteen dollars;

(2) Renewal of a real estate broker's license, ~~forty-nine~~ sixty dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.

(3) Renewal of a real estate salesperson's license, 88702
~~thirty-nine~~ forty-five dollars; 88703

(4) Renewal of a real estate broker's or salesperson's 88704
license filed within twelve months after the licensee's renewal 88705
date, an additional late filing penalty of fifty per cent of the 88706
required fee; 88707

(5) Foreign real estate dealer's license and each renewal of 88708
the license, thirty dollars per salesperson employed by the 88709
dealer, but not less than one hundred fifty dollars; 88710

(6) Foreign real estate salesperson's license and each 88711
renewal of the license, fifty dollars. 88712

(C) All fees collected under this section shall be paid to 88713
the treasurer of state. ~~Four dollars~~ One dollar of each such fee 88714
shall be credited to the real estate education and research fund, 88715
except that for fees that are assessed only once every three 88716
years, ~~twelve~~ three dollars of each triennial fee shall be 88717
credited to the real estate education and research fund. 88718

(D) In all cases, the fee and any penalty shall accompany the 88719
application for the license, license transfer, or license 88720
reactivation or shall accompany the filing of the renewal. 88721

(E) The commission may establish by rule reasonable fees for 88722
services not otherwise established by this chapter. 88723

(F) The commission may adopt rules that provide for a 88724
reduction in the fees established in divisions (B)(2) and (3) of 88725
this section. 88726

Sec. 4740.03. (A) The administrative section of the Ohio 88727
construction industry licensing board annually shall elect from 88728
among its members a chairperson and other officers as the board, 88729
by rule, designates. The chairperson shall preside over meetings 88730
of the administrative section or designate another member to 88731

preside in the chairperson's absence. The administrative section 88732
shall hold at least two regular meetings each year, but may meet 88733
at additional times as specified by rule, at the call of the 88734
chairperson, or upon the request of two or more members. A 88735
majority of the members of the administrative section constitutes 88736
a quorum for the transaction of all business. The administrative 88737
section may not take any action without the concurrence of at 88738
least three of its members. 88739

(B)(1) The administrative section shall employ a secretary, 88740
who is not a member of the board, to serve at the pleasure of the 88741
administrative section, and shall fix the compensation of the 88742
secretary. The secretary shall be in the unclassified civil 88743
service of the state. 88744

(2) The secretary shall do all of the following: 88745

(a) Keep or set standards for and delegate to another person 88746
the keeping of the minutes, books, and other records and files of 88747
the board and each section of the board; 88748

(b) Issue all licenses in the name of the board; 88749

(c) Send out all notices, including advance notices of 88750
meetings of the board and each section of the board, and attend to 88751
all correspondence of the board and each section of the board, 88752
under the direction of the administrative section; 88753

(d) Receive and deposit all fees payable pursuant to this 88754
chapter into the ~~industrial-compliance~~ labor operating fund 88755
created pursuant to section 121.084 of the Revised Code; 88756

(e) Perform all other duties incidental to the office of the 88757
secretary or properly assigned to the secretary by the 88758
administrative section of the board. 88759

(3) Before entering upon the discharge of the duties of the 88760
secretary, the secretary shall file with the treasurer of state a 88761

bond in the sum of five thousand dollars, payable to the state, to 88762
ensure the faithful performance of the secretary's duties. The 88763
board shall pay the premium of the bond in the same manner as it 88764
pays other expenditures of the board. 88765

(C) Upon the request of the administrative section of the 88766
board, the director of commerce shall supply the board and its 88767
sections with personnel, office space, and supplies, as the 88768
director determines appropriate. The administrative section of the 88769
board shall employ any additional staff it considers necessary and 88770
appropriate. 88771

(D) The chairperson of the board or the secretary, or both, 88772
as authorized by the board, shall approve all vouchers of the 88773
board. 88774

Sec. 4740.11. The Ohio construction industry licensing board 88775
and its sections shall deposit all receipts and fines collected 88776
under this chapter into the state treasury to the credit of the 88777
~~industrial compliance labor~~ operating fund created in section 88778
121.084 of the Revised Code. 88779

Sec. 4740.14. (A) There is hereby created within the 88780
department of commerce the residential construction advisory 88781
committee consisting of nine persons the director of commerce 88782
appoints. Of the advisory committee's members, three shall be 88783
general contractors who have recognized ability and experience in 88784
the construction of residential buildings, two shall be building 88785
officials who have experience administering and enforcing a 88786
residential building code, one, chosen from a list of three names 88787
the Ohio fire chief's association submits, shall be from the fire 88788
service certified as a fire safety inspector who has at least ten 88789
years of experience enforcing fire or building codes, one shall be 88790
a residential contractor who has recognized ability and experience 88791

in the remodeling and construction of residential buildings, one 88792
shall be an architect registered pursuant to Chapter 4703. of the 88793
Revised Code, with recognized ability and experience in the 88794
architecture of residential buildings, and one, chosen from a list 88795
of three names the Ohio municipal league submits to the director, 88796
shall be a mayor of a municipal corporation in which the Ohio 88797
residential building code is being enforced in the municipal 88798
corporation by a certified building department. 88799

(B) The director shall make appointments to the advisory 88800
committee within ninety days after May 27, 2005. Terms of office 88801
shall be for three years, with each term ending on the date three 88802
years after the date of appointment. Each member shall hold office 88803
from the date of appointment until the end of the term for which 88804
the member was appointed. The director shall fill a vacancy in the 88805
manner provided for initial appointments. Any member appointed to 88806
fill a vacancy in an unexpired term shall hold office for the 88807
remainder of that term. 88808

(C) The advisory committee shall do all of the following: 88809

(1) Recommend to the board of building standards a building 88810
code for residential buildings. The committee shall recommend a 88811
code that it models on a residential building code a national 88812
model code organization issues, with adaptations necessary to 88813
implement the code in this state. If the board of building 88814
standards decides not to adopt a code the committee recommends, 88815
the committee shall revise the code and resubmit it until the 88816
board adopts a code the committee recommends as the state 88817
residential building code; 88818

(2) Provide the board with any rule the committee recommends 88819
to update or amend the state residential building code or to 88820
update or amend rules that the board adopts pursuant to division 88821
(E) of section 3781.10 of the Revised Code that relate to the 88822

<u>certification of entities that enforce the state residential</u>	88823
<u>building code;</u>	88824
<u>(3)</u> Advise the board regarding the establishment of standards	88825
for certification of building officials who enforce the state	88826
residential building code;	88827
(3) <u>(4)</u> Assist the board in providing information and guidance	88828
to residential contractors and building officials who enforce the	88829
state residential building code;	88830
(4) <u>(5)</u> Advise the board regarding the interpretation of the	88831
state residential building code;	88832
(5) <u>(6)</u> Provide other assistance the committee considers	88833
necessary;	88834
<u>(7) Provide the board with a written report of the</u>	88835
<u>committee's findings for each consideration required by division</u>	88836
<u>(D) of this section;</u>	88837
<u>(8) Provide the board with any rule the committee recommends</u>	88838
<u>regarding the state residential building code or relating to the</u>	88839
<u>certification of entities that enforce the state residential</u>	88840
<u>building code after receiving a petition as described in division</u>	88841
<u>(A)(2) of section 3781.12 of the Revised Code.</u>	88842
(D) In making <u>The committee shall not make</u> its recommendation	88843
to the board pursuant to division <u>divisions (C)(1), (2), (3), (5),</u>	88844
<u>and (8) of this section,</u> until the advisory committee shall	88845
consider <u>has considered</u> all of the following:	88846
(1) The impact that the state residential building code may	88847
have upon the health, safety, and welfare of the public;	88848
(2) The economic reasonableness of the residential building	88849
code;	88850
(3) The technical feasibility of the residential building	88851
code;	88852

(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing. 88853
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(E) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the ~~industrial compliance labor~~ operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that fund. 88855
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(F) The advisory committee is not subject to divisions (A) and (B) of section 101.84 of the Revised Code. 88865
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Sec. 4741.41. There is hereby created the veterinarian loan repayment program. Under the program, the ~~Ohio board of regents state veterinary medical licensing board~~, by means of a contract entered into under section 4741.44 of the Revised Code, may agree to repay all or part of the principal and interest of a government or other educational loan taken out by a veterinarian for the following expenses if the expenses were incurred while the veterinarian was enrolled, for a maximum of four years, in a veterinary college in the United States that, during the time of enrollment, was approved by the ~~state veterinary medical licensing board~~ or accredited by the American veterinary medical association: 88867
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(A) Tuition; 88879

(B) Other educational expenses, such as fees, books, and laboratory expenses, for specific purposes and in amounts determined to be reasonable by the ~~state veterinary medical licensing board~~; 88880
88881
88882
88883

(C) Room and board, in an amount determined to be reasonable 88884
by the ~~state veterinary medical licensing~~ board. 88885

No repayment shall exceed twenty thousand dollars in any 88886
year. If, however, a repayment results in an increase in the 88887
veterinarian's federal, state, or local income tax liability, the 88888
~~Ohio board of regents~~ board, at the veterinarian's request ~~and~~ 88889
~~with the approval of the state veterinary medical licensing board,~~ 88890
may reimburse the veterinarian for the increased tax liability 88891
regardless of the amount of the repayment made to the veterinarian 88892
in that year. 88893

Sec. 4741.44. (A) A veterinarian who has signed a letter of 88894
intent under section 4741.43 of the Revised Code, and the state 88895
veterinary medical licensing board, ~~and the Ohio board of regents~~ 88896
may enter into a contract for the veterinarian's participation in 88897
the veterinarian loan repayment program. A lending institution 88898
also may be a party to the contract. 88899

(B) The contract shall include all of the following 88900
obligations: 88901

(1) The veterinarian agrees to provide large animal 88902
veterinary services or to provide veterinary services necessary to 88903
implement or enforce the law or to protect public health, as 88904
applicable, in a veterinary resource shortage area identified in 88905
the letter of intent for at least two years or one year per ten 88906
thousand dollars of repayment agreed to under division (B)(3) of 88907
this section, whichever is greater. 88908

(2) When providing veterinary services in the veterinary 88909
resource shortage area, the veterinarian agrees to do both of the 88910
following: 88911

(a) Provide veterinary services for a minimum of forty hours 88912
per week; 88913

(b) Devote not less than sixty per cent of total monthly 88914
veterinary services to large animal veterinary services or 88915
veterinary services necessary to implement or enforce the law or 88916
to protect public health, as applicable. 88917

(3) The ~~Ohio board of regents~~ state veterinary medical 88918
licensing board agrees, as provided in section 4741.41 of the 88919
Revised Code, to repay, so long as the veterinarian performs the 88920
service obligation agreed to under division (B)(1) of this 88921
section, all or part of the principal and interest of a government 88922
or other educational loan taken by the veterinarian for expenses 88923
described in section 4741.41 of the Revised Code. 88924

(4) The veterinarian agrees to pay the ~~Ohio board of regents~~ 88925
state veterinary medical licensing board the following as damages 88926
if the veterinarian fails to complete the service obligation 88927
agreed to under division (B)(1) of this section: 88928

(a) If the failure occurs during the first two years of the 88929
service obligation, two times the total amount the board has 88930
agreed to pay under division (B)(3) of this section; 88931

(b) If the failure occurs after the first two years of the 88932
service obligation, two times the total amount the board is still 88933
obligated to repay under division (B)(3) of this section. 88934

(C) The contract may include any other terms agreed upon by 88935
the parties, including an assignment to the ~~Ohio board of regents~~ 88936
state veterinary medical licensing board of the veterinarian's 88937
duty to pay the principal and interest of a government or other 88938
educational loan taken by the veterinarian for expenses described 88939
in section 4741.41 of the Revised Code. If the ~~Ohio board of~~ 88940
~~regents~~ state veterinary medical licensing board assumes the 88941
veterinarian's duty to pay a loan, the contract shall set forth 88942
the total amount of principal and interest to be paid, an 88943
amortization schedule, and the amount of each payment to be made 88944

under the schedule. 88945

(D) Not later than the thirty-first day of January each year, 88946
the ~~Ohio board of regents~~ board shall mail to each veterinarian to 88947
whom or on whose behalf repayment is made under section 4741.41 of 88948
the Revised Code a statement showing the amount of principal and 88949
interest repaid by the ~~Ohio board of regents~~ board in the 88950
preceding year pursuant to the contract. The statement shall be 88951
sent by ordinary mail with address correction and forwarding 88952
requested in the manner prescribed by the United States postal 88953
service. 88954

Sec. 4741.45. The state veterinary medical licensing board, 88955
in accordance with Chapter 119. of the Revised Code, shall adopt 88956
rules that do all of the following: 88957

(A) Define "large animal veterinary services," "veterinary 88958
services necessary to implement or enforce the law," and 88959
"veterinary services necessary to protect public health"; 88960

(B) Designate veterinary resource shortage areas comprised of 88961
areas in this state that have limited access to each of the 88962
following: 88963

(1) Large animal veterinary services; 88964

(2) Veterinary services necessary to implement or enforce the 88965
law; 88966

(3) Veterinary services necessary to protect public health. 88967

The designations may apply to a geographic area, one or more 88968
facilities within a particular area, or a population group of 88969
animals within a particular area. 88970

(C) Establish priorities among veterinary resource shortage 88971
areas for use in recruiting veterinarians under the veterinarian 88972
loan repayment program; 88973

(D) Establish priorities for use in determining eligibility 88974
among applicants for participation in the veterinarian loan 88975
repayment program; 88976

(E) Establish any other requirement or procedure that is 88977
necessary to implement and administer sections 4741.40 to 4741.47 88978
of the Revised Code. 88979

In adopting the rules, the board shall consult with the state 88980
veterinarian ~~and the Ohio board of regents.~~ 88981

Sec. 4741.46. (A) The state veterinary medical licensing 88982
board may accept gifts of money from any source for the 88983
implementation and administration of sections 4741.40 to 4741.45 88984
of the Revised Code. The board shall deposit all gifts so accepted 88985
into the state treasury to the credit of the veterinary resource 88986
shortage area fund, which is hereby created. The board shall use 88987
the fund for the implementation and administration of sections 88988
4741.40 to 4741.45 of the Revised Code. 88989

(B) The ~~Ohio board of regents~~ board may accept gifts of money 88990
from any source for the ~~implementation and administration of~~ 88991
~~sections~~ purposes of providing loans under the veterinarian loan 88992
repayment program created in section 4741.41 ~~and 4741.44~~ of the 88993
Revised Code. The board shall deposit all gifts so accepted 88994
together with all damages collected under division (B)(4) of 88995
section 4741.44 of the Revised Code into the state treasury to the 88996
credit of the veterinarian loan repayment fund, which is hereby 88997
created. The fund also shall consist of the portion of biennial 88998
renewal fees that is credited to the fund under section 4741.17 of 88999
the Revised Code. The board shall use the fund for the 89000
implementation and administration of the veterinarian loan 89001
repayment program ~~created in section 4741.41 of the Revised Code.~~ 89002

Sec. 4755.06. The occupational therapy section of the Ohio 89003

occupational therapy, physical therapy, and athletic trainers	89004
board may make reasonable rules in accordance with Chapter 119. of	89005
the Revised Code relating to, but not limited to, the following:	89006
(A) The form and manner for filing applications for licensure	89007
under sections 4755.04 to 4755.13 of the Revised Code;	89008
(B) The issuance, suspension, and revocation of the licenses	89009
and the conducting of investigations and hearings;	89010
(C) Standards for approval of courses of study relative to	89011
the practice of occupational therapy;	89012
(D) The time and form of examination for the licensure;	89013
(E) Standards of ethical conduct in the practice of	89014
occupational therapy;	89015
(F) The form and manner for filing applications for renewal	89016
and a schedule of deadlines for renewal;	89017
(G) Late fees and the <u>The</u> conditions under which a license of	89018
a licensee who files a late application for renewal will be	89019
reinstated;	89020
(H) Placing an existing license in escrow;	89021
(I) The amount, scope, and nature of continuing education	89022
activities required for license renewal, including waivers and the	89023
establishment of appropriate fees to be charged for the	89024
administrative costs associated with the review of <u>the</u> continuing	89025
education activities <u>requirements</u> ;	89026
(J) Limited permit guidelines <u>Guidelines for limited permits</u> ;	89027
(K) Requirements for criminal records checks of applicants	89028
under section 4776.03 of the Revised Code;	89029
(L) <u>The amounts to be charged for the fees specified in</u>	89030
<u>section 4755.12 of the Revised Code</u> ;	89031
(M) <u>The establishment of fees under division (A)(9) of</u>	89032

section 4755.12 of the Revised Code and the amounts to be charged 89033
for the fees. 89034

The section may hear testimony in matters relating to the 89035
duties imposed upon it, and the chairperson and secretary of the 89036
section may administer oaths. The section may require proof, 89037
beyond the evidence found in the application, of the honesty, 89038
truthfulness, and good reputation of any person named in an 89039
application for ~~such~~ licensure, before admitting the applicant to 89040
an examination or issuing a license. 89041

Sec. 4755.12. (A) The occupational therapy section of the 89042
Ohio occupational therapy, physical therapy, and athletic trainers 89043
board shall charge ~~a~~ all of the following fees: 89044

~~(1) A nonrefundable examination fee, established pursuant to~~ 89045
~~section 4755.03 of the Revised Code,~~ which is to be paid at the 89046
time of application for licensure. 89047

~~The section shall charge an;~~ 89048

(2) An application fee for an initial license; 89049

~~(3) An initial licensure fee, established pursuant to section~~ 89050
~~4755.03 of the Revised Code.~~ 89051

~~The section shall charge a;~~ 89052

(4) A fee for biennial renewal fee and shall charge a of a 89053
license; 89054

(5) A fee for late renewal of a license; 89055

(6) An appropriate fee for the administrative costs 89056
associated with the review of continuing education activities; 89057

~~(7) A fee for a limited permit, established pursuant to;~~ 89058

(8) A fee for verification of a license; 89059

(9) Any other fee the occupational therapy section considers 89060

appropriate and establishes in rules adopted under section 4755.03 89061
4755.06 of the Revised Code. 89062

(B) Any person who is qualified to practice occupational 89063
therapy as certified by the section, but who is not in the active 89064
practice, as defined by section rule, may register with the 89065
section as a nonactive licensee at a biennial fee, ~~established~~ 89066
~~pursuant to section 4755.03 of the Revised Code.~~ 89067

(C) The section may, by rule, provide for the waiver of all 89068
or part of a fee when the license is issued less than one hundred 89069
days before the date on which it will expire. 89070

(D) Except when all or part of a fee is waived under division 89071
(C) of this section, the amount charged by the occupational 89072
therapy section for each of its fees shall be the applicable 89073
amount determined in rules adopted under section 4755.06 of the 89074
Revised Code. 89075

Sec. 4757.10. The counselor, social worker, and marriage and 89076
family therapist board may adopt any rules necessary to carry out 89077
this chapter. 89078

The board shall adopt rules that do all of the following: 89079

(A) Concern intervention for and treatment of any impaired 89080
person holding a license or certificate of registration issued 89081
under this chapter; 89082

(B) Establish standards for training and experience of 89083
supervisors described in division (C) of section 4757.30 of the 89084
Revised Code; 89085

(C) Define the requirement that an applicant be of good moral 89086
character in order to be licensed or registered under this 89087
chapter; 89088

(D) Establish requirements for criminal records checks of 89089
applicants under section 4776.03 of the Revised Code; 89090

(E) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code.

All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. When it adopts rules under this section or any other section of this chapter, the board may consider standards established by any national association or other organization representing the interests of those involved in professional counseling, social work, or marriage and family therapy.

Sec. 4757.31. (A) Subject to division (B) of this section, the counselor, social worker, and marriage and family therapist board shall establish, and may from time to time adjust, fees to be charged for the following:

(1) Examination for licensure as a professional clinical counselor, professional counselor, marriage and family therapist, independent marriage and family therapist, social worker, or independent social worker;

(2) Initial licenses of professional clinical counselors, professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers, except that the board shall charge only one fee to a person who fulfills all requirements for more than one of the following initial licenses: an initial license as a social worker or independent social worker, an initial license as a professional counselor or professional clinical counselor, and an initial license as a marriage and family therapist or independent marriage and family therapist;

(3) Initial certificates of registration of social work

assistants;	89122
(4) Renewal <u>and late renewal</u> of licenses of professional	89123
clinical counselors, professional counselors, marriage and family	89124
therapists, independent marriage and family therapists, social	89125
workers, and independent social workers and renewal <u>and late</u>	89126
<u>renewal</u> of certificates of registration of social work assistants;	89127
<u>(5) Verification, to another jurisdiction, of a license or</u>	89128
<u>registration issued by the board;</u>	89129
<u>(6) Continuing education programs offered by the board to</u>	89130
<u>licensees or registrants.</u>	89131
(B) The fees charged under division (A)(1) of this section	89132
shall be established in amounts sufficient to cover the direct	89133
expenses incurred in examining applicants for licensure. The fees	89134
charged under divisions (A)(2), (3), and (4) <u>to (6)</u> of this	89135
section shall be nonrefundable and shall be established in amounts	89136
sufficient to cover the necessary expenses in administering this	89137
chapter and rules adopted under it that are not covered by fees	89138
charged under division (A)(1) or (C) of this section. The renewal	89139
fee for a license or certificate of registration shall not be less	89140
than the initial fee for that license or certificate. The fees	89141
charged for licensure and registration and the renewal of	89142
licensure and registration may differ for the various types of	89143
licensure and registration, but shall not exceed one hundred	89144
twenty-five dollars each, unless the board determines that amounts	89145
in excess of one hundred twenty-five dollars are needed to cover	89146
its necessary expenses in administering this chapter and rules	89147
adopted under it and the amounts in excess of one hundred	89148
twenty-five dollars are approved by the controlling board.	89149
(C) All receipts of the board shall be deposited in the state	89150
treasury to the credit of the occupational licensing and	89151
regulatory fund. All vouchers of the board shall be approved by	89152

the chairperson or executive director of the board, or both, as 89153
authorized by the board. 89154

Sec. 4757.36. (A) The appropriate professional standards 89155
~~committees~~ committee of the counselor, social worker, and marriage 89156
and family therapist board may, in accordance with Chapter 119. of 89157
the Revised Code, ~~may refuse to issue a license or certificate of~~ 89158
~~registration applied for under this chapter; refuse to renew a~~ 89159
~~license or certificate of registration issued under this chapter;~~ 89160
~~suspend, revoke, or otherwise restrict a license or certificate of~~ 89161
~~registration issued under this chapter; or reprimand a person~~ 89162
~~holding a license or certificate of registration issued under this~~ 89163
~~chapter. Such actions may be taken by the appropriate committee if~~ 89164
~~the applicant for a license or certificate of registration or the~~ 89165
~~person holding a license or certificate of registration has take~~ 89166
any action specified in division (B) of this section against an 89167
individual who has applied for or holds a license to practice as a 89168
professional clinical counselor, professional counselor, 89169
independent marriage and family therapist, marriage and family 89170
therapist, social worker, or independent social worker, or a 89171
certificate of registration to practice as a social work 89172
assistant, for any reason described in division (C) of this 89173
section. 89174

(B) In its imposition of sanctions against an individual, the 89175
board may do any of the following: 89176

(1) Refuse to issue a license or certificate of registration; 89177

(2) Suspend, revoke, or otherwise restrict a license or 89178
certificate of registration; 89179

(3) Reprimand an individual holding a license or certificate 89180
of registration; 89181

(4) Impose a fine in accordance with the graduated system of 89182

<u>fin</u> es established by the board in rules adopted under section	89183
<u>4757.10 of the Revised Code.</u>	89184
<u>(C) The appropriate professional standards committee of the</u>	89185
<u>board may take an action specified in division (B) of this section</u>	89186
<u>for any of the following reasons:</u>	89187
(1) Committed a violation of <u>Commission of an act that</u>	89188
<u>violates</u> any provision of this chapter or rules adopted under it;	89189
(2) Knowingly made <u>making</u> a false statement on an application	89190
for licensure or registration, or for renewal of a license or	89191
certificate of registration;	89192
(3) Accepted <u>Accepting</u> a commission or rebate for referring	89193
persons to any professionals licensed, certified, or registered by	89194
any court or board, commission, department, division, or other	89195
agency of the state, including, but not limited to, individuals	89196
practicing counseling, social work, or marriage and family therapy	89197
or practicing in fields related to counseling, social work, or	89198
marriage and family therapy;	89199
(4) Failed <u>A failure</u> to comply with section 4757.12 of the	89200
Revised Code;	89201
(5) Been convicted <u>A conviction</u> in this or any other state of	89202
any <u>a</u> crime that is a felony in this state;	89203
(6) Had the ability <u>A failure</u> to perform properly as a	89204
professional clinical counselor, professional counselor,	89205
independent marriage and family therapist, marriage and family	89206
therapist, social work assistant, social worker, or independent	89207
social worker impaired due to the use of alcohol or other drugs or	89208
any other physical or mental condition;	89209
(7) Been convicted <u>A conviction</u> in this state or in any other	89210
state of a misdemeanor committed in the course of practice as a	89211
professional clinical counselor, professional counselor,	89212

independent marriage and family therapist, marriage and family therapist, social work assistant, social worker, or independent social worker; 89213
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(8) ~~Practiced~~ Practicing outside the scope of practice applicable to that person; 89216
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(9) ~~Practiced without complying with~~ Practicing in violation of the supervision requirements specified under sections 4757.21 and 4757.26, and division (F) of section 4757.30, of the Revised Code; 89218
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(10) ~~Violated~~ A violation of the person's code of ethical practice adopted by rule of the board pursuant to section 4757.11 of the Revised Code; 89222
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(11) ~~Had~~ Revocation or suspension of a license or certificate of registration ~~revoked or suspended, or voluntarily surrendered~~ the voluntary surrender of a license or certificate of registration in another state or jurisdiction for an offense that would be a violation of this chapter. 89225
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~~(B)~~(D) One year or more after the date of suspension or revocation of a license or certificate of registration under this section, application may be made to the appropriate professional standards committee for reinstatement. The committee may accept or refuse an application for reinstatement. If a license has been suspended or revoked, the committee may require an examination for reinstatement. 89230
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(E) On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under division (B)(4) of this section that remains unpaid. 89237
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(F) All fines collected under division (B)(4) of this section shall be deposited into the state treasury to the credit of the occupational licensing and regulatory fund. 89240
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Sec. 4763.01. As used in this chapter:	89243
(A) "Real estate appraisal" or "appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of identified real estate that is classified as either a valuation or an analysis.	89244 89245 89246 89247
(B) "Valuation" means an estimate of the value of real estate.	89248 89249
(C) "Analysis" means a study of real estate for purposes other than valuation.	89250 89251
(D) "Appraisal report" means a written communication of a real estate appraisal, <u>appraisal review, or appraisal consulting service</u> or an oral communication of a real estate appraisal <u>accompanied, appraisal review, or appraisal consulting service that is documented</u> by a writing that supports the oral communication.	89252 89253 89254 89255 89256 89257
(E) "Appraisal assignment" means an engagement for which a person licensed or certified under this chapter is employed or , <u>retained, or engaged</u> to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased real estate appraisal.	89258 89259 89260 89261 89262
(F) "Specialized services" means all appraisal services, other than appraisal assignments, including, but not limited to, valuation and analysis given in connection with activities such as real estate brokerage, mortgage banking, real estate counseling, and real estate tax counseling, and specialized marketing, financing, and feasibility studies.	89263 89264 89265 89266 89267 89268
(G) "Real estate" has the same meaning as in section 4735.01 of the Revised Code.	89269 89270
(H) "Appraisal foundation" means a nonprofit corporation incorporated under the laws of the state of Illinois on November	89271 89272

30, 1987, for the purposes of establishing and improving uniform 89273
appraisal standards by defining, issuing, and promoting those 89274
standards; establishing appropriate criteria for the certification 89275
and recertification of qualified appraisers by defining, issuing, 89276
and promoting the qualification criteria and disseminating the 89277
qualification criteria to others; and developing or assisting in 89278
development of appropriate examinations for qualified appraisers. 89279

(I) "Prepare" means to develop and communicate, whether 89280
through a personal physical inspection or through the act or 89281
process of critically studying a report prepared by another who 89282
made the physical inspection, an appraisal, analysis, or opinion, 89283
or specialized service and to report the results. If the person 89284
who develops and communicates the appraisal or specialized service 89285
does not make the personal inspection, the name of the person who 89286
does make the personal inspection shall be identified on the 89287
appraisal or specialized service reported. 89288

(J) "Report" means any communication, written, oral, or by 89289
any other means of transmission of information, of a real estate 89290
appraisal, appraisal review, appraisal consulting service, or 89291
specialized service that is transmitted to a client or employer 89292
upon completion of the appraisal or service. 89293

(K) "State-certified general real estate appraiser" means any 89294
person who satisfies the certification requirements of this 89295
chapter relating to the appraisal of all types of real property 89296
and who holds a current and valid certificate or renewal 89297
certificate issued to the person pursuant to this chapter. 89298

(L) "State-certified residential real estate appraiser" means 89299
any person who satisfies the certification requirements only 89300
relating to the appraisal of one to four units of single-family 89301
residential real estate without regard to transaction value or 89302
complexity and who holds a current and valid certificate or 89303
renewal certificate issued to the person pursuant to this chapter. 89304

(M) "State-licensed residential real estate appraiser" means 89305
any person who satisfies the licensure requirements of this 89306
chapter relating to the appraisal of noncomplex one-to-four unit 89307
single-family residential real estate having a transaction value 89308
of less than one million dollars and complex one-to-four unit 89309
single-family residential real estate having a transaction value 89310
of less than two hundred fifty thousand dollars and who holds a 89311
current and valid license or renewal license issued to the person 89312
pursuant to this chapter. 89313

(N) "Certified or licensed real estate appraisal" means an 89314
appraisal prepared and reported by a certificate holder or 89315
licensee under this chapter acting within the scope of 89316
certification or licensure and as a disinterested third party. 89317

(O) "State-registered real estate appraiser assistant" means 89318
any person, other than a state-certified general real estate 89319
appraiser, state-certified residential real estate appraiser, or a 89320
state-licensed residential real estate appraiser, who satisfies 89321
the registration requirements of this chapter for participating in 89322
the development and preparation of real estate appraisals and who 89323
holds a current and valid registration or renewal registration 89324
issued to the person pursuant to this chapter. 89325

(P) "Institution of higher education" means a state 89326
university or college, a private college or university located in 89327
this state that possesses a certificate of authorization issued by 89328
the Ohio board of regents pursuant to Chapter 1713. of the Revised 89329
Code, or an accredited college or university located outside this 89330
state that is accredited by an accrediting organization or 89331
professional accrediting association recognized by the Ohio board 89332
of regents. 89333

(Q) "Division of real estate" may be used interchangeably 89334
with, and for all purposes has the same meaning as, "division of 89335
real estate and professional licensing." 89336

(R) "Superintendent" or "superintendent of real estate" means 89337
the superintendent of the division of real estate and professional 89338
licensing of this state. Whenever the division or superintendent 89339
of real estate is referred to or designated in any statute, rule, 89340
contract, or other document, the reference or designation shall be 89341
deemed to refer to the division or superintendent of real estate 89342
and professional licensing, as the case may be. 89343

(S) "Appraisal review" means the act or process of developing 89344
and communicating an opinion about the quality of another 89345
appraiser's work that was performed as part of an appraisal, 89346
appraisal review, or appraisal consulting assignment. 89347

(T) "Appraisal consulting" means the act or process of 89348
developing an analysis, recommendation, or opinion to solve a 89349
problem related to real estate. 89350

(U) "Work file" means documentation used during the 89351
preparation of an appraisal report or necessary to support an 89352
appraiser's analyses, opinions, or conclusions. 89353

Sec. 4763.03. (A) In addition to any other duties imposed on 89354
the real estate appraiser board under this chapter, the board 89355
shall: 89356

(1) Adopt rules, in accordance with Chapter 119. of the 89357
Revised Code, in furtherance of this chapter, including, but not 89358
limited to, all of the following: 89359

(a) Defining, with respect to state-certified general real 89360
estate appraisers, state-certified residential real estate 89361
appraisers, and state-licensed residential real estate appraisers, 89362
the type of educational experience, appraisal experience, and 89363
other equivalent experience that satisfy the requirements of this 89364
chapter. The rules shall require that all appraisal experience 89365
performed after January 1, 1996, meet the uniform standards of 89366

professional practice established by the appraisal foundation.	89367
(b) Establishing the examination specifications for	89368
state-certified general real estate appraisers, state-certified	89369
residential real estate appraisers, and state-licensed residential	89370
real estate appraisers;	89371
(c) Relating to disciplinary proceedings conducted in	89372
accordance with section 4763.11 of the Revised Code, including	89373
rules governing the reinstatement of certificates, registrations,	89374
and licenses that have been suspended pursuant to those	89375
proceedings;	89376
(d) Identifying any additional information to be included on	89377
the forms specified in division (C) of section 4763.12 of the	89378
Revised Code, provided that the rules shall not require any less	89379
information than is required in that division;	89380
(e) Establishing the fees set forth in section 4763.09 of the	89381
Revised Code;	89382
(f) Establishing the amount of the assessment required by	89383
division (A)(2) of section 4763.05 of the Revised Code. The board	89384
annually shall determine the amount due from each applicant for an	89385
initial certificate, registration, and license in an amount that	89386
will maintain the real estate appraiser recovery fund at the level	89387
specified in division (A) of section 4763.16 of the Revised Code.	89388
The board may, if the fund falls below that amount, require	89389
current certificate holders, registrants, and licensees to pay an	89390
additional assessment.	89391
(g) Defining the educational requirements pursuant to	89392
division (C) of section 4763.05 of the Revised Code;	89393
(h) Establishing a real estate appraiser assistant program	89394
for the registration of real estate appraiser assistants.	89395
(2) Prescribe by rule the requirements for the examinations	89396

required by division (D) of section 4763.05 of the Revised Code;	89397
(3) Periodically review the standards for preparation and reporting of real estate appraisals <u>the development and reporting of appraisal reports</u> provided in this chapter and adopt rules explaining and interpreting those standards;	89398 89399 89400 89401
(4) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders the superintendent of real estate issues pursuant to this chapter;	89402 89403 89404
(5) Request the initiation by the superintendent of investigations of violations of this chapter or the rules adopted pursuant thereto, as the board determines appropriate;	89405 89406 89407
(6) Determine the appropriate disciplinary actions to be taken against certificate holders, registrants, and licensees under this chapter as provided in section 4763.11 of the Revised Code.	89408 89409 89410 89411
(B) In addition to any other duties imposed on the superintendent of real estate under this chapter, the superintendent shall:	89412 89413 89414
(1) Prescribe the form and content of all applications required by this chapter;	89415 89416
(2) Receive applications for certifications, registrations, and licenses and renewal thereof under this chapter and establish the procedures for processing, approving, and disapproving those applications;	89417 89418 89419 89420
(3) Retain records and all application materials submitted to the superintendent;	89421 89422
(4) Establish the time and place for conducting the examinations required by division (D) of section 4763.05 of the Revised Code;	89423 89424 89425
(5) Issue certificates, registrations, and licenses and	89426

maintain a register of the names and addresses of all persons	89427
issued a certificate, registration, or license under this chapter;	89428
(6) Perform any other functions and duties, including the	89429
employment of staff, necessary to administer this chapter;	89430
(7) Administer this chapter;	89431
(8) Issue all orders necessary to implement this chapter;	89432
(9) Investigate complaints, upon the superintendent's own	89433
motion or upon receipt of a complaint or upon a request of the	89434
board, concerning any violation of this chapter or the rules	89435
adopted pursuant thereto or the conduct of any person holding a	89436
certificate, registration, or license issued pursuant to this	89437
chapter;	89438
(10) Establish and maintain an investigation and audit	89439
section to investigate complaints and conduct inspections, audits,	89440
and other inquiries as in the judgment of the superintendent are	89441
appropriate to enforce this chapter. The investigators and	89442
auditors have the right to review and audit the business records	89443
of certificate holders, registrants, and licensees during normal	89444
business hours. The superintendent may utilize the investigators	89445
and auditors employed pursuant to division (B)(4) of section	89446
4735.05 of the Revised Code or currently licensed certificate	89447
holders or licensees to assist in performing the duties of this	89448
division.	89449
(11) Appoint a referee or examiner for any proceeding	89450
involving the revocation or suspension of a certificate,	89451
registration, or license under section 3123.47 or disciplinary	89452
action of a certificate holder, licensee, or registrant under	89453
<u>section 4763.11</u> of the Revised Code;	89454
(12) Administer the real estate appraiser recovery fund;	89455
(13) Conduct the examinations required by division (D) of	89456

section 4763.05 of the Revised Code at least four times per year. 89457

(C) The superintendent may do all of the following: 89458

(1) In connection with investigations and audits under 89459
division (B) of this section, subpoena witnesses as provided in 89460
section 4763.04 of the Revised Code; 89461

(2) Apply to the appropriate court to enjoin any violation of 89462
this chapter. Upon a showing by the superintendent that any person 89463
has violated or is about to violate this chapter, the court shall 89464
grant an injunction, restraining order, or other appropriate 89465
relief, or any combination thereof. 89466

(D) All information that is obtained by investigators and 89467
auditors performing investigations or conducting inspections, 89468
audits, and other inquiries pursuant to division (B)(10) of this 89469
section, from certificate holders, registrants, licensees, 89470
complainants, or other persons, and all reports, documents, and 89471
other work products that arise from that information and that are 89472
prepared by the investigators, auditors, or other personnel of the 89473
department of commerce, shall be held in confidence by the 89474
superintendent, the investigators and auditors, and other 89475
personnel of the department. 89476

(E) This section does not prevent the division of real estate 89477
and professional licensing from releasing information relating to 89478
certificate holders, registrants, and licensees to the 89479
superintendent of financial institutions for purposes relating to 89480
the administration of sections 1322.01 to 1322.12 of the Revised 89481
Code, to the superintendent of insurance for purposes relating to 89482
the administration of Chapter 3953. of the Revised Code, to the 89483
attorney general, or to local law enforcement agencies and local 89484
prosecutors. Information released by the division pursuant to this 89485
section remains confidential. 89486

(F) Any rule the board adopts shall not exceed the 89487

requirements specified in federal law or regulations. 89488

Sec. 4763.04. The real estate appraiser board or the 89489
superintendent ~~or~~ of real estate may compel, by order or subpoena, 89490
the attendance of witnesses to testify in relation to any matter 89491
over which the board or the superintendent has jurisdiction and 89492
which is the subject of the inquiry and investigation by the board 89493
or superintendent, and require the production of any book, paper, 89494
or document pertaining to such matter. For such purpose, the board 89495
or the superintendent has the same power as judges of county 89496
courts to administer oaths, compel the attendance of witnesses, 89497
and punish witnesses for refusal to testify. ~~Sheriffs and service~~ 89498
of the subpoena may be made by constables or by certified mail, 89499
return receipt requested, and the subpoena shall be deemed served 89500
on the date delivery is made or the date the person refuses to 89501
accept delivery. Sheriffs or constables shall ~~serve and~~ return 89502
such process and shall receive the same fees for doing so as are 89503
allowed for like service if service of the subpoena is made by 89504
sheriffs or constables. Witnesses shall receive, after their 89505
appearance before the board or the superintendent, the fees and 89506
mileage provided for under section 119.094 of the Revised Code. If 89507
two or more witnesses travel together in the same vehicle, the 89508
mileage fee shall be paid to only one of those witnesses, but the 89509
witnesses may agree to divide the fee among themselves in any 89510
manner. 89511

In addition to the powers and duties granted to the board and 89512
the superintendent under this section, in case any person fails to 89513
file any statement or report, obey any subpoena, give testimony, 89514
answer questions, or produce books, records, or papers as required 89515
by the board or the superintendent under this chapter, the court 89516
of common pleas of any county in the state, upon application made 89517
to it by the board or the superintendent setting forth the 89518
failure, may make an order awarding process of subpoena or 89519

subpoena duces tecum for the person to appear and testify before 89520
the board or the superintendent, and may order any person to give 89521
testimony and answer questions, and to produce books, records, or 89522
papers, as required by the board or the superintendent. Upon the 89523
filing of such order in the office of the clerk of the court of 89524
common pleas, the clerk, under the seal of the court, shall issue 89525
process or subpoena, and each day thereafter until the examination 89526
of the person is completed. The subpoena may contain a direction 89527
that the witness bring with the witness to the examination any 89528
books, records, or papers mentioned in the subpoena. The clerk 89529
also shall issue, under the seal of the court, such other orders, 89530
in reference to the examination, appearance, and production of 89531
books, records, or papers, as the court directs. If any person 89532
summoned by subpoena fails to obey the subpoena, to give 89533
testimony, to answer questions as required, or to obey an order of 89534
the court, the court, on motion supported by proof, may order an 89535
attachment for contempt to be issued against the person charged 89536
with disobedience of any order or injunction issued by the court 89537
under this chapter. If the person is brought before the court by 89538
virtue of the attachment, and if upon a hearing the disobedience 89539
appears, the court may order the offender to be committed and kept 89540
in close custody. 89541

Sec. 4763.05. (A)(1)(a) A person shall make application for 89542
an initial state-certified general real estate appraiser 89543
certificate, an initial state-certified residential real estate 89544
appraiser certificate, an initial state-licensed residential real 89545
estate appraiser license, or an initial state-registered real 89546
estate appraiser assistant registration in writing to the 89547
superintendent of real estate on a form the superintendent 89548
prescribes. The application shall include the address of the 89549
applicant's principal place of business and all other addresses at 89550
which the applicant currently engages in the business of preparing 89551

real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which shall not constitute a public record for purposes of section 149.03 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include ~~a fingerprint of the applicant;~~ a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter.

(b) Upon the filing of an application and payment of any examination and certification, registration, or licensure fees, the superintendent of real estate shall request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the applicant's fingerprints in accordance with division (A)(11) of section 109.572 of the Revised Code. Notwithstanding division (K) of section 121.08 of the Revised Code, the superintendent of real estate shall request that criminal record information from the federal bureau of investigation be obtained as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(2) For purposes of providing funding for the real estate appraiser recovery fund established by section 4763.16 of the

Revised Code, the real estate appraiser board shall levy an 89584
assessment against each person issued an initial certificate, 89585
registration, or license and against current licensees, 89586
registrants, and certificate holders, as required by board rule. 89587
The assessment is in addition to the application and examination 89588
fees for initial applicants required by division (A)(1) of this 89589
section and the renewal fees required for current certificate 89590
holders, registrants, and licensees. The superintendent of real 89591
estate shall deposit the assessment into the state treasury to the 89592
credit of the real estate appraiser recovery fund. The assessment 89593
for initial certificate holders, registrants, and licensees shall 89594
be paid prior to the issuance of a certificate, registration, or 89595
license, and for current certificate holders, registrants, and 89596
licensees, at the time of renewal. 89597

(B) An applicant for an initial general real estate appraiser 89598
certificate, residential real estate appraiser certificate, or 89599
residential real estate appraiser license shall possess experience 89600
in real estate appraisal as the board prescribes by rule. In 89601
addition to any other information required by the board, the 89602
applicant shall furnish, under oath, a detailed listing of the 89603
appraisal reports or file memoranda for each year for which 89604
experience is claimed and, upon request of the superintendent or 89605
the board, shall make available for examination a sample of the 89606
appraisal reports prepared by the applicant in the course of the 89607
applicant's practice. 89608

(C) An applicant for an initial certificate, registration, or 89609
license shall be at least eighteen years of age, honest, truthful, 89610
and of good reputation and shall present satisfactory evidence to 89611
the superintendent that the applicant has successfully completed 89612
any education requirements the board prescribes by rule. 89613

(D) An applicant for an initial general real estate appraiser 89614
or residential real estate appraiser certificate or residential 89615

real estate appraiser license shall take and successfully complete 89616
a written examination in order to qualify for the certificate or 89617
license. 89618

The board shall prescribe the examination requirements by 89619
rule. 89620

(E)(1) A nonresident, natural person of this state who has 89621
complied with this section may obtain a certificate, registration, 89622
or license. The board shall adopt rules relating to the 89623
certification, registration, and licensure of a nonresident 89624
applicant whose state of residence the board determines to have 89625
certification, registration, or licensure requirements that are 89626
substantially similar to those set forth in this chapter and the 89627
rules adopted thereunder. 89628

(2) The board shall recognize on a temporary basis a 89629
certification or license issued in another state and shall 89630
register on a temporary basis an appraiser who is certified or 89631
licensed in another state if all of the following apply: 89632

(a) The temporary registration is to perform an appraisal 89633
assignment that is part of a federally related transaction. 89634

(b) The appraiser's business in this state is of a temporary 89635
nature. 89636

(c) The appraiser registers with the board pursuant to this 89637
division. 89638

An appraiser who is certified or licensed in another state 89639
shall register with the board for temporary practice before 89640
performing an appraisal assignment in this state in connection 89641
with a federally related transaction. 89642

The board shall adopt rules relating to registration for the 89643
temporary recognition of certification and licensure of appraisers 89644
from another state. The registration for temporary recognition of 89645

certified or licensed appraisers from another state shall not 89646
authorize completion of more than one appraisal assignment in this 89647
state. The board shall not issue more than two registrations for 89648
temporary practice to any one applicant in any calendar year. 89649

(3) In addition to any other information required to be 89650
submitted with the nonresident applicant's or appraiser's 89651
application for a certificate, registration, license, or temporary 89652
recognition of a certificate or license, each nonresident 89653
applicant or appraiser shall submit a statement consenting to the 89654
service of process upon the nonresident applicant or appraiser by 89655
means of delivering that process to the secretary of state if, in 89656
an action against the applicant, certificate holder, registrant, 89657
or licensee arising from the applicant's, certificate holder's, 89658
registrant's, or licensee's activities as a certificate holder, 89659
registrant, or licensee, the plaintiff, in the exercise of due 89660
diligence, cannot effect personal service upon the applicant, 89661
certificate holder, registrant, or licensee. 89662

(F) The superintendent shall not issue a certificate, 89663
registration, or license to, or recognize on a temporary basis an 89664
appraiser from another state that is a corporation, partnership, 89665
or association. This prohibition shall not be construed to prevent 89666
a certificate holder or licensee from signing an appraisal report 89667
on behalf of a corporation, partnership, or association. 89668

(G) Every person licensed, registered, or certified under 89669
this chapter shall notify the superintendent, on a form provided 89670
by the superintendent, of a change in the address of the 89671
licensee's, registrant's, or certificate holder's principal place 89672
of business or residence within thirty days of the change. If a 89673
licensee's, registrant's, or certificate holder's license, 89674
registration, or certificate is revoked or not renewed, the 89675
licensee, registrant, or certificate holder immediately shall 89676
return the annual and any renewal certificate, registration, or 89677

license to the superintendent. 89678

(H)(1) The superintendent shall not issue a certificate, 89679
registration, or license to any person, or recognize on a 89680
temporary basis an appraiser from another state, who does not meet 89681
applicable minimum criteria for state certification, registration, 89682
or licensure prescribed by federal law or rule. 89683

(2) The superintendent shall not issue a general real estate 89684
appraiser certificate, residential real estate appraiser 89685
certificate, residential real estate appraiser license, or real 89686
estate appraiser assistant registration to any person who has been 89687
convicted of or pleaded guilty to any criminal offense involving 89688
theft, receiving stolen property, embezzlement, forgery, fraud, 89689
passing bad checks, money laundering, or drug trafficking, or any 89690
criminal offense involving money or securities, including a 89691
violation of an existing or former law of this state, any other 89692
state, or the United States that substantially is equivalent to 89693
such an offense. However, if the applicant has pleaded guilty to 89694
or been convicted of such an offense, the superintendent shall not 89695
consider the offense if the applicant has proven to the 89696
superintendent, by a preponderance of the evidence, that the 89697
applicant's activities and employment record since the conviction 89698
show that the applicant is honest, truthful, and of good 89699
reputation, and there is no basis in fact for believing that the 89700
applicant will commit such an offense again. 89701

Sec. 4763.07. (A) Every state-certified general real estate 89702
appraiser, state-certified residential real estate appraiser, and 89703
state-licensed residential real estate appraiser, ~~and~~ 89704
~~state-registered real estate appraiser assistant~~ shall submit 89705
proof of successfully completing a minimum of fourteen classroom 89706
hours of continuing education instruction in courses or seminars 89707
approved by the real estate appraiser board. The certificate 89708

holder and licensee shall have satisfied the fourteen-hour 89709
continuing education requirements within the one-year period 89710
immediately following the issuance of the initial certificate or 89711
license and shall satisfy those requirements annually thereafter. 89712
A state-registered real estate appraiser assistant who remains in 89713
this classification for more than two years shall satisfy in the 89714
third and successive years this section's requirements. If the 89715
certificate holder ~~or~~, licensee, or registrant fails to submit 89716
proof to the superintendent of meeting these requirements, the 89717
certificate holder's, registrant's, or licensee's certificate ~~or~~, 89718
license, or registration automatically is suspended. The 89719
superintendent shall notify the certificate holder ~~or~~, licensee, 89720
or registrant of the suspension and if the certificate holder ~~or~~, 89721
licensee, or registrant fails to submit proof to the 89722
superintendent of meeting those requirements within three months 89723
from the date of suspension, the superintendent shall revoke the 89724
certificate ~~or~~, license, or registration. If a certificate holder 89725
~~or~~, licensee, or registrant whose certificate ~~or~~, license, or 89726
registration has been revoked under this division desires to be 89727
certified ~~or~~, licensed, or registered under this chapter the 89728
certificate holder ~~or~~, licensee, or registrant shall apply for an 89729
initial certificate ~~or~~, license, or registration and shall meet 89730
all of the requirements of section 4763.05 of the Revised Code for 89731
the issuance of a certificate ~~or~~, license, or registration. 89732

A certificate holder ~~and~~, licensee, or registrant may satisfy 89733
all or a portion of the required hours of classroom instruction in 89734
the following manner: 89735

(1) Completion of an educational program of study determined 89736
by the board to be equivalent, for continuing education purposes, 89737
to courses or seminars approved by the board; 89738

(2) Participation, other than as a student, in educational 89739
processes or programs approved by the board that relate to real 89740

estate appraisal theory, practices, or techniques. 89741

A certificate holder and a licensee shall present to the 89742
superintendent of real estate evidence of the manner in which the 89743
certificate holder and licensee satisfied the requirements of 89744
division (A) of this section. 89745

(B) The board shall adopt rules for implementing a continuing 89746
education program for state-certified general real estate 89747
appraisers, state-certified residential real estate appraisers, 89748
state-licensed residential real estate appraisers, and 89749
state-registered real estate appraiser assistants for the purpose 89750
of assuring that certificate holders ~~and~~, licensees, and 89751
registrants have current knowledge of real estate appraisal 89752
theories, practices, and techniques that will provide a high 89753
degree of service and protection to members of the public. In 89754
addition to any other provisions the board considers appropriate, 89755
the rules adopted by the board shall prescribe the following: 89756

(1) Policies and procedures for obtaining board approval of 89757
courses of instruction and seminars; 89758

(2) Standards, policies, and procedures to be applied in 89759
evaluating the alternative methods of complying with continuing 89760
education requirements set forth in divisions (A)(1) and (2) of 89761
this section; 89762

(3) Standards, monitoring methods, and systems for recording 89763
attendance to be employed by course sponsors as a prerequisite to 89764
approval of courses for continuing education credit. 89765

(C) No amendment or rescission of a rule the board adopts 89766
pursuant to division (B) of this section shall operate to deprive 89767
a certificate holder or licensee of credit toward renewal of 89768
certification or licensure for any course of instruction completed 89769
by the certificate holder or licensee prior to the effective date 89770
of the amendment or rescission that would have qualified for 89771

credit under the rule as it existed prior to amendment or 89772
rescission. 89773

(D) The superintendent of real estate shall not issue a 89774
renewal certificate, registration, or license to any person who 89775
does not meet applicable minimum criteria for state certification, 89776
registration, or licensure prescribed by federal law or rule. 89777

Sec. 4763.09. (A) The real estate appraiser board shall adopt 89778
rules, in accordance with Chapter 119. of the Revised Code, for 89779
the establishment of the following fees: 89780

(1) The examination fee required under division (A) of 89781
section 4763.05 of the Revised Code, up to a maximum of one 89782
hundred fifty dollars, which fee shall be nonrefundable; 89783

(2) The initial state-certified general real estate appraiser 89784
and state-certified residential real estate appraiser 89785
certification and state-licensed residential real estate appraiser 89786
license fees, and the annual renewal thereof, up to a maximum of 89787
one hundred ~~twenty-five~~ seventy-five dollars each; 89788

(3) The initial real estate appraiser assistant registration 89789
fee, and the annual renewal thereof, up to a maximum of ~~fifty one~~ 89790
hundred dollars; 89791

(4) The late filing fee for renewal of a certification, 89792
registration, or license, which shall be one-half of the 89793
certification, registration, and licensure fees established 89794
pursuant to divisions (A)(2) and (3) of this section; 89795

(5) The amount to be charged to cover the cost of the 89796
issuance of a temporary certificate or license under division 89797
(E)(2) of section 4763.05 of the Revised Code; 89798

(6) Other reasonable fees as needed, including any annual 89799
pass-through charges imposed by the federal government. 89800

(B) An applicant for certification or licensure under this 89801

chapter shall pay the examination fee directly to a testing 89802
service if so prescribed and in such amount as the superintendent 89803
of real estate prescribes. The balance, if any, of the examination 89804
fee shall accompany the application. 89805

Sec. 4763.11. (A) Within ~~five~~ ten business days after a 89806
person files a ~~signed~~ written complaint against a person 89807
certified, registered, or licensed under this chapter with the 89808
division of real estate, the superintendent of real estate shall 89809
acknowledge receipt of the complaint ~~or request and send a~~ by 89810
sending notice to the certificate holder, registrant, or licensee 89811
~~describing the acts of which there is a~~ that includes a copy of 89812
the complaint. The acknowledgement to the complainant and the 89813
notice to the certificate holder, registrant, or licensee ~~shall~~ 89814
may state that an informal mediation meeting will be held with the 89815
complainant, the certificate holder, registrant, or licensee, and 89816
an investigator from the investigation and audit section of the 89817
division, if the complainant and certificate holder, registrant, 89818
or licensee both file a request for such a meeting within ~~ten~~ 89819
~~business~~ twenty calendar days ~~thereafter on a form the~~ 89820
~~superintendent provides~~ after the acknowledgment and notice are 89821
mailed. 89822

(B) If the complainant and certificate holder, registrant, or 89823
licensee both file with the division requests for an informal 89824
mediation meeting, the superintendent shall notify the complainant 89825
and certificate holder, registrant, or licensee of the date of the 89826
meeting, ~~which shall be within twenty business days thereafter,~~ 89827
~~except that the complainant, certificate holder, registrant, or~~ 89828
~~licensee may request an extension of up to fifteen business days~~ 89829
~~for good cause shown~~ by regular mail. If the complainant and 89830
certificate holder, registrant, or licensee reach an accommodation 89831
at an informal mediation meeting, the investigator shall ~~se~~ report 89832
the accommodation to the superintendent ~~and to~~, the complainant, 89833

and ~~the~~ certificate holder, registrant, or licensee and the 89834
complaint file shall be closed, ~~unless, based upon the~~ 89835
~~investigator's report, the superintendent finds evidence that the~~ 89836
~~certificate holder, registrant, or licensee has violated division~~ 89837
~~(G) of this section upon the superintendent receiving satisfactory~~ 89838
notice that the accommodation has been fulfilled. 89839

(C) If the complainant and certificate holder, registrant, or 89840
licensee fail to agree to an informal mediation meeting or fail to 89841
reach an accommodation, ~~or if the superintendent finds evidence of~~ 89842
~~a violation of division (G) of this section pursuant to an~~ 89843
~~investigation conducted pursuant to division (B)(9) of section~~ 89844
~~4763.03 of the Revised Code agreement, or fail to fulfill an~~ 89845
accommodation agreement, the superintendent shall, ~~within five~~ 89846
~~business days of such determination, notify the complainant and~~ 89847
~~certificate holder, registrant, or licensee and investigate~~ assign 89848
the complaint to an investigator for an investigation into the 89849
conduct of the certificate holder, registrant, or licensee against 89850
whom the complaint is filed. 89851

(D) ~~Within sixty business days after receipt of the~~ 89852
~~complaint, or, if an informal meeting is held, within sixty days~~ 89853
~~after such meeting~~ Upon the conclusion of the investigation, the 89854
investigator shall file a written report of the results of the 89855
investigation with the superintendent. ~~Within ten business days~~ 89856
~~thereafter, the~~ The superintendent shall review the report and 89857
determine whether there exists reasonable and substantial evidence 89858
of a violation of division (G) of this section by the certificate 89859
holder, registrant, or licensee. If the superintendent finds such 89860
evidence exists, ~~within five business days of that determination,~~ 89861
the superintendent shall notify the complainant and certificate 89862
holder, registrant, or licensee of the determination. The 89863
certificate holder, registrant, or licensee may request a hearing 89864
pursuant to Chapter 119. of the Revised Code. If a formal hearing 89865

is conducted, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the board, the complainant and the certificate holder, licensee, or registrant after the conclusion of the formal hearing. Within ten calendar days of receipt of the copy of the hearing examiner's finding of fact and conclusions of law, the certificate holder, licensee, or registrant or the division may file with the board written objections to the hearing examiner's report, which shall be considered by the board before approving, modifying, or rejecting the hearing examiner's report. If the superintendent finds that such evidence does not exist, ~~within five business days thereafter,~~ the superintendent shall notify the complainant and certificate holder, registrant, or licensee of that determination and the basis for the determination. Within fifteen business days after the superintendent notifies the complainant and certificate holder, registrant, or licensee that such evidence does not exist, the complainant may file with the division a request that the real estate appraiser board review the determination. If the complainant files such request, the board shall review the determination at the next regularly scheduled meeting held at least fifteen business days after the request is filed but no longer than six months after the request is filed. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee at the meeting upon the request of that party. If the board affirms the determination of the superintendent, the superintendent shall notify the complainant and the certificate holder, registrant, or licensee within five business days thereafter. If the board reverses the determination of the superintendent, a hearing before a hearing examiner shall be held and the complainant and certificate holder, registrant, or licensee notified as provided in this division.

(E) The board shall review the referee's or hearing examiner's report and the evidence at the next regularly scheduled

board meeting held at least fifteen business days after receipt of 89899
the referee's or examiner's report. The board may hear the 89900
testimony of the complainant, certificate holder, registrant, or 89901
licensee upon request. If the complainant is the Ohio civil rights 89902
commission, the board shall review the complaint 89903

(F) If the board determines that a licensee, registrant, or 89904
certificate holder has violated this chapter for which 89905
disciplinary action may be taken under division (G) of this 89906
section, after review of the referee's or examiner's report and 89907
the evidence as provided in division (E) of this section, the 89908
board shall order the disciplinary action the board considers 89909
appropriate, which may include, but is not limited to, any of the 89910
following: 89911

(1) Reprimand of the certificate holder, registrant, or 89912
licensee; 89913

(2) Imposition of a fine, not exceeding, two thousand five 89914
hundred dollars per violation; 89915

(3) Requirement of the completion of additional education 89916
courses. Any course work imposed pursuant to this section shall 89917
not count toward continuing education requirements or prelicense 89918
or precertification requirements set forth in section 4763.05 of 89919
the Revised Code. 89920

(4) Suspension of the certificate, registration, or license 89921
for a specific period of time; 89922

~~(3) Suspension of the certificate, registration, or license 89923
until the certificate holder, registrant, or licensee complies 89924
with conditions the board sets, including but not limited to, 89925
successful completion of the real estate appraiser examination 89926
described in division (D) of section 4763.05 of the Revised Code 89927
or completion of a specific number of hours of continuing 89928
education instruction in courses or seminars approved by the 89929~~

board;	89930
(4) (5) Revocation of the certificate, registration, or license.	89931 89932
The decision and order of the board is final, subject to review in the manner provided for in Chapter 119. of the Revised Code and appeal to any court of common pleas.	89933 89934 89935
(G) The board shall take any disciplinary action authorized by this section against a certificate holder, registrant, or licensee who is found to have committed any of the following acts, omissions, or violations during the appraiser's certification, registration, or licensure:	89936 89937 89938 89939 89940
(1) Procuring or attempting to procure a certificate, registration, or license pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification, registration, or licensure, or by any means of fraud or misrepresentation;	89941 89942 89943 89944 89945 89946
(2) Paying, or attempting to pay, anything of value, other than the fees or assessments required by this chapter, to any member or employee of the board for the purpose of procuring a certificate, registration, or license;	89947 89948 89949 89950
(3) Being convicted in a criminal proceeding for a felony or a crime involving moral turpitude;	89951 89952
(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person;	89953 89954 89955
(5) Violation of any of the standards for the development or , <u>preparation, communication, or reporting</u> of real estate appraisals <u>an appraisal report</u> set forth in this chapter and rules of the board;	89956 89957 89958 89959

(6) Failure or refusal to exercise reasonable diligence in	89960
developing an appraisal , preparing, <u>or communicating</u> an appraisal	89961
report, or communicating an appraisal ;	89962
(7) Negligence or incompetence in developing an appraisal , in	89963
preparing, <u>communicating, or reporting</u> an appraisal report, or in	89964
communicating an appraisal ;	89965
(8) Willfully <u>Violating or willfully</u> disregarding or	89966
violating this chapter or the rules adopted thereunder;	89967
(9) Accepting an appraisal assignment where the employment is	89968
contingent upon the appraiser preparing or reporting a	89969
predetermined estimate, analysis, or opinion, or where the fee to	89970
be paid for the appraisal is contingent upon the opinion,	89971
conclusion, or valuation attained or upon the consequences	89972
resulting from the appraisal assignment;	89973
(10) Violating the confidential nature of governmental	89974
records to which the certificate holder, registrant, or licensee	89975
gained access through employment or engagement as an appraiser by	89976
a governmental agency;	89977
(11) Entry of final judgment against the certificate holder,	89978
registrant, or licensee on the grounds of fraud, deceit,	89979
misrepresentation, or gross negligence in the making of any	89980
appraisal of real estate;	89981
(12) Violating any federal or state civil rights law;	89982
(13) Having published advertising, whether printed, radio,	89983
display, or of any other nature, which was misleading or	89984
inaccurate in any material particular, or in any way having	89985
misrepresented any appraisal or specialized service;	89986
(14) Failing <u>to provide copies of records to the</u>	89987
<u>superintendent or failing</u> to maintain records for five years as	89988
required by section 4763.14 of the Revised Code. <u>Failure of a</u>	89989

certificate holder, licensee, or registrant to comply with a 89990
subpoena issued under division (C)(1) of section 4763.03 of the 89991
Revised Code is prima-facie evidence of a violation of division 89992
(G)(14) of section 4763.11 of the Revised Code. 89993

(15) Failing to provide notice to the board as required in 89994
division (I) of this section. 89995

(H) The board immediately shall notify the superintendent of 89996
real estate of any disciplinary action taken under this section 89997
against a certificate holder, registrant, or licensee who also is 89998
licensed under Chapter 4735. of the Revised Code, and also shall 89999
notify any other federal, state, or local agency and any other 90000
public or private association that the board determines is 90001
responsible for licensing or otherwise regulating the professional 90002
or business activity of the appraiser. Additionally, the board 90003
shall notify the complainant and any other party who may have 90004
suffered financial loss because of the certificate holder's, 90005
registrant's, or licensee's violations, that the complainant or 90006
other party may sue for recovery under section 4763.16 of the 90007
Revised Code. The notice provided under this division shall 90008
specify the conduct for which the certificate holder, registrant, 90009
or licensee was disciplined and the disciplinary action taken by 90010
the board and the result of that conduct. 90011

(I) A certificate holder, registrant, or licensee shall 90012
notify the board ~~of the existence of a criminal conviction of the~~ 90013
type within fifteen days of the agency's issuance of an order 90014
revoking or permanently surrendering any professional license, 90015
certificate, or registration by any public entity other than the 90016
division of real estate. A certificate holder, registrant, or 90017
licensee who is convicted of a felony or crime of moral turpitude 90018
as described in division (G)(3) of this section shall notify the 90019
board of the conviction within fifteen days of the conviction. 90020

(J) If the board determines that a certificate holder, 90021

registrant, or licensee has violated this chapter for which 90022
disciplinary action may be taken under division (G) of this 90023
section as a result of an investigation conducted by the 90024
superintendent upon the superintendent's own motion or upon the 90025
request of the board, the superintendent shall notify the 90026
certificate holder, registrant, or licensee of the certificate 90027
holder's, registrant's, or licensee's right to a hearing pursuant 90028
to Chapter 119. of the Revised Code and to an appeal of a final 90029
determination of such administrative proceedings to any court of 90030
common pleas. 90031

(K) All notices, written reports, and determinations issued 90032
pursuant to this section shall be mailed via certified mail, 90033
return receipt requested. If the certified notice is returned 90034
because of failure of delivery or was unclaimed, the notice, 90035
written reports, or determinations are deemed served if the 90036
superintendent sends the notice, written reports, or determination 90037
via regular mail and obtains a certificate of mailing of the 90038
notice, written reports, or determination. Refusal of delivery by 90039
personal service or by mail is not failure of delivery and service 90040
is deemed to be complete. 90041

Sec. 4763.13. (A) In engaging in appraisal activities, a 90042
person certified, registered, or licensed under this chapter shall 90043
comply with the applicable standards prescribed by the board of 90044
governors of the federal reserve system, the federal deposit 90045
insurance corporation, the comptroller of the currency, the office 90046
of thrift supervision, the national credit union administration, 90047
and the resolution trust corporation in connection with federally 90048
related transactions under the jurisdiction of the applicable 90049
agency or instrumentality. A certificate holder, registrant, and 90050
licensee also shall comply with the uniform standards of 90051
professional appraisal practice, as adopted by the appraisal 90052
standards board of the appraisal foundation and such other 90053

standards adopted by the real estate appraiser board, to the 90054
extent that those standards do not conflict with applicable 90055
federal standards in connection with a particular federally 90056
related transaction. 90057

(B) The terms "state-licensed residential real estate 90058
appraiser," "state-certified residential real estate appraiser," 90059
"state-certified general real estate appraiser," and 90060
"state-registered real estate appraiser assistant" shall be used 90061
to refer only to those persons who have been issued the applicable 90062
certificate, registration, or license or renewal certificate, 90063
registration, or license pursuant to this chapter. None of these 90064
terms shall be used following or in connection with the name or 90065
signature of a partnership, corporation, or association or in a 90066
manner that could be interpreted as referring to a person other 90067
than the person to whom the certificate, registration, or license 90068
has been issued. No person shall fail to comply with this 90069
division. 90070

(C) No person, other than a certificate holder, a registrant, 90071
or a licensee, shall assume or use a title, designation, or 90072
abbreviation that is likely to create the impression that the 90073
person possesses certification, registration, or licensure under 90074
this chapter, provided that professional designations containing 90075
the term "certified appraiser" and being used on or before July 90076
26, 1989, shall not be construed as being misleading under this 90077
division. No person other than a person certified or licensed 90078
under this chapter shall describe or refer to an appraisal or 90079
other evaluation of real estate located in this state as being 90080
certified. 90081

(D) The terms "state-certified or state-licensed real estate 90082
appraisal report," "state-certified or state-licensed appraisal 90083
report," or "state-certified or state-licensed appraisal" shall be 90084
used to refer only to those real estate appraisals conducted by a 90085

certificate holder or licensee as a disinterested and unbiased 90086
third party provided that the certificate holder or licensee 90087
provides certification with the appraisal and provided further 90088
that if a licensee is providing the appraisal, such terms shall 90089
only be used if the licensee is acting within the scope of the 90090
licensee's license. No person shall fail to comply with this 90091
division. 90092

(E) Nothing in this chapter shall preclude a partnership, 90093
corporation, or association which employs ~~or~~, retains, or engages 90094
the services of a certificate holder or licensee to advertise that 90095
the partnership, corporation, or association offers 90096
state-certified or state-licensed appraisals through a certificate 90097
holder or licensee if the advertisement clearly states such fact 90098
in accordance with guidelines for such advertisements established 90099
by rule of the real estate appraiser board. 90100

(F) Except as otherwise provided in section 4763.19 of the 90102
Revised Code, nothing in this chapter shall preclude a person who 90103
is not licensed or certified under this chapter from appraising 90104
real estate for compensation. 90105

Sec. 4763.14. A person licensed, registered, or certified 90106
under this chapter shall retain for a period of five years the 90107
original or a true copy of each written contract for the person's 90108
services relating to real estate appraisal work ~~and~~, all appraisal 90109
reports, and all work file documentation and ~~supporting~~ data 90110
~~assembled and formulated by the person~~ in preparing those reports. 90111
The retention period begins on the date the appraisal is submitted 90112
to the client unless, prior to expiration of the retention period, 90113
the certificate holder, registrant, or licensee is notified that 90114
the appraisal or report is the subject of or is otherwise involved 90115
in pending litigation, in which case the retention period begins 90116

on the date of final disposition of the litigation. 90117

A certificate holder, registrant, and a licensee shall make 90118
available all records required to be maintained under this section 90119
for inspection and copying by the superintendent of real estate or 90120
the real estate appraiser board, or both, upon reasonable notice 90121
to the certificate holder, registrant, or licensee. 90122

Sec. 4763.17. Every partnership, corporation, or association 90123
which employs ~~or~~, retains, or engages the services of a person 90124
licensed, registered, or certified under this chapter, whether the 90125
certificate holder, registrant, or licensee is an independent 90126
contractor or under the supervision or control of the partnership, 90127
corporation, or association, is jointly and severally liable for 90128
any damages incurred by any person as a result of an act or 90129
omission concerning a state-certified or state-licensed real 90130
estate appraisal prepared or facilitated in the preparation by a 90131
certificate holder, registrant, or licensee while employed ~~or~~, 90132
retained, or engaged by the partnership, corporation, or 90133
association. 90134

Sec. 4766.09. This chapter does not apply to any of the 90135
following: 90136

(A) A person rendering services with an ambulance in the 90137
event of a disaster situation when licensees' vehicles based in 90138
the locality of the disaster situation are incapacitated or 90139
insufficient in number to render the services needed; 90140

(B) Any person operating an ambulance, ambulette, rotorcraft 90141
air ambulance, or fixed wing air ambulance outside this state 90142
unless receiving a person within this state for transport to a 90143
location within this state; 90144

(C) A publicly owned or operated emergency medical service 90145
organization and the vehicles it owns or leases and operates, 90146

except as provided in section 307.051, division (G) of section 307.055, division (F) of section 505.37, division (B) of section 505.375, and division (B)(3) of section 505.72 of the Revised Code; 90147
90148
90149
90150

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle owned or leased and operated by the federal government; 90151
90152
90153

(E) A publicly owned and operated fire department vehicle; 90154

(F) Emergency vehicles owned by a corporation and operating only on the corporation's premises, for the sole use by that corporation; 90155
90156
90157

(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation; 90158
90159
90160

(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code; 90161
90162
90163

(I) A public emergency medical service organization; 90164

(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses; 90165
90166
90167
90168

(K) A private, nonprofit emergency medical service organization when fifty per cent or more of its personnel are volunteers, as defined in section 4765.01 of the Revised Code; 90169
90170
90171

(L) Emergency medical service personnel who are regulated by the state board of emergency medical services under Chapter 4765. of the Revised Code; 90172
90173
90174

(M) Any of the following that operates a transit bus, as that term is defined in division (Q) of section 5735.01 of the Revised 90175
90176

Code, unless the entity provides ambulette services that are 90177
reimbursed under the state medicaid plan: 90178

(1) A public nonemergency medical service organization; 90179

(2) An urban or rural public transit system; 90180

(3) A private nonprofit organization that receives grants 90181
under section 5501.07 of the Revised Code. 90182

(N)(1) An entity ~~or vehicle owned by an entity that, to the~~ 90183
~~extent it provides ambulette services, if the entity meets all of~~ 90184
~~the following conditions:~~ 90185

(a) The entity is certified by the department of aging or the 90186
department's designee ~~under in accordance with~~ section 173.391 of 90187
the Revised Code ~~and or operates under a contract or grant~~ 90188
~~agreement with the department or the department's designee in~~ 90189
~~accordance with section 173.392 of the Revised Code.~~ 90190

(b) The entity meets the requirements of section 4766.14 of 90191
the Revised Code, ~~unless the entity or.~~ 90192

(c) The entity does not provide ambulette services that are 90193
reimbursed under the state medicaid plan. 90194

(2) A vehicle, to the extent it is used to provide ambulette 90195
services, if the vehicle meets both of the following conditions: 90196

(a) The vehicle is owned by an entity that meets the 90197
conditions specified in division (N)(1) of this section. 90198

(b) The vehicle ~~provides~~ ~~does not provide~~ ambulette services 90199
that are reimbursed under the state medicaid plan~~+~~. 90200

(O) A vehicle that meets both of the following criteria, 90201
unless the vehicle provides services that are reimbursed under the 90202
state medicaid plan: 90203

(1) The vehicle was purchased with funds from a grant made by 90204
the United States secretary of transportation under 49 U.S.C. 90205

5310; 90206

(2) The department of transportation holds a lien on the 90207
vehicle. 90208

Sec. 4767.05. (A) There is hereby created the Ohio cemetery 90209
dispute resolution commission, which shall consist of nine members 90210
to be appointed by the governor with the advice and consent of the 90211
senate as follows: 90212

(1) One member shall be the management authority of a 90213
municipal, township, or union cemetery and shall be selected from 90214
a list of four names submitted to the governor. Two of the four 90215
names shall be submitted by the Ohio township association and two 90216
names shall be submitted by the Ohio municipal league. 90217

(2) Four members shall be individuals employed in a 90218
management position by a cemetery company or cemetery association. 90219
Two of the four members shall be selected from a list of four 90220
names submitted to the governor by the Ohio association of 90221
cemeteries and two shall be selected from a list of four names 90222
submitted by the Ohio association of cemetery superintendents and 90223
officials. 90224

(3) Two members shall be employed in a management position by 90225
a cemetery that is owned or operated by a religious, fraternal, or 90226
benevolent society and shall be selected from a list of four names 90227
submitted by the Ohio association of cemetery superintendents and 90228
officials. 90229

(4) Two members, at least one of whom shall be at least 90230
sixty-five years of age, shall be representatives of the public 90231
with no financial interest in the death care industry. 90232

Each member of the commission, except for the two members who 90233
represent the public, shall, at the time of appointment, have had 90234
a minimum of five consecutive years of experience in the active 90235

administration and management of a cemetery in this state. 90236

(B) Within ninety days after the effective date of this 90237
section, the governor shall make initial appointments to the 90238
commission. Of the initial appointments, two shall be for terms 90239
ending one year after the effective date of this section, two 90240
shall be for terms ending two years after that date, two shall be 90241
for terms ending three years after that date, and three shall be 90242
for terms ending four years after that date. Thereafter, terms of 90243
office shall be for four years, with each term ending on the same 90244
day of the same month as did the term that it succeeds. Each 90245
member shall hold office from the date of appointment until the 90246
end of the term for which the member was appointed. Vacancies 90247
shall be filled in the manner provided for original appointments, 90248
with each appointee, other than a representative of the public, 90249
being appointed from a list of two names submitted to the governor 90250
by the association or organization that was required to nominate 90251
candidates for initial appointment to the position that has become 90252
vacant. Any member appointed to fill a vacancy occurring prior to 90253
the expiration date of the term for which the member's predecessor 90254
was appointed shall hold office for the remainder of that term. A 90255
member shall continue in office subsequent to the expiration date 90256
of the member's term until the member's successor takes office or 90257
until a period of sixty days has elapsed, whichever occurs first. 90258
No person shall serve as a member of the commission for more than 90259
two consecutive terms, excluding any term served to fill an 90260
initial appointment to a term of less than four years or an 90261
unexpired term caused by a vacancy. 90262

(C) The commission annually shall elect from among its 90263
members a chairperson, vice-chairperson, and secretary, each of 90264
whom shall serve a term of one year in that office. The commission 90265
shall meet at least four times a year. Additional meetings may be 90266
called by the chairperson, or by the vice-chairperson when the 90267

chairperson is disabled, or by a majority of the members of the 90268
commission. A majority of the members constitutes a quorum to 90269
transact and vote on business of the commission. 90270

The chairperson or vice-chairperson may: 90271

(1) Administer oaths; 90272

(2) Issue subpoenas; 90273

(3) Summon witnesses; 90274

(4) Compel the production of books, papers, records, and 90275
other forms of evidence; 90276

(5) Fix the time and place for hearing any matter related to 90277
compliance with sections 1721.19, 1721.20, 1721.21, 1721.211, 90278
4735.02, ~~4735.22~~, and 4767.02 of the Revised Code. 90279

The chairperson shall designate three members of the 90280
commission to serve on the crematory review board in accordance 90281
with section 4717.03 of the Revised Code for such time as the 90282
chairperson finds appropriate. Members designated to serve on the 90283
crematory review board shall perform all functions necessary to 90284
carry out the duties of the board as described in section 4717.03 90285
of the Revised Code. Members who serve on the crematory review 90286
board shall receive no compensation for such service. 90287

(D) Before entering upon the duties of office, each member of 90288
the commission shall take the oath pursuant to section 3.22 of the 90289
Revised Code. The governor may remove any member for misconduct, 90290
neglect of duty, incapacity, or malfeasance in accordance with 90291
section 3.04 of the Revised Code. 90292

(E) Members of the commission shall receive no compensation 90293
but shall be reimbursed for their actual and necessary expenses 90294
incurred in the performance of their duties as members of the 90295
commission. 90296

(F) The division of real estate in the department of commerce 90297

shall provide the commission with meeting space, staff services, 90298
and other technical assistance required by the commission in 90299
carrying out its duties pursuant to sections 4767.05 to 4767.08 of 90300
the Revised Code. 90301

Sec. 4767.07. (A) Any person may file a complaint regarding 90302
the activity, practice, policy, or procedure of, or regarding an 90303
alleged violation of section 1721.19, 1721.20, 1721.21, 1721.211, 90304
4735.02, ~~4735.22~~, or 4767.02 of the Revised Code by, any person 90305
operating or maintaining a cemetery registered pursuant to section 90306
4767.03 of the Revised Code that adversely affects or may 90307
adversely affect the interest of an owner or family member of the 90308
owner of a cemetery lot or burial, entombment, or columbarium 90309
right. All complaints shall be in writing and submitted to the 90310
division of real estate in the department of commerce on forms 90311
provided by the division. 90312

(B) With respect to complaints filed pursuant to division (A) 90313
of this section, the division of real estate shall do all of the 90314
following: 90315

(1) Acknowledge receipt of the complaint by sending written 90316
notice to the person who filed the complaint not more than twenty 90317
days after receipt of the complaint; 90318

(2) Send written notice of the complaint within seven days 90319
after receipt of the complaint to the person responsible for the 90320
operation and maintenance of the cemetery that is the subject of 90321
the complaint; 90322

(3) Before taking further action, allow the owner or the 90323
person responsible for the operation and maintenance of the 90324
cemetery that is the subject of a complaint thirty days after the 90325
date the division sends notice of the complaint to respond to the 90326
division with respect to the complaint. 90327

(C) The cemetery dispute resolution commission shall hear 90328
each complaint filed pursuant to division (A) of this section 90329
within one hundred eighty days after its filing, unless it has 90330
been resolved by the parties to the complaint. 90331

Sec. 4767.08. (A) The Ohio cemetery dispute resolution 90332
commission, on its own motion or as a result of a complaint 90333
received pursuant to section 4767.07 of the Revised Code and with 90334
good cause shown, shall investigate or cause to be investigated 90335
alleged violations of sections 1721.19, 1721.20, 1721.21, 90336
1721.211, 4735.02, ~~4735.22, and 4767.03~~ 4767.02, and 4767.03 of 90337
the Revised Code. If the commission or the superintendent of the 90338
division of real estate in the department of commerce believes 90339
that a violation has occurred, the commission or superintendent 90340
shall do all of the following: 90341

(1) Review the financial records of the cemetery to ensure 90342
compliance with sections 1721.21 and 1721.211 of the Revised Code; 90343

(2) Request the prosecuting attorney of the county in which 90344
the alleged violation occurred to initiate such proceedings as are 90345
appropriate. 90346

(B) If, as a result of an investigation, the commission or 90347
the superintendent believes that a person has violated Chapter 90348
1345. of the Revised Code, the commission or superintendent shall 90349
report the findings to the attorney general. 90350

(C) The commission, at any time, may dismiss a complaint if 90351
it determines there is not good cause shown for the complaint. If 90352
the commission dismisses a complaint, it shall notify the person 90353
who filed the complaint within twenty days of reaching its 90354
decision and identify the reason why the complaint was dismissed. 90355

(D) When necessary for the division of real estate to perform 90356
the duties required by sections 4767.07 and 4767.08 of the Revised 90357

Code, the superintendent of the division, after consultation with 90358
at least a majority of the members of the cemetery dispute 90359
resolution commission, may issue subpoenas and compel the 90360
production of books, papers, records, and other forms of evidence. 90361

Sec. 4781.01. As used in this chapter: 90362

(A) "Industrialized unit" has the same meaning as in division 90363
(C)(3) of section 3781.06 of the Revised Code. 90364

(B) "Installation" means any of the following: 90365

(1) The temporary or permanent construction of stabilization, 90366
support, and anchoring systems for manufactured housing; 90367

(2) The placement and erection of a manufactured housing unit 90368
or components of a unit on a structural support system; 90369

(3) The supporting, blocking, leveling, securing, anchoring, 90370
underpinning, or adjusting of any section or component of a 90371
manufactured housing unit; 90372

(4) The joining or connecting of all sections or components 90373
of a manufactured housing unit. 90374

(C) "Manufactured home" has the same meaning as in division 90375
(C)(4) of section 3781.06 of the Revised Code. 90376

(D) "Manufactured home park" has the same meaning as in 90377
division (A) of section 3733.01 of the Revised Code. 90378

(E) "Manufactured housing" means manufactured homes and 90379
mobile homes. 90380

(F) "Manufactured housing installer" means an individual who 90381
installs manufactured housing. 90382

(G) "Mobile home" has the same meaning as in division (O) of 90383
section 4501.01 of the Revised Code. 90384

(H) "Model standards" means the federal manufactured home 90385

installation standards established pursuant to 42 U.S.C. 5404. 90386

(I) "Permanent foundation" has the same meaning as in 90387
division (C)(5) of section 3781.06 of the Revised Code. 90388

(J) "Business" includes any activities engaged in by any 90389
person for the object of gain, benefit, or advantage either direct 90390
or indirect. 90391

(K) "Casual sale" means any transfer of a manufactured home 90392
or mobile home by a person other than a manufactured housing 90393
dealer, manufactured housing salesperson, or manufacturer to an 90394
ultimate consumer or a person who purchases the home for use as a 90395
residence. 90396

(L) "Engaging in business" means commencing, conducting, or 90397
continuing in business, or liquidating a business when the 90398
liquidator thereof holds self out to be conducting such business; 90399
making a casual sale or otherwise making transfers in the ordinary 90400
course of business when the transfers are made in connection with 90401
the disposition of all or substantially all of the transferor's 90402
assets is not engaging in business. 90403

(M) "Manufactured home park operator" has the same meaning as 90404
"operator" in section 3733.01 of the Revised Code. 90405

(N) "Manufactured housing broker" means any person acting as 90406
a selling agent on behalf of an owner of a manufactured home or 90407
mobile home that is subject to taxation under section 4503.06 of 90408
the Revised Code. 90409

(O) "Manufactured housing dealer" means any person engaged in 90410
the business of selling at retail, displaying, offering for sale, 90411
or dealing in manufactured homes or mobile homes. 90412

(P) "Manufacturer" means a person who manufacturers, 90413
assembles, or imports manufactured homes or mobile homes. 90414

(Q) "Retail sale" or "sale at retail" means the act or 90415

attempted act of selling, bartering, exchanging, or otherwise 90416
disposing of a manufactured home or mobile home to an ultimate 90417
purchaser for use as a residence. 90418

(R) "Salesperson" means any individual employed by a 90419
manufactured housing dealer or manufactured housing broker to 90420
sell, display, and offer for sale, or deal in manufactured homes 90421
or mobile homes for a commission, compensation, or other valuable 90422
consideration, but does not mean any public officer performing 90423
official duties. 90424

(S) "Ultimate purchaser" means, with respect to any new 90425
manufactured home, the first person, other than a manufactured 90426
housing dealer purchasing in the capacity of a manufactured 90427
housing dealer, who purchases such new manufactured home for 90428
purposes other than resale. 90429

Sec. 4781.02. (A) There is hereby created the manufactured 90430
homes commission which consists of nine members, with three 90431
members appointed by the governor, three members appointed by the 90432
president of the senate, and three members appointed by the 90433
speaker of the house of representatives. 90434

(B)(1) Commission members shall be residents of this state, 90435
except for members appointed pursuant to divisions (B)(3)(b) and 90436
(B)(4)(a) of this section. Members shall be selected from a list 90437
of persons the Ohio manufactured homes association, or any 90438
successor entity, recommends, except for appointments made 90439
pursuant to division (B)(2) of this section. 90440

(2) The governor shall appoint the following members: 90441

(a) One member to represent the board of building standards, 90442
who may be a member of the board or a board employee not in the 90443
classified civil service, with an initial term ending December 31, 90444
2007; 90445

(b) One member to represent the department of health, who may be a department employee not in the classified civil service, with an initial term ending December 31, 2005;

(c) One member whose primary residence is a manufactured home, with an initial term ending December 31, 2006.

(3) The president of the senate shall appoint the following members:

(a) Two members who are manufactured housing installers who have been actively engaged in the installation of manufactured housing for the five years immediately prior to appointment, with the initial term of one installer ending December 31, 2007, and the initial term of the other installer ending December 31, 2005.

(b) One member who manufactures manufactured homes in this state or who manufactures manufactured homes in another state and ships homes into this state, to represent manufactured home manufacturers, with an initial term ending December 31, 2006.

(4) The speaker of the house of representatives shall appoint the following members:

(a) One member who operates a manufactured or mobile home retail business in this state to represent ~~manufactured and mobile home retailers~~ housing dealers, with an initial term ending December 31, 2007;

(b) One member who is a manufactured home park operator or is employed by an operator, with an initial term ending December 31, 2005;

(c) One member to represent the Ohio manufactured home association, or any successor entity, who may be the president or executive director of the association or the successor entity, with an initial term ending December 31, 2006.

(C)(1) After the initial term, each term of office is for

four years ending on the thirty-first day of December. A member 90476
holds office from the date of appointment until the end of the 90477
term. No member may serve more than two consecutive four-year 90478
terms. 90479

(2) Any member appointed to fill a vacancy that occurs prior 90480
to the expiration of a term continues in office for the remainder 90481
of that term. Any member continues in office subsequent to the 90482
expiration date of the term until the member's successor takes 90483
office or until sixty days have elapsed, which ever occurs first. 90484

(3) A vacancy on the commission does not impair the authority 90485
of the remaining members to exercise all of the commission's 90486
powers. 90487

(D)(1) The governor may remove any member from office for 90488
incompetence, neglect of duty, misfeasance, nonfeasance, 90489
malfeasance, or unprofessional conduct in office. 90490

(2) Vacancies shall be filled in the manner of the original 90491
appointment. 90492

Sec. 4781.04. (A) The manufactured homes commission shall 90493
adopt rules pursuant to Chapter 119. of the Revised Code to do all 90494
of the following: 90495

(1) Establish uniform standards that govern the installation 90496
of manufactured housing. Not later than one hundred eighty days 90497
after the secretary of the United States department of housing and 90498
urban development adopts model standards for the installation of 90499
manufactured housing or amends those standards, the commission 90500
shall amend its standards as necessary to be consistent with, and 90501
not less stringent than, the model standards for the design and 90502
installation of manufactured housing the secretary adopts or any 90503
manufacturers' standards that the secretary determines are equal 90504
to or not less stringent than the model standards. 90505

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the ~~department of health or a licensor, as determined by the director of health,~~ commission, any building department or personnel of any department, any licensor or personnel of any licensor, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the commission establishes pursuant to this section. ~~The rules shall specify that all installation inspections in a manufactured home park the department of health or the licensor conducts shall be conducted by a person who has completed an installation training course approved by the commission pursuant to division (B) of section 4781.04 of the Revised Code.~~

As used in division (A)(2) of this section, "licensor" has the same meaning as in section 3733.01 of the Revised Code.

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the ~~department of health or the licensor, as determined by the director of health,~~ commission, any building department or personnel of any department, any licensor or personnel of any licensor, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section. ~~The rules shall specify that all foundation and base support system inspections in a manufactured home park the department of health or the licensor conducts shall be conducted by a person who~~

~~has completed an installation training course approved by the~~ 90538
~~commission pursuant to division (B) of section 4781.04 of the~~ 90539
~~Revised Code.~~ 90540

As used in division (A)(3) of this section, "licensor" has 90541
the same meaning as in section 3733.01 of the Revised Code. 90542

(4) Govern the training, experience, and education 90543
requirements for manufactured housing installers, manufactured 90544
housing dealers, manufactured housing brokers, and manufactured 90545
housing salespersons; 90546

(5) Establish a code of ethics for manufactured housing 90547
installers; 90548

(6) Govern the issuance, revocation, and suspension of 90549
licenses to manufactured housing installers; 90550

(7) Establish fees for the issuance and renewal of licenses, 90551
for conducting inspections to determine an applicant's compliance 90552
with this chapter and the rules adopted pursuant to it, and for 90553
the commission's expenses incurred in implementing this chapter; 90554

(8) Establish conditions under which a licensee may enter 90555
into contracts to fulfill the licensee's responsibilities; 90556

(9) Govern the investigation of complaints concerning any 90557
violation of this chapter or the rules adopted pursuant to it or 90558
complaints involving the conduct of any licensed manufactured 90559
housing installer or person installing manufactured housing 90560
without a license, licensed manufactured housing dealer, licensed 90561
manufactured housing broker, or manufactured housing salesperson; 90562

(10) Establish a dispute resolution program for the timely 90563
resolution of warranty issues involving new manufactured homes, 90564
disputes regarding responsibility for the correction or repair of 90565
defects in manufactured housing, and the installation of 90566
manufactured housing. The rules shall provide for the timely 90567

resolution of disputes between manufacturers, ~~retailers~~ 90568
manufactured housing dealers, and installers regarding the 90569
correction or repair of defects in manufactured housing that are 90570
reported by the purchaser of the home during the one-year period 90571
beginning on the date of installation of the home. The rules also 90572
shall provide that decisions made regarding the dispute under the 90573
program are not binding upon the purchaser of the home or the 90574
other parties involved in the dispute unless the purchaser so 90575
agrees in a written acknowledgement that the purchaser signs and 90576
delivers to the program within ten business days after the 90577
decision is issued. 90578

(11) Establish the requirements and procedures for the 90579
certification of building departments and building department 90580
personnel pursuant to section 4781.07 of the Revised Code; 90581

(12) Establish fees to be charged to building departments and 90582
building department personnel applying for certification and 90583
renewal of certification pursuant to section 4781.07 of the 90584
Revised Code; 90585

(13) Carry out any other provision of this chapter. 90586

(B) The manufactured homes commission shall do all of the 90587
following: 90588

(1) Prepare and administer a licensure examination to 90589
determine an applicant's knowledge of manufactured housing 90590
installation and other aspects of installation the commission 90591
determines appropriate; 90592

(2) Select, provide, or procure appropriate examination 90593
questions and answers for the licensure examination and establish 90594
the criteria for successful completion of the examination; 90595

(3) Prepare and distribute any application form this chapter 90596
requires; 90597

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	90598 90599
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	90600 90601
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	90602 90603 90604
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	90605 90606
(8) Inspect a sample of homes at a percentage the commission determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the commission adopts;	90607 90608 90609 90610 90611
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer, <u>manufactured housing dealer,</u> <u>manufactured housing broker, or manufactured housing salesperson;</u>	90612 90613 90614 90615
(10) Determine appropriate disciplinary actions for violations of this chapter;	90616 90617
(11) Conduct audits and inquiries of manufactured housing installers, <u>manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons</u> as appropriate for the enforcement of this chapter. The commission, or any person the commission employs for the purpose, may review and audit the business records of any manufactured housing installer, <u>dealer, broker, or salesperson</u> during normal business hours.	90618 90619 90620 90621 90622 90623 90624
(12) Approve an installation training course, which may be offered by the Ohio manufactured homes association or other entity;	90625 90626 90627

(13) Perform any function or duty necessary to administer 90628
this chapter and the rules adopted pursuant to it. 90629

Sec. 4781.05. The executive director of the manufactured 90630
homes commission shall do all of the following: 90631

(A) With commission approval, secure and manage office space, 90632
supplies, and the professional and clerical staff necessary to 90633
effectively perform the executive director's and commission's 90634
duties; 90635

(B) Pursuant to rules the commission adopts, review 90636
applications for manufactured housing installer licenses, 90637
manufactured housing dealer licenses, manufactured housing broker 90638
licenses, and manufactured housing salesperson licenses and on 90639
behalf of the commission, issue licenses to qualified persons; 90640

(C) Administer the dispute resolution program the commission 90641
develops if the commission does not contract with the Ohio 90642
manufactured homes association or another entity to administer the 90643
program; 90644

(D) Administer any continuing education program the 90645
commission develops; 90646

(E) Collect fees the commission establishes; 90647

(F) Except as provided in divisions (A)(2) and (3) of section 90648
4781.04 of the Revised Code, employ installation inspectors and 90649
investigators to serve at the executive director's pleasure to 90650
assist in carrying out the executive director's duties under this 90651
chapter or the duties the commission delegates to the executive 90652
director; 90653

(G) Serve as secretary of the commission and maintain a 90654
written record of the commission's meetings and proceedings; 90655

(H) Notify manufactured housing installers, manufactured 90656
housing dealers, manufactured housing brokers, and manufactured 90657

housing salespersons of changes in this chapter and the rules 90658
adopted pursuant to it; 90659

(I) Do all things the commission requests or delegates for 90660
the administration and enforcement of this chapter. 90661

Sec. 4781.06. (A) The manufactured homes commission may 90662
delegate to the executive director any of its duties set forth in 90663
division (B) of section 4781.04 of the Revised Code. 90664

(B) The commission may enter into a contract with the Ohio 90665
manufactured homes association or another entity to administer the 90666
dispute resolution program created pursuant to section 4781.04 of 90667
the Revised Code. The contract shall specify the terms for the 90668
administration of the program. 90669

(C)(1) The commission may enter into a contract with any 90670
private third party, municipal corporation, township, county, 90671
state agency, or the Ohio manufactured homes association, or any 90672
successor entity, to perform any of the commission's functions set 90673
forth in division (B) of section 4781.04 of the Revised Code that 90674
the commission has not delegated to the executive director. Each 90675
contract shall specify the compensation to be paid to the private 90676
third party, municipal corporation, township, county, state 90677
agency, or the Ohio manufactured homes association, or successor 90678
entity, for the performance of the commission's functions. 90679

(2) Except as provided in this division, the commission shall 90680
not enter into any contract with any person or building department 90681
to accept and approve plans and specifications or to inspect 90682
manufactured housing foundations and the installation of 90683
manufactured housing unless that person or building department is 90684
certified pursuant to section 4781.07 of the Revised Code. The 90685
commission shall ~~not~~ require inspectors the Ohio department of 90686
health employs to obtain certification pursuant to section 4781.07 90687
of the Revised Code, ~~but shall require inspectors to complete an~~ 90688

~~installation training course approved by the commission pursuant to division (B) of section 4781.04 of the Revised Code.~~ 90689
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Sec. 4781.07. (A) Pursuant to rules the manufactured homes commission adopts, the commission may certify municipal, township, and county building departments and the personnel of those departments, licensors as defined in section 3733.01 of the Revised Code and the personnel of those licensors, or any private third party, to exercise the commission's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. Any certification is effective for three years. 90691
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(B) Following an investigation and finding of facts that support its action, the commission may revoke or suspend certification. The commission may initiate an investigation on its own motion or the petition of a person affected by the enforcement or approval of plans. 90701
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Sec. 4781.16. (A) Except as provided in division (E) of this section, no person shall do any of the following: 90706
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(1) Engage in the business of displaying or selling at retail manufactured homes or mobile homes or assume to engage in that business, unless the person is licensed as a manufactured housing dealer under this chapter, or is a salesperson licensed under this chapter and employed by a licensed manufactured housing dealer; 90708
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(2) Make more than five casual sales of manufactured homes or mobile homes in a twelve-month period without obtaining a license as a manufactured housing dealer under this chapter; 90713
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(3) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under this chapter. 90716
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(B)(1) Except as provided in this division, no manufactured housing dealer shall sell, display, offer for sale, or deal in manufactured homes or mobile homes at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in manufactured homes or mobile homes.

(2) No manufactured housing broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured and mobile homes.

(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in motor vehicles even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business.

(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply:

(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the operation of the manufactured home park take place at the same location or office.

(b) The dealer's established place of business in the manufactured home park shall be staffed by someone licensed and regulated under this chapter who could reasonably assist any retail customer with or without an appointment, but such established place of business need not satisfy office size,

display lot size, and physical barrier requirements applicable to 90750
other used motor vehicle dealers. 90751

(c) The manufactured and mobile homes being offered for sale, 90752
lease, or rental by the dealer may be located on individual rental 90753
lots inside the operator's manufactured home park. 90754

(C) Nothing in this chapter shall be construed as prohibiting 90755
the sale of a new or used manufactured or mobile home located in a 90756
manufactured home park by a licensed manufactured housing dealer. 90757

(D) Nothing in this section shall be construed to prohibit 90758
persons licensed under this chapter from making sales calls. 90759

(E)(1) This chapter does not apply to mortgagees selling at 90760
retail only those manufactured homes or mobile homes that have 90761
come into their possession by a default in the terms of a mortgage 90762
contract. 90763

(2) When a partnership licensed under sections 4517.01 to 90764
4517.45 of the Revised Code is dissolved by death, the surviving 90765
partners may operate under the manufactured housing dealer license 90766
for a period of sixty days, and the heirs or representatives of 90767
deceased persons and receivers or trustees in bankruptcy appointed 90768
by any competent authority may operate under the license of the 90769
person succeeded in possession by that heir, representative, 90770
receiver, or trustee in bankruptcy. 90771

Sec. 4781.17. (A) Each person applying for a manufactured 90772
housing dealer's license or manufactured housing broker's license 90773
shall complete and deliver to the manufactured homes commission, 90774
before the first day of April, a separate application for license 90775
for each county in which the business of selling manufactured or 90776
mobile homes is to be conducted. The application shall be in the 90777
form prescribed by the commission and accompanied by the fee 90778
established by the commission. The applicant shall sign and swear 90779

- to the application that shall include all of the following: 90780
- (1) Name of applicant and location of principal place of business; 90781
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- (2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation; 90783
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- (3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors; 90785
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- (4) The county in which the business is to be conducted and the address of each place of business therein; 90787
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- (5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the commission the reputation in business of the applicant; 90789
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- (6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended; 90793
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- (7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended; 90801
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- (8) Any other information required by the commission. 90809

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the manufactured homes commission before the first day of July an application for license. The application shall be in the form prescribed by the commission and shall be accompanied by the fee established by the commission. The applicant shall sign and swear to the application that shall include all of the following: 90810
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(1) Name and post-office address of the applicant; 90817

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson; 90818
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(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the commission the applicant's reputation in business; 90821
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(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson; 90825
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(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; 90828
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(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked; 90834
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(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson; 90838
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<u>(8) Any other information required by the commission.</u>	90841
<u>(C) Any application for a manufactured housing dealer or</u>	90842
<u>manufactured housing broker delivered to the commission under this</u>	90843
<u>section also shall be accompanied by a photograph, as prescribed</u>	90844
<u>by the commission, of each place of business operated, or to be</u>	90845
<u>operated, by the applicant.</u>	90846
<u>(D) The manufactured homes commission shall deposit all</u>	90847
<u>license fees into the state treasury to the credit of the</u>	90848
<u>occupational licensing and regulatory fund.</u>	90849
<u>Sec. 4781.18.</u> (A) <u>The manufactured homes commission shall</u>	90850
<u>deny the application of any person for a license as a manufactured</u>	90851
<u>housing dealer or manufactured housing broker and refuse to issue</u>	90852
<u>the license if the commission finds that any of the following is</u>	90853
<u>true of the applicant:</u>	90854
<u>(1) The applicant has made any false statement of a material</u>	90855
<u>fact in the application.</u>	90856
<u>(2) The applicant has not complied with this chapter or the</u>	90857
<u>rules adopted by the commission under this chapter.</u>	90858
<u>(3) The applicant is of bad business repute or has habitually</u>	90859
<u>defaulted on financial obligations.</u>	90860
<u>(4) The applicant has been guilty of a fraudulent act in</u>	90861
<u>connection with selling or otherwise dealing in manufactured</u>	90862
<u>housing or in connection with brokering manufactured housing.</u>	90863
<u>(5) The applicant has entered into or is about to enter into</u>	90864
<u>a contract or agreement with a manufacturer or distributor of</u>	90865
<u>manufactured homes that is contrary to the requirements of this</u>	90866
<u>chapter.</u>	90867
<u>(6) The applicant is insolvent.</u>	90868
<u>(7) The applicant is of insufficient responsibility to ensure</u>	90869

the prompt payment of any final judgments that might reasonably be 90870
entered against the applicant because of the transaction of 90871
business as a manufactured housing dealer or manufactured housing 90872
broker during the period of the license applied for, or has failed 90873
to satisfy any such judgment. 90874

(8) The applicant has no established place of business that, 90875
where applicable, is used or will be used for the purpose of 90876
selling, displaying, offering for sale or dealing in manufactured 90877
housing at the location for which application is made. 90878

(9) Within less than twelve months prior to making 90879
application, the applicant has been denied a manufactured housing 90880
dealer's license or manufactured housing broker's license, or has 90881
any such license revoked. 90882

(B) The commission shall deny the application of any person 90883
for a license as a salesperson and refuse to issue the license if 90884
the commission finds that any of the following is true of the 90885
applicant: 90886

(1) The applicant has made any false statement of a material 90887
fact in the application. 90888

(2) The applicant has not complied with this chapter or the 90889
rules adopted by the commission under this chapter. 90890

(3) The applicant is of bad business repute or has habitually 90891
defaulted on financial obligations. 90892

(4) The applicant has been guilty of a fraudulent act in 90893
connection with selling or otherwise dealing in manufactured 90894
housing. 90895

(5) The applicant has not been designated to act as 90896
salesperson for a manufactured housing dealer or manufactured 90897
housing broker licensed to do business in this state under this 90898
chapter, or intends to act as salesperson for more than one 90899

licensed manufactured housing dealer or manufactured housing broker at the same time, unless the licensed dealership is owned or operated by the same corporation, regardless of the county in which the dealership's facility is located. 90900
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(6) The applicant holds a current manufactured housing dealer's or manufactured housing broker's license issued under this chapter, and intends to act as salesperson for another licensed manufactured housing dealer or manufactured housing broker. 90904
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(7) Within less than twelve months prior to making application, the applicant has been denied a salesperson's license or had a salesperson's license revoked. 90909
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(8) The applicant was salesperson for, or in the employ of, a manufactured housing dealer or manufactured housing broker at the time the dealer's or broker's license was revoked. 90912
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(C) If an applicant for a manufactured housing dealer or manufactured housing broker's license is a corporation or partnership, the commission may refuse to issue a license if any officer, director, or partner of the applicant has been guilty of any act or omission that would be cause for refusing or revoking a license issued to such officer, director, or partner as an individual. The commission's finding may be based upon facts contained in the application or upon any other information the commission may have. 90915
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(D) Notwithstanding division (A)(4) of this section, the commission shall not deny the application of any person and refuse to issue a license if the commission finds that the applicant is engaged or will engage in the business of selling at retail any new manufactured homes and demonstrates that the applicant has posted a bond, surety, or certificate of deposit with the commission in an amount not less than one hundred thousand dollars 90924
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for the protection and benefit of the applicant's customers. 90931

(E) A decision made by the commission under this section may 90932
be based upon any statement contained in the application or upon 90933
any facts within the commission's knowledge. 90934

(F) Immediately upon denying an application for any of the 90935
reasons in this section, the commission shall enter a final order 90936
together with the commission's findings. If the application is 90937
denied by the executive director of the commission under authority 90938
of section 4781.05 of the Revised Code, the executive director 90939
shall enter a final order together with the director's findings 90940
and certify the same to the commission. The commission shall issue 90941
to the applicant a written notice of refusal to grant a license 90942
that shall disclose the reason for refusal. 90943

Sec. 4781.19. (A) At the time the manufactured homes 90944
commission grants the application of any person for a license as a 90945
manufactured housing dealer, manufactured housing broker, or 90946
manufactured housing salesperson, the commission shall issue to 90947
the person a license that includes the name and post-office 90948
address of the person licensed. If a manufactured housing dealer 90949
or manufactured housing broker has more than one place of business 90950
in a county, the dealer or broker shall make application, in such 90951
form as the commission prescribes, for a certified copy of the 90952
license issued to the dealer or broker for each place of business 90953
in the county. 90954

(B) The commission may require each applicant for a 90955
manufactured housing dealer's license, manufactured housing 90956
broker's license, and manufactured housing salesperson's license 90957
issued under this chapter to pay an additional fee, which shall be 90958
used by the commission to pay the costs of obtaining a record of 90959
any arrests and convictions of the applicant from the bureau of 90960
identification and investigation. The amount of the fee shall be 90961

equal to that paid by the commission to obtain such record. 90962

(C) In the event of the loss, mutilation, or destruction of a 90963
manufactured housing dealer's license, manufactured housing 90964
broker's license, or manufactured housing salesperson's license, 90965
any licensee may make application to the commission, in the form 90966
prescribed by the commission, for a duplicate copy thereof and pay 90967
a fee established by the commission. 90968

(D) All manufactured housing dealers' licenses, all 90969
manufactured housing brokers' licenses, and all manufactured 90970
housing salespersons' licenses issued or renewed shall expire 90971
biennially on a day within the two-year cycle that is prescribed 90972
by the manufactured homes commission, unless sooner suspended or 90973
revoked. Before the first day after the day prescribed by the 90974
commission in the year that the license expires, each licensed 90975
manufactured housing dealer, manufactured housing broker, and 90976
manufactured housing salesperson, in the year in which the license 90977
will expire, shall file an application, in such form as the 90978
commission prescribes, for the renewal of such license. The fee 90979
required by this section for the original license shall accompany 90980
the application. 90981

(E) Each manufactured housing dealer and manufactured housing 90982
broker shall keep the license or a certified copy thereof and a 90983
current list of the dealer's or the broker's licensed 90984
salespersons, showing the names, addresses, and serial numbers of 90985
their licenses, posted in a conspicuous place in each place of 90986
business. Each salesperson shall carry the salesperson's license 90987
or a certified copy thereof and shall exhibit such license or copy 90988
upon demand to any inspector of the commission, state highway 90989
patrol trooper, police officer, or person with whom the 90990
salesperson seeks to transact business as a manufactured housing 90991
salesperson. 90992

Sec. 4781.20. The applications for licenses submitted under 90993
section 4781.17 of the Revised Code are not part of the public 90994
records but are confidential information for the use of the 90995
manufactured homes commission. No person shall divulge any 90996
information contained in such applications and acquired by the 90997
person in the person's capacity as an official or employee of the 90998
manufactured homes commission, except in a report to the 90999
commission, or when called upon to testify in any court or 91000
proceeding. 91001

Sec. 4781.21. (A) The manufactured homes commission may make 91002
rules governing its actions relative to the suspension and 91003
revocation of manufactured housing dealers', manufactured housing 91004
brokers', and manufactured housing salespersons' licenses, and 91005
may, upon its own motion, and shall, upon the verified complaint 91006
in writing of any person, investigate the conduct of any licensee 91007
under this chapter. The commission shall suspend, revoke, or 91008
refuse to renew any manufactured housing dealer's, manufactured 91009
housing broker's, or manufactured housing salesperson's license, 91010
if any ground existed upon which the license might have been 91011
refused, or if a ground exists that would be cause for refusal to 91012
issue a license. 91013

The commission may suspend or revoke any license if the 91014
licensee has in any manner violated the rules adopted by the 91015
commission under this chapter, or has been convicted of committing 91016
a felony or violating any law that in any way relates to the 91017
selling, taxing, licensing, or regulation of sales of manufactured 91018
or mobile homes. 91019

(B) Any salesperson's license shall be suspended upon the 91020
termination, suspension, or revocation of the license of the 91021
manufactured housing dealer or manufactured housing broker for 91022
whom the salesperson is acting, or upon the salesperson leaving 91023

the service of the manufactured housing dealer or manufactured housing broker. Upon the termination, suspension, or revocation of the license of the manufactured housing dealer or manufactured housing broker for whom the salesperson is acting, or upon the salesperson leaving the service of a licensed manufactured housing or manufactured housing broker, the licensed salesperson may make application to the commission, in such form as the commission prescribes, to have the salesperson's license reinstated, transferred, and registered as a salesperson for another dealer or broker. If the information contained in the application is satisfactory to the commission, the commission shall reinstate, transfer, or register the salesperson's license as a salesperson for other dealer or broker. The commission shall establish the fee for the reinstatement and transfer of license. No license issued to a dealer, broker, or salesperson under this chapter may be transferred to any other person.

(C) Any person whose manufactured housing dealer's license, manufactured housing broker's license, or manufactured housing salesperson's license is revoked, suspended, denied, or not renewed may request an adjudication hearing on the matter within thirty days after receipt of the notice of the action. If no appeal is taken within thirty days after receipt of the order, the order is final and conclusive. All appeals must be by petition in writing and verified under oath by the applicant whose application for license has been revoked, suspended, denied, or not renewed and must set forth the reason for the appeal and the reason why, in the petitioner's opinion, the order is not correct. In such appeals the board may make investigation to determine the correctness and legality of the appealed order. The hearing shall be held in accordance with Chapter 119. of the Revised Code.

Sec. 4781.22. No manufactured housing dealer licensed under this chapter shall do any of the following:

(A) Directly or indirectly, solicit the sale of a 91056
manufactured home or mobile home through an interested person 91057
other than a salesperson licensed in the employ of a licensed 91058
dealer; 91059

(B) Pay any commission or compensation in any form to any 91060
person in connection with the sale of a manufactured home or 91061
mobile home unless the person is licensed as a salesperson in the 91062
employ of the dealer; 91063

(C) Fail to immediately notify the manufactured homes 91064
commission upon termination of the employment of any person 91065
licensed as a salesperson to sell, display, offer for sale, or 91066
deal in manufactured homes or mobile homes for the dealer. 91067

Sec. 4781.23. (A) Each licensed manufactured housing dealer 91068
and manufactured housing broker shall notify the manufactured 91069
homes commission of any change in status as a manufactured housing 91070
dealer or manufactured housing broker during the period for which 91071
the dealer or broker is licensed, if the change of status concerns 91072
either of the following: 91073

(1) Personnel of owners, partners, officers, or directors; 91074

(2) Location of an office or principal place of business. 91075

(B) The notification required by division (A) of this section 91076
shall be made by filing with the commission, within fifteen days 91077
after the change of status, a supplemental statement in a form 91078
prescribed by the commission showing in what respect the status 91079
has been changed. 91080

The commission may adopt a rule exempting from the 91081
notification requirement of division (A)(1) of this section any 91082
dealer if stock in the dealer or its parent company is publicly 91083
traded and if there are public records filed with and in the 91084
possession of state or federal agencies that provide the 91085

information required by division (A)(1) of this section. 91086

Sec. 4781.24. (A) Every retail sale of a manufactured home or mobile home shall be preceded by a written contract that shall contain all of the agreements of the parties and shall be signed by the buyer and the seller. The seller, upon execution of the contract and before the delivery of the manufactured or mobile home, shall deliver to the buyer a copy of the contract that shall clearly describe all of the following: 91087
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(1) The home sold to the buyer, including, where applicable, its vehicle identification number; 91094
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(2) The sale price of the home, and, if applicable, the amount paid down by the buyer; 91096
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(3) The amount credited to the buyer for any trade-in and a description thereof; 91098
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(4) The amount of any finance charge; 91100

(5) The amount charged for any home insurance and a statement of the types of insurance provided by the policy or policies; 91101
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(6) The amount of any other charge and a specification of its purpose; 91103
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(7) The net balance of payment due from the buyer including the terms of the payment of the net balance. 91105
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(B) A manufactured housing dealer may contract for and receive a documentary service charge for a retail sale of a manufactured home or mobile home. The documentary service charge shall be specified in writing without itemization of the individual services provided and shall not be more than the lesser of the following: 91107
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(1) The amount allowed in a retail installment contract; 91113

(2) Ten per cent of the amount the buyer is required to pay 91114

pursuant to the contract, excluding tax, title, and registration fees, and any negative equity adjustment. 91115
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(C) This section does not apply to a casual sale of a manufactured home or mobile home. 91117
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Sec. 4781.25. The manufactured homes commission shall adopt rules for the regulation of manufactured housing brokers in accordance with Chapter 119. of the Revised Code. The rules shall require that a manufactured housing broker maintain a bond of a surety company authorized to transact business in this state in an amount determined by the commission. The rules also shall require each person licensed as a manufactured housing broker to maintain at all times a special or trust bank account that is noninterest-bearing, is separate and distinct from any personal or other account of the broker, and into which shall be deposited and maintained all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. In a form determined by the commission, a manufactured housing broker shall submit written proof to the commission of the continued maintenance of the special or trust account. A depository where special or trust accounts are maintained in accordance with this section shall be located in this state. 91119
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Sec. 4781.99. (A) Whoever violates division (A) of section 4781.16 of the Revised Code is guilty of a minor misdemeanor on a first offense and shall be subject to a mandatory fine of one hundred dollars. On a second offense, the person is guilty of a misdemeanor of the first degree and shall be subject to a mandatory fine of one thousand dollars. 91136
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(B) Whoever violates section 4781.20 of the Revised Code is guilty of a minor misdemeanor. 91142
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(C) Whoever violates any of the following is guilty of a 91144

<u>misdemeanor of the fourth degree:</u>	91145
<u>(1) Division (B) or (C) of section 4781.16 of the Revised Code;</u>	91146
<u>Code;</u>	91147
<u>(2) Section 4781.22 of the Revised Code;</u>	91148
<u>(3) Section 4781.23 of the Revised Code;</u>	91149
<u>(4) Division (A) of section 4781.24 of the Revised Code;</u>	91150
<u>(5) Section 4781.25 of the Revised Code.</u>	91151
Sec. 4905.06. The public utilities commission has general	91152
supervision over all public utilities within its jurisdiction as	91153
defined in section 4905.05 of the Revised Code, and may examine	91154
such public utilities and keep informed as to their general	91155
condition, capitalization, and franchises, and as to the manner in	91156
which their properties are leased, operated, managed, and	91157
conducted with respect to the adequacy or accommodation afforded	91158
by their service, the safety and security of the public and their	91159
employees, and their compliance with all laws, orders of the	91160
commission, franchises, and charter requirements. The commission	91161
has general supervision over all other companies referred to in	91162
section 4905.05 of the Revised Code to the extent of its	91163
jurisdiction as defined in that section, and may examine such	91164
companies and keep informed as to their general condition and	91165
capitalization, and as to the manner in which their properties are	91166
leased, operated, managed, and conducted with respect to the	91167
adequacy or accommodation afforded by their service, and their	91168
compliance with all laws and orders of the commission, insofar as	91169
any of such matters may relate to the costs associated with the	91170
provision of electric utility service by public utilities in this	91171
state which are affiliated or associated with such companies. The	91172
commission, through the public utilities commissioners or	91173
inspectors or employees of the commission authorized by it, may	91174

enter in or upon, for purposes of inspection, any property, 91175
equipment, building, plant, factory, office, apparatus, machinery, 91176
device, and lines of any public utility. The power to inspect 91177
includes the power to prescribe any rule or order that the 91178
commission finds necessary for protection of the public safety. In 91179
order to assist the commission in the performance of its duties 91180
under this chapter, authorized employees of the motor carrier 91181
enforcement unit, created under section 5503.34 of the Revised 91182
Code in the division of state highway patrol, of the department of 91183
public safety may enter in or upon, for inspection purposes, any 91184
motor vehicle of any motor transportation company or private motor 91185
carrier as defined in section 4923.02 of the Revised Code. 91186

In order to inspect motor vehicles owned or operated by a 91187
motor transportation company engaged in the transportation of 91188
persons, authorized employees of the motor carrier enforcement 91189
unit, division of state highway patrol, of the department of 91190
public safety and authorized sheriffs, deputy sheriffs, and 91191
municipal police officers acting pursuant to section 311.32 or 91192
737.39 of the Revised Code and in accordance with memoranda of 91193
agreement entered into under section 4919.80 of the Revised Code 91194
may enter in or upon any property of any motor transportation 91195
company, as defined in section 4921.02 of the Revised Code, 91196
engaged in the intrastate transportation of persons. 91197

Sec. 4919.79. (A) The public utilities commission may adopt 91198
safety rules applicable to the highway transportation and offering 91199
for transportation of hazardous materials in interstate commerce, 91200
which highway transportation takes place into or through this 91201
state. 91202

(B) The commission may adopt safety rules applicable to the 91203
highway transportation of persons or property in interstate 91204
commerce, which transportation takes place into or through this 91205

state. 91206

(C) Rules adopted under divisions (A) and (B) of this section 91207
shall be consistent with, and equivalent in scope, coverage, and 91208
content to, the "Hazardous Materials Transportation Act," 88 Stat. 91209
2156 (1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 91210
under it, and the "Motor Carrier Safety Act of 1984," 98 Stat. 91211
2832, 49 U.S.C.A. 2501, and regulations adopted under it, 91212
respectively. No person shall violate a rule adopted under 91213
division (A) or (B) of this section or any order of the commission 91214
issued to secure compliance with any such rule. 91215

(D) The commission shall cooperate with, and permit the use 91216
of, the services, records, and facilities of the commission as 91217
fully as practicable by appropriate officers of the interstate 91218
commerce commission, the United States department of 91219
transportation, and other federal agencies or commissions and 91220
appropriate commissions of other states in the enforcement and 91221
administration of state and federal laws relating to highway 91222
transportation by motor vehicles. The commission may enter into 91223
cooperative agreements with the interstate commerce commission, 91224
the United States department of transportation, and any other 91225
federal agency or commission to enforce the economic and safety 91226
laws and rules of this state and of the United States concerning 91227
highway transportation by motor vehicles. All grants-in-aid, cash, 91228
and reimbursements received by the commission pursuant to those 91229
cooperative agreements shall be deposited to the credit of the 91230
motor carrier safety fund, which is hereby created in the state 91231
treasury, to be used by the commission for the purpose of carrying 91232
out this section. 91233

(E) To achieve the purposes of this section, the commission, 91234
through its inspectors or other authorized employees, may inspect 91235
any vehicles of carriers of persons or property in interstate 91236
commerce subject to the safety rules prescribed by this section 91237

and may enter upon the premises and vehicles of such carriers to 91238
examine any of the carriers' records or documents that relate to 91239
the safety of operation of such carriers. In order to assist the 91240
commission in the performance of its duties under this section, 91241
authorized employees of the motor carrier enforcement unit, 91242
created under section 5503.34 of the Revised Code in the division 91243
of state highway patrol, of the department of public safety and 91244
authorized sheriffs, deputy sheriffs, and municipal police 91245
officers acting pursuant to section 311.32 or 737.39 of the 91246
Revised Code and in accordance with memoranda of agreement entered 91247
into under section 4919.80 of the Revised Code may enter in or 91248
upon, for purposes of inspection, any vehicle of any such carrier. 91249

In order to inspect motor vehicles owned or operated by 91250
private motor carriers of persons, authorized employees of the 91251
motor carrier enforcement unit, division of state highway patrol, 91252
of the department of public safety may enter in or upon the 91253
premises of any private carrier of persons in interstate commerce, 91254
subject to the safety rules prescribed by this section. 91255

Sec. 4919.80. (A) The public utilities commission shall adopt 91256
any rules it finds necessary regarding sheriff, deputy sheriff, 91257
and municipal police officer authority under sections 311.32 and 91258
737.39 of the Revised Code. The rules shall include all of the 91259
following: 91260

(1) Specification of the form, manner, and time in which any 91261
violation cited pursuant to either such section must be forwarded 91262
to the commission; 91263

(2) Specification of the training, education, and 91264
certification required to act under those sections; 91265

(3) The eligibility of, and procedures to be followed by, the 91266
legislative authority of a county or municipal corporation to 91267
apply to the commission for reimbursement only of training and 91268

equipment costs incurred by the county or municipal corporation 91269
pursuant to section 311.32 or 737.39 of the Revised Code. 91270

(B) The commission shall establish a memorandum of agreement, 91271
and the procedures for entering into that memorandum, between the 91272
commission and the legislative authority of a county or municipal 91273
corporation in relation to enforcement under sections 311.32 and 91274
737.39 of the Revised Code. 91275

(C) All forfeitures collected pursuant to section 311.32 or 91276
737.39 of the Revised Code shall be deposited to the credit of the 91277
local commercial motor vehicle enforcement fund, which is hereby 91278
created in the state treasury. An amount not exceeding the first 91279
two hundred thousand dollars of forfeitures so deposited in a 91280
fiscal year shall be used by the commission for the administration 91281
of the fund and to carry out its duties under this section. Any 91282
excess forfeitures not exceeding one million two hundred thousand 91283
dollars deposited in the fiscal year shall be distributed by the 91284
commission to the legislative authority of any county or municipal 91285
corporation upon application pursuant to the rules adopted under 91286
division (A)(3) of this section. All forfeitures collected and 91287
equal to or greater than one million two hundred thousand dollars 91288
in a fiscal year shall be deposited to the credit of the general 91289
revenue fund. 91290

Sec. 4923.12. (A) The taxes imposed by sections 4921.18 and 91291
4923.11 of the Revised Code shall be paid to the treasurer of 91292
state. The first received remittances of the taxes in each fiscal 91293
year shall be credited to the public utilities fund until the 91294
aggregate credit from the taxes, and from the fees collected under 91295
division (B) of this section, in a fiscal year amounts to a sum 91296
equal to the appropriation from the public utilities fund made by 91297
the general assembly for defraying all expenses incident to 91298
maintaining the nonrailroad transportation activities of the 91299

public utilities commission. Receipt of the taxes subsequent 91300
thereto, after receipt by the treasurer of state of certifications 91301
from the commissioners of the sinking fund certifying, as required 91302
by sections 5528.15 and 5528.35 of the Revised Code, that there 91303
are sufficient moneys to the credit of the highway improvement 91304
bond retirement fund created by section 5528.12 of the Revised 91305
Code to meet in full all payments of interest, principal, and 91306
charges for the retirement of bonds and other obligations issued 91307
pursuant to Section 2g of Article VIII, Ohio Constitution and 91308
sections 5528.10 and 5528.11 of the Revised Code, due and payable 91309
during the current calendar year, and that there are sufficient 91310
moneys to the credit of the highway obligations bond retirement 91311
fund created by section 5528.32 of the Revised Code to meet in 91312
full all payments of interest, principal, and charges for the 91313
retirement of highway obligations issued pursuant to Section 2i of 91314
Article VIII, Ohio Constitution and sections 5528.30 and 5528.31 91315
of the Revised Code due and payable during the current calendar 91316
year, shall be paid into the state treasury to the credit of the 91317
state highway safety fund created by section 4501.06 of the 91318
Revised Code, and shall be subject to appropriation solely for the 91319
expense of operation and maintenance of the department of public 91320
safety. 91321

(B) The fees set by the commission in accordance with 91322
sections 4919.76 and 4919.77 of the Revised Code shall be credited 91323
to the public utilities fund except for those fees collected on 91324
behalf of other states participating in the single state insurance 91325
registration program, which shall be credited to the base state 91326
registration fund, which is hereby created in the state treasury. 91327

(C) The Except as provided in section 4919.80 of the Revised 91328
Code, the forfeitures imposed by sections 4919.99, 4921.99, and 91329
4923.99 of the Revised Code shall be paid to the treasurer of 91330
state. The first received remittances of the forfeitures in each 91331

fiscal year shall be credited to the transportation enforcement fund, which is hereby created in the state treasury, until the aggregate credit in the fiscal year is equal to the appropriation in the fund for the fiscal year less any outstanding unencumbered cash balance from the previous fiscal year in the fund. All forfeitures subsequently received shall be credited to the general revenue fund. The public utilities commission shall use the transportation enforcement fund to administer the civil forfeiture program of sections 4919.99, 4921.99, and 4923.99 of the Revised Code.

(D) If the director of budget and management determines that the balance of the public utilities fund will be less than the appropriations from the fund, the director shall transfer from the general revenue fund to the public utilities fund an amount equal to the difference between the balance of the public utilities fund and the amount needed to support the appropriations from that fund. If the director subsequently determines that the balance and revenues of the public utilities fund during the fiscal year will exceed the amount needed to support the appropriations from the fund, the director shall transfer the excess, up to the amount of the original transfer, back to the general revenue fund.

Sec. 4923.20. (A) As used in this section:

(1) "Private motor carrier" has the same meaning as in section 4923.02 of the Revised Code, except that it includes only private motor carriers operating on a not-for-hire basis and excludes all private motor carriers operating on a for-hire basis.

(2) "Commercial motor vehicle" has the same meaning as in the "Commercial Motor Vehicle Safety Act of 1986," 49 U.S.C.A. 2701, as amended, except that "commerce" means trade, traffic, and transportation solely within this state.

(B) The public utilities commission may adopt and enforce

rules concerning the safety of operation of commercial motor 91363
vehicles by private motor carriers, except that the rules shall 91364
not affect any rights or duties granted to or imposed upon the 91365
operator of such a motor vehicle by Chapter 4511. of the Revised 91366
Code. 91367

(C) The commission may adopt safety rules applicable to the 91368
transportation of hazardous materials by private motor carriers by 91369
means of commercial motor vehicles and applicable to the offering 91370
of hazardous materials for such transportation. The rules shall be 91371
consistent with, and equivalent in scope, coverage, and content 91372
to, the "Hazardous Materials Transportation Act," 88 Stat. 2156 91373
(1975), 49 U.S.C.A. 1801, as amended, and regulations adopted 91374
under it. 91375

(D) To achieve the purposes of this section, the commission 91376
may, through inspectors or other authorized employees, inspect any 91377
motor vehicles of such carriers and may enter upon the premises 91378
and vehicles of the carriers to examine any of the carriers' 91379
records or documents that relate to the safety of operation of 91380
private motor carriers. In order to assist the commission in 91381
performing its duties under this section, authorized employees of 91382
the motor carrier enforcement unit, created under section 5503.34 91383
of the Revised Code in the division of state highway patrol, of 91384
the department of public safety may enter in or upon, for purposes 91385
of inspection, any motor vehicle of any such carrier. 91386

In order to inspect motor vehicles owned or operated by 91387
private motor carriers engaged in the transportation of persons, 91388
authorized employees of the motor carrier enforcement unit, 91389
division of state highway patrol, of the department of public 91390
safety and authorized sheriffs, deputy sheriffs, and municipal 91391
police officers acting pursuant to section 311.32 or 737.39 of the 91392
Revised Code and in accordance with memoranda of agreement entered 91393
into under section 4919.80 of the Revised Code may enter in or 91394

upon the premises of any private motor carrier engaged in the 91395
intrastate transportation of persons. 91396

(E) No private motor carrier or person offering hazardous 91397
materials for transportation by private motor carrier shall fail 91398
to comply with any order, decision, or rule adopted under this 91399
section or any order of the commission issued to secure compliance 91400
with any such rule. 91401

Sec. 4928.01. (A) As used in this chapter: 91402

(1) "Ancillary service" means any function necessary to the 91403
provision of electric transmission or distribution service to a 91404
retail customer and includes, but is not limited to, scheduling, 91405
system control, and dispatch services; reactive supply from 91406
generation resources and voltage control service; reactive supply 91407
from transmission resources service; regulation service; frequency 91408
response service; energy imbalance service; operating 91409
reserve-spinning reserve service; operating reserve-supplemental 91410
reserve service; load following; back-up supply service; 91411
real-power loss replacement service; dynamic scheduling; system 91412
black start capability; and network stability service. 91413

(2) "Billing and collection agent" means a fully independent 91414
agent, not affiliated with or otherwise controlled by an electric 91415
utility, electric services company, electric cooperative, or 91416
governmental aggregator subject to certification under section 91417
4928.08 of the Revised Code, to the extent that the agent is under 91418
contract with such utility, company, cooperative, or aggregator 91419
solely to provide billing and collection for retail electric 91420
service on behalf of the utility company, cooperative, or 91421
aggregator. 91422

(3) "Certified territory" means the certified territory 91423
established for an electric supplier under sections 4933.81 to 91424
4933.90 of the Revised Code. 91425

(4) "Competitive retail electric service" means a component of retail electric service that is competitive as provided under division (B) of this section. 91426
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(5) "Electric cooperative" means a not-for-profit electric light company that both is or has been financed in whole or in part under the "Rural Electrification Act of 1936," 49 Stat. 1363, 7 U.S.C. 901, and owns or operates facilities in this state to generate, transmit, or distribute electricity, or a not-for-profit successor of such company. 91429
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(6) "Electric distribution utility" means an electric utility that supplies at least retail electric distribution service. 91435
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(7) "Electric light company" has the same meaning as in section 4905.03 of the Revised Code and includes an electric services company, but excludes any self-generator to the extent that it consumes electricity it so produces, sells that electricity for resale, or obtains electricity from a generating facility it hosts on its premises. 91437
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(8) "Electric load center" has the same meaning as in section 4933.81 of the Revised Code. 91443
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(9) "Electric services company" means an electric light company that is engaged on a for-profit or not-for-profit basis in the business of supplying or arranging for the supply of only a competitive retail electric service in this state. "Electric services company" includes a power marketer, power broker, aggregator, or independent power producer but excludes an electric cooperative, municipal electric utility, governmental aggregator, or billing and collection agent. 91445
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(10) "Electric supplier" has the same meaning as in section 4933.81 of the Revised Code. 91453
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(11) "Electric utility" means an electric light company that has a certified territory and is engaged on a for-profit basis 91455
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either in the business of supplying a noncompetitive retail 91457
electric service in this state or in the businesses of supplying 91458
both a noncompetitive and a competitive retail electric service in 91459
this state. "Electric utility" excludes a municipal electric 91460
utility or a billing and collection agent. 91461

(12) "Firm electric service" means electric service other 91462
than nonfirm electric service. 91463

(13) "Governmental aggregator" means a legislative authority 91464
of a municipal corporation, a board of township trustees, or a 91465
board of county commissioners acting as an aggregator for the 91466
provision of a competitive retail electric service under authority 91467
conferred under section 4928.20 of the Revised Code. 91468

(14) A person acts "knowingly," regardless of the person's 91469
purpose, when the person is aware that the person's conduct will 91470
probably cause a certain result or will probably be of a certain 91471
nature. A person has knowledge of circumstances when the person is 91472
aware that such circumstances probably exist. 91473

(15) "Level of funding for low-income customer energy 91474
efficiency programs provided through electric utility rates" means 91475
the level of funds specifically included in an electric utility's 91476
rates on October 5, 1999, pursuant to an order of the public 91477
utilities commission issued under Chapter 4905. or 4909. of the 91478
Revised Code and in effect on October 4, 1999, for the purpose of 91479
improving the energy efficiency of housing for the utility's 91480
low-income customers. The term excludes the level of any such 91481
funds committed to a specific nonprofit organization or 91482
organizations pursuant to a stipulation or contract. 91483

(16) "Low-income customer assistance programs" means the 91484
percentage of income payment plan program, the home energy 91485
assistance program, the home weatherization assistance program, 91486
and the targeted energy efficiency and weatherization program. 91487

(17) "Market development period" for an electric utility means the period of time beginning on the starting date of competitive retail electric service and ending on the applicable date for that utility as specified in section 4928.40 of the Revised Code, irrespective of whether the utility applies to receive transition revenues under this chapter.

(18) "Market power" means the ability to impose on customers a sustained price for a product or service above the price that would prevail in a competitive market.

(19) "Mercantile customer" means a commercial or industrial customer if the electricity consumed is for nonresidential use and the customer consumes more than seven hundred thousand kilowatt hours per year or is part of a national account involving multiple facilities in one or more states.

(20) "Municipal electric utility" means a municipal corporation that owns or operates facilities to generate, transmit, or distribute electricity.

(21) "Noncompetitive retail electric service" means a component of retail electric service that is noncompetitive as provided under division (B) of this section.

(22) "Nonfirm electric service" means electric service provided pursuant to a schedule filed under section 4905.30 of the Revised Code or pursuant to an arrangement under section 4905.31 of the Revised Code, which schedule or arrangement includes conditions that may require the customer to curtail or interrupt electric usage during nonemergency circumstances upon notification by an electric utility.

(23) "Percentage of income payment plan arrears" means funds eligible for collection through the percentage of income payment plan rider, but uncollected as of July 1, 2000.

(24) "Person" has the same meaning as in section 1.59 of the

Revised Code. 91519

(25) "Advanced energy project" means any technologies, 91520
products, activities, or management practices or strategies that 91521
facilitate the generation or use of electricity or energy and that 91522
reduce or support the reduction of energy consumption or support 91523
the production of clean, renewable energy for industrial, 91524
distribution, commercial, institutional, governmental, research, 91525
not-for-profit, or residential energy users, including, but not 91526
limited to, advanced energy resources and renewable energy 91527
resources. "Advanced energy project" also includes any project 91528
described in division (A), (B), or (C) of section 4928.621 of the 91529
Revised Code. 91530

(26) "Regulatory assets" means the unamortized net regulatory 91531
assets that are capitalized or deferred on the regulatory books of 91532
the electric utility, pursuant to an order or practice of the 91533
public utilities commission or pursuant to generally accepted 91534
accounting principles as a result of a prior commission 91535
rate-making decision, and that would otherwise have been charged 91536
to expense as incurred or would not have been capitalized or 91537
otherwise deferred for future regulatory consideration absent 91538
commission action. "Regulatory assets" includes, but is not 91539
limited to, all deferred demand-side management costs; all 91540
deferred percentage of income payment plan arrears; 91541
post-in-service capitalized charges and assets recognized in 91542
connection with statement of financial accounting standards no. 91543
109 (receivables from customers for income taxes); future nuclear 91544
decommissioning costs and fuel disposal costs as those costs have 91545
been determined by the commission in the electric utility's most 91546
recent rate or accounting application proceeding addressing such 91547
costs; the undepreciated costs of safety and radiation control 91548
equipment on nuclear generating plants owned or leased by an 91549
electric utility; and fuel costs currently deferred pursuant to 91550

the terms of one or more settlement agreements approved by the 91551
commission. 91552

(27) "Retail electric service" means any service involved in 91553
supplying or arranging for the supply of electricity to ultimate 91554
consumers in this state, from the point of generation to the point 91555
of consumption. For the purposes of this chapter, retail electric 91556
service includes one or more of the following "service 91557
components": generation service, aggregation service, power 91558
marketing service, power brokerage service, transmission service, 91559
distribution service, ancillary service, metering service, and 91560
billing and collection service. 91561

(28) "Starting date of competitive retail electric service" 91562
means January 1, 2001. 91563

(29) "Customer-generator" means a user of a net metering 91564
system. 91565

(30) "Net metering" means measuring the difference in an 91566
applicable billing period between the electricity supplied by an 91567
electric service provider and the electricity generated by a 91568
customer-generator that is fed back to the electric service 91569
provider. 91570

(31) "Net metering system" means a facility for the 91571
production of electrical energy that does all of the following: 91572

(a) Uses as its fuel either solar, wind, biomass, landfill 91573
gas, or hydropower, or uses a microturbine or a fuel cell; 91574

(b) Is located on a customer-generator's premises; 91575

(c) Operates in parallel with the electric utility's 91576
transmission and distribution facilities; 91577

(d) Is intended primarily to offset part or all of the 91578
customer-generator's requirements for electricity. 91579

(32) "Self-generator" means an entity in this state that owns 91580

or hosts on its premises an electric generation facility that 91581
produces electricity primarily for the owner's consumption and 91582
that may provide any such excess electricity to another entity, 91583
whether the facility is installed or operated by the owner or by 91584
an agent under a contract. 91585

(33) "Rate plan" means the standard service offer in effect 91586
on the effective date of the amendment of this section by S.B. 221 91587
of the 127th general assembly, July 31, 2008. 91588

(34) "Advanced energy resource" means any of the following: 91589

(a) Any method or any modification or replacement of any 91590
property, process, device, structure, or equipment that increases 91591
the generation output of an electric generating facility to the 91592
extent such efficiency is achieved without additional carbon 91593
dioxide emissions by that facility; 91594

(b) Any distributed generation system consisting of customer 91595
cogeneration of electricity and thermal output simultaneously, 91596
primarily to meet the energy needs of the customer's facilities; 91597

(c) Clean coal technology that includes a carbon-based 91598
product that is chemically altered before combustion to 91599
demonstrate a reduction, as expressed as ash, in emissions of 91600
nitrous oxide, mercury, arsenic, chlorine, sulfur dioxide, or 91601
sulfur trioxide in accordance with the American society of testing 91602
and materials standard D1757A or a reduction of metal oxide 91603
emissions in accordance with standard D5142 of that society, or 91604
clean coal technology that includes the design capability to 91605
control or prevent the emission of carbon dioxide, which design 91606
capability the commission shall adopt by rule and shall be based 91607
on economically feasible best available technology or, in the 91608
absence of a determined best available technology, shall be of the 91609
highest level of economically feasible design capability for which 91610
there exists generally accepted scientific opinion; 91611

(d) Advanced nuclear energy technology consisting of 91612
generation III technology as defined by the nuclear regulatory 91613
commission; other, later technology; or significant improvements 91614
to existing facilities; 91615

(e) Any fuel cell used in the generation of electricity, 91616
including, but not limited to, a proton exchange membrane fuel 91617
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 91618
solid oxide fuel cell; 91619

(f) Advanced solid waste or construction and demolition 91620
debris conversion technology, including, but not limited to, 91621
advanced stoker technology, and advanced fluidized bed 91622
gasification technology, that results in measurable greenhouse gas 91623
emissions reductions as calculated pursuant to the United States 91624
environmental protection agency's waste reduction model (WARM). 91625
91626

(g) Demand-side management and any energy efficiency 91627
improvement; 91628

(h) Methane gas emitted from an operating or abandoned coal 91629
mine. 91630

(35) "Renewable energy resource" means solar photovoltaic or 91631
solar thermal energy, wind energy, power produced by a 91632
hydroelectric facility, geothermal energy, fuel derived from solid 91633
wastes, as defined in section 3734.01 of the Revised Code, through 91634
fractionation, biological decomposition, or other process that 91635
does not principally involve combustion, biomass energy, 91636
biologically derived methane gas, or energy derived from 91637
nontreated by-products of the pulping process or wood 91638
manufacturing process, including bark, wood chips, sawdust, and 91639
lignin in spent pulping liquors. "Renewable energy resource" 91640
includes, but is not limited to, any fuel cell used in the 91641
generation of electricity, including, but not limited to, a proton 91642

exchange membrane fuel cell, phosphoric acid fuel cell, molten 91643
carbonate fuel cell, or solid oxide fuel cell; wind turbine 91644
located in the state's territorial waters of Lake Erie; storage 91645
facility that will promote the better utilization of a renewable 91646
energy resource that primarily generates off peak; or distributed 91647
generation system used by a customer to generate electricity from 91648
any such energy. As used in division (A)(35) of this section, 91649
"hydroelectric facility" means a hydroelectric generating facility 91650
that is located at a dam on a river, or on any water discharged to 91651
a river, that is within or bordering this state or within or 91652
bordering an adjoining state and meets all of the following 91653
standards: 91654

(a) The facility provides for river flows that are not 91655
detrimental for fish, wildlife, and water quality, including 91656
seasonal flow fluctuations as defined by the applicable licensing 91657
agency for the facility. 91658

(b) The facility demonstrates that it complies with the water 91659
quality standards of this state, which compliance may consist of 91660
certification under Section 401 of the "Clean Water Act of 1977," 91661
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 91662
not contributed to a finding by this state that the river has 91663
impaired water quality under Section 303(d) of the "Clean Water 91664
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 91665
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(c) The facility complies with mandatory prescriptions 91667
regarding fish passage as required by the federal energy 91668
regulatory commission license issued for the project, regarding 91669
fish protection for riverine, anadromous, and catadromus fish. 91670

(d) The facility complies with the recommendations of the 91671
Ohio environmental protection agency and with the terms of its 91672
federal energy regulatory commission license regarding watershed 91673
protection, mitigation, or enhancement, to the extent of each 91674

agency's respective jurisdiction over the facility. 91675

(e) The facility complies with provisions of the "Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as amended. 91676
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(f) The facility does not harm cultural resources of the area. This can be shown through compliance with the terms of its federal energy regulatory commission license or, if the facility is not regulated by that commission, through development of a plan approved by the Ohio historic preservation office, to the extent it has jurisdiction over the facility. 91679
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(g) The facility complies with the terms of its federal energy regulatory commission license or exemption that are related to recreational access, accommodation, and facilities or, if the facility is not regulated by that commission, the facility complies with similar requirements as are recommended by resource agencies, to the extent they have jurisdiction over the facility; and the facility provides access to water to the public without fee or charge. 91685
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(h) The facility is not recommended for removal by any federal agency or agency of any state, to the extent the particular agency has jurisdiction over the facility. 91693
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(B) For the purposes of this chapter, a retail electric service component shall be deemed a competitive retail electric service if the service component is competitive pursuant to a declaration by a provision of the Revised Code or pursuant to an order of the public utilities commission authorized under division (A) of section 4928.04 of the Revised Code. Otherwise, the service component shall be deemed a noncompetitive retail electric service. 91696
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Sec. 5101.073. There is hereby created in the state treasury 91704

the ODJFS general services administration and operating fund. The 91705
director of job and family services may submit a deposit 91706
modification and payment detail report to the treasurer of state 91707
after the completion of the reconciliation of all final 91708
transactions with the federal government regarding a federal grant 91709
for a program the department of job and family services 91710
administers and a final closeout for the grant. On receipt of the 91711
report, the treasurer of state shall transfer the money in the 91712
refunds and audit settlements fund that is the subject of the 91713
report to the ODJFS general services administration and operating 91714
fund. Money in the ODJFS general services administration and 91715
operating fund shall be used to pay for the expenses of the 91716
programs the department administers and the department's 91717
administrative expenses, including the costs of state hearings 91718
under section 5101.35 of the Revised Code, required audit 91719
adjustments, and other related expenses. 91720

Sec. 5101.11. This section does not apply to contracts 91721
entered into under section 5111.90 or 5111.91 of the Revised Code. 91722

(A) As used in this section: 91723

(1) "Entity" includes an agency, board, commission, or 91724
department of the state or a political subdivision of the state; a 91725
private, nonprofit entity; a school district; a private school; or 91726
a public or private institution of higher education. 91727

(2) "Federal financial participation" means the federal 91728
government's share of expenditures made by an entity in 91729
implementing a program administered by the department of job and 91730
family services. 91731

(B) At the request of any public entity having authority to 91732
implement a program administered by the department of job and 91733
family services or any private entity under contract with a public 91734

entity to implement a program administered by the department, the 91735
department may seek to obtain federal financial participation for 91736
costs incurred by the entity. Federal financial participation may 91737
be sought from programs operated pursuant to Title IV-A, Title 91738
IV-E, and Title XIX of the "Social Security Act," 49 Stat. 620 91739
(1935), 42 U.S.C. 301, as amended; the "~~Food Stamp~~ and Nutrition 91740
Act of 1964," 78 Stat. 703, 2008 (7 U.S.C. 2011, as amended et 91741
seq.); and any other statute or regulation under which federal 91742
financial participation may be available, except that federal 91743
financial participation may be sought only for expenditures made 91744
with funds for which federal financial participation is available 91745
under federal law. 91746

(C) All funds collected by the department of job and family 91747
services pursuant to division (B) of this section shall be 91748
distributed to the entities that incurred the costs, except for 91749
any amounts retained by the department pursuant to division (D)(3) 91750
of this section. 91751

(D) In distributing federal financial participation pursuant 91752
to this section, the department may either enter into an agreement 91753
with the entity that is to receive the funds or distribute the 91754
funds in accordance with rules adopted under division (F) of this 91755
section. If the department decides to enter into an agreement to 91756
distribute the funds, the agreement may include terms that do any 91757
of the following: 91758

(1) Provide for the whole or partial reimbursement of any 91759
cost incurred by the entity in implementing the program; 91760

(2) In the event that federal financial participation is 91761
disallowed or otherwise unavailable for any expenditure, require 91762
the department of job and family services or the entity, whichever 91763
party caused the disallowance or unavailability of federal 91764
financial participation, to assume responsibility for the 91765
expenditures; 91766

(3) Permit the department to retain not more than five per cent of the amount of the federal financial participation to be distributed to the entity;

(4) Require the public entity to certify the availability of sufficient unencumbered funds to match the federal financial participation it receives under this section;

(5) Establish the length of the agreement, which may be for a fixed or a continuing period of time;

(6) Establish any other requirements determined by the department to be necessary for the efficient administration of the agreement.

(E) An entity that receives federal financial participation pursuant to this section for a program aiding children and their families shall establish a process for collaborative planning with the department of job and family services for the use of the funds to improve and expand the program.

(F) The director of job and family services shall adopt rules as necessary to implement this section, including rules for the distribution of federal financial participation pursuant to this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The director may adopt or amend any statewide plan required by the federal government for a program administered by the department, as necessary to implement this section.

(G) Federal financial participation received pursuant to this section shall not be included in any calculation made under section 5101.16 or 5101.161 of the Revised Code.

Sec. 5101.16. (A) As used in this section and sections 5101.161 and 5101.162 of the Revised Code:

(1) "Disability financial assistance" means the financial

assistance program established under Chapter 5115. of the Revised Code.	91797 91798
(2) "Disability medical assistance" means the medical assistance program established under Chapter 5115. of the Revised Code.	91799 91800 91801
(3) "Food stamps <u>Supplemental nutrition assistance program</u> " means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code.	91802 91803 91804
(4) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.	91805 91806 91807
(5) "Ohio works first" means the program established by Chapter 5107. of the Revised Code.	91808 91809
(6) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code.	91810 91811
(7) "Public assistance expenditures" means expenditures for all of the following:	91812 91813
(a) Ohio works first;	91814
(b) County administration of Ohio works first;	91815
(c) Prevention, retention, and contingency;	91816
(d) County administration of prevention, retention, and contingency;	91817 91818
(e) Disability financial assistance;	91819
(f) Disability medical assistance;	91820
(g) County administration of disability financial assistance;	91821 91822
(h) County administration of disability medical assistance;	91823
(i) County administration of food stamps <u>the supplemental</u>	91824

<u>nutrition assistance program;</u>	91825
(j) County administration of medicaid.	91826
(8) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	91827 91828
(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:	91829 91830 91831 91832 91833 91834
(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and disability medical assistance and county administration of those programs during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.	91835 91836 91837 91838 91839 91840
(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of food stamps <u>the supplemental nutrition assistance program</u> and medicaid during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to the county under division (E) of this section for the state fiscal year ending in the previous calendar year;	91841 91842 91843 91844 91845 91846 91847 91848 91849
(3) A percentage of the actual amount of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity	91850 91851 91852 91853 91854 91855

Reconciliation Act of 1996," 110 Stat. 2105. The department of job and family services shall determine the actual amount of the county share from expenditure reports submitted to the United States department of health and human services. The percentage shall be the percentage established in rules adopted under division (F) of this section.

(C)(1) If a county's share of public assistance expenditures determined under division (B) of this section for a state fiscal year exceeds one hundred ten per cent of the county's share for those expenditures for the immediately preceding state fiscal year, the department of job and family services shall reduce the county's share for expenditures under divisions (B)(1) and (2) of this section so that the total of the county's share for expenditures under division (B) of this section equals one hundred ten per cent of the county's share of those expenditures for the immediately preceding state fiscal year.

(2) A county's share of public assistance expenditures determined under division (B) of this section may be increased pursuant to section 5101.163 of the Revised Code and a sanction under section 5101.24 of the Revised Code. An increase made pursuant to section 5101.163 of the Revised Code may cause the county's share to exceed the limit established by division (C)(1) of this section.

(D)(1) If the per capita tax duplicate of a county is less than the per capita tax duplicate of the state as a whole and division (D)(2) of this section does not apply to the county, the percentage to be used for the purpose of division (B)(2) of this section is the product of ten multiplied by a fraction of which the numerator is the per capita tax duplicate of the county and the denominator is the per capita tax duplicate of the state as a whole. The department of job and family services shall compute the per capita tax duplicate for the state and for each county by

dividing the tax duplicate for the most recent available year by 91888
the current estimate of population prepared by the department of 91889
development. 91890

(2) If the percentage of families in a county with an annual 91891
income of less than three thousand dollars is greater than the 91892
percentage of such families in the state and division (D)(1) of 91893
this section does not apply to the county, the percentage to be 91894
used for the purpose of division (B)(2) of this section is the 91895
product of ten multiplied by a fraction of which the numerator is 91896
the percentage of families in the state with an annual income of 91897
less than three thousand dollars a year and the denominator is the 91898
percentage of such families in the county. The department of job 91899
and family services shall compute the percentage of families with 91900
an annual income of less than three thousand dollars for the state 91901
and for each county by multiplying the most recent estimate of 91902
such families published by the department of development, by a 91903
fraction, the numerator of which is the estimate of average annual 91904
personal income published by the bureau of economic analysis of 91905
the United States department of commerce for the year on which the 91906
census estimate is based and the denominator of which is the most 91907
recent such estimate published by the bureau. 91908

(3) If the per capita tax duplicate of a county is less than 91909
the per capita tax duplicate of the state as a whole and the 91910
percentage of families in the county with an annual income of less 91911
than three thousand dollars is greater than the percentage of such 91912
families in the state, the percentage to be used for the purpose 91913
of division (B)(2) of this section shall be determined as follows: 91914

(a) Multiply ten by the fraction determined under division 91915
(D)(1) of this section; 91916

(b) Multiply the product determined under division (D)(3)(a) 91917
of this section by the fraction determined under division (D)(2) 91918
of this section. 91919

(4) The department of job and family services shall determine, for each county, the percentage to be used for the purpose of division (B)(2) of this section not later than the first day of July of the year preceding the state fiscal year for which the percentage is used.

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for administration of ~~food stamps~~ the supplemental nutrition assistance program and medicaid that the department determines are allowable administrative expenditures.

(F)(1) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code to establish all of the following:

(a) The method the department is to use to change a county's share of public assistance expenditures determined under division (B) of this section as provided in division (C) of this section;

(b) The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section;

(c) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(d) The percentage to be used for the purpose of division (B)(3) of this section, which shall, except as provided in section 5101.163 of the Revised Code, meet both of the following requirements:

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section.

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management.

Sec. 5101.162. Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county administration of ~~food stamps~~ the supplemental nutrition assistance program or medicaid even though the county expenditures meet or exceed the maximum allowable reimbursement amount established by rules adopted under section 5101.161 of the Revised Code. The director may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction,

under the laws of the place from which the individual is fleeing, 91980
for a crime or an attempt to commit a crime that is a felony under 91981
the laws of the place from which the individual is fleeing or, in 91982
the case of New Jersey, a high misdemeanor, regardless of whether 91983
the individual has departed from the individual's usual place of 91984
residence. 91985

(C) "Information" means records as defined in section 149.011 91986
of the Revised Code, any other documents in any format, and data 91987
derived from records and documents that are generated, acquired, 91988
or maintained by the department of job and family services, a 91989
county agency, or an entity performing duties on behalf of the 91990
department or a county agency. 91991

(D) "Law enforcement agency" means the state highway patrol, 91992
an agency that employs peace officers as defined in section 109.71 91993
of the Revised Code, the adult parole authority, a county 91994
department of probation, a prosecuting attorney, the attorney 91995
general, similar agencies of other states, federal law enforcement 91996
agencies, and postal inspectors. "Law enforcement agency" includes 91997
the peace officers and other law enforcement officers employed by 91998
the agency. 91999

(E) "Medical assistance provided under a public assistance 92000
program" means medical assistance provided under the programs 92001
established under sections 5101.49, 5101.50 ~~to 5101.503~~, 5101.51 92002
~~to 5101.5110~~, 5101.52 ~~to 5101.529~~, and 5101.5211 to 5101.5216, 92003
Chapters 5111. and 5115., or any other provision of the Revised 92004
Code. 92005

(F) "Public assistance" means financial assistance, medical 92006
assistance, or social services provided under a program 92007
administered by the department of job and family services or a 92008
county agency pursuant to Chapter 329., 5101., 5104., 5107., 92009
5108., 5111., or 5115. of the Revised Code or an executive order 92010
issued under section 107.17 of the Revised Code. 92011

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance. 92012
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Sec. 5101.33. (A) As used in this section, "benefits" means any of the following: 92014
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(1) Cash assistance paid under Chapter 5107. or 5115. of the Revised Code; 92016
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(2) ~~Food stamp~~ Supplemental nutrition assistance program benefits provided under section 5101.54 of the Revised Code; 92018
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(3) Any other program administered by the department of job and family services under which assistance is provided or service rendered; 92020
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(4) Any other program, service, or assistance administered by a person or government entity that the department determines may be delivered through the medium of electronic benefit transfer. 92023
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(B) The department of job and family services may make any payment or delivery of benefits to eligible individuals through the medium of electronic benefit transfer by doing all of the following: 92026
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(1) Contracting with an agent to supply debit cards to the department of job and family services for use by such individuals in accessing their benefits and to credit such cards electronically with the amounts specified by the director of job and family services pursuant to law; 92030
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(2) Informing such individuals about the use of the electronic benefit transfer system and furnishing them with debit cards and information that will enable them to access their benefits through the system; 92035
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(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards 92039
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credited electronically with the proper amounts at their facilities; 92042
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(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer; 92044
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(5) Satisfying any applicable requirements of federal and state law. 92046
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(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following: 92048
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(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system; 92053
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(2) A fee for having the benefits provided through the electronic benefit transfer system. 92057
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(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county. 92059
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(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section. 92064
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Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members: 92067
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(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members 92070
92071

of the same political party. Two of the members must be from 92072
legislative districts that include a county or part of a county 92073
that is among the one-third of counties in this state with the 92074
highest number per capita of households headed by females. 92075

(b) Two members of the senate appointed by the president of 92076
the senate, each from a different political party. One of the 92077
members must be from a legislative district that includes a county 92078
or part of a county that is among the one-third of counties in 92079
this state with the highest number per capita of households headed 92080
by females. 92081

(2) The governor, or the governor's designee; 92082

(3) One representative of the judicial branch of government 92083
appointed by the chief justice of the supreme court; 92084

(4) The directors of health, job and family services, 92085
rehabilitation and correction, alcohol and drug addiction 92086
services, and youth services and the superintendent of public 92087
instruction, or their designees; 92088

(5) One representative of the Ohio family and children first 92089
cabinet council created under section 121.37 of the Revised Code 92090
appointed by the chairperson of the council; 92091

(6) Five representatives of the general public appointed by 92092
the governor. These members shall have extensive experience in 92093
issues related to fatherhood. 92094

(B) The appointing authorities of the Ohio commission on 92095
fatherhood shall make initial appointments to the commission 92096
within thirty days after ~~the effective date of this section~~ 92097
September 29, 1999. Of the initial appointments to the commission 92098
made pursuant to divisions (A)(3), (5), and (6) of this section, 92099
three of the members shall serve a term of one year and four shall 92100
serve a term of two years. Members so appointed subsequently shall 92101
serve two-year terms. A member appointed pursuant to division 92102

(A)(1) of this section shall serve on the commission until the end of the general assembly from which the member was appointed or until the member ceases to serve in the chamber of the general assembly in which the member serves at the time of appointment, whichever occurs first. The governor or the governor's designee shall serve on the commission until the governor ceases to be governor. The directors and superintendent or their designees shall serve on the commission until they cease, or the director or superintendent a designee represents ceases, to be director or superintendent. Each member shall serve on the commission from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed.

Vacancies shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall serve on the commission for the remainder of that term. A member shall continue to serve on the commission subsequent to the expiration date of the member's term until the member's successor is appointed or until a period of sixty days has elapsed, whichever occurs first. Members shall serve without compensation but shall be reimbursed for necessary expenses.

Sec. 5101.47. (A) Except as provided in division (B) of this section, the director of job and family services may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for one or more of the following:

(1) The medicaid program established by Chapter 5111. of the Revised Code;

(2) The children's health insurance program parts I, II, and III provided for under sections 5101.50, 5101.51, and 5101.52 of

the Revised Code;	92134
(3) Publicly funded child care provided under Chapter 5104. of the Revised Code;	92135 92136
(4) The food stamp <u>supplemental nutrition assistance</u> program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code;	92137 92138 92139
(5) Other programs the director determines are supportive of children, adults, or families;	92140 92141
(6) Other programs regarding which the director determines administrative cost savings and efficiency may be achieved through the department accepting applications, determining eligibility, redetermining eligibility, or performing related administrative activities.	92142 92143 92144 92145 92146
(B) If federal law requires a face-to-face interview to complete an eligibility determination for a program specified in or pursuant to division (A) of this section, the face-to-face interview shall not be conducted by the department of job and family services.	92147 92148 92149 92150 92151
(C) Subject to division (B) of this section, if the director elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for a program specified in or pursuant to division (A) of this section, both of the following apply:	92152 92153 92154 92155 92156
(1) An individual seeking services under the program may apply for the program to the director or to the entity that state law governing the program authorizes to accept applications for the program.	92157 92158 92159 92160
(2) The director is subject to federal statutes and regulations and state statutes and rules that require, permit, or prohibit an action regarding accepting applications, determining	92161 92162 92163

or redetermining eligibility, and performing related 92164
administrative activities for the program. 92165

(D) The director may adopt rules as necessary to implement 92166
this section. 92167

Sec. 5101.50. (A) As used in sections 5101.50 to ~~5101.529~~ 92168
5101.5210 of the Revised Code: 92169

(1) "Children's health insurance program" means the program 92170
authorized by Title XXI of the "Social Security Act," 111 Stat. 92171
552 (1997), 42 U.S.C.A. 1397aa. 92172

(2) "Federal poverty guidelines" has the same meaning as in 92173
section 5101.46 of the Revised Code. 92174

(B) The director of job and family services may continue to 92175
operate the children's health insurance program initially 92176
authorized by an executive order issued under section 107.17 of 92177
the Revised Code as long as federal financial participation is 92178
available for the program. If operated, the program shall provide 92179
health assistance to uninsured individuals under nineteen years of 92180
age with family incomes not exceeding one hundred fifty per cent 92181
of the federal poverty guidelines. In accordance with 42 U.S.C.A. 92182
1397aa, the director may provide for the health assistance to meet 92183
the requirements of 42 U.S.C.A. 1397cc, to be provided under the 92184
medicaid program established under Chapter 5111. of the Revised 92185
Code, or to be a combination of both. 92186

Sec. 5101.504. (A) A school-based health center, as defined 92187
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92188
that the children's health insurance program part I covers if the 92189
center meets the requirements applicable to other providers 92190
providing those services. 92191

(B) The director may adopt rules under section 5101.502 of 92192
the Revised Code pertaining to the billing, reimbursement, and 92193

data collection for health-based health centers. 92194

Sec. 5101.5110. (A) A school-based health center, as defined 92195
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92196
that the children's health insurance program part II covers if the 92197
center meets the requirements applicable to other providers 92198
providing those services. 92199

(B) The director may adopt rules under section 5101.512 of 92200
the Revised Code pertaining to the billing, reimbursement, and 92201
data collection for health-based health centers. 92202

~~Sec. 5101.5110~~ 5101.5111. (A) The director of job and family 92203
services may submit a waiver request to the United States 92204
secretary of health and human services to provide health 92205
assistance to any individual who meets all of the following 92206
requirements: 92207

(1) Is the parent of a child under nineteen years of age who 92208
resides with the parent and is eligible for health assistance 92209
under the children's health insurance program part I or II or the 92210
medicaid program established under Chapter 5111. of the Revised 92211
Code; 92212

(2) Is uninsured; 92213

(3) Has a family income that does not exceed one hundred per 92214
cent of the federal poverty guidelines. 92215

(B) A waiver request the director submits under division (A) 92216
of this section may seek federal funds allotted to the state under 92217
Title XXI of the "Social Security Act," 111 Stat. 558 (1997), 42 92218
U.S.C.A. 1397dd, as amended, that are not otherwise used to fund 92219
the children's health insurance program parts I and II. 92220

(C) If a waiver request the director submits under division 92221
(A) of this section is granted, the director may adopt rules in 92222

accordance with Chapter 119. of the Revised Code as necessary for 92223
the efficient administration of the program authorization by the 92224
waiver. 92225

Sec. 5101.5210. (A) A school-based health center, as defined 92226
in 42 U.S.C. 1397jj(c)(9), may furnish health assistance services 92227
that the children's health insurance program part III covers if 92228
the center meets the requirements applicable to other providers 92229
providing those services. 92230

(B) The director may adopt rules under section 5101.522 of 92231
the Revised Code pertaining to the billing, reimbursement, and 92232
data collection for health-based health centers. 92233

Sec. 5101.5212. (A) Under the children's buy-in program and 92234
subject to section 5101.5213 of the Revised Code, an individual 92235
who does both of the following in accordance with rules adopted 92236
under section 5101.5215 of the Revised Code qualifies for medical 92237
assistance under the program, unless the director of job and 92238
family services has adopted rules under division (B) of section 92239
5101.5215 of the Revised Code to limit the number of individuals 92240
who may participate in the program at one time and the program is 92241
serving the maximum number of individuals specified in the rules: 92242

~~(A)(1)~~ Applies for the children's buy-in program; 92244

~~(B)(2)~~ Provides satisfactory evidence of all of the 92245
following: 92246

~~(1)(a)~~ That the individual is under nineteen years of age; 92247

~~(2)(b)~~ That the individual's countable family income exceeds 92248
~~two~~ three hundred ~~fifty~~ per cent of the federal poverty 92249
guidelines; 92250

~~(3) That~~ (c) Except as provided in division (B) of this 92251

~~section, that the individual has not had creditable coverage for 92252
at least ~~six~~ three months before enrolling in the children's 92253
buy-in program, ~~unless the individual lost the only creditable 92254
coverage available to the individual because the individual 92255
exhausted a lifetime benefit limitation;~~ 92256~~

~~(4) That one or more of the following apply to the 92257
individual:~~ 92258

~~(a) The individual is unable to obtain creditable coverage 92259
due to a pre-existing condition of the individual;~~ 92260

~~(b) The individual lost the only creditable coverage 92261
available to the individual because the individual has exhausted a 92262
lifetime benefit limitation;~~ 92263

~~(c) The premium for the only creditable coverage available to 92264
the individual is greater than two hundred per cent of the premium 92265
applicable to the individual under the children's buy-in program;~~ 92266

~~(d) The individual participates in the program for medically 92267
handicapped children. 92268~~

~~(5)(d) That the individual meets the additional eligibility 92269
requirements for the children's buy-in program established in 92270
rules adopted under section 5101.5215 of the Revised Code. 92271~~

(B) Division (A)(2)(c) of this section does not apply to an 92272
individual who meets both of the following requirements: 92273

(1) At least one of the following applies to the individual: 92274

(a) The individual's parents are involuntarily unemployed. 92275

(b) At least one of the individual's parents is unable to 92276
find work due to a disabling condition. 92277

(c) At least one of the individual's parents involuntarily 92278
lost creditable coverage for the individual. 92279

(d) The individual has creditable coverage under COBRA 92280

<u>continuation coverage as defined in 42 U.S.C. 1396a(u)(3).</u>	92281
<u>(2) At least one of the following applies to the individual:</u>	92282
<u>(a) The cost of the least expensive creditable coverage</u>	92283
<u>available to the individual is greater than ten per cent of the</u>	92284
<u>individual's countable family income.</u>	92285
<u>(b) The premium for the creditable coverage with the lowest</u>	92286
<u>premium available to the individual is greater than one hundred</u>	92287
<u>fifty per cent of the premium applicable to the individual under</u>	92288
<u>the children's buy-in program.</u>	92289
<u>(c) The individual is unable to obtain creditable coverage</u>	92290
<u>due to a pre-existing condition of the individual.</u>	92291
<u>(d) The individual lost the only creditable coverage</u>	92292
<u>available to the individual because the individual has exhausted a</u>	92293
<u>lifetime benefit limitation.</u>	92294
<u>(e) The individual participates in the program for medically</u>	92295
<u>handicapped children.</u>	92296
Sec. 5101.54. (A) The director of job and family services	92297
shall administer the food stamp <u>supplemental nutrition assistance</u>	92298
program in accordance with the "Food Stamp and Nutrition Act of	92299
1977," 91 Stat. 958, 2008 (7 U.S.C.A. 2011, as amended et seq).	92300
The department may:	92301
(1) Prepare and submit to the secretary of the United States	92302
department of agriculture a plan for the administration of the	92303
food stamp <u>supplemental nutrition assistance</u> program;	92304
(2) Prescribe forms for applications, certificates, reports,	92305
records, and accounts of county departments of job and family	92306
services, and other matters;	92307
(3) Require such reports and information from each county	92308
department of job and family services as may be necessary and	92309

advisable; 92310

(4) Administer and expend any sums appropriated by the 92311
general assembly for the purposes of ~~this section~~ the supplemental 92312
nutrition assistance program and all sums paid to the state by the 92313
United States as authorized by the Food ~~Stamp~~ and Nutrition Act of 92314
~~1977~~ 2008; 92315

(5) Conduct such investigations as are necessary; 92316

(6) Enter into interagency agreements and cooperate with 92317
investigations conducted by the department of public safety, 92318
including providing information for investigative purposes, 92319
exchanging property and records, passing through federal financial 92320
participation, modifying any agreements with the United States 92321
department of agriculture, providing for the supply, security, and 92322
accounting of ~~food stamp~~ supplemental nutrition assistance program 92323
benefits for investigative purposes, and meeting any other 92324
requirements necessary for the detection and deterrence of illegal 92325
activities in the ~~state food stamp~~ supplemental nutrition 92326
assistance program; 92327

(7) Adopt rules in accordance with Chapter 119. of the 92328
Revised Code governing employment and training requirements of 92329
recipients of ~~food stamp~~ supplemental nutrition assistance program 92330
benefits, including rules specifying which recipients are subject 92331
to the requirements and establishing sanctions for failure to 92332
satisfy the requirements. The rules shall be consistent with 7 92333
U.S.C.A. 2015 and, to the extent practicable, may provide for ~~food~~ 92334
~~stamp benefit~~ the recipients to participate in work activities, 92335
developmental activities, and alternative work activities 92336
established under sections 5107.40 to 5107.69 of the Revised Code 92337
that are comparable to programs authorized by 7 U.S.C.A. 92338
2015(d)(4). The rules may reference rules adopted under section 92339
5107.05 of the Revised Code governing work activities, 92340
developmental activities, and alternative work activities 92341

established under sections 5107.40 to 5107.69 of the Revised Code. 92342

(8) Adopt rules in accordance with section 111.15 of the 92343
Revised Code that are consistent with the Food ~~Stamp~~ and Nutrition 92344
Act of ~~1977~~ 2008, as amended, and regulations adopted thereunder 92345
governing the following: 92346

(a) Eligibility requirements for the ~~food stamp~~ supplemental 92347
nutrition assistance program; 92348

(b) Sanctions for failure to comply with eligibility 92349
requirements; 92350

(c) Allotment of ~~food stamp~~ supplemental nutrition assistance 92351
program benefits; 92352

(d) To the extent permitted under federal statutes and 92353
regulations, a system under which some or all recipients of ~~food~~ 92354
~~stamp~~ supplemental nutrition assistance program benefits subject 92355
to employment and training requirements established by rules 92356
adopted under division (A)(7) of this section receive ~~food stamp~~ 92357
the benefits after satisfying the requirements; 92358

(e) Administration of the program by county departments of 92359
job and family services; 92360

(f) Other requirements necessary for the efficient 92361
administration of the program. 92362

(9) Submit a plan to the United States secretary of 92363
agriculture for the department of job and family services to 92364
operate a simplified ~~food stamp~~ supplemental nutrition assistance 92365
program pursuant to 7 U.S.C.A. 2035 under which requirements 92366
governing the Ohio works first program established under Chapter 92367
5107. of the Revised Code also govern the ~~food stamp~~ supplemental 92368
nutrition assistance program in the case of households receiving 92369
~~food stamp~~ supplemental nutrition assistance program benefits and 92370
participating in Ohio works first. 92371

~~(B) Except while in the custody of the United States postal service, food stamps and any document necessary to obtain food stamps are the property of the department of job and family services from the time they are received in accordance with federal regulations by the department from the federal agency responsible for such delivery until they are received by a household entitled to receive them or by the authorized representative of the household.~~

~~(C) A household that is entitled to receive food stamps under the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended, supplemental nutrition assistance program benefits and that is determined to be in immediate need of ~~food~~ nutrition assistance, shall receive certification of eligibility for program benefits, pending verification, within twenty-four hours, or, if mitigating circumstances occur, within seventy-two hours, after application, if:~~

~~(1) The results of the application interview indicate that the household will be eligible upon full verification;~~

~~(2) Information sufficient to confirm the statements in the application has been obtained from at least one additional source, not a member of the applicant's household. Such information shall be recorded in the case file, and shall include:~~

~~(a) The name of the person who provided the name of the information source;~~

~~(b) The name and address of the information source;~~

~~(c) A summary of the information obtained.~~

The period of temporary eligibility shall not exceed one month from the date of certification of temporary eligibility. If eligibility is established by full verification, benefits shall continue without interruption as long as eligibility continues.

At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food.

~~(D)~~(C) All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services.

~~(E)~~(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive ~~food stamps~~ supplemental nutrition assistance program benefits without charge under the "Food Stamp and Nutrition Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended 2008.

~~(F)~~(E) Any person who applies for ~~food stamps~~ under this section the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code.

Sec. 5101.541. The ~~food stamp~~ supplemental nutrition assistance program fund is hereby created in the state treasury. The fund shall consist of federal reimbursement for ~~food stamp~~ supplemental nutrition assistance program administrative expenses and other ~~food stamp~~ supplemental nutrition assistance program expenses. The department of job and family services shall use the money credited to the fund to pay for ~~food stamp~~ supplemental nutrition assistance program administrative expenses and other ~~food stamp~~ supplemental nutrition assistance program expenses.

Sec. 5101.542. Immediately following a county department of job and family services' certification that a household determined under division (B) of section 5101.54 of the Revised Code to be in immediate need of nutrition assistance is eligible for the

supplemental nutrition assistance program, the department of job and family services shall provide for the household to be sent by regular United States mail an electronic benefit transfer card containing the amount of benefits the household is eligible to receive under the program. The card shall be sent to the member of the household in whose name application for the supplemental nutrition assistance program was made or that member's authorized representative.

Sec. 5101.544. If the benefits of a household are reduced under a federal, state, or local means-tested public assistance program for failure of a member of the household to perform an action required under the program, the household may not receive, for the duration of the reduction, an increased allotment of ~~food stamp~~ supplemental nutrition assistance program benefits as the result of a decrease in the income of the household to the extent that the decrease is the result of the reduction.

The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall be consistent with 7 U.S.C.A. 2017(d) and federal regulations.

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of the Revised Code:

(A) "Information" means all of the following:

(1) An individual's name, address, date of birth, and social security number;

(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage;

(3) Any other data the director of job and family services

specifies in rules adopted under section 5101.591 of the Revised Code. 92461
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(B) "Medical assistance" means medical items or services provided under any of the following: 92463
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(1) Medicaid, as defined in section 5111.01 of the Revised Code; 92465
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(2) The children's health insurance program part I, part II, and part III established under sections 5101.50 to ~~5101.529~~, 5101.51, and 5101.52 of the Revised Code; 92467
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(3) The disability medical assistance program established under Chapter 5115. of the Revised Code; 92470
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(4) The children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code. 92472
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(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency. 92474
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(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code. 92477
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(E)(1) Subject to division (E)(2) of this section, and except as provided in division (E)(3) of this section, "third party" means all of the following: 92480
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(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code; 92483
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(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis; 92485
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(c) A health insuring corporation as defined in section 1751.01 of the Revised Code; 92488
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(d) A group health plan as defined in 29 U.S.C. 1167;	92490
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	92491 92492
(f) A managed care organization;	92493
(g) A pharmacy benefit manager;	92494
(h) A third party administrator;	92495
(i) Any other person or governmental entity that is, by law, contract, or agreement, responsible for the payment or processing of a claim for a medical item or service for a public assistance recipient or participant.	92496 92497 92498 92499
(2) Except when otherwise provided by 42 U.S.C. 1395y(b), a person or governmental entity listed in division (E)(1) of this section is a third party even if the person or governmental entity limits or excludes payments for a medical item or service in the case of a public assistance recipient.	92500 92501 92502 92503 92504
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	92505 92506 92507
Sec. 5101.573. (A) Subject to divisions (B) and (C) of this section, a third party shall do all of the following:	92508 92509
(1) Accept the department of job and family services' right of recovery under section 5101.58 of the Revised Code and the assignment of rights to the department that are described in section 5101.59 of the Revised Code-;i	92510 92511 92512 92513
(2) Respond to an inquiry by the department regarding a claim for payment of a medical item or service that was submitted to the third party not later than three years after the date of the provision of such medical item or service;	92514 92515 92516 92517
(3) Pay a claim described in division (A)(2) of this section;	92518

(4) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following are true:

(a) The claim was submitted by the department not later than three years after the date of the provision of the medical item or service.

(b) An action by the department to enforce its right of recovery under section 5101.58 of the Revised Code on the claim was commenced not later than six years after the department's submission of the claim.

(5) Consider the department's payment of a claim for a medical item or service to be the equivalent of the medical assistance recipient having obtained prior authorization for the item or service from the third party;

(6) Not deny a claim described in division (A)(5) of this section that is submitted by the department solely on the basis of the medical assistance recipient's failure to obtain prior authorization for the medical item or service.

(B) For purposes of the requirements in division (A) of this section, a third party shall treat a managed care organization as the department for a claim in which both of the following are true:

(1) The individual who is the subject of the claim received a medical item or service through a managed care organization that has entered into a contract with the department of job and family services under section ~~5111.16~~ 5111.17 of the Revised Code;

(2) The department has assigned its right of recovery for the claim to the managed care organization.

(C) The time limitations associated with the requirements in 92550
divisions (A)(2) and (A)(4) of this section apply only to 92551
submissions of claims to, and payments of claims by, a health 92552
insurer to which 42 U.S.C. 1396a(a)(25)(I) applies. 92553

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 92554
Revised Code: 92555

(A) "Abuse" means the infliction upon an adult by self or 92556
others of injury, unreasonable confinement, intimidation, or cruel 92557
punishment with resulting physical harm, pain, or mental anguish. 92558

(B) "Adult" means any person sixty years of age or older 92559
within this state who is handicapped by the infirmities of aging 92560
or who has a physical or mental impairment which prevents the 92561
person from providing for the person's own care or protection, and 92562
who resides in an independent living arrangement. An "independent 92563
living arrangement" is a domicile of a person's own choosing, 92564
including, but not limited to, a private home, apartment, trailer, 92565
or rooming house. ~~Except as otherwise provided in this division,~~ 92566
An "independent living arrangement" includes a community 92567
alternative home an adult care facility licensed pursuant to 92568
~~section 3724.03 Chapter 3722.~~ of the Revised Code, but does not 92569
include other institutions or facilities licensed by the state, or 92570
facilities in which a person resides as a result of voluntary, 92571
civil, or criminal commitment. ~~"Independent living arrangement"~~ 92572
~~does include adult care facilities licensed pursuant to Chapter~~ 92573
~~3722. of the Revised Code.~~ 92574

(C) "Caretaker" means the person assuming the responsibility 92575
for the care of an adult on a voluntary basis, by contract, 92576
through receipt of payment for care, as a result of a family 92577
relationship, or by order of a court of competent jurisdiction. 92578

(D) "Court" means the probate court in the county where an 92579
adult resides. 92580

(E) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

(F) "Emergency services" means protective services furnished to an adult in an emergency.

(G) "Exploitation" means the unlawful or improper act of a caretaker using an adult or an adult's resources for monetary or personal benefit, profit, or gain.

(H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

(I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

(M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult. 92612
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(N) "Protective services" means services provided by the county department of job and family services or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction, or discontinuance of an act of as well as conditions resulting from abuse, neglect, or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter. 92614
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(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code. 92625
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Sec. 5101.61. (A) As used in this section: 92628

(1) "Senior service provider" means any person who provides care or services to a person who is an adult as defined in division (B) of section 5101.60 of the Revised Code. 92629
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(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that: 92632
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(a) Provides preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient or ambulatory patient, by or under the direction of a physician or dentist in a facility which is not a part of a hospital, but which is organized and operated to provide medical care to outpatients; 92635
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(b) Has health and medical care policies which are developed 92641

with the advice of, and with the provision of review of such 92642
policies, an advisory committee of professional personnel, 92643
including one or more physicians, one or more dentists, if dental 92644
care is provided, and one or more registered nurses; 92645

(c) Has a medical director, a dental director, if dental care 92646
is provided, and a nursing director responsible for the execution 92647
of such policies, and has physicians, dentists, nursing, and 92648
ancillary staff appropriate to the scope of services provided; 92649

(d) Requires that the health care and medical care of every 92650
patient be under the supervision of a physician, provides for 92651
medical care in a case of emergency, has in effect a written 92652
agreement with one or more hospitals and other centers or clinics, 92653
and has an established patient referral system to other resources, 92654
and a utilization review plan and program; 92655

(e) Maintains clinical records on all patients; 92656

(f) Provides nursing services and other therapeutic services 92657
in accordance with programs and policies, with such services 92658
supervised by a registered professional nurse, and has a 92659
registered professional nurse on duty at all times of clinical 92660
operations; 92661

(g) Provides approved methods and procedures for the 92662
dispensing and administration of drugs and biologicals; 92663

(h) Has established an accounting and record keeping system 92664
to determine reasonable and allowable costs; 92665

(i) "Ambulatory health facilities" also includes an 92666
alcoholism treatment facility approved by the joint commission on 92667
accreditation of healthcare organizations as an alcoholism 92668
treatment facility or certified by the department of alcohol and 92669
drug addiction services, and such facility shall comply with other 92670
provisions of this division not inconsistent with such 92671
accreditation or certification. 92672

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility.

(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which:

(a) Is primarily engaged in providing home health services;

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy;

(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies;

(d) Maintains comprehensive records on all patients;

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.

(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home:	92704 92705 92706 92707
(a) Nursing care provided by or under the supervision of a registered professional nurse;	92708 92709
(b) Physical, occupational, or speech therapy ordered by the patient's attending physician;	92710 92711
(c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician;	92712 92713 92714
(d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse;	92715 92716 92717
(e) Medical supplies and the use of medical appliances;	92718
(f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician;	92719 92720 92721 92722
(g) Any of the foregoing items and services which:	92723
(i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility;	92724 92725 92726
(ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient <u>is</u> there to receive any item or service involving the use of such equipment.	92727 92728 92729 92730 92731
Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in	92732 92733

section 3701.01 of the Revised Code, any nurse licensed under 92734
Chapter 4723. of the Revised Code, any employee of an ambulatory 92735
health facility, any employee of a home health agency, any 92736
employee of an adult care facility as defined in section 3722.01 92737
of the Revised Code, ~~any employee of a community alternative home~~ 92738
~~as defined in section 3724.01 of the Revised Code,~~ any employee of 92739
a nursing home, residential care facility, or home for the aging, 92740
as defined in section 3721.01 of the Revised Code, any senior 92741
service provider, any peace officer, coroner, clergyman, any 92742
employee of a community mental health facility, and any person 92743
engaged in social work or counseling having reasonable cause to 92744
believe that an adult is being abused, neglected, or exploited, or 92745
is in a condition which is the result of abuse, neglect, or 92746
exploitation shall immediately report such belief to the county 92747
department of job and family services. This section does not apply 92748
to employees of any hospital or public hospital as defined in 92749
section 5122.01 of the Revised Code. 92750

(B) Any person having reasonable cause to believe that an 92751
adult has suffered abuse, neglect, or exploitation may report, or 92752
cause reports to be made of such belief to the department. 92753

(C) The reports made under this section shall be made orally 92754
or in writing except that oral reports shall be followed by a 92755
written report if a written report is requested by the department. 92756
Written reports shall include: 92757

(1) The name, address, and approximate age of the adult who 92758
is the subject of the report; 92759

(2) The name and address of the individual responsible for 92760
the adult's care, if any individual is, and if the individual is 92761
known; 92762

(3) The nature and extent of the alleged abuse, neglect, or 92763
exploitation of the adult; 92764

(4) The basis of the reporter's belief that the adult has 92765
been abused, neglected, or exploited. 92766

(D) Any person with reasonable cause to believe that an adult 92767
is suffering abuse, neglect, or exploitation who makes a report 92768
pursuant to this section or who testifies in any administrative or 92769
judicial proceeding arising from such a report, or any employee of 92770
the state or any of its subdivisions who is discharging 92771
responsibilities under section 5101.62 of the Revised Code shall 92772
be immune from civil or criminal liability on account of such 92773
investigation, report, or testimony, except liability for perjury, 92774
unless the person has acted in bad faith or with malicious 92775
purpose. 92776

(E) No employer or any other person with the authority to do 92777
so shall discharge, demote, transfer, prepare a negative work 92778
performance evaluation, or reduce benefits, pay, or work 92779
privileges, or take any other action detrimental to an employee or 92780
in any way retaliate against an employee as a result of the 92781
employee's having filed a report under this section. 92782

(F) Neither the written or oral report provided for in this 92783
section nor the investigatory report provided for in section 92784
5101.62 of the Revised Code shall be considered a public record as 92785
defined in section 149.43 of the Revised Code. Information 92786
contained in the report shall upon request be made available to 92787
the adult who is the subject of the report, to agencies authorized 92788
by the department to receive information contained in the report, 92789
and to legal counsel for the adult. 92790

Sec. 5101.83. (A) As used in this section: 92791

(1) "Assistance group" has the same meaning as in section 92792
5107.02 of the Revised Code, ~~except that it also means a group~~ 92793
~~provided benefits and services under the prevention, retention,~~ 92794
~~and contingency program.~~ 92795

(2) "Fraudulent assistance" means ~~assistance and service,~~ 92796
~~including~~ cash assistance, provided under the Ohio works first 92797
program established under Chapter 5107., ~~or benefits and services~~ 92798
~~provided under the prevention, retention, and contingency program~~ 92799
~~established under Chapter 5108.~~ of the Revised Code, to or on 92800
behalf of an assistance group that is provided as a result of 92801
fraud by a member of the assistance group, including an 92802
intentional violation of the program's requirements. "Fraudulent 92803
assistance" does not include cash assistance ~~or services~~ to or on 92804
behalf of an assistance group that is provided as a result of an 92805
error that is the fault of a county department of job and family 92806
services or the state department of job and family services. 92807

(B) If a county director of job and family services 92808
determines that an assistance group has received fraudulent 92809
assistance, the assistance group is ineligible to participate in 92810
the Ohio works first program ~~or the prevention, retention, and~~ 92811
~~contingency program~~ until a member of the assistance group repays 92812
the cost of the fraudulent assistance. If a member repays the cost 92813
of the fraudulent assistance and the assistance group otherwise 92814
meets the eligibility requirements for the Ohio works first 92815
program ~~or the prevention, retention, and contingency program,~~ the 92816
assistance group shall not be denied the opportunity to 92817
participate in the program. 92818

This section does not limit the ability of a county 92819
department of job and family services to recover erroneous 92820
payments under section 5107.76 of the Revised Code. 92821

The state department of job and family services shall adopt 92822
rules in accordance with Chapter 119. of the Revised Code to 92823
implement this section. 92824

Sec. 5101.84. An individual otherwise ineligible for aid 92825
under ~~Chapter 5107. or 5108.~~ a Title IV-A program, as defined in 92826

section 5101.80 of the Revised Code, or ~~food stamps~~ supplemental nutrition assistance program benefits under the "Food Stamp and Nutrition Act of 1977," ~~78 Stat. 703~~, 2008 (7 U.S.C. 2011, ~~as amended, et seq.~~) because of paragraph (a) of ~~section 115 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105~~, 21 U.S.C. 862a, is eligible for the aid or benefits if the individual meets all other eligibility requirements for the aid or benefits.

Sec. 5104.01. As used in this chapter: 92835

(A) "Administrator" means the person responsible for the daily operation of a center or type A home. The administrator and the owner may be the same person. 92836
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 92839
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(C) "Authorized provider" means a person authorized by a county director of job and family services to operate a certified type B family day-care home. 92841
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(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care. 92844
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(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child. 92848
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(F) "Certified type B family day-care home" and "certified 92856

type B home" mean a type B family day-care home that is certified 92857
by the director of the county department of job and family 92858
services pursuant to section 5104.11 of the Revised Code to 92859
receive public funds for providing child care pursuant to this 92860
chapter and any rules adopted under it. 92861

(G) "Chartered nonpublic school" means a school that meets 92862
standards for nonpublic schools prescribed by the state board of 92863
education for nonpublic schools pursuant to section 3301.07 of the 92864
Revised Code. 92865

(H) "Child" includes an infant, toddler, preschool child, or 92866
school child. 92867

(I) "Child care block grant act" means the "Child Care and 92868
Development Block Grant Act of 1990," established in section 5082 92869
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 92870
1388-236 (1990), 42 U.S.C. 9858, as amended. 92871

(J) "Child day camp" means a program in which only school 92872
children attend or participate, that operates for no more than 92873
seven hours per day, that operates only during one or more public 92874
school district's regular vacation periods or for no more than 92875
fifteen weeks during the summer, and that operates outdoor 92876
activities for each child who attends or participates in the 92877
program for a minimum of fifty per cent of each day that children 92878
attend or participate in the program, except for any day when 92879
hazardous weather conditions prevent the program from operating 92880
outdoor activities for a minimum of fifty per cent of that day. 92881
For purposes of this division, the maximum seven hours of 92882
operation time does not include transportation time from a child's 92883
home to a child day camp and from a child day camp to a child's 92884
home. 92885

(K) "Child care" means administering to the needs of infants, 92886
toddlers, preschool children, and school children outside of 92887

school hours by persons other than their parents or guardians, 92888
custodians, or relatives by blood, marriage, or adoption for any 92889
part of the twenty-four-hour day in a place or residence other 92890
than a child's own home. 92891

(L) "Child day-care center" and "center" mean any place in 92892
which child care or publicly funded child care is provided for 92893
thirteen or more children at one time or any place that is not the 92894
permanent residence of the licensee or administrator in which 92895
child care or publicly funded child care is provided for seven to 92896
twelve children at one time. In counting children for the purposes 92897
of this division, any children under six years of age who are 92898
related to a licensee, administrator, or employee and who are on 92899
the premises of the center shall be counted. "Child day-care 92900
center" and "center" do not include any of the following: 92901

(1) A place located in and operated by a hospital, as defined 92902
in section 3727.01 of the Revised Code, in which the needs of 92903
children are administered to, if all the children whose needs are 92904
being administered to are monitored under the on-site supervision 92905
of a physician licensed under Chapter 4731. of the Revised Code or 92906
a registered nurse licensed under Chapter 4723. of the Revised 92907
Code, and the services are provided only for children who, in the 92908
opinion of the child's parent, guardian, or custodian, are 92909
exhibiting symptoms of a communicable disease or other illness or 92910
are injured; 92911

(2) A child day camp; 92912

(3) A place that provides child care, but not publicly funded 92913
child care, if all of the following apply: 92914

(a) An organized religious body provides the child care; 92915

(b) A parent, custodian, or guardian of at least one child 92916
receiving child care is on the premises and readily accessible at 92917
all times; 92918

(c) The child care is not provided for more than thirty days a year;	92919 92920
(d) The child care is provided only for preschool and school children.	92921 92922
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	92923 92924 92925
(N) "Child care resource and referral services" means all of the following services:	92926 92927
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	92928 92929 92930
(2) Provision of individualized consumer education to families seeking child care;	92931 92932
(3) Provision of timely referrals of available child care providers to families seeking child care;	92933 92934
(4) Recruitment of child care providers;	92935
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	92936 92937 92938 92939
(6) Collection and analysis of data on the supply of and demand for child care in the community;	92940 92941
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	92942 92943 92944
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	92945 92946 92947

(9) Provision of written educational materials to caretaker	92948
parents and informational resources to child care providers;	92949
(10) Coordination of services among child care resource and	92950
referral service organizations to assist in developing and	92951
maintaining a statewide system of child care resource and referral	92952
services if required by the department of job and family services;	92953
(11) Cooperation with the county department of job and family	92954
services in encouraging the establishment of parent cooperative	92955
child care centers and parent cooperative type A family day-care	92956
homes.	92957
(O) "Child-care staff member" means an employee of a child	92958
day-care center or type A family day-care home who is primarily	92959
responsible for the care and supervision of children. The	92960
administrator may be a part-time child-care staff member when not	92961
involved in other duties.	92962
(P) "Drop-in child day-care center," "drop-in center,"	92963
"drop-in type A family day-care home," and "drop-in type A home"	92964
mean a center or type A home that provides child care or publicly	92965
funded child care for children on a temporary, irregular basis.	92966
(Q) "Employee" means a person who either:	92967
(1) Receives compensation for duties performed in a child	92968
day-care center or type A family day-care home;	92969
(2) Is assigned specific working hours or duties in a child	92970
day-care center or type A family day-care home.	92971
(R) "Employer" means a person, firm, institution,	92972
organization, or agency that operates a child day-care center or	92973
type A family day-care home subject to licensure under this	92974
chapter.	92975
(S) "Federal poverty line" means the official poverty	92976
guideline as revised annually in accordance with section 673(2) of	92977

the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Full-time week" means at least thirty-two and one-half hours and not more than sixty hours of care in a week for licensed child care centers and licensed type A homes and at least thirty-two and one-half hours and not more than fifty hours of care in a week for certified type B providers.

(U) "Head start program" means a comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

~~(U)~~(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

~~(V)~~(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center or type A family day-care home's compliance with licensing requirements.

~~(W)~~(X) "Infant" means a child who is less than eighteen months of age.

~~(X)~~(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Y)~~(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing

requirements for child day-care centers and type A family day-care 93009
homes in which each licensing requirement is assigned a weight 93010
indicative of the relative importance of the requirement to the 93011
health, growth, and safety of the children that is used to develop 93012
an indicator checklist. 93013

~~(Z)~~(AA) "License capacity" means the maximum number in each 93014
age category of children who may be cared for in a child day-care 93015
center or type A family day-care home at one time as determined by 93016
the director of job and family services considering building 93017
occupancy limits established by the department of commerce, number 93018
of available child-care staff members, amount of available indoor 93019
floor space and outdoor play space, and amount of available play 93020
equipment, materials, and supplies. 93021

~~(AA)~~(BB) "Licensed preschool program" or "licensed school 93022
child program" means a preschool program or school child program, 93023
as defined in section 3301.52 of the Revised Code, that is 93024
licensed by the department of education pursuant to sections 93025
3301.52 to 3301.59 of the Revised Code. 93026

~~(BB)~~(CC) "Licensee" means the owner of a child day-care 93027
center or type A family day-care home that is licensed pursuant to 93028
this chapter and who is responsible for ensuring its compliance 93029
with this chapter and rules adopted pursuant to this chapter. 93030

~~(CC)~~(DD) "Operate a child day camp" means to operate, 93031
establish, manage, conduct, or maintain a child day camp. 93032

~~(DD)~~(EE) "Owner" includes a person, as defined in section 93033
1.59 of the Revised Code, or government entity. 93034

~~(EE)~~(FF) "Parent cooperative child day-care center," "parent 93035
cooperative center," "parent cooperative type A family day-care 93036
home," and "parent cooperative type A home" mean a corporation or 93037
association organized for providing educational services to the 93038
children of members of the corporation or association, without 93039

gain to the corporation or association as an entity, in which the 93040
services of the corporation or association are provided only to 93041
children of the members of the corporation or association, 93042
ownership and control of the corporation or association rests 93043
solely with the members of the corporation or association, and at 93044
least one parent-member of the corporation or association is on 93045
the premises of the center or type A home during its hours of 93046
operation. 93047

~~(FF)~~(GG) "Part-time child day-care center," "part-time 93048
center," "part-time type A family day-care home," and "part-time 93049
type A home" mean a center or type A home that provides child care 93050
or publicly funded child care for no more than four hours a day 93051
for any child. 93052

~~(GG)~~(HH) "Place of worship" means a building where activities 93053
of an organized religious group are conducted and includes the 93054
grounds and any other buildings on the grounds used for such 93055
activities. 93056

~~(HH)~~(II) "Preschool child" means a child who is three years 93057
old or older but is not a school child. 93058

~~(II)~~(JJ) "Protective child care" means publicly funded child 93059
care for the direct care and protection of a child to whom either 93060
of the following applies: 93061

(1) A case plan prepared and maintained for the child 93062
pursuant to section 2151.412 of the Revised Code indicates a need 93063
for protective care and the child resides with a parent, 93064
stepparent, guardian, or another person who stands in loco 93065
parentis as defined in rules adopted under section 5104.38 of the 93066
Revised Code; 93067

(2) The child and the child's caretaker either temporarily 93068
reside in a facility providing emergency shelter for homeless 93069
families or are determined by the county department of job and 93070

family services to be homeless, and are otherwise ineligible for 93071
publicly funded child care. 93072

~~(JJ)~~(KK) "Publicly funded child care" means administering to 93073
the needs of infants, toddlers, preschool children, and school 93074
children under age thirteen during any part of the 93075
twenty-four-hour day by persons other than their caretaker parents 93076
for remuneration wholly or in part with federal or state funds, 93077
including funds available under the child care block grant act, 93078
Title IV-A, and Title XX, distributed by the department of job and 93079
family services. 93080

~~(KK)~~(LL) "Religious activities" means any of the following: 93081
worship or other religious services; religious instruction; Sunday 93082
school classes or other religious classes conducted during or 93083
prior to worship or other religious services; youth or adult 93084
fellowship activities; choir or other musical group practices or 93085
programs; meals; festivals; or meetings conducted by an organized 93086
religious group. 93087

~~(LL)~~(MM) "School child" means a child who is enrolled in or 93088
is eligible to be enrolled in a grade of kindergarten or above but 93089
is less than fifteen years old. 93090

~~(MM)~~(NN) "School child day-care center," "school child 93091
center," "school child type A family day-care home," and "school 93092
child type A family home" mean a center or type A home that 93093
provides child care for school children only and that does either 93094
or both of the following: 93095

(1) Operates only during that part of the day that 93096
immediately precedes or follows the public school day of the 93097
school district in which the center or type A home is located; 93098

(2) Operates only when the public schools in the school 93099
district in which the center or type A home is located are not 93100
open for instruction with pupils in attendance. 93101

~~(NN)~~(OO) "State median income" means the state median income 93102
calculated by the department of development pursuant to division 93103
(A)(1)(g) of section 5709.61 of the Revised Code. 93104

~~(OO)~~(PP) "Title IV-A" means Title IV-A of the "Social 93105
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 93106

~~(PP)~~(OO) "Title XX" means Title XX of the "Social Security 93107
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 93108

~~(OO)~~(RR) "Toddler" means a child who is at least eighteen 93109
months of age but less than three years of age. 93110

~~(RR)~~(SS) "Type A family day-care home" and "type A home" mean 93111
a permanent residence of the administrator in which child care or 93112
publicly funded child care is provided for seven to twelve 93113
children at one time or a permanent residence of the administrator 93114
in which child care is provided for four to twelve children at one 93115
time if four or more children at one time are under two years of 93116
age. In counting children for the purposes of this division, any 93117
children under six years of age who are related to a licensee, 93118
administrator, or employee and who are on the premises of the type 93119
A home shall be counted. "Type A family day-care home" and "type A 93120
home" do not include any child day camp. 93121

~~(SS)~~(TT) "Type B family day-care home" and "type B home" mean 93122
a permanent residence of the provider in which child care is 93123
provided for one to six children at one time and in which no more 93124
than three children are under two years of age at one time. In 93125
counting children for the purposes of this division, any children 93126
under six years of age who are related to the provider and who are 93127
on the premises of the type B home shall be counted. "Type B 93128
family day-care home" and "type B home" do not include any child 93129
day camp. 93130

Sec. 5104.041. (A) All type A and type B family day-care 93131

homes shall procure and maintain one of the following: 93132

(1) Liability insurance issued by an insurer authorized to do 93133
business in this state under Chapter 3905. of the Revised Code 93134
insuring the type A or type B family day-care home against 93135
liability arising out of, or in connection with, the operation of 93136
the family day-care home. Liability insurance procured under this 93137
division shall cover any cause for which the type A or type B 93138
family day-care home would be liable, in the amount of at least 93139
one hundred thousand dollars per occurrence and three hundred 93140
thousand dollars in the aggregate. 93141

(2) ~~An affidavit~~ A written statement signed by the parent, 93142
guardian, or custodian of each child receiving child care from the 93143
type A or type B family day-care home that states all of the 93144
following: 93145

(a) The family day-care home does not carry liability 93146
insurance described in division (A)(1) of this section; 93147

(b) If the licensee of a type A family day-care home or the 93148
provider of a type B family day-care home is not the owner of the 93149
real property where the family day-care home is located, the 93150
liability insurance, if any, of the owner of the real property may 93151
not provide for coverage of any liability arising out of, or in 93152
connection with, the operation of the family day-care home. 93153

(B) If the licensee of a type A family day-care home or the 93154
provider of a type B family day-care home is not the owner of the 93155
real property where the family day-care home is located and the 93156
family day-care home procures liability insurance described in 93157
division (A)(1) of this section, that licensee or provider shall 93158
name the owner of the real property as an additional insured party 93159
on the liability insurance policy if all of the following apply: 93160

93161

(1) The owner of the real property requests the licensee or 93162

provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or ~~affidavit~~ written statement required under division (A) of this section shall be maintained at the type A or type B family day-care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.051. (A)(1) The department of commerce is responsible for the inspections of child day-care centers as required by division (A)(1) of section 5104.05 of the Revised Code. Where there is a municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers, all inspections required under division (A)(1) of section 5104.05 of the Revised Code shall be made by that department according to the standards established by the board of building standards. Inspections in areas of the state where there is no municipal, township, or county building department certified under section 3781.10 of the Revised Code to exercise enforcement authority with respect to the category of building occupancy which includes day-care centers shall be made by personnel of the department of commerce. Inspections of centers shall be contingent upon payment of a fee by the applicant to the department having jurisdiction to

inspect. 93194

(2) The department of commerce is responsible for the 93195
inspections of type A family day-care homes as required by 93196
division (B)(3) of section 5104.05 of the Revised Code. Where 93197
there is a municipal, township, or county building department 93198
certified under section 3781.10 of the Revised Code to exercise 93199
enforcement authority with respect to the category of building 93200
occupancy which includes type A homes, all inspections required 93201
under division (B)(3) of section 5104.05 of the Revised Code shall 93202
be made by that department according to the standards established 93203
by the board of building standards. Inspections in areas of the 93204
state where there is no municipal, township, or county building 93205
department certified under section 3781.10 of the Revised Code to 93206
exercise enforcement authority with respect to the category of 93207
building occupancy which includes type A homes shall be made by 93208
personnel of the department of commerce. Inspections of type A 93209
homes shall be contingent upon payment of a fee by the applicant 93210
to the department having jurisdiction to inspect. 93211

(B) The state fire marshal is responsible for the inspections 93212
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 93213
Revised Code. In municipal corporations and in townships outside 93214
municipal corporations where there is a fire prevention official, 93215
the inspections shall be made by the fire chief or the fire 93216
prevention official under the supervision of and according to the 93217
standards established by the state fire marshal. In townships 93218
outside municipal corporations where there is no fire prevention 93219
official, inspections shall be made by the employees of the state 93220
fire marshal. 93221

(C) The state fire marshal shall enforce all statutes and 93222
rules pertaining to fire safety and fire prevention in child 93223
day-care centers and type A family day-care homes. In the event of 93224
a dispute between the state fire marshal and any other responsible 93225

officer under sections 5104.05 and 5104.051 of the Revised Code 93226
with respect to the interpretation or application of a specific 93227
fire safety statute or rule, the interpretation of the state fire 93228
marshal shall prevail. 93229

(D) As used in this division, "licensor" has the same meaning 93230
as in section 3717.01 of the Revised Code. 93231

The licensor for food service operations in the city or 93232
general health district in which the center is located is 93233
responsible for the inspections required under Chapter 3717. of 93234
the Revised Code. 93235

(E) Any moneys collected by the department of commerce under 93236
this section shall be paid into the state treasury to the credit 93237
of the ~~industrial compliance~~ labor operating fund created in 93238
section 121.084 of the Revised Code. 93239

Sec. 5104.30. (A) The department of job and family services 93240
is hereby designated as the state agency responsible for 93241
administration and coordination of federal and state funding for 93242
publicly funded child care in this state. Publicly funded child 93243
care shall be provided to the following: 93244

(1) Recipients of transitional child care as provided under 93245
section 5104.34 of the Revised Code; 93246

(2) Participants in the Ohio works first program established 93247
under Chapter 5107. of the Revised Code; 93248

(3) Individuals who would be participating in the Ohio works 93249
first program if not for a sanction under section 5107.16 of the 93250
Revised Code and who continue to participate in a work activity, 93251
developmental activity, or alternative work activity pursuant to 93252
an assignment under section 5107.42 of the Revised Code; 93253

(4) A family receiving publicly funded child care on October 93254
1, 1997, until the family's income reaches one hundred fifty per 93255

cent of the federal poverty line; 93256

(5) Subject to available funds, other individuals determined 93257
eligible in accordance with rules adopted under section 5104.38 of 93258
the Revised Code. 93259

The department shall apply to the United States department of 93260
health and human services for authority to operate a coordinated 93261
program for publicly funded child care, if the director of job and 93262
family services determines that the application is necessary. For 93263
purposes of this section, the department of job and family 93264
services may enter into agreements with other state agencies that 93265
are involved in regulation or funding of child care. The 93266
department shall consider the special needs of migrant workers 93267
when it administers and coordinates publicly funded child care and 93268
shall develop appropriate procedures for accommodating the needs 93269
of migrant workers for publicly funded child care. 93270

(B) The department of job and family services shall 93271
distribute state and federal funds for publicly funded child care, 93272
including appropriations of state funds for publicly funded child 93273
care and appropriations of federal funds available under the child 93274
care block grant act, Title IV-A, and Title XX. The department may 93275
use any state funds appropriated for publicly funded child care as 93276
the state share required to match any federal funds appropriated 93277
for publicly funded child care. 93278

(C) In the use of federal funds available under the child 93279
care block grant act, all of the following apply: 93280

(1) The department may use the federal funds to hire staff to 93281
prepare any rules required under this chapter and to administer 93282
and coordinate federal and state funding for publicly funded child 93283
care. 93284

(2) Not more than five per cent of the aggregate amount of 93285
the federal funds received for a fiscal year may be expended for 93286

administrative costs. 93287

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 93288
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(a) Activities designed to provide comprehensive consumer education to parents and the public; 93290
93291

(b) Activities that increase parental choice; 93292

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 93293
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(d) Establishing a voluntary child day-care center quality-rating program in which participation in the program may allow a child day-care center to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating. 93296
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. A If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county ~~department~~ departments of job and family services may purchase child care from funds obtained through any other means. 93301
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing 93309
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child care. The department of job and family services may enter 93318
into interagency agreements with the department of education, the 93319
board of regents, the department of development, and other state 93320
agencies and entities whenever the cooperative efforts of the 93321
other state agencies and entities are necessary for the department 93322
of job and family services to fulfill its duties and 93323
responsibilities under this chapter. 93324

The department shall develop and maintain a registry of 93325
persons providing child care. The director shall adopt rules 93326
pursuant to Chapter 119. of the Revised Code establishing 93327
procedures and requirements for the registry's administration. 93328

(E)(1) The director shall adopt rules in accordance with 93329
Chapter 119. of the Revised Code establishing both of the 93330
following: 93331

(a) Reimbursement ceilings for providers of publicly funded 93332
child care not later than the first day of July in each 93333
odd-numbered year; 93334

(b) A procedure for reimbursing and paying providers of 93335
publicly funded child care. 93336

(2) In establishing reimbursement ceilings under division 93337
(E)(1)(a) of this section, the director shall do all of the 93338
following: 93339

(a) Use the information obtained under division (B)(3) of 93340
section 5104.04 of the Revised Code; 93341

(b) Establish an enhanced reimbursement ceiling for providers 93342
who provide child care for caretaker parents who work 93343
nontraditional hours; 93344

(c) For a type B family day-care home provider that has 93345
received limited certification pursuant to rules adopted under 93346
division (G)(1) of section 5104.011 of the Revised Code, establish 93347

a reimbursement ceiling that is the following: 93348

(i) If the provider is a person described in division 93349
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 93350
per cent of the reimbursement ceiling that applies to a type B 93351
family day-care home certified by the same county department of 93352
job and family services pursuant to section 5104.11 of the Revised 93353
Code; 93354

(ii) If the provider is a person described in division 93355
(G)(1)(a)(ii) of section 5104.011 of the Revised Code, sixty per 93356
cent of the reimbursement ceiling that applies to a type B family 93357
day-care home certified by the same county department pursuant to 93358
section 5104.11 of the Revised Code. 93359

(3) In establishing reimbursement ceilings under division 93360
(E)(1)(a) of this section, the director may establish different 93361
reimbursement ceilings based on any of the following: 93362

(a) Geographic location of the provider; 93363

(b) Type of care provided; 93364

(c) Age of the child served; 93365

(d) Special needs of the child served; 93366

(e) Whether the expanded hours of service are provided; 93367

(f) Whether weekend service is provided; 93368

(g) Whether the provider has exceeded the minimum 93369
requirements of state statutes and rules governing child care; 93370

(h) Any other factors the director considers appropriate. 93371

(F) The director shall adopt rules in accordance with Chapter 93372
119. of the Revised Code to implement the voluntary child day-care 93373
center quality-rating program described in division (C)(3)(d) of 93374
this section. 93375

Sec. 5104.32. (A) Except as provided in division (C) of this 93376
section, all purchases of publicly funded child care shall be made 93377
under a contract entered into by a licensed child day-care center, 93378
licensed type A family day-care home, certified type B family 93379
day-care home, certified in-home aide, approved child day camp, 93380
licensed preschool program, licensed school child program, or 93381
border state child care provider and the county department of job 93382
and family services. A county department of job and family 93383
services may enter into a contract with a provider for publicly 93384
funded child care for a specified period of time or upon a 93385
continuous basis for an unspecified period of time. All contracts 93386
for publicly funded child care shall be contingent upon the 93387
availability of state and federal funds. The department of job and 93388
family services shall prescribe a standard form to be used for all 93389
contracts for the purchase of publicly funded child care, 93390
regardless of the source of public funds used to purchase the 93391
child care. To the extent permitted by federal law and 93392
notwithstanding any other provision of the Revised Code that 93393
regulates state or county contracts or contracts involving the 93394
expenditure of state, county, or federal funds, all contracts for 93395
publicly funded child care shall be entered into in accordance 93396
with the provisions of this chapter and are exempt from any other 93397
provision of the Revised Code that regulates state or county 93398
contracts or contracts involving the expenditure of state, county, 93399
or federal funds. 93400

(B) Each contract for publicly funded child care shall 93401
specify at least the following: 93402

(1) That the provider of publicly funded child care agrees to 93403
be paid for rendering services at the lowest of the rate 93404
customarily charged by the provider for children enrolled for 93405
child care, the reimbursement ceiling or rate of payment 93406
established pursuant to section 5104.30 of the Revised Code, or a 93407

rate the county department negotiates with the provider; 93408

(2) That, if a provider provides child care to an individual 93409
potentially eligible for publicly funded child care who is 93410
subsequently determined to be eligible, the county department 93411
agrees to pay for all child care provided between the date the 93412
county department receives the individual's completed application 93413
and the date the individual's eligibility is determined; 93414

(3) Whether the county department of job and family services, 93415
the provider, or a child care resource and referral service 93416
organization will make eligibility determinations, whether the 93417
provider or a child care resource and referral service 93418
organization will be required to collect information to be used by 93419
the county department to make eligibility determinations, and the 93420
time period within which the provider or child care resource and 93421
referral service organization is required to complete required 93422
eligibility determinations or to transmit to the county department 93423
any information collected for the purpose of making eligibility 93424
determinations; 93425

(4) That the provider, other than a border state child care 93426
provider, shall continue to be licensed, approved, or certified 93427
pursuant to this chapter and shall comply with all standards and 93428
other requirements in this chapter and in rules adopted pursuant 93429
to this chapter for maintaining the provider's license, approval, 93430
or certification; 93431

(5) That, in the case of a border state child care provider, 93432
the provider shall continue to be licensed, certified, or 93433
otherwise approved by the state in which the provider is located 93434
and shall comply with all standards and other requirements 93435
established by that state for maintaining the provider's license, 93436
certificate, or other approval; 93437

(6) Whether the provider will be paid by the county 93438

department of job and family services ~~or~~ the state department of 93439
job and family services, or in some other manner as prescribed by 93440
rules adopted under section 5104.42 of the Revised Code; 93441

(7) That the contract is subject to the availability of state 93442
and federal funds. 93443

(C) Unless specifically prohibited by federal law or by rules 93444
adopted under section 5104.42 of the Revised Code, the county 93445
department of job and family services shall give individuals 93446
eligible for publicly funded child care the option of obtaining 93447
certificates for payment that the individual may use to purchase 93448
services from any provider qualified to provide publicly funded 93449
child care under section 5104.31 of the Revised Code. Providers of 93450
publicly funded child care may present these certificates for 93451
payment for reimbursement in accordance with rules that the 93452
director of job and family services shall adopt. Only providers 93453
may receive reimbursement for certificates for payment. The value 93454
of the certificate for payment shall be based on the lowest of the 93455
rate customarily charged by the provider, the reimbursement 93456
ceiling or rate of payment established pursuant to section 5104.30 93457
of the Revised Code, or a rate the county department negotiates 93458
with the provider. The county department may provide the 93459
certificates for payment to the individuals or may contract with 93460
child care providers or child care resource and referral service 93461
organizations that make determinations of eligibility for publicly 93462
funded child care pursuant to contracts entered into under section 93463
5104.34 of the Revised Code for the providers or resource and 93464
referral service organizations to provide the certificates for 93465
payment to individuals whom they determine are eligible for 93466
publicly funded child care. 93467

For each six-month period a provider of publicly funded child 93468
care provides publicly funded child day-care to the child of an 93469
individual given certificates for payment, the individual shall 93470

provide the provider certificates for days the provider would have 93471
provided publicly funded child care to the child had the child 93472
been present. ~~County departments shall specify the maximum number~~ 93473
~~of days providers will be provided certificates of payment for~~ 93474
~~days the provider would have provided publicly funded child care~~ 93475
~~had the child been present.~~ The maximum number of days providers 93476
shall be provided certificates shall not exceed ten days in a 93477
six-month period during which publicly funded child care is 93478
provided to the child regardless of the number of providers that 93479
provide publicly funded child care to the child during that 93480
period. 93481

Sec. 5104.341. (A) Except as provided in division (B) of this 93482
section, both of the following apply: 93483

(1) An eligibility determination made under section 5104.34 93484
of the Revised Code for publicly funded child care is valid for 93485
one year; 93486

(2) The county department of job and family services shall 93487
~~redetermine~~ adjust the appropriate level of a fee charged under 93488
division (B) of section 5104.34 of the Revised Code ~~every six~~ 93489
~~months during the one year period, unless~~ if a caretaker parent 93490
~~requests that the fee be reduced due to~~ reports changes in income, 93491
family size, or both ~~and the county department of job and family~~ 93492
~~services approves the reduction.~~ 93493

(B) Division (A) of this section does not apply in either of 93494
the following circumstances: 93495

(1) The publicly funded child care is provided under division 93496
(B)(4) of section 5104.35 of the Revised Code; 93497

(2) The recipient of the publicly funded child care ceases to 93498
be eligible for publicly funded child care. 93499

Sec. 5104.35. (A) The county department of job and family 93500

services shall do all of the following: 93501

(1) Accept any gift, grant, or other funds from either public 93502
or private sources offered unconditionally or under conditions 93503
which are, in the judgment of the department, proper and 93504
consistent with this chapter and deposit the funds in the county 93505
public assistance fund established by section 5101.161 of the 93506
Revised Code; 93507

(2) Recruit individuals and groups interested in 93508
certification as in-home aides or in developing and operating 93509
suitable licensed child day-care centers, type A family day-care 93510
homes, or certified type B family day-care homes, especially in 93511
areas with high concentrations of recipients of public assistance, 93512
and for that purpose provide consultation to interested 93513
individuals and groups on request; 93514

(3) Inform clients of the availability of child care 93515
services; 93516

(4) Pay to a child day-care center, type A family day-care 93517
home, certified type B family day-care home, in-home aide, 93518
approved child day camp, licensed preschool program, licensed 93519
school child program, or border state child care provider for 93520
child care services, the amount provided for in division (B) of 93521
section 5104.32 of the Revised Code. If part of the cost of care 93522
of a child is paid by the child's parent or any other person, the 93523
amount paid shall be subtracted from the amount the ~~county~~ 93524
~~department pays~~ provider is paid. 93525

(5) In accordance with rules adopted pursuant to section 93526
5104.39 of the Revised Code, provide monthly reports to the 93527
director of job and family services and the director of budget and 93528
management regarding expenditures for the purchase of publicly 93529
funded child care. 93530

(B) The county department of job and family services may do 93531

any of the following: 93532

(1) To the extent permitted by federal law, use public child 93533
care funds to extend the hours of operation of the county 93534
department to accommodate the needs of working caretaker parents 93535
and enable those parents to apply for publicly funded child care; 93536

(2) In accordance with rules adopted by the director of job 93537
and family services, request a waiver of the reimbursement ceiling 93538
established pursuant to section 5104.30 of the Revised Code for 93539
the purpose of paying a higher rate for publicly funded child care 93540
based upon the special needs of a child; 93541

(3) To the extent permitted by federal law, use state and 93542
federal funds to pay deposits and other advance payments that a 93543
provider of child care customarily charges all children who 93544
receive child care from that provider; 93545

(4) To the extent permitted by federal law, pay for up to 93546
thirty days of child care for a child whose caretaker parent is 93547
seeking employment, taking part in employment orientation 93548
activities, or taking part in activities in anticipation of 93549
enrollment or attendance in an education or training program or 93550
activity, if the employment or education or training program or 93551
activity is expected to begin within the thirty-day period. 93552

Sec. 5104.38. In addition to any other rules adopted under 93553
this chapter, the director of job and family services shall adopt 93554
rules in accordance with Chapter 119. of the Revised Code 93555
governing financial and administrative requirements for publicly 93556
funded child care and establishing all of the following: 93557

(A) Procedures and criteria to be used in making 93558
determinations of eligibility for publicly funded child care that 93559
give priority to children of families with lower incomes and 93560
procedures and criteria for eligibility for publicly funded 93561

protective child care. The rules shall specify the maximum amount 93562
of income a family may have for initial and continued eligibility. 93563
The maximum amount shall not exceed two hundred per cent of the 93564
federal poverty line. 93565

(B) Procedures under which a county department of job and 93566
family services may, if the department, under division (A) of this 93567
section, specifies a maximum amount of income a family may have 93568
for eligibility for publicly funded child care that is less than 93569
the maximum amount specified in that division, specify a maximum 93570
amount of income a family residing in the county the county 93571
department serves may have for initial and continued eligibility 93572
for publicly funded child care that is higher than the amount 93573
specified by the department but does not exceed the maximum amount 93574
specified in division (A) of this section; 93575

(C) A schedule of fees requiring all eligible caretaker 93576
parents to pay a fee for publicly funded child care according to 93577
income and family size, which shall be uniform for all types of 93578
publicly funded child care, except as authorized by rule, and, to 93579
the extent permitted by federal law, shall permit the use of state 93580
and federal funds to pay the customary deposits and other advance 93581
payments that a provider charges all children who receive child 93582
care from that provider. The schedule of fees may not provide for 93583
a caretaker parent to pay a fee that exceeds ten per cent of the 93584
parent's family income. 93585

(D) A formula based upon a percentage of the county's total 93586
expenditures for publicly funded child care for determining the 93587
maximum amount of state and federal funds appropriated for 93588
publicly funded child care that a county department may use for 93589
administrative purposes; 93590

(E) Procedures to be followed by the department and county 93591
departments in recruiting individuals and groups to become 93592
providers of child care; 93593

(F) Procedures to be followed in establishing state or local programs designed to assist individuals who are eligible for publicly funded child care in identifying the resources available to them and to refer the individuals to appropriate sources to obtain child care;

(G) Procedures to deal with fraud and abuse committed by either recipients or providers of publicly funded child care;

(H) Procedures for establishing a child care grant or loan program in accordance with the child care block grant act;

(I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;

(J) A definition of "person who stands in loco parentis" for the purposes of division ~~(II)~~(JJ)(1) of section 5104.01 of the Revised Code;

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code.

Sec. 5104.39. (A) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a procedure for monitoring the expenditures of county departments of job and family services to ensure that expenditures do not exceed the available federal and state funds for publicly funded child care. The department, with the assistance of the office of budget and management and the child care advisory council created pursuant to section 5104.08 of the Revised Code, shall monitor the anticipated future expenditures of

county departments for publicly funded child care and shall 93624
compare those anticipated future expenditures to available federal 93625
and state funds for publicly funded child care. Whenever the 93626
department determines that the anticipated future expenditures of 93627
the county departments will exceed the available federal and state 93628
funds for publicly funded child care, ~~it~~ and the department 93629
reimburses the county departments in accordance with rules adopted 93630
under section 5104.42 of the Revised Code, the department shall 93631
promptly ~~shall~~ notify the county departments and, before the 93632
available state and federal funds are used, the director shall 93633
issue and implement an administrative order that shall specify 93634
both of the following: 93635

(1) Priorities for expending the remaining available federal 93636
and state funds for publicly funded child care; 93637

(2) Instructions and procedures to be used by the county 93638
departments. 93639

(B) The order may do any or all of the following: 93640

(1) Suspend enrollment of all new participants in any program 93641
of publicly funded child care; 93642

(2) Limit enrollment of new participants to those with 93643
incomes at or below a specified percentage of the federal poverty 93644
line; 93645

(3) Disenroll existing participants with income above a 93646
specified percentage of the federal poverty line. 93647

(C) Each county department shall comply with the order no 93648
later than thirty days after it is issued. If the department fails 93649
to notify the county departments and to implement the reallocation 93650
priorities specified in the order before the available federal and 93651
state funds for publicly funded child care are used, the state 93652
department shall provide sufficient funds to the county 93653
departments for publicly funded child care to enable each county 93654

department to pay for all publicly funded child care that was 93655
provided by providers pursuant to contract prior to the date that 93656
the county department received notice under this section and the 93657
state department implemented in that county the priorities. 93658

(D) If after issuing an order under this section to suspend 93659
or limit enrollment of new participants or disenroll existing 93660
participants the department determines that available state and 93661
federal funds for publicly funded child care exceed the 93662
anticipated future expenditures of the county departments, the 93663
director may issue and implement another administrative order 93664
increasing income eligibility levels to a specified percentage of 93665
the federal poverty line. The order shall include instructions and 93666
procedures to be used by the county departments. Each county 93667
department shall comply with the order not later than thirty days 93668
after it is issued. 93669

(E) The department of job and family services shall do all of 93670
the following: 93671

(1) Conduct a quarterly evaluation of the program of publicly 93672
funded child care that is operated pursuant to sections 5104.30 to 93673
5104.39 of the Revised Code; 93674

(2) Prepare reports based upon the evaluations that specify 93675
for each county the number of participants and amount of 93676
expenditures; 93677

(3) Provide copies of the reports to both houses of the 93678
general assembly and, on request, to interested parties. 93679

Sec. 5104.42. The director of job and family services shall 93680
adopt rules pursuant to section 111.15 of the Revised Code 93681
establishing a payment procedure for publicly funded child care. 93682
The rules may provide that the department of job and family 93683
services will ~~either~~ reimburse county departments of job and 93684

family services for payments made to providers of publicly funded 93685
child care ~~or~~, make direct payments to providers ~~pursuant to an~~ 93686
~~agreement entered into with a county board of commissioners~~ 93687
~~pursuant to section 5101.21 of the Revised Code, or establish~~ 93688
another system for the payment of publicly funded child care. 93689

Alternately, the director, by rule adopted in accordance with 93690
section 111.15 of the Revised Code, may establish a methodology 93691
for allocating among the county departments the state and federal 93692
funds appropriated for all publicly funded child care services. If 93693
the department chooses to allocate funds for publicly funded child 93694
care, it may provide the funds to each county department, up to 93695
the limit of the county's allocation, by advancing the funds or 93696
reimbursing county care expenditures. The rules adopted under this 93697
section may prescribe procedures for making the advances or 93698
reimbursements. The rules may establish a method under which the 93699
department may determine which county expenditures for child care 93700
services are allowable for use of and federal funds. 93701

The rules may establish procedures that a county department 93702
shall follow when the county department determines that its 93703
anticipated future expenditures for publicly funded child care 93704
services will exceed the amount of state and federal funds 93705
allocated by the state department. The procedures may include 93706
suspending or limiting enrollment of new participants. 93707

Sec. 5107.05. The director of job and family services shall 93708
adopt rules to implement this chapter. The rules shall be 93709
consistent with Title IV-A, Title IV-D, federal regulations, state 93710
law, the Title IV-A state plan submitted to the United States 93711
secretary of health and human services under section 5101.80 of 93712
the Revised Code, amendments to the plan, and waivers granted by 93713
the United States secretary. Rules governing eligibility, program 93714
participation, and other applicant and participant requirements 93715

shall be adopted in accordance with Chapter 119. of the Revised Code. Rules governing financial and other administrative requirements applicable to the department of job and family services and county departments of job and family services shall be adopted in accordance with section 111.15 of the Revised Code.

(A) The rules shall specify, establish, or govern all of the following:

(1) A payment standard for Ohio works first based on federal and state appropriations that is increased in accordance with section 5107.04 of the Revised Code;

(2) For the purpose of section 5107.04 of the Revised Code, the method of determining the amount of cash assistance an assistance group receives under Ohio works first;

(3) Requirements for initial and continued eligibility for Ohio works first, including requirements regarding income, citizenship, age, residence, and assistance group composition;

(4) For the purpose of section 5107.12 of the Revised Code, application and verification procedures, including the minimum information an application must contain;

(5) The extent to which a participant of Ohio works first must notify, pursuant to section 5107.12 of the Revised Code, a county department of job and family services of additional income not previously reported to the county department;

(6) For the purpose of section 5107.16 of the Revised Code, ~~standards~~ all of the following:

(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;

(b) The compliance form a member of an assistance group may complete to indicate willingness to come into full compliance with

a provision of a self-sufficiency contract; 93746

(c) The manner by which the compliance form is to be 93747
completed and provided to a county department of job and family 93748
services. 93749

(7) The department of job and family services providing 93750
written notice of a sanction under section 5107.161 of the Revised 93751
Code; 93752

(8) For the purpose of division (A)(2) of section 5107.17 of 93753
the Revised Code, the period of time by which a county department 93754
of job and family services is to receive a compliance form 93755
established in rules adopted under division (A)(6)(b) of this 93756
section; 93757

(9) Requirements for the collection and distribution of 93758
support payments owed participants of Ohio works first pursuant to 93759
section 5107.20 of the Revised Code; 93760

~~(9)~~(10) For the purpose of section 5107.22 of the Revised 93761
Code, what constitutes cooperating in establishing a minor child's 93762
paternity or establishing, modifying, or enforcing a child support 93763
order and good cause for failure or refusal to cooperate; 93764
93765

~~(10)~~(11) The requirements governing the LEAP program, 93766
including the definitions of "equivalent of a high school diploma" 93767
and "good cause," and the incentives provided under the LEAP 93768
program; 93769

~~(11)~~(12) If the director implements section 5107.301 of the 93770
Revised Code, the requirements governing the award provided under 93771
that section, including the form that the award is to take and 93772
requirements an individual must satisfy to receive the award; 93773

~~(12)~~(13) Circumstances under which a county department of job 93774
and family services may exempt a minor head of household or adult 93775

from participating in a work activity or developmental activity 93776
for all or some of the weekly hours otherwise required by section 93777
5107.43 of the Revised Code. 93778

~~(13)~~(14) The maximum amount of time the department will 93779
subsidize positions created by state agencies and political 93780
subdivisions under division (C) of section 5107.52 of the Revised 93781
Code; 93782

~~(14)~~(15) The implementation of sections 5107.71 to 5107.717 93783
of the Revised Code by county departments of job and family 93784
services; 93785

~~(15)~~(16) A domestic violence screening process to be used for 93786
the purpose of division (A) of section 5107.71 of the Revised 93787
Code; 93788

~~(16)~~(17) The minimum frequency with which county departments 93789
of job and family services must redetermine a member of an 93790
assistance group's need for a waiver issued under section 5107.714 93791
of the Revised Code. 93792

(B) The rules adopted under division (A)(3) of this section 93793
regarding income shall specify what is countable income, gross 93794
earned income, and gross unearned income for the purpose of 93795
section 5107.10 of the Revised Code. 93796

The rules adopted under division (A)~~(9)~~(10) of this section 93797
shall be consistent with 42 U.S.C. 654(29). 93798

The rules adopted under division (A)~~(12)~~(13) of this section 93799
shall specify that the circumstances include that a school or 93800
place of work is closed due to a holiday or weather or other 93801
emergency and that an employer grants the minor head of household 93802
or adult leave for illness or earned vacation. 93803

(C) The rules may provide that a county department of job and 93804
family services is not required to take action under section 93805

5107.76 of the Revised Code to recover an erroneous payment that 93806
is below an amount the department specifies. 93807

Sec. 5107.16. (A) If a member of an assistance group fails or 93808
refuses, without good cause, to comply in full with a provision of 93809
a self-sufficiency contract entered into under section 5107.14 of 93810
the Revised Code, a county department of job and family services 93811
shall sanction the assistance group as follows: 93812

(1) For a first failure or refusal, the county department 93813
shall deny or terminate the assistance group's eligibility to 93814
participate in Ohio works first for one payment month or until the 93815
failure or refusal ceases, whichever is longer; 93816

(2) For a second failure or refusal, the county department 93817
shall deny or terminate the assistance group's eligibility to 93818
participate in Ohio works first for three payment months or until 93819
the failure or refusal ceases, whichever is longer; 93820

(3) For a third or subsequent failure or refusal, the county 93821
department shall deny or terminate the assistance group's 93822
eligibility to participate in Ohio works first for six payment 93823
months or until the failure or refusal ceases, whichever is 93824
longer. 93825

(B) The director of job and family services shall establish 93826
standards for the determination of good cause for failure or 93827
refusal to comply in full with a provision of a self-sufficiency 93828
contract in rules adopted under section 5107.05 of the Revised 93829
Code. 93830

(C) The director of job and family services shall provide a 93831
compliance form established in rules adopted under section 5107.05 93832
of the Revised Code to an assistance group member who fails or 93833
refuses, without good cause, to comply in full with a provision of 93834
a self-sufficiency contract. The member's failure or refusal to 93835

comply in full with the provision shall be deemed to have ceased 93836
on the date a county department of job and family services 93837
receives the compliance form from the member if the compliance 93838
form is completed and provided to the county department in the 93839
manner specified in rules adopted under section 5107.05 of the 93840
Revised Code. 93841

(D) After sanctioning an assistance group under division (A) 93842
of this section, a county department of job and family services 93843
shall continue to work with the assistance group. 93844

~~(D)~~(E) An adult eligible for medicaid pursuant to division 93845
(A)(1)(a) of section 5111.01 of the Revised Code who is sanctioned 93846
under division (A)(3) of this section for a failure or refusal, 93847
without good cause, to comply in full with a provision of a 93848
self-sufficiency contract related to work responsibilities under 93849
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 93850
for medicaid unless the adult is otherwise eligible for medicaid 93851
pursuant to another division of section 5111.01 of the Revised 93852
Code. 93853

An assistance group that would be participating in Ohio works 93854
first if not for a sanction under this section shall continue to 93855
be eligible for all of the following: 93856

(1) Publicly funded child care in accordance with division 93857
(A)(3) of section 5104.30 of the Revised Code; 93858

(2) Support services in accordance with section 5107.66 of 93859
the Revised Code; 93860

(3) To the extent permitted by the "Fair Labor Standards Act 93861
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 93862
in work activities, developmental activities, and alternative work 93863
activities in accordance with sections 5107.40 to 5107.69 of the 93864
Revised Code. 93865

Sec. 5107.17. An assistance group that resumes participation 93866
in Ohio works first following a sanction under section 5107.16 of 93867
the Revised Code is not required to do either of the following: 93868

(A) Reapply under section 5107.12 of the Revised Code, unless 93869
~~it~~ either of the following applies: 93870

(1) It is the assistance group's regularly scheduled time for 93871
an eligibility redetermination; 93872

(2) The county department of job and family services does not 93873
receive the completed compliance form established in rules adopted 93874
under section 5107.05 of the Revised Code within the period of 93875
time specified in rules adopted under that section. 93876

(B) Enter into a new self-sufficiency contract under section 93877
5107.14 of the Revised Code, unless the county department of job 93878
and family services determines it is time for a new appraisal 93879
under section 5107.41 of the Revised Code or the assistance 93880
group's circumstances have changed in a manner necessitating an 93881
amendment to the self-sufficiency contract as determined using 93882
procedures included in the contract under division (B)(9) of 93883
section 5107.14 of the Revised Code. 93884

Sec. 5107.58. In accordance with a federal waiver granted by 93885
the United States secretary of health and human services pursuant 93886
to a request made under former section 5101.09 of the Revised 93887
Code, county departments of job and family services may establish 93888
and administer as a work activity for minor heads of households 93889
and adults participating in Ohio works first an education program 93890
under which the participant is enrolled full-time in 93891
post-secondary education leading to vocation at a state 93892
institution of higher education, as defined in section 3345.031 of 93893
the Revised Code; a private nonprofit college or university that 93894
possesses a certificate of authorization issued by the Ohio board 93895

of regents pursuant to Chapter 1713. of the Revised Code, or is 93896
exempted by division (E) of section 1713.02 of the Revised Code 93897
from the requirement of a certificate; a school that holds a 93898
certificate of registration and program authorization issued by 93899
the state board of career colleges and schools under Chapter 3332. 93900
of the Revised Code; a private institution exempt from regulation 93901
under Chapter 3332. of the Revised Code as prescribed in section 93902
3333.046 of the Revised Code; or a school that has entered into a 93903
contract with the county department of job and family services. 93904
The participant shall make reasonable efforts, as determined by 93905
the county department, to obtain ~~a~~ an applicable loan, 93906
scholarship, grant, or other assistance to pay for the tuition, 93907
including a federal Pell grant under 20 U.S.C.A. 1070a, an Ohio 93908
instructional grant under section 3333.12 of the Revised Code, and 93909
an Ohio college opportunity grant, a private higher education 93910
need-based financial aid block grant program grant, and a 93911
career-college needs-based financial aid block grant program grant 93912
under section 3333.122 of the Revised Code. If the participant has 93913
made reasonable efforts but is unable to obtain sufficient 93914
assistance to pay the tuition the program may pay the tuition. On 93915
or after October 1, 1998, the county department may enter into a 93916
loan agreement with the participant to pay the tuition. The total 93917
period for which tuition is paid and loans made shall not exceed 93918
two years. If the participant, pursuant to division (B)(3) of 93919
section 5107.43 of the Revised Code, volunteers to participate in 93920
the education program for more hours each week than the 93921
participant is assigned to the program, the program may pay or the 93922
county department may loan the cost of the tuition for the 93923
additional voluntary hours as well as the cost of the tuition for 93924
the assigned number of hours. The participant may receive, for not 93925
more than three years, support services, including publicly funded 93926
child care under Chapter 5104. of the Revised Code and 93927
transportation, that the participant needs to participate in the 93928

program. To receive support services in the third year, the 93929
participant must be, as determined by the educational institution 93930
in which the participant is enrolled, in good standing with the 93931
institution. 93932

A county department that provides loans under this section 93933
shall establish procedures governing loan application for and 93934
approval and administration of loans granted pursuant to this 93935
section. 93936

Sec. 5111.01. As used in this chapter, "medical assistance 93937
program" or "medicaid" means the program that is authorized by 93938
this chapter and provided by the department of job and family 93939
services under this chapter, Title XIX of the "Social Security 93940
Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, and the 93941
waivers of Title XIX requirements granted to the department by the 93942
centers for medicare and medicaid services of the United States 93943
department of health and human services. 93944

The department of job and family services shall act as the 93945
single state agency to supervise the administration of the 93946
medicaid program. As the single state agency, the department shall 93947
comply with 42 C.F.R. 431.10(e). The department's rules governing 93948
medicaid are binding on other agencies that administer components 93949
of the medicaid program. No agency may establish, by rule or 93950
otherwise, a policy governing medicaid that is inconsistent with a 93951
medicaid policy established, in rule or otherwise, by the director 93952
of job and family services. 93953

(A) The department of job and family services may provide 93954
medical assistance under the medicaid program as long as federal 93955
funds are provided for such assistance, to the following: 93956

(1) Families with children that meet either of the following 93957
conditions: 93958

(a) The family meets the income, resource, and family composition requirements in effect on July 16, 1996, for the former aid to dependent children program as those requirements were established by Chapter 5107. of the Revised Code, federal waivers granted pursuant to requests made under former section 5101.09 of the Revised Code, and rules adopted by the department or any changes the department makes to those requirements in accordance with paragraph (a)(2) of section 114 of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of implementing section ~~5111.019~~ 5111.0120 of the Revised Code. An adult loses eligibility for medicaid under division (A)(1)(a) of this section pursuant to division ~~(D)~~(E) of section 5107.16 of the Revised Code.

(b) The family does not meet the requirements specified in division (A)(1)(a) of this section but is eligible for medicaid pursuant to section 5101.18 of the Revised Code.

(2) Aged, blind, and disabled persons who meet the following conditions:

(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy-five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.

(b) Do not receive aid under Title XVI, but meet any of the following criteria:

(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income

under Title XVI, exceeds the maximum under division (A)(2)(a) of 93990
this section, and incurred expenses for medical care, as 93991
determined under federal regulations applicable to section 209(b) 93992
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 93993
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 93994
their income exceeds the maximum under division (A)(2)(a) of this 93995
section; 93996

(ii) Received aid for the aged, aid to the blind, or aid for 93997
the permanently and totally disabled prior to January 1, 1974, and 93998
continue to meet all the same eligibility requirements; 93999

(iii) Are eligible for medicaid pursuant to section 5101.18 94000
of the Revised Code. 94001

(3) Persons to whom federal law requires, as a condition of 94002
state participation in the medicaid program, that medicaid be 94003
provided; 94004

(4) Persons under age twenty-one who meet the income 94005
requirements for the Ohio works first program established under 94006
Chapter 5107. of the Revised Code but do not meet other 94007
eligibility requirements for the program. The director shall adopt 94008
rules in accordance with Chapter 119. of the Revised Code 94009
specifying which Ohio works first requirements shall be waived for 94010
the purpose of providing medicaid eligibility under division 94011
(A)(4) of this section. 94012

(B) If sufficient funds are appropriated for the medicaid 94013
program, the department may provide medical assistance under the 94014
medicaid program to persons in groups designated by federal law as 94015
groups to which a state, at its option, may provide medical 94016
assistance under the medicaid program. 94017

(C) The department may expand eligibility for the medicaid 94018
program to include individuals under age nineteen with family 94019
incomes at or below one hundred fifty per cent of the federal 94020

poverty guidelines, except that the eligibility expansion shall 94021
not occur unless the department receives the approval of the 94022
federal government. The department may implement the eligibility 94023
expansion authorized under this division on any date selected by 94024
the department, but not sooner than January 1, 1998. 94025

(D) In addition to any other authority or requirement to 94026
adopt rules under this chapter, the director may adopt rules in 94027
accordance with section 111.15 of the Revised Code as the director 94028
considers necessary to establish standards, procedures, and other 94029
requirements regarding the provision of medical assistance under 94030
the medicaid program. The rules may establish requirements to be 94031
followed in applying for medicaid, making determinations of 94032
eligibility for medicaid, and verifying eligibility for medicaid. 94033
The rules may include special conditions as the department 94034
determines appropriate for making applications, determining 94035
eligibility, and verifying eligibility for any medical assistance 94036
that the department may provide under the medicaid program 94037
pursuant to division (C) of this section and section 5111.014 or 94038
~~5111.019~~ 5111.0120 of the Revised Code. 94039

Sec. 5111.015. (A) If the United States secretary of health 94040
and human services grants a waiver of any contrary federal 94041
requirements governing the medical assistance program or the 94042
director of job and family services determines that there are no 94043
contrary federal requirements, divisions (A)(1) and (2) of this 94044
section apply to determinations of eligibility under this chapter: 94045

(1) In determining the eligibility of an assistance group for 94046
assistance under this chapter, the department of job and family 94047
services shall exclude from the income and resources applicable to 94048
the assistance group the value of any tuition payment contract 94049
entered into under section 3334.09 of the Revised Code or any 94050
scholarship awarded under section 3334.18 of the Revised Code and 94051

the amount of payments made by the Ohio tuition trust authority 94052
under section 3334.09 of the Revised Code pursuant to the contract 94053
or scholarship. 94054

(2) The department shall not require any person to terminate 94055
a tuition payment contract entered into under Chapter 3334. of the 94056
Revised Code as a condition of an assistance group's eligibility 94057
for assistance under this chapter. 94058

(B) To the extent required by federal law, the department 94059
shall include as income any refund paid under section 3334.10 of 94060
the Revised Code to a member of the assistance group. 94061

(C) Not later than sixty days after July 1, 1994, the 94062
department shall apply to the United States department of health 94063
and human services for a waiver of any federal requirements that 94064
otherwise would be violated by implementation of division (A) of 94065
this section. 94066

Sec. ~~5111.019~~ 5111.0120. The director of job and family 94067
services shall submit to the United States secretary of health and 94068
human services an amendment to the state medicaid plan to make an 94069
individual eligible for medicaid who meets all of the following 94070
requirements: 94071

(A) The individual is the parent of a child under nineteen 94072
years of age and resides with the child; 94073

(B) The individual's family income does not exceed ninety per 94074
cent of the federal poverty guidelines; 94075

(C) The individual is not otherwise eligible for medicaid; 94076

(D) The individual satisfies all relevant requirements 94077
established by rules adopted under division (D) of section 5111.01 94078
of the Revised Code. 94079

Sec. 5111.0121. A parent eligible for the medicaid program 94080

pursuant to section 5111.0120 of the Revised Code shall not be 94081
required to undergo a redetermination of eligibility for the 94082
medicaid program more often than once every twelve months unless 94083
there are reasonable grounds to believe that circumstances have 94084
changed that may affect the parent's eligibility. 94085

Sec. 5111.028. (A) Pursuant to section 5111.02 of the Revised 94086
Code, the director of job and family services shall adopt rules 94087
establishing procedures for the use of time-limited provider 94088
agreements under the medicaid program. Except as provided in 94089
division (E) of this section, all provider agreements shall be 94090
time-limited in accordance with the procedures established in the 94091
rules. 94092

The department of job and family services shall phase-in the 94093
use of time-limited provider agreements pursuant to this section 94094
during a period commencing not later than January 1, 2008, and 94095
ending January 1, ~~2011~~ 2015. 94096

(B) In the use of time-limited provider agreements pursuant 94097
to this section, all of the following apply: 94098

(1) Each provider agreement shall expire not later than ~~three~~ 94099
seven years from the effective date of the agreement. 94100

(2) During the phase-in period specified in division (A) of 94101
this section, the department may provide for the conversion of a 94102
provider agreement without a time limit to a provider agreement 94103
with a time limit. The department may take an action to convert 94104
the provider agreement by sending a notice by regular mail to the 94105
address of the provider on record with the department advising the 94106
provider of the conversion. 94107

(3) The department may make the effective date of a provider 94108
agreement retroactive for a period not to exceed one year from the 94109
date of the provider's application for the agreement, as long as 94110

the provider met all medicaid program requirements during that 94111
period. 94112

(C) The rules for use of time-limited provider agreements 94113
pursuant to this section shall include a process for re-enrollment 94114
of providers. All of the following apply to the re-enrollment 94115
process: 94116

(1) The department of job and family services may terminate a 94117
time-limited provider agreement or deny re-enrollment when a 94118
provider fails to file an application for re-enrollment within the 94119
time and in the manner required under the re-enrollment process. 94120
94121

(2) If a provider files an application for re-enrollment 94122
within the time and in the manner required under the re-enrollment 94123
process, but the provider agreement expires before the department 94124
acts on the application or before the effective date of the 94125
department's decision on the application, the provider may 94126
continue operating under the terms of the expired provider 94127
agreement until the effective date of the department's decision. 94128

(3) A decision by the department to approve an application 94129
for re-enrollment becomes effective on the date of the 94130
department's decision. A decision by the department to deny 94131
re-enrollment shall take effect not sooner than thirty days after 94132
the date the department mails written notice of the decision to 94133
the provider. The department shall specify in the notice the date 94134
on which the provider is required to cease operating under the 94135
provider agreement. 94136

(D) Pursuant to section 5111.06 of the Revised Code, the 94137
department is not required to take the actions specified in 94138
division (C)(1) of this section by issuing an order pursuant to an 94139
adjudication conducted in accordance with Chapter 119. of the 94140
Revised Code. 94141

(E) The use of time-limited provider agreements pursuant to 94142
this section does not apply to provider agreements issued to the 94143
following, including any provider agreements issued to the 94144
following that are otherwise time-limited under the medicaid 94145
program: 94146

(1) A managed care organization under contract with the 94147
department pursuant to section 5111.17 of the Revised Code; 94148

(2) A nursing facility, as defined in section 5111.20 of the 94149
Revised Code; 94150

(3) An intermediate care facility for the mentally retarded, 94151
as defined in section 5111.20 of the Revised Code; 94152

(4) A hospital. 94153

Sec. 5111.032. (A) As used in this section: 94154

(1) "Criminal records check" has the same meaning as in 94155
section 109.572 of the Revised Code. 94156

(2) "Department" includes a designee of the department of job 94157
and family services. 94158

(3) "Owner" means a person who has an ownership interest in a 94159
provider in an amount designated by the department of job and 94160
family services in rules adopted under this section. 94161

(4) "Provider" means a person, institution, or entity that 94162
has a provider agreement with the department of job and family 94163
services pursuant to Title XIX of the "Social Security Act," 49 94164
State. 620 (1965), 42 U.S.C. 1396, as amended. 94165

(B)(1) Except as provided in division (B)(2) of this section, 94166
the department of job and family services may require that any 94167
provider, applicant to be a provider, employee or prospective 94168
employee of a provider, owner or prospective owner of a provider, 94169
officer or prospective officer of a provider, or board member or 94170

prospective board member of a provider submit to a criminal 94171
records check as a condition of obtaining a provider agreement, 94172
continuing to hold a provider agreement, being employed by a 94173
provider, having an ownership interest in a provider, or being an 94174
officer or board member of a provider. The department may 94175
designate the categories of persons who are subject to the 94176
criminal records check requirement. The department shall designate 94177
the times at which the criminal records checks must be conducted. 94178

(2) The section does not apply to providers, applicants to be 94179
providers, employees of a provider, or prospective employees of a 94180
provider who are subject to criminal records checks under section 94181
5111.033 or 5111.034 of the Revised Code. 94182

(C)(1) The department shall inform each provider or applicant 94183
to be a provider whether the provider or applicant is subject to a 94184
criminal records check requirement under division (B) of this 94185
section. For providers, the information shall be given at times 94186
designated in rules adopted under this section. For applicants to 94187
be providers, the information shall be given at the time of 94188
initial application. When the information is given, the department 94189
shall specify which of the provider's or applicant's employees or 94190
prospective employees, owners or prospective owners, officers or 94191
prospective officers, or board members or prospective board 94192
members are subject to the criminal records check requirement. 94193

(2) At times designated in rules adopted under this section, 94194
a provider that is subject to the criminal records check 94195
requirement shall inform each person specified by the department 94196
under division (C)(1) of this section that the person is required, 94197
as applicable, to submit to a criminal records check for final 94198
consideration for employment in a full-time, part-time, or 94199
temporary position; as a condition of continued employment; or as 94200
a condition of becoming or continuing to be an officer, board 94201
member or owner of a provider. 94202

(D)(1) If a provider or applicant to be a provider is subject 94203
to a criminal records check under this section, the department 94204
shall require the conduct of a criminal records check by the 94205
superintendent of the bureau of criminal identification and 94206
investigation. If a provider or applicant to be a provider for 94207
whom a criminal records check is required does not present proof 94208
of having been a resident of this state for the five-year period 94209
immediately prior to the date the criminal records check is 94210
requested or provide evidence that within that five-year period 94211
the superintendent has requested information about the individual 94212
from the federal bureau of investigation in a criminal records 94213
check, the department shall require the provider or applicant to 94214
request that the superintendent obtain information from the 94215
federal bureau of investigation as part of the criminal records 94216
check of the provider or applicant. Even if a provider or 94217
applicant for whom a criminal records check request is required 94218
presents proof of having been a resident of this state for the 94219
five-year period, the department may require that the provider or 94220
applicant request that the superintendent obtain information from 94221
the federal bureau of investigation and include it in the criminal 94222
records check of the provider or applicant. 94223

(2) A provider shall require the conduct of a criminal 94224
records check by the superintendent with respect to each of the 94225
persons specified by the department under division (C)(1) of this 94226
section. If the person for whom a criminal records check is 94227
required does not present proof of having been a resident of this 94228
state for the five-year period immediately prior to the date the 94229
criminal records check is requested or provide evidence that 94230
within that five-year period the superintendent of the bureau of 94231
criminal identification and investigation has requested 94232
information about the individual from the federal bureau of 94233
investigation in a criminal records check, the individual shall 94234
request that the superintendent obtain information from the 94235

federal bureau of investigation as part of the criminal records 94236
check of the individual. Even if an individual for whom a criminal 94237
records check request is required presents proof of having been a 94238
resident of this state for the five-year period, the department 94239
may require the provider to request that the superintendent obtain 94240
information from the federal bureau of investigation and include 94241
it in the criminal records check of the person. 94242

(E)(1) Criminal records checks required under this section 94243
for providers or applicants to be providers shall be obtained as 94244
follows: 94245

(a) The department shall provide each provider or applicant 94246
information about accessing and completing the form prescribed 94247
pursuant to division (C)(1) of section 109.572 of the Revised Code 94248
and the standard fingerprint impression sheet prescribed pursuant 94249
to division (C)(2) of that section. 94250

(b) The provider or applicant shall submit the required form 94251
and one complete set of fingerprint impressions directly to the 94252
superintendent for purposes of conducting the criminal records 94253
check using the applicable methods prescribed by division (C) of 94254
section 109.572 of the Revised Code. The applicant or provider 94255
shall pay all fees associated with obtaining the criminal records 94256
check. 94257

(c) The superintendent shall conduct the criminal records 94258
check in accordance with section 109.572 of the Revised Code. The 94259
provider or applicant shall instruct the superintendent to submit 94260
the report of the criminal records check directly to the director 94261
of job and family services. 94262

(2) Criminal records checks required under this section for 94263
persons specified by the department under division (C)(1) of this 94264
section shall be obtained as follows: 94265

(a) The provider shall give to each person subject to 94266

criminal records check requirement information about accessing and 94267
completing the form prescribed pursuant to division (C)(1) of 94268
section 109.572 of the Revised Code and the standard fingerprint 94269
impression sheet prescribed pursuant to division (C)(2) of that 94270
section. 94271

(b) The person shall submit the required form and one 94272
complete set of fingerprint impressions directly to the 94273
superintendent for purposes of conducting the criminal records 94274
check using the applicable methods prescribed by division (C) of 94275
section 109.572 of the Revised Code. The person shall pay all fees 94276
associated with obtaining the criminal records check. 94277

(c) The superintendent shall conduct the criminal records 94278
check in accordance with section 109.572 of the Revised Code. The 94279
person subject to the criminal records check shall instruct the 94280
superintendent to submit the report of the criminal records check 94281
directly to the provider. The department may require the provider 94282
to submit the report to the department. 94283

(F) If a provider or applicant to be a provider is given the 94284
information specified in division (E)(1)(a) of this section but 94285
fails to obtain a criminal records check, the department shall, as 94286
applicable, terminate the provider agreement or deny the 94287
application to be a provider. 94288

If a person is given the information specified in division 94289
(E)(2)(a) of this section but fails to obtain a criminal records 94290
check, the provider shall not, as applicable, permit the person to 94291
be an employee, owner, officer, or board member of the provider. 94292

(G) Except as provided in rules adopted under division (J) of 94293
this section, the department shall terminate the provider 94294
agreement of a provider or the department shall not issue a 94295
provider agreement to an applicant if the provider or applicant is 94296
subject to a criminal records check under this section and the 94297

provider or applicant has been convicted of, has pleaded guilty 94298
to, or has been found eligible for intervention in lieu of 94299
conviction for any of the following, regardless of the date of the 94300
conviction, the date of entry of the guilty plea, or the date the 94301
applicant or provider was found eligible for intervention in lieu 94302
of conviction: 94303

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94304
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94305
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94306
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94307
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94308
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94309
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94310
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94311
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94312
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94313
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94314
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94315
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94316
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94317
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94318
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94319
penetration in violation of former section 2907.12 of the Revised 94320
Code, a violation of section 2905.04 of the Revised Code as it 94321
existed prior to July 1, 1996, a violation of section 2919.23 of 94322
the Revised Code that would have been a violation of section 94323
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94324
had the violation been committed prior to that date; 94325

(2) ~~An~~ A violation of an existing or former municipal 94326
ordinance or law of this state, any other state, or the United 94327
States that is substantially equivalent to any of the offenses 94328
listed in division (G)(1) of this section. 94329

(H)(1)(a) Except as provided in rules adopted under division 94330
(J) of this section and subject to division (H)(2) of this 94331
section, no provider shall permit a person to be an employee, 94332
owner, officer, or board member of the provider if the person is 94333
subject to a criminal records check under this section and the 94334
person has been convicted of, has pleaded guilty to, or has been 94335
found eligible for intervention in lieu of conviction for any of 94336
the offenses specified in division (G)(1) or (2) of this section. 94337

(b) No provider shall employ a person who has been excluded 94338
from participating in the medicaid program, the medicare program 94339
operated pursuant to Title XVIII of the "Social Security Act," or 94340
any other federal health care program. 94341

(2)(a) A provider may employ conditionally a person for whom 94342
a criminal records check is required under this section prior to 94343
obtaining the results of a criminal records check regarding the 94344
person, but only if the person submits a request for a criminal 94345
records check not later than five business days after the 94346
individual begins conditional employment. 94347

(b) A provider that employs a person conditionally under 94348
authority of division (H)(2)(a) of this section shall terminate 94349
the person's employment if the results of the criminal records 94350
check request are not obtained within the period ending sixty days 94351
after the date the request is made. Regardless of when the results 94352
of the criminal records check are obtained, if the results 94353
indicate that the individual has been convicted of, has pleaded 94354
guilty to, or has been found eligible for intervention in lieu of 94355
conviction for any of the offenses specified in division (G)(1) or 94356
(2) of this section, the provider shall terminate the person's 94357
employment unless the provider chooses to employ the individual 94358
pursuant to division (J) of this section. 94359

(I) The report of a criminal records check conducted pursuant 94360
to this section is not a public record for the purposes of section 94361

149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The person who is the subject of the criminal records check or the person's representative;

(2) The director of job and family services and the staff of the department in the administration of the medicaid program;

(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.

(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.

Sec. 5111.033. (A) As used in this section:

(1) "Applicant" means a person who is under final consideration for employment or, after September 26, 2003, an existing employee with a waiver agency in a full-time, part-time, or temporary position that involves providing home and

community-based waiver services to a person with disabilities. 94392
"Applicant" also means an existing employee with a waiver agency 94393
in a full-time, part-time, or temporary position that involves 94394
providing home and community-based waiver services to a person 94395
with disabilities after September 26, 2003. 94396

(2) "Criminal records check" has the same meaning as in 94397
section 109.572 of the Revised Code. 94398

(3) "Waiver agency" means a person or government entity that 94399
is not certified under the medicare program and is accredited by 94400
the community health accreditation program or the joint commission 94401
on accreditation of health care organizations or a company that 94402
provides home and community-based waiver services to persons with 94403
disabilities through department of job and family services 94404
administered home and community-based waiver programs. 94405

(4) "Home and community-based waiver services" means services 94406
furnished under the provision of 42 C.F.R. 441, subpart G, that 94407
permit individuals to live in a home setting rather than a nursing 94408
facility or hospital. Home and community-based waiver services are 94409
approved by the centers for medicare and medicaid for specific 94410
populations and are not otherwise available under the medicaid 94411
state plan. 94412

(B)(1) The chief administrator of a waiver agency shall 94413
require each applicant to request that the superintendent of the 94414
bureau of criminal identification and investigation conduct a 94415
criminal records check with respect to the applicant. If an 94416
applicant for whom a criminal records check request is required 94417
under this division does not present proof of having been a 94418
resident of this state for the five-year period immediately prior 94419
to the date the criminal records check is requested or provide 94420
evidence that within that five-year period the superintendent has 94421
requested information about the applicant from the federal bureau 94422
of investigation in a criminal records check, the chief 94423

administrator shall require the applicant to request that the 94424
superintendent obtain information from the federal bureau of 94425
investigation as part of the criminal records check of the 94426
applicant. Even if an applicant for whom a criminal records check 94427
request is required under this division presents proof of having 94428
been a resident of this state for the five-year period, the chief 94429
administrator may require the applicant to request that the 94430
superintendent include information from the federal bureau of 94431
investigation in the criminal records check. 94432

(2) The chief administrator shall provide the following to 94433
each applicant for whom a criminal records check request is 94434
required under division (B)(1) of this section: 94435

(a) Information about accessing, completing, and forwarding 94436
to the superintendent of the bureau of criminal identification and 94437
investigation the form prescribed pursuant to division (C)(1) of 94438
section 109.572 of the Revised Code and the standard fingerprint 94439
impression sheet prescribed pursuant to division (C)(2) of that 94440
section; 94441

(b) Written notification that the applicant is to instruct 94442
the superintendent to submit the completed report of the criminal 94443
records check directly to the chief administrator. 94444

(3) An applicant given information and notification under 94445
divisions (B)(2)(a) and (b) of this section who fails to access, 94446
complete, and forward to the superintendent the form or the 94447
standard fingerprint impression sheet, or who fails to instruct 94448
the superintendent to submit the completed report of the criminal 94449
records check directly to the chief administrator, shall not be 94450
employed in any position in a waiver agency for which a criminal 94451
records check is required by this section. 94452

(C)(1) Except as provided in rules adopted by the department 94453
of job and family services in accordance with division (F) of this 94454

section and subject to division (C)(2) of this section, no waiver 94455
agency shall employ a person in a position that involves providing 94456
home and community-based waiver services to persons with 94457
disabilities if the person has been convicted of, has pleaded 94458
guilty to, or has been found eligible for intervention in lieu of 94459
conviction for any of the following, regardless of the date of the 94460
conviction, the date of entry of the guilty plea, or the date the 94461
person was found eligible for intervention in lieu of conviction: 94462

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94463
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94464
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94465
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94466
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94467
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94468
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94469
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94470
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94471
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94472
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94473
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94474
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94475
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94476
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94477
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94478
penetration in violation of former section 2907.12 of the Revised 94479
Code, a violation of section 2905.04 of the Revised Code as it 94480
existed prior to July 1, 1996, a violation of section 2919.23 of 94481
the Revised Code that would have been a violation of section 94482
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94483
had the violation been committed prior to that date; 94484

(b) ~~An~~ A violation of an existing or former municipal 94485
ordinance or law of this state, any other state, or the United 94486

States that is substantially equivalent to any of the offenses 94487
listed in division (C)(1)(a) of this section. 94488

(2)(a) A waiver agency may employ conditionally an applicant 94489
for whom a criminal records check request is required under 94490
division (B) of this section prior to obtaining the results of a 94491
criminal records check regarding the individual, provided that the 94492
agency shall require the individual to request a criminal records 94493
check regarding the individual in accordance with division (B)(1) 94494
of this section not later than five business days after the 94495
individual begins conditional employment. 94496

(b) A waiver agency that employs an individual conditionally 94497
under authority of division (C)(2)(a) of this section shall 94498
terminate the individual's employment if the results of the 94499
criminal records check request under division (B) of this section, 94500
other than the results of any request for information from the 94501
federal bureau of investigation, are not obtained within the 94502
period ending sixty days after the date the request is made. 94503
Regardless of when the results of the criminal records check are 94504
obtained, if the results indicate that the individual has been 94505
convicted of, has pleaded guilty to, or has been found eligible 94506
for intervention in lieu of conviction for any of the offenses 94507
listed or described in division (C)(1) of this section, the agency 94508
shall terminate the individual's employment unless the agency 94509
chooses to employ the individual pursuant to division (F) of this 94510
section. 94511

(D)(1) The fee prescribed pursuant to division (C)(3) of 94512
section 109.572 of the Revised Code for each criminal records 94513
check conducted pursuant to a request made under division (B) of 94514
this section shall be paid to the bureau of criminal 94515
identification and investigation by the applicant or the waiver 94516
agency. 94517

(2) If a waiver agency pays the fee, it may charge the 94518

applicant a fee not exceeding the amount the agency pays under 94519
division (D)(1) of this section. An agency may collect a fee only 94520
if the agency notifies the person at the time of initial 94521
application for employment of the amount of the fee and that, 94522
unless the fee is paid, the person will not be considered for 94523
employment. 94524

(E) The report of any criminal records check conducted 94525
pursuant to a request made under this section is not a public 94526
record for the purposes of section 149.43 of the Revised Code and 94527
shall not be made available to any person other than the 94528
following: 94529

(1) The individual who is the subject of the criminal records 94530
check or the individual's representative; 94531

(2) The chief administrator of the agency requesting the 94532
criminal records check or the administrator's representative; 94533

(3) An administrator at the department; 94534

(4) A court, hearing officer, or other necessary individual 94535
involved in a case dealing with a denial of employment of the 94536
applicant or dealing with employment or unemployment benefits of 94537
the applicant. 94538

(F) The department shall adopt rules in accordance with 94539
Chapter 119. of the Revised Code to implement this section. The 94540
rules shall specify circumstances under which a waiver agency may 94541
employ a person who has been convicted of, has pleaded guilty to, 94542
or has been found eligible for intervention in lieu of conviction 94543
for an offense listed or described in division (C)(1) of this 94544
section. 94545

(G) The chief administrator of a waiver agency shall inform 94546
each person, at the time of initial application for a position 94547
that involves providing home and community-based waiver services 94548
to a person with a disability, that the person is required to 94549

provide a set of fingerprint impressions and that a criminal 94550
records check is required to be conducted if the person comes 94551
under final consideration for employment. 94552

(H)(1) A person who, on September 26, 2003, is an employee of 94553
a waiver agency in a full-time, part-time, or temporary position 94554
that involves providing home and community-based waiver services 94555
to a person with disabilities shall comply with this section 94556
within sixty days after September 26, 2003, unless division (H)(2) 94557
of this section applies. 94558

(2) This section shall not apply to a person to whom all of 94559
the following apply: 94560

(a) On September 26, 2003, the person is an employee of a 94561
waiver agency in a full-time, part-time, or temporary position 94562
that involves providing home and community-based waiver services 94563
to a person with disabilities. 94564

(b) The person previously had been the subject of a criminal 94565
background check relating to that position; 94566

(c) The person has been continuously employed in that 94567
position since that criminal background check had been conducted. 94568

Sec. 5111.034. (A) As used in this section: 94569

(1) "Anniversary date" means the later of the effective date 94570
of the provider agreement relating to the independent provider or 94571
sixty days after September 26, 2003. 94572

(2) "Criminal records check" has the same meaning as in 94573
section 109.572 of the Revised Code. 94574

(3) "Department" includes a designee of the department of job 94575
and family services. 94576

(4) "Independent provider" means a person who is submitting 94577
an application for a provider agreement or who has a provider 94578

agreement as an independent provider in a department of job and 94579
family services administered home and community-based services 94580
program providing home and community-based waiver services to 94581
consumers with disabilities. 94582

(5) "Home and community-based waiver services" has the same 94583
meaning as in section 5111.033 of the Revised Code. 94584

(B)(1) The department of job and family services shall inform 94585
each independent provider, at the time of initial application for 94586
a provider agreement that involves providing home and 94587
community-based waiver services to consumers with disabilities, 94588
that the independent provider is required to provide a set of 94589
fingerprint impressions and that a criminal records check is 94590
required to be conducted if the person is to become an independent 94591
provider in a department administered home and community-based 94592
waiver program. 94593

(2) Beginning on September 26, 2003, the department shall 94594
inform each enrolled medicaid independent provider on or before 94595
time of the anniversary date of the provider agreement that 94596
involves providing home and community-based waiver services to 94597
consumers with disabilities that the independent provider is 94598
required to provide a set of fingerprint impressions and that a 94599
criminal records check is required to be conducted. 94600

(C)(1) The department shall require the independent provider 94601
to complete a criminal records check prior to entering into a 94602
provider agreement with the independent provider and at least 94603
annually thereafter. If an independent provider for whom a 94604
criminal records check is required under this division does not 94605
present proof of having been a resident of this state for the 94606
five-year period immediately prior to the date the criminal 94607
records check is requested or provide evidence that within that 94608
five-year period the superintendent of the bureau of criminal 94609
identification and investigation has requested information about 94610

the independent provider from the federal bureau of investigation 94611
in a criminal records check, the department shall request that the 94612
independent provider obtain through the superintendent a criminal 94613
records request from the federal bureau of investigation as part 94614
of the criminal records check of the independent provider. Even if 94615
an independent provider for whom a criminal records check request 94616
is required under this division presents proof of having been a 94617
resident of this state for the five-year period, the department 94618
may request that the independent provider obtain information 94619
through the superintendent from the federal bureau of 94620
investigation in the criminal records check. 94621

(2) The department shall provide the following to each 94622
independent provider for whom a criminal records check request is 94623
required under division (C)(1) of this section: 94624

(a) Information about accessing, completing, and forwarding 94625
to the superintendent of the bureau of criminal identification and 94626
investigation the form prescribed pursuant to division (C)(1) of 94627
section 109.572 of the Revised Code and the standard fingerprint 94628
impression sheet prescribed pursuant to division (C)(2) of that 94629
section; 94630

(b) Written notification that the independent provider is to 94631
instruct the superintendent to submit the completed report of the 94632
criminal records check directly to the department. 94633

(3) An independent provider given information and 94634
notification under divisions (C)(2)(a) and (b) of this section who 94635
fails to access, complete, and forward to the superintendent the 94636
form or the standard fingerprint impression sheet, or who fails to 94637
instruct the superintendent to submit the completed report of the 94638
criminal records check directly to the department, shall not be 94639
approved as an independent provider. 94640

(D) Except as provided in rules adopted by the department in 94641

accordance with division (G) of this section, the department shall 94642
not issue a new provider agreement to, and shall terminate an 94643
existing provider agreement of, an independent provider if the 94644
person has been convicted of, has pleaded guilty to, or has been 94645
found eligible for intervention in lieu of conviction for any of 94646
the following, regardless of the date of the conviction, the date 94647
of entry of the guilty plea, or the date the person was found 94648
eligible for intervention in lieu of conviction: 94649

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 94650
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 94651
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 94652
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 94653
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 94654
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 94655
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 94656
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 94657
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 94658
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 94659
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 94660
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 94661
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 94662
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 94663
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 94664
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 94665
penetration in violation of former section 2907.12 of the Revised 94666
Code, a violation of section 2905.04 of the Revised Code as it 94667
existed prior to July 1, 1996, a violation of section 2919.23 of 94668
the Revised Code that would have been a violation of section 94669
2905.04 of the Revised Code as it existed prior to July 1, 1996, 94670
had the violation been committed prior to that date; 94671

(2) ~~An~~ A violation of an existing or former municipal 94672
ordinance or law of this state, any other state, or the United 94673

States that is substantially equivalent to any of the offenses 94674
listed in division (D)(1) of this section. 94675

(E) Each independent provider shall pay to the bureau of 94676
criminal identification and investigation the fee prescribed 94677
pursuant to division (C)(3) of section 109.572 of the Revised Code 94678
for each criminal records check conducted pursuant to a request 94679
made under division (C) of this section. 94680

(F) The report of any criminal records check conducted by the 94681
bureau of criminal identification and investigation in accordance 94682
with section 109.572 of the Revised Code and pursuant to a request 94683
made under division (C) of this section is not a public record for 94684
the purposes of section 149.43 of the Revised Code and shall not 94685
be made available to any person other than the following: 94686

(1) The person who is the subject of the criminal records 94687
check or the person's representative; 94688

(2) An administrator at the department or the administrator's 94689
representative; 94690

(3) A court, hearing officer, or other necessary individual 94691
involved in a case dealing with a denial or termination of a 94692
provider agreement related to the criminal records check. 94693

(G) The department shall adopt rules in accordance with 94694
Chapter 119. of the Revised Code to implement this section. The 94695
rules shall specify circumstances under which the department may 94696
either issue a provider agreement to an independent provider or 94697
allow an independent provider to maintain an existing provider 94698
agreement when the independent provider has been convicted of, has 94699
pleaded guilty to, or has been found eligible for intervention in 94700
lieu of conviction for an offense listed or described in division 94701
~~(C)(1)~~ (D)(1) or (D)(2) of this section. 94702

Sec. 5111.06. (A)(1) As used in this section and in sections 94703

5111.061 and 5111.062 of the Revised Code: 94704

(a) "Provider" means any person, institution, or entity that 94705
furnishes medicaid services under a provider agreement with the 94706
department of job and family services pursuant to Title XIX of the 94707
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 94708
amended. 94709

(b) "Party" has the same meaning as in division (G) of 94710
section 119.01 of the Revised Code. 94711

(c) "Adjudication" has the same meaning as in division (D) of 94712
section 119.01 of the Revised Code. 94713

(2) This section does not apply to any action taken by the 94714
department of job and family services under sections 5111.35 to 94715
5111.62 of the Revised Code. 94716

(B) Except as provided in division (D) of this section and 94717
section 5111.914 of the Revised Code, the department shall do 94718
either of the following by issuing an order pursuant to an 94719
adjudication conducted in accordance with Chapter 119. of the 94720
Revised Code: 94721

(1) Enter into or refuse to enter into a provider agreement 94722
with a provider, or suspend, terminate, renew, or refuse to renew 94723
an existing provider agreement with a provider; 94724

(2) Take any action based upon a final fiscal audit of a 94725
provider. 94726

(C) Any party who is adversely affected by the issuance of an 94727
adjudication order under division (B) of this section may appeal 94728
to the court of common pleas of Franklin county in accordance with 94729
section 119.12 of the Revised Code. 94730

(D) The department is not required to comply with division 94731
(B)(1) of this section whenever any of the following occur: 94732

(1) The terms of a provider agreement require the provider to 94733

hold a license, permit, or certificate or maintain a certification 94734
issued by an official, board, commission, department, division, 94735
bureau, or other agency of state or federal government other than 94736
the department of job and family services, and the license, 94737
permit, certificate, or certification has been denied, revoked, 94738
not renewed, suspended, or otherwise limited. 94739

(2) The terms of a provider agreement require the provider to 94740
hold a license, permit, or certificate or maintain certification 94741
issued by an official, board, commission, department, division, 94742
bureau, or other agency of state or federal government other than 94743
the department of job and family services, and the provider has 94744
not obtained the license, permit, certificate, or certification. 94745

(3) The provider agreement is denied, terminated, or not 94746
renewed due to the termination, refusal to renew, or denial of a 94747
license, permit, certificate, or certification by an official, 94748
board, commission, department, division, bureau, or other agency 94749
of this state other than the department of job and family 94750
services, notwithstanding the fact that the provider may hold a 94751
license, permit, certificate, or certification from an official, 94752
board, commission, department, division, bureau, or other agency 94753
of another state. 94754

(4) The provider agreement is denied, terminated, or not 94755
renewed pursuant to division (C) or (F) of section 5111.03 of the 94756
Revised Code. 94757

(5) The provider agreement is denied, terminated, or not 94758
renewed due to the provider's termination, suspension, or 94759
exclusion from the medicare program established under Title XVIII 94760
of the "Social Security Act," and the termination, suspension, or 94761
exclusion is binding on the provider's participation in the 94762
medicaid program. 94763

(6) The provider agreement is denied, terminated, or not 94764

renewed due to the provider's pleading guilty to or being 94765
convicted of a criminal activity materially related to either the 94766
medicare or medicaid program~~+~~. 94767

(7) The provider agreement is denied, terminated, or 94768
suspended as a result of action by the United States department of 94769
health and human services and that action is binding on the 94770
provider's participation in the medicaid program~~+~~. 94771

(8) The provider agreement is suspended pursuant to section 94772
5111.031 of the Revised Code pending indictment of the provider. 94773

(9) The provider agreement is denied, terminated, or not 94774
renewed because the provider or its owner, officer, authorized 94775
agent, associate, manager, or employee has been convicted of one 94776
of the offenses that caused the provider agreement to be suspended 94777
pursuant to section 5111.031 of the Revised Code. 94778

(10) The provider agreement is converted under section 94779
5111.028 of the Revised Code from a provider agreement that is not 94780
time-limited to a provider agreement that is time-limited. 94781

(11) The provider agreement is terminated or an application 94782
for re-enrollment is denied because the provider has failed to 94783
apply for re-enrollment within the time or in the manner specified 94784
for re-enrollment pursuant to section 5111.028 of the Revised 94785
Code. 94786

(12) The provider agreement is terminated or not renewed 94787
because the provider has not billed or otherwise submitted a 94788
medicaid claim to the department for two years or longer, ~~and the~~ 94789
~~department has determined that the provider has moved from the~~ 94790
~~address on record with the department without leaving an active~~ 94791
~~forwarding address with the department.~~ 94792

(13) The provider agreement is denied, terminated, or not 94793
renewed because the provider fails to provide to the department 94794
the national provider identifier assigned the provider by the 94795

national provider system pursuant to 45 C.F.R. 162. 408. 94796

In the case of a provider described in division (D)(12) or 94797
(13) of this section, the department may ~~terminate or not renew~~ 94798
~~the~~ take its proposed action against a provider agreement by 94799
sending a notice explaining the ~~department's~~ proposed action to 94800
the provider. The notice shall be sent to the provider's address 94801
on record with the department. ~~The~~ In the case of a provider 94802
described in division (D)(12) of this section, the notice may be 94803
sent by regular mail. In the case of a provider described in 94804
division (D)(13) of this section, the notice shall be sent by 94805
certified mail. 94806

(E) The department may withhold payments for services 94807
rendered by a medicaid provider under the ~~medical assistance~~ 94808
medicaid program during the pendency of proceedings initiated 94809
under division (B)(1) of this section. If the proceedings are 94810
initiated under division (B)(2) of this section, the department 94811
may withhold payments only to the extent that they equal amounts 94812
determined in a final fiscal audit as being due the state. This 94813
division does not apply if the department fails to comply with 94814
section 119.07 of the Revised Code, requests a continuance of the 94815
hearing, or does not issue a decision within thirty days after the 94816
hearing is completed. This division does not apply to nursing 94817
facilities and intermediate care facilities for the mentally 94818
retarded as defined in section 5111.20 of the Revised Code. 94819

Sec. 5111.176. (A) As used in this section: 94820

(1) "Medicaid health insuring corporation" means a health 94821
insuring corporation that holds a certificate of authority under 94822
Chapter 1751. of the Revised Code and has entered into a contract 94823
with the department of job and family services pursuant to section 94824
5111.17 of the Revised Code. 94825

(2) "Managed care premium" means any premium payment, 94826

capitation payment, or other payment a medicaid health insuring 94827
corporation receives for providing, or arranging for the provision 94828
of, health care services to its members or enrollees residing in 94829
this state. 94830

(B) Except as provided in division (C) of this section, all 94831
of the following apply: 94832

(1) Each medicaid health insuring corporation shall pay to 94833
the department of job and family services a franchise permit fee 94834
for the period December 1, 2005, through December 31, 2005, and 94835
each calendar quarter occurring ~~thereafter~~ between January 1, 94836
2006, and September 30, 2009. 94837

(2) The fee to be paid is an amount that is equal to a 94838
percentage of the managed care premiums the medicaid health 94839
insuring corporation received in the period December 1, 2005, 94840
through December 31, 2005, and in the subsequent quarter to which 94841
the fee applies, excluding the amount of any managed care premiums 94842
the corporation returned or refunded to enrollees, members, or 94843
premium payers during the period December 1, 2005, through 94844
December 31, 2005, or the subsequent quarter to which the fee 94845
applies. 94846

(3) The percentage to be used in calculating the fee shall be 94847
four and one-half per cent, unless the department adopts rules 94848
under division (L) of this section decreasing the percentage below 94849
four and one-half per cent or increasing the percentage to not 94850
more than six per cent. 94851

(C) The department shall reduce the franchise permit fee 94852
imposed under this section or terminate its collection of the fee 94853
if the department determines either of the following: 94854

(1) That the reduction or termination is required to comply 94855
with federal statutes or regulations; 94856

(2) That the fee does not qualify as a state share of 94857

medicaid expenditures eligible for federal financial 94858
participation. 94859

(D) The franchise permit fee shall be paid on or before the 94860
thirtieth day following the end of the period December 1, 2005, 94861
through December 31, 2005, or the calendar quarter to which the 94862
fee applies. At the time the fee is submitted, the medicaid health 94863
insuring corporation shall file with the department a report on a 94864
form prescribed by the department. The corporation shall provide 94865
on the form all information required by the department and shall 94866
include with the form any necessary supporting documentation. 94867

(E) The department may audit the records of any medicaid 94868
health insuring corporation to determine whether the corporation 94869
is in compliance with this section. The department may audit the 94870
records that pertain to the period December 1, 2005, through 94871
December 31, 2005, or a particular calendar quarter, at any time 94872
during the five years following the date the franchise permit fee 94873
payment for that period or quarter was due. 94874

(F)(1) A medicaid health insuring corporation that does not 94875
pay the franchise permit fee in full by the date the payment is 94876
due is subject to any or all of the following: 94877

(a) A monetary penalty in the amount of five hundred dollars 94878
for each day any part of the fee remains unpaid, except that the 94879
penalty shall not exceed an amount equal to five per cent of the 94880
total fee that was due; 94881

(b) Withholdings from future managed care premiums pursuant 94882
to division (G) of this section; 94883

(c) Termination of the corporation's medicaid provider 94884
agreement pursuant to division (H) of this section. 94885

(2) Penalties imposed under division (F)(1)(a) of this 94886
section are in addition to and not in lieu of the franchise permit 94887
fee. 94888

(G) If a medicaid health insuring corporation fails to pay the full amount of its franchise permit fee when due, or the full amount of a penalty imposed under division (F)(1)(a) of this section, the department may withhold an amount equal to the remaining amount due from any future managed care premiums to be paid to the corporation under the medicaid program. The department may withhold amounts under this division without providing notice to the corporation. The amounts may be withheld until the amount due has been paid.

(H) The department may commence actions to terminate a medicaid health insuring corporation's medicaid provider agreement, and may terminate the agreement subject to division (I) of this section, if the corporation does any of the following:

(1) Fails to pay its franchise permit fee or fails to pay the fee promptly;

(2) Fails to pay a penalty imposed under division (F)(1)(a) of this section or fails to pay the penalty promptly;

(3) Fails to cooperate with an audit conducted under division (E) of this section.

(I) At the request of a medicaid health insuring corporation, the department shall grant the corporation a hearing in accordance with Chapter 119. of the Revised Code, if either of the following is the case:

(1) The department has determined that the corporation owes an additional franchise permit fee or penalty as the result of an audit conducted under division (E) of this section.

(2) The department is proposing to terminate the corporation's medicaid provider agreement and the provisions of section 5111.06 of the Revised Code requiring an adjudication in accordance with Chapter 119. of the Revised Code are applicable.

(J)(1) At the request of a medicaid corporation, the 94919
department shall grant the corporation a reconsideration of any 94920
issue that arises out of the provisions of this section and is not 94921
subject to division (I) of this section. The department's decision 94922
at the conclusion of the reconsideration is not subject to appeal 94923
under Chapter 119. of the Revised Code or any other provision of 94924
the Revised Code. 94925

(2) In conducting a reconsideration, the department shall do 94926
at least the following: 94927

(a) Specify the time frames within which a corporation must 94928
act in order to exercise its opportunity for a reconsideration; 94929

(b) Permit the corporation to present written arguments or 94930
other materials that support the corporation's position. 94931

(K) There is hereby created in the state treasury the managed 94932
care assessment fund. Money collected from the franchise permit 94933
fees and penalties imposed under this section shall be credited to 94934
the fund. The department shall use the money in the fund to pay 94935
for medicaid services, the department's administrative costs, and 94936
contracts with medicaid health insuring corporations. 94937

(L) The director of job and family services may adopt rules 94938
to implement and administer this section. The rules shall be 94939
adopted in accordance with Chapter 119. of the Revised Code. 94940

Sec. 5111.222. (A) Except as otherwise provided by sections 94941
5111.20 to 5111.33 of the Revised Code and by division (B) of this 94942
section, the payments that the department of job and family 94943
services shall agree to make to the provider of a nursing facility 94944
pursuant to a provider agreement shall equal the sum of all of the 94945
following: 94946

(1) The rate for direct care costs determined for the nursing 94947
facility under section 5111.231 of the Revised Code; 94948

(2) The rate for ancillary and support costs determined for the nursing facility's ancillary and support cost peer group under section 5111.24 of the Revised Code;	94949 94950 94951
(3) The rate for tax costs determined for the nursing facility under section 5111.242 of the Revised Code;	94952 94953
(4) The rate for franchise permit fees determined for the nursing facility under section 5111.243 of the Revised Code;	94954 94955
(5) The quality incentive payment paid to the nursing facility under section 5111.244 of the Revised Code;	94956 94957
(6) The median rate for capital costs <u>determined</u> for the nursing facilities in the nursing facility's capital costs peer group as determined <u>facility</u> under section 5111.25 of the Revised Code.	94958 94959 94960 94961
(B) The department shall adjust the rates otherwise determined under divisions (A)(1), (2), (3), and (6) of this section as directed by the general assembly through the enactment of law governing medicaid payments to providers of nursing facilities, including any law that does either of the following:	94962 94963 94964 94965 94966
(1) Establishes factors by which the rates are to be adjusted;	94967 94968
(2) Establishes a methodology for phasing in the rates determined for fiscal year 2006 under uncodified law the general assembly enacts to rates determined for subsequent fiscal years under sections 5111.20 to 5111.33 of the Revised Code.	94969 94970 94971 94972
Sec. 5111.231. (A) As used in this section, "applicable calendar year" means the following:	94973 94974
(1) For the purpose of the department of job and family services' initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003;	94975 94976 94977

(2) For the purpose of the department's subsequent 94978
determinations under division (D) of this section of each peer 94979
group's cost per case-mix unit, the calendar year the department 94980
selects. 94981

(B) The department of job and family services shall pay a 94982
provider for each of the provider's eligible nursing facilities a 94983
per resident per day rate for direct care costs determined 94984
semiannually by multiplying the cost per case-mix unit determined 94985
under division (D) of this section for the facility's peer group 94986
by the facility's semiannual case-mix score determined under 94987
section 5111.232 of the Revised Code. 94988

(C) For the purpose of determining nursing facilities' rate 94989
for direct care costs, the department shall establish three peer 94990
groups. 94991

Each nursing facility located in any of the following 94992
counties shall be placed in peer group one: Brown, Butler, 94993
Clermont, Clinton, Hamilton, and Warren. 94994

Each nursing facility located in any of the following 94995
counties shall be placed in peer group two: Ashtabula, Champaign, 94996
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 94997
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 94998
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 94999
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 95000
and Wood. 95001

Each nursing facility located in any of the following 95002
counties shall be placed in peer group three: Adams, Allen, 95003
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95004
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95005
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95006
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95007
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95008

Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95009
Washington, Wayne, Williams, and Wyandot. 95010

(D)(1) At least once every ten years, the department shall 95011
determine a cost per case-mix unit for each peer group established 95012
under division (C) of this section. A cost per case-mix unit 95013
determined under this division for a peer group shall be used for 95014
subsequent years until the department redetermines it. To 95015
determine a peer group's cost per case-mix unit, the department 95016
shall do all of the following: 95017

(a) Determine the cost per case-mix unit for each nursing 95018
facility in the peer group for the applicable calendar year by 95019
dividing each facility's desk-reviewed, actual, allowable, per 95020
diem direct care costs for the applicable calendar year by the 95021
facility's annual average case-mix score determined under section 95022
5111.232 of the Revised Code for the applicable calendar year. 95023

(b) Subject to division (D)(2) of this section, identify 95024
which nursing facility in the peer group is at the twenty-fifth 95025
percentile of the cost per case-mix units determined under 95026
division (D)(1)(a) of this section. 95027

(c) Calculate the amount that is seven per cent above the 95028
cost per case-mix unit determined under division (D)(1)(a) of this 95029
section for the nursing facility identified under division 95030
(D)(1)(b) of this section. 95031

(d) Multiply the amount calculated under division (D)(1)(c) 95032
of this section by the rate of inflation for the eighteen-month 95033
period beginning on the first day of July of the applicable 95034
calendar year and ending the last day of December of the calendar 95035
year immediately following the applicable calendar year using the 95036
~~employment cost index for total compensation, health services~~ 95037
~~component, published by the United States bureau of labor~~ 95038
~~statistics~~ inflation measuring system or inflation factor the 95039

director of job and family services shall specify in rules adopted 95040
under section 5111.02 of the Revised Code. 95041

(2) In making the identification under division (D)(1)(b) of 95042
this section, the department shall exclude both of the following: 95043

(a) Nursing facilities that participated in the medicaid 95044
program under the same provider for less than twelve months in the 95045
applicable calendar year; 95046

(b) Nursing facilities whose cost per case-mix unit is more 95047
than one standard deviation from the mean cost per case-mix unit 95048
for all nursing facilities in the nursing facility's peer group 95049
for the applicable calendar year. 95050

(3) The department shall not redetermine a peer group's cost 95051
per case-mix unit under this division based on additional 95052
information that it receives after the peer group's per case-mix 95053
unit is determined. The department shall redetermine a peer 95054
group's cost per case-mix unit only if it made an error in 95055
determining the peer group's cost per case-mix unit based on 95056
information available to the department at the time of the 95057
original determination. 95058

Sec. 5111.232. (A)(1) The department of job and family 95059
services shall determine semiannual and annual average case-mix 95060
scores for nursing facilities by using all of the following: 95061

(a) Data from a resident assessment instrument specified in 95062
rules adopted under section 5111.02 of the Revised Code pursuant 95063
to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 95064
(1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following 95065
residents: 95066

(i) When determining ~~semi-annual~~ semiannual case-mix scores, 95067
each resident who is a medicaid recipient; 95068

(ii) When determining annual average case-mix scores, each 95069

resident regardless of payment source. 95070

(b) Except as provided in rules authorized by ~~division~~ 95071
divisions (A)(2)(a) and (b) of this section, the case-mix values 95072
established by the United States department of health and human 95073
services; 95074

(c) Except as modified in rules authorized by division 95075
(A)(2)(c) of this section, the grouper methodology used on June 95076
30, 1999, by the United States department of health and human 95077
services for prospective payment of skilled nursing facilities 95078
under the medicare program established by Title XVIII. 95079

(2) The director of job and family services may adopt rules 95080
under section 5111.02 of the Revised Code that do any of the 95081
following: 95082

(a) Adjust the case-mix values specified in division 95083
(A)(1)(b) of this section to reflect changes in relative wage 95084
differentials that are specific to this state; 95085

(b) Express all of those case-mix values in numeric terms 95086
that are different from the terms specified by the United States 95087
department of health and human services but that do not alter the 95088
relationship of the case-mix values to one another; 95089

(c) Modify the grouper methodology specified in division 95090
(A)(1)(c) of this section as follows: 95091

(i) Establish a different hierarchy for assigning residents 95092
to case-mix categories under the methodology; 95093

(ii) Prohibit the use of the index maximizer element of the 95094
methodology; 95095

(iii) Incorporate changes to the methodology the United 95096
States department of health and human services makes after June 95097
30, 1999; 95098

(iv) Make other changes the department determines are 95099

necessary. 95100

(B) The department shall determine case-mix scores for 95101
intermediate care facilities for the mentally retarded using data 95102
for each resident, regardless of payment source, from a resident 95103
assessment instrument and grouper methodology prescribed in rules 95104
adopted under section 5111.02 of the Revised Code and expressed in 95105
case-mix values established by the department in those rules. 95106

(C) Each calendar quarter, each provider shall compile 95107
complete assessment data, from the resident assessment instrument 95108
specified in rules authorized by division (A) or (B) of this 95109
section, for each resident of each of the provider's facilities, 95110
regardless of payment source, who was in the facility or on 95111
hospital or therapeutic leave from the facility on the last day of 95112
the quarter. Providers of a nursing facility shall submit the data 95113
to the department of health and, if required by rules, the 95114
department of job and family services. Providers of an 95115
intermediate care facility for the mentally retarded shall submit 95116
the data to the department of job and family services. The data 95117
shall be submitted not later than fifteen days after the end of 95118
the calendar quarter for which the data is compiled. 95119

Except as provided in division (D) of this section, the 95120
department, every six months and after the end of each calendar 95121
year, shall calculate a semiannual and annual average case-mix 95122
score for each nursing facility using the facility's quarterly 95123
case-mix scores for that six-month period or calendar year. Also 95124
except as provided in division (D) of this section, the 95125
department, after the end of each calendar year, shall calculate 95126
an annual average case-mix score for each intermediate care 95127
facility for the mentally retarded using the facility's quarterly 95128
case-mix scores for that calendar year. The department shall make 95129
the calculations pursuant to procedures specified in rules adopted 95130
under section 5111.02 of the Revised Code. 95131

(D)(1) If a provider does not timely submit information for a 95132
calendar quarter necessary to calculate a facility's case-mix 95133
score, or submits incomplete or inaccurate information for a 95134
calendar quarter, the department may assign the facility a 95135
quarterly average case-mix score that is five per cent less than 95136
the facility's quarterly average case-mix score for the preceding 95137
calendar quarter. If the facility was subject to an exception 95138
review under division (C) of section 5111.27 of the Revised Code 95139
for the preceding calendar quarter, the department may assign a 95140
quarterly average case-mix score that is five per cent less than 95141
the score determined by the exception review. If the facility was 95142
assigned a quarterly average case-mix score for the preceding 95143
quarter, the department may assign a quarterly average case-mix 95144
score that is five per cent less than that score assigned for the 95145
preceding quarter. 95146

The department may use a quarterly average case-mix score 95147
assigned under division (D)(1) of this section, instead of a 95148
quarterly average case-mix score calculated based on the 95149
provider's submitted information, to calculate the facility's rate 95150
for direct care costs being established under section 5111.23 or 95151
5111.231 of the Revised Code for one or more months, as specified 95152
in rules authorized by division (E) of this section, of the 95153
quarter for which the rate established under section 5111.23 or 95154
5111.231 of the Revised Code will be paid. 95155

Before taking action under division (D)(1) of this section, 95156
the department shall permit the provider a reasonable period of 95157
time, specified in rules authorized by division (E) of this 95158
section, to correct the information. In the case of an 95159
intermediate care facility for the mentally retarded, the 95160
department shall not assign a quarterly average case-mix score due 95161
to late submission of corrections to assessment information unless 95162
the provider fails to submit corrected information prior to the 95163

eighty-first day after the end of the calendar quarter to which 95164
the information pertains. In the case of a nursing facility, the 95165
department shall not assign a quarterly average case-mix score due 95166
to late submission of corrections to assessment information unless 95167
the provider fails to submit corrected information prior to the 95168
earlier of the ~~eighty-first~~ forty-sixth day after the end of the 95169
calendar quarter to which the information pertains or the deadline 95170
for submission of such corrections established by regulations 95171
adopted by the United States department of health and human 95172
services under Titles XVIII and XIX. 95173

(2) If a provider is paid a rate for a facility calculated 95174
using a quarterly average case-mix score assigned under division 95175
(D)(1) of this section for more than six months in a calendar 95176
year, the department may assign the facility a cost per case-mix 95177
unit that is five per cent less than the facility's actual or 95178
assigned cost per case-mix unit for the preceding calendar year. 95179
The department may use the assigned cost per case-mix unit, 95180
instead of calculating the facility's actual cost per case-mix 95181
unit in accordance with section 5111.23 or 5111.231 of the Revised 95182
Code, to establish the facility's rate for direct care costs for 95183
the following fiscal year. 95184

(3) The department shall take action under division (D)(1) or 95185
(2) of this section only in accordance with rules authorized by 95186
division (E) of this section. The department shall not take an 95187
action that affects rates for prior payment periods except in 95188
accordance with sections 5111.27 and 5111.28 of the Revised Code. 95189

(E) The director shall adopt rules under section 5111.02 of 95190
the Revised Code that do all of the following: 95191

(1) Specify whether providers of a nursing facility must 95192
submit the assessment data to the department of job and family 95193
services; 95194

(2) Specify the medium or media through which the completed assessment data shall be submitted; 95195
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(3) Establish procedures under which the assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 95197
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(4) Establish procedures for providers to correct assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections by providers of nursing facilities in the manner required by regulations adopted by the United States department of health and human services under Titles XVIII and XIX. 95200
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(5) Specify when and how the department will assign case-mix scores or costs per case-mix unit under division (D) of this section if information necessary to calculate the facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. Notwithstanding any other provision of sections 5111.20 to 5111.33 of the Revised Code, the rules also may provide for the following: 95206
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(a) Exclusion of case-mix scores assigned under division (D) of this section from calculation of an intermediate care facility for the mentally retarded's annual average case-mix score and the maximum cost per case-mix unit for the facility's peer group; 95213
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(b) Exclusion of case-mix scores assigned under division (D) of this section from calculation of a nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the facility's peer group. 95217
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Sec. 5111.236. (A) As used in this section, "medically fragile child" means an individual under eighteen years of age who requires both of the following: 95221
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(1) The services of a doctor of medicine or osteopathic 95224

<u>medicine at least once a week due to the instability of the</u>	95225
<u>individual's medical condition;</u>	95226
<u>(2) The services of a registered nurse on a daily basis.</u>	95227
<u>(B) The medicaid program shall cover oxygen services that a</u>	95228
<u>medical supplier with a valid medicaid provider agreement provides</u>	95229
<u>to a medicaid recipient who is a medically fragile child and</u>	95230
<u>resides in an intermediate care facility for the mentally</u>	95231
<u>retarded. The medicaid program shall cover such oxygen services</u>	95232
<u>regardless of any of the following:</u>	95233
<u>(1) The percentage of the medicaid recipient's arterial</u>	95234
<u>oxygen saturation at rest, exercise, or sleep;</u>	95235
<u>(2) The type of system used in delivering the oxygen to the</u>	95236
<u>medicaid recipient;</u>	95237
<u>(3) Whether the intermediate care facility for the mentally</u>	95238
<u>retarded in which the medicaid recipient resides purchases or</u>	95239
<u>rents the equipment used in the delivery of the oxygen to the</u>	95240
<u>recipient.</u>	95241
<u>(C) A medical supplier of an oxygen service shall bill the</u>	95242
<u>department of job and family services directly for oxygen services</u>	95243
<u>the medicaid program covers under this section. The provider of an</u>	95244
<u>intermediate care facility for the mentally retarded may not</u>	95245
<u>include the cost of an oxygen service covered by the medicaid</u>	95246
<u>program under this section in the facility's cost report unless</u>	95247
<u>the facility is the medical supplier of the oxygen service.</u>	95248
Sec. 5111.24. (A) As used in this section, "applicable	95249
calendar year" means the following:	95250
(1) For the purpose of the department of job and family	95251
services' initial determination under division (D) of this section	95252
of each peer group's rate for ancillary and support costs,	95253
calendar year 2003;	95254

(2) For the purpose of the department's subsequent 95255
determinations under division (D) of this section of each peer 95256
group's rate for ancillary and support costs, the calendar year 95257
the department selects. 95258

(B) The department of job and family services shall pay a 95259
provider for each of the provider's eligible nursing facilities a 95260
per resident per day rate for ancillary and support costs 95261
determined for the nursing facility's peer group under division 95262
(D) of this section. 95263

(C) For the purpose of determining nursing facilities' rate 95264
for ancillary and support costs, the department shall establish 95265
six peer groups. 95266

Each nursing facility located in any of the following 95267
counties shall be placed in peer group one or two: Brown, Butler, 95268
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 95269
located in any of those counties that has fewer than one hundred 95270
beds shall be placed in peer group one. Each nursing facility 95271
located in any of those counties that has one hundred or more beds 95272
shall be placed in peer group two. 95273

Each nursing facility located in any of the following 95274
counties shall be placed in peer group three or four: Ashtabula, 95275
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 95276
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 95277
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 95278
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 95279
Union, and Wood. Each nursing facility located in any of those 95280
counties that has fewer than one hundred beds shall be placed in 95281
peer group three. Each nursing facility located in any of those 95282
counties that has one hundred or more beds shall be placed in peer 95283
group four. 95284

Each nursing facility located in any of the following 95285

counties shall be placed in peer group five or six: Adams, Allen, 95286
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 95287
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 95288
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 95289
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 95290
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 95291
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95292
Washington, Wayne, Williams, and Wyandot. Each nursing facility 95293
located in any of those counties that has fewer than one hundred 95294
beds shall be placed in peer group five. Each nursing facility 95295
located in any of those counties that has one hundred or more beds 95296
shall be placed in peer group six. 95297

(D)(1) At least once every ten years, the department shall 95298
determine the rate for ancillary and support costs for each peer 95299
group established under division (C) of this section. The rate for 95300
ancillary and support costs determined under this division for a 95301
peer group shall be used for subsequent years until the department 95302
redetermines it. To determine a peer group's rate for ancillary 95303
and support costs, the department shall do all of the following: 95304

(a) Determine the rate for ancillary and support costs for 95305
each nursing facility in the peer group for the applicable 95306
calendar year by using the greater of the nursing facility's 95307
actual inpatient days for the applicable calendar year or the 95308
inpatient days the nursing facility would have had for the 95309
applicable calendar year if its occupancy rate had been ninety per 95310
cent. For the purpose of determining a nursing facility's 95311
occupancy rate under division (D)(1)(a) of this section, the 95312
department shall include any beds that the nursing facility 95313
removes from its medicaid-certified capacity unless the nursing 95314
facility also removes the beds from its licensed bed capacity. 95315

(b) Subject to division (D)(2) of this section, identify 95316
which nursing facility in the peer group is at the twenty-fifth 95317

percentile of the rate for ancillary and support costs for the 95318
applicable calendar year determined under division (D)(1)(a) of 95319
this section. 95320

(c) Calculate the amount that is three per cent above the 95321
rate for ancillary and support costs determined under division 95322
(D)(1)(a) of this section for the nursing facility identified 95323
under division (D)(1)(b) of this section. 95324

(d) Multiply the amount calculated under division (D)(1)(c) 95325
of this section by the rate of inflation for the eighteen-month 95326
period beginning on the first day of July of the applicable 95327
calendar year and ending the last day of December of the calendar 95328
year immediately following the applicable calendar year using the 95329
~~consumer price index for all items for all urban consumers for the~~ 95330
~~north central region, published by the United States bureau of~~ 95331
~~labor statistics~~ inflation measuring system or inflation factor 95332
the director of job and family services shall specify in rules 95333
adopted under section 5111.02 of the Revised Code. 95334

(2) In making the identification under division (D)(1)(b) of 95335
this section, the department shall exclude both of the following: 95336

(a) Nursing facilities that participated in the medicaid 95337
program under the same provider for less than twelve months in the 95338
applicable calendar year; 95339

(b) Nursing facilities whose ancillary and support costs are 95340
more than one standard deviation from the mean desk-reviewed, 95341
actual, allowable, per diem ancillary and support cost for all 95342
nursing facilities in the nursing facility's peer group for the 95343
applicable calendar year. 95344

(3) The department shall not redetermine a peer group's rate 95345
for ancillary and support costs under this division based on 95346
additional information that it receives after the rate is 95347
determined. The department shall redetermine a peer group's rate 95348

for ancillary and support costs only if it made an error in 95349
determining the rate based on information available to the 95350
department at the time of the original determination. 95351

Sec. 5111.25. (A) As used in this section, "applicable 95352
calendar year" means the following: 95353

(1) For the purpose of the department of job and family 95354
services' initial determination under division (D) of this section 95355
of each peer group's median rate for capital costs, calendar year 95356
2003; 95357

(2) For the purpose of the department's subsequent 95358
determinations under division (D) of this section of each peer 95359
group's median rate for capital costs, the calendar year the 95360
department selects. 95361

(B) The department of job and family services shall pay a 95362
provider for each of the provider's eligible nursing facilities a 95363
per resident per day rate for capital costs. A nursing facility's 95364
rate for capital costs shall be the greater of the following: 95365

(1) The median rate for capital costs for the nursing 95366
facilities in the nursing facility's peer group as determined 95367
under division (D) of this section; 95368

(2) The sum of the following: 95369

(a) The capital costs portion of the nursing facility's 95370
medicaid reimbursement per diem rate on June 30, 2005, regardless 95371
of whether the nursing facility has undergone a change of 95372
operator, as defined in section 5111.65 of the Revised Code, after 95373
that date or, if the nursing facility did not have a medicaid 95374
reimbursement per diem rate on June 30, 2005, the capital costs 95375
portion of the nursing facility's initial rate established under 95376
section 5111.254 of the Revised Code; 95377

(b) Any per diem for which the nursing facility qualified 95378

under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th general assembly, as amended by Am. Sub. H.B. 562 of the 127th general assembly. 95379
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(C) For the purpose of determining nursing facilities' median rate for capital costs, the department shall establish six peer groups. 95382
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Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two. 95385
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Each nursing facility located in any of the following counties shall be placed in peer group three or four: Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, and Wood. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group three. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group four. 95392
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Each nursing facility located in any of the following counties shall be placed in peer group five or six: Adams, Allen, Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 95403
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Washington, Wayne, Williams, and Wyandot. Each nursing facility 95411
located in any of those counties that has fewer than one hundred 95412
beds shall be placed in peer group five. Each nursing facility 95413
located in any of those counties that has one hundred or more beds 95414
shall be placed in peer group six. 95415

(D)(1) At least once every ten years, the department shall 95416
determine the median rate for capital costs for each peer group 95417
established under division (C) of this section. The median rate 95418
for capital costs determined under this division for a peer group 95419
shall be used for subsequent years until the department 95420
redetermines it. To determine a peer group's median rate for 95421
capital costs, the department shall do both of the following: 95422

(a) Subject to division (D)(2) of this section, use the 95423
greater of each nursing facility's actual inpatient days for the 95424
applicable calendar year or the inpatient days the nursing 95425
facility would have had for the applicable calendar year if its 95426
occupancy rate had been one hundred per cent. 95427

(b) Exclude both of the following: 95428

(i) Nursing facilities that participated in the medicaid 95429
program under the same provider for less than twelve months in the 95430
applicable calendar year; 95431

(ii) Nursing facilities whose capital costs are more than one 95432
standard deviation from the mean desk-reviewed, actual, allowable, 95433
per diem capital cost for all nursing facilities in the nursing 95434
facility's peer group for the applicable calendar year. 95435

(2) For the purpose of determining a nursing facility's 95436
occupancy rate under division (D)(1)(a) of this section, the 95437
department shall include any beds that the nursing facility 95438
removes from its medicaid-certified capacity after June 30, 2005, 95439
unless the nursing facility also removes the beds from its 95440
licensed bed capacity. 95441

(E) Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight-line method over a period designated in rules adopted under section 5111.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in capital costs unless that part of the payment under sections 5111.20 to 5111.33 of the Revised Code is used to reimburse the government agency.

(F) The capital cost basis of nursing facility assets shall be determined in the following manner:

(1) Except as provided in division (F)(3) of this section, for purposes of calculating the rates to be paid for facilities with dates of licensure on or before June 30, 1993, the capital cost basis of each asset shall be equal to the desk-reviewed, actual, allowable, capital cost basis that is listed on the facility's cost report for the calendar year preceding the fiscal year during which the rate will be paid.

(2) For facilities with dates of licensure after June 30, 1993, the capital cost basis shall be determined in accordance with the principles of the medicare program established under Title XVIII, except as otherwise provided in sections 5111.20 to 5111.33 of the Revised Code.

(3) Except as provided in division (F)(4) of this section, if a provider transfers an interest in a facility to another provider after June 30, 1993, there shall be no increase in the capital cost basis of the asset if the providers are related parties or the provider to which the interest is transferred authorizes the

provider that transferred the interest to continue to operate the 95474
facility under a lease, management agreement, or other 95475
arrangement. If the previous sentence does not prohibit the 95476
adjustment of the capital cost basis under this division, the 95477
basis of the asset shall be adjusted by the lesser of the 95478
following: 95479

(a) One-half of the change in construction costs during the 95480
time that the transferor held the asset, as calculated by the 95481
department of job and family services using the "Dodge building 95482
cost indexes, northeastern and north central states," published by 95483
Marshall and Swift; 95484

(b) One-half of the change in the consumer price index for 95485
all items for all urban consumers, as published by the United 95486
States bureau of labor statistics, during the time that the 95487
transferor held the asset. 95488

(4) If a provider transfers an interest in a facility to 95489
another provider who is a related party, the capital cost basis of 95490
the asset shall be adjusted as specified in division (F)(3) of 95491
this section if all of the following conditions are met: 95492

(a) The related party is a relative of owner; 95493

(b) Except as provided in division (F)(4)(c)(ii) of this 95494
section, the provider making the transfer retains no ownership 95495
interest in the facility; 95496

(c) The department of job and family services determines that 95497
the transfer is an arm's length transaction pursuant to rules 95498
adopted under section 5111.02 of the Revised Code. The rules shall 95499
provide that a transfer is an arm's length transaction if all of 95500
the following apply: 95501

(i) Once the transfer goes into effect, the provider that 95502
made the transfer has no direct or indirect interest in the 95503
provider that acquires the facility or the facility itself, 95504

including interest as an owner, officer, director, employee, 95505
independent contractor, or consultant, but excluding interest as a 95506
creditor. 95507

(ii) The provider that made the transfer does not reacquire 95508
an interest in the facility except through the exercise of a 95509
creditor's rights in the event of a default. If the provider 95510
reacquires an interest in the facility in this manner, the 95511
department shall treat the facility as if the transfer never 95512
occurred when the department calculates its reimbursement rates 95513
for capital costs. 95514

(iii) The transfer satisfies any other criteria specified in 95515
the rules. 95516

(d) Except in the case of hardship caused by a catastrophic 95517
event, as determined by the department, or in the case of a 95518
provider making the transfer who is at least sixty-five years of 95519
age, not less than twenty years have elapsed since, for the same 95520
facility, the capital cost basis was adjusted most recently under 95521
division (F)(4) of this section or actual, allowable cost of 95522
ownership was determined most recently under division (G)(9) of 95523
this section. 95524

(G) As used in this division: 95525

"Imputed interest" means the lesser of the prime rate plus 95526
two per cent or ten per cent. 95527

"Lease expense" means lease payments in the case of an 95528
operating lease and depreciation expense and interest expense in 95529
the case of a capital lease. 95530

"New lease" means a lease, to a different lessee, of a 95531
nursing facility that previously was operated under a lease. 95532

(1) Subject to division (B) of this section, for a lease of a 95533
facility that was effective on May 27, 1992, the entire lease 95534

expense is an actual, allowable capital cost during the term of 95535
the existing lease. The entire lease expense also is an actual, 95536
allowable capital cost if a lease in existence on May 27, 1992, is 95537
renewed under either of the following circumstances: 95538

(a) The renewal is pursuant to a renewal option that was in 95539
existence on May 27, 1992; 95540

(b) The renewal is for the same lease payment amount and 95541
between the same parties as the lease in existence on May 27, 95542
1992. 95543

(2) Subject to division (B) of this section, for a lease of a 95544
facility that was in existence but not operated under a lease on 95545
May 27, 1992, actual, allowable capital costs shall include the 95546
lesser of the annual lease expense or the annual depreciation 95547
expense and imputed interest expense that would be calculated at 95548
the inception of the lease using the lessor's entire historical 95549
capital asset cost basis, adjusted by the lesser of the following 95550
amounts: 95551

(a) One-half of the change in construction costs during the 95552
time the lessor held each asset until the beginning of the lease, 95553
as calculated by the department using the "Dodge building cost 95554
indexes, northeastern and north central states," published by 95555
Marshall and Swift; 95556

(b) One-half of the change in the consumer price index for 95557
all items for all urban consumers, as published by the United 95558
States bureau of labor statistics, during the time the lessor held 95559
each asset until the beginning of the lease. 95560

(3) Subject to division (B) of this section, for a lease of a 95561
facility with a date of licensure on or after May 27, 1992, that 95562
is initially operated under a lease, actual, allowable capital 95563
costs shall include the annual lease expense if there was a 95564
substantial commitment of money for construction of the facility 95565

after December 22, 1992, and before July 1, 1993. If there was not 95566
a substantial commitment of money after December 22, 1992, and 95567
before July 1, 1993, actual, allowable capital costs shall include 95568
the lesser of the annual lease expense or the sum of the 95569
following: 95570

(a) The annual depreciation expense that would be calculated 95571
at the inception of the lease using the lessor's entire historical 95572
capital asset cost basis; 95573

(b) The greater of the lessor's actual annual amortization of 95574
financing costs and interest expense at the inception of the lease 95575
or the imputed interest expense calculated at the inception of the 95576
lease using seventy per cent of the lessor's historical capital 95577
asset cost basis. 95578

(4) Subject to division (B) of this section, for a lease of a 95579
facility with a date of licensure on or after May 27, 1992, that 95580
was not initially operated under a lease and has been in existence 95581
for ten years, actual, allowable capital costs shall include the 95582
lesser of the annual lease expense or the annual depreciation 95583
expense and imputed interest expense that would be calculated at 95584
the inception of the lease using the entire historical capital 95585
asset cost basis of the lessor, adjusted by the lesser of the 95586
following: 95587

(a) One-half of the change in construction costs during the 95588
time the lessor held each asset until the beginning of the lease, 95589
as calculated by the department using the "Dodge building cost 95590
indexes, northeastern and north central states," published by 95591
Marshall and Swift; 95592

(b) One-half of the change in the consumer price index for 95593
all items for all urban consumers, as published by the United 95594
States bureau of labor statistics, during the time the lessor held 95595
each asset until the beginning of the lease. 95596

(5) Subject to division (B) of this section, for a new lease of a facility that was operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual new lease expense or the annual old lease payment. If the old lease was in effect for ten years or longer, the old lease payment from the beginning of the old lease shall be adjusted by the lesser of the following:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, from the beginning of the old lease to the beginning of the new lease.

(6) Subject to division (B) of this section, for a new lease of a facility that was not in existence or that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of annual new lease expense or the annual amount calculated for the old lease under division (G)(2), (3), (4), or (6) of this section, as applicable. If the old lease was in effect for ten years or longer, the lessor's historical capital asset cost basis shall be adjusted by the lesser of the following for purposes of calculating the annual amount under division (G)(2), (3), (4), or (6) of this section:

(a) One-half of the change in construction costs from the beginning of the old lease to the beginning of the new lease, as calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift;

(b) One-half of the change in the consumer price index for 95628
all items for all urban consumers, as published by the United 95629
States bureau of labor statistics, from the beginning of the old 95630
lease to the beginning of the new lease. 95631

In the case of a lease under division (G)(3) of this section 95632
of a facility for which a substantial commitment of money was made 95633
after December 22, 1992, and before July 1, 1993, the old lease 95634
payment shall be adjusted for the purpose of determining the 95635
annual amount. 95636

(7) For any revision of a lease described in division (G)(1), 95637
(2), (3), (4), (5), or (6) of this section, or for any subsequent 95638
lease of a facility operated under such a lease, other than 95639
execution of a new lease, the portion of actual, allowable capital 95640
costs attributable to the lease shall be the same as before the 95641
revision or subsequent lease. 95642

(8) Except as provided in division (G)(9) of this section, if 95643
a provider leases an interest in a facility to another provider 95644
who is a related party or previously operated the facility, the 95645
related party's or previous operator's actual, allowable capital 95646
costs shall include the lesser of the annual lease expense or the 95647
reasonable cost to the lessor. 95648

(9) If a provider leases an interest in a facility to another 95649
provider who is a related party, regardless of the date of the 95650
lease, the related party's actual, allowable capital costs shall 95651
include the annual lease expense, subject to the limitations 95652
specified in divisions (G)(1) to (7) of this section, if all of 95653
the following conditions are met: 95654

(a) The related party is a relative of owner; 95655

(b) If the lessor retains an ownership interest, it is, 95656
except as provided in division (G)(9)(c)(ii) of this section, in 95657
only the real property and any improvements on the real property; 95658

(c) The department of job and family services determines that 95659
the lease is an arm's length transaction pursuant to rules adopted 95660
under section 5111.02 of the Revised Code. The rules shall provide 95661
that a lease is an arm's length transaction if all of the 95662
following apply: 95663

(i) Once the lease goes into effect, the lessor has no direct 95664
or indirect interest in the lessee or, except as provided in 95665
division (G)(9)(b) of this section, the facility itself, including 95666
interest as an owner, officer, director, employee, independent 95667
contractor, or consultant, but excluding interest as a lessor. 95668

(ii) The lessor does not reacquire an interest in the 95669
facility except through the exercise of a lessor's rights in the 95670
event of a default. If the lessor reacquires an interest in the 95671
facility in this manner, the department shall treat the facility 95672
as if the lease never occurred when the department calculates its 95673
reimbursement rates for capital costs. 95674

(iii) The lease satisfies any other criteria specified in the 95675
rules. 95676

(d) Except in the case of hardship caused by a catastrophic 95677
event, as determined by the department, or in the case of a lessor 95678
who is at least sixty-five years of age, not less than twenty 95679
years have elapsed since, for the same facility, the capital cost 95680
basis was adjusted most recently under division (F)(4) of this 95681
section or actual, allowable capital costs were determined most 95682
recently under division (G)(9) of this section. 95683

(10) This division does not apply to leases of specific items 95684
of equipment. 95685

(H) After the date on which a transaction of sale is closed, 95686
the provider shall refund to the department the amount of excess 95687
depreciation paid to the provider for the facility by the 95688
department for each year the provider has operated the facility 95689

under a provider agreement and prorated according to the number of 95690
medicaid patient days for which the provider has received payment 95691
for the facility. The provider of a facility that is sold or that 95692
voluntarily terminates participation in the medicaid program also 95693
shall refund any other amount that the department properly finds 95694
to be due after the audit conducted under this division. For the 95695
purposes of this division, "depreciation paid to the provider for 95696
the facility" means the amount paid to the provider for the 95697
nursing facility for capital costs pursuant to this section less 95698
any amount paid for interest costs, amortization of financing 95699
costs, and lease expenses. For the purposes of this division, 95700
"excess depreciation" is the nursing facility's depreciated basis, 95701
which is the provider's cost less accumulated depreciation, 95702
subtracted from the purchase price net of selling costs but not 95703
exceeding the amount of depreciation paid to the provider for the 95704
facility. 95705

Sec. 5111.261. Except as otherwise provided in section 95706
5111.264 of the Revised Code, the department of job and family 95707
services, in determining whether an intermediate care facility for 95708
the mentally retarded's direct care costs and indirect care costs 95709
are allowable, shall place no limit on specific categories of 95710
reasonable costs other than compensation of owners, compensation 95711
of relatives of owners, and compensation of administrators and 95712
~~costs for resident meals that are prepared and consumed outside~~ 95713
~~the facility.~~ 95714

Compensation cost limits for owners and relatives of owners 95715
shall be based on compensation costs for individuals who hold 95716
comparable positions but who are not owners or relatives of 95717
owners, as reported on facility cost reports. As used in this 95718
section, "comparable position" means the position that is held by 95719
the owner or the owner's relative, if that position is listed 95720
separately on the cost report form, or if the position is not 95721

listed separately, the group of positions that is listed on the 95722
cost report form and that includes the position held by the owner 95723
or the owner's relative. In the case of an owner or owner's 95724
relative who serves the facility in a capacity such as corporate 95725
officer, proprietor, or partner for which no comparable position 95726
or group of positions is listed on the cost report form, the 95727
compensation cost limit shall be based on civil service 95728
equivalents and shall be specified in rules adopted under section 95729
5111.02 of the Revised Code. 95730

Compensation cost limits for administrators shall be based on 95731
compensation costs for administrators who are not owners or 95732
relatives of owners, as reported on facility cost reports. 95733
Compensation cost limits for administrators of four or more 95734
intermediate care facilities for the mentally retarded shall be 95735
the same as the limits for administrators of intermediate care 95736
facilities for the mentally retarded with one hundred fifty or 95737
more beds. 95738

Sec. 5111.65. As used in sections 5111.65 to ~~5111.688~~ 95739
5111.689 of the Revised Code: 95740

(A) "Change of operator" means an entering operator becoming 95741
the operator of a nursing facility or intermediate care facility 95742
for the mentally retarded in the place of the exiting operator. 95743

(1) Actions that constitute a change of operator include the 95744
following: 95745

(a) A change in an exiting operator's form of legal 95746
organization, including the formation of a partnership or 95747
corporation from a sole proprietorship; 95748

(b) A transfer of all the exiting operator's ownership 95749
interest in the operation of the facility to the entering 95750
operator, regardless of whether ownership of any or all of the 95751

real property or personal property associated with the facility is 95752
also transferred; 95753

(c) A lease of the facility to the entering operator or the 95754
exiting operator's termination of the exiting operator's lease; 95755

(d) If the exiting operator is a partnership, dissolution of 95756
the partnership; 95757

(e) If the exiting operator is a partnership, a change in 95758
composition of the partnership unless both of the following apply: 95759

(i) The change in composition does not cause the 95760
partnership's dissolution under state law. 95761

(ii) The partners agree that the change in composition does 95762
not constitute a change in operator. 95763

(f) If the operator is a corporation, dissolution of the 95764
corporation, a merger of the corporation into another corporation 95765
that is the survivor of the merger, or a consolidation of one or 95766
more other corporations to form a new corporation. 95767

(2) The following, alone, do not constitute a change of 95768
operator: 95769

(a) A contract for an entity to manage a nursing facility or 95770
intermediate care facility for the mentally retarded as the 95771
operator's agent, subject to the operator's approval of daily 95772
operating and management decisions; 95773

(b) A change of ownership, lease, or termination of a lease 95774
of real property or personal property associated with a nursing 95775
facility or intermediate care facility for the mentally retarded 95776
if an entering operator does not become the operator in place of 95777
an exiting operator; 95778

(c) If the operator is a corporation, a change of one or more 95779
members of the corporation's governing body or transfer of 95780
ownership of one or more shares of the corporation's stock, if the 95781

same corporation continues to be the operator. 95782

(B) "Effective date of a change of operator" means the day 95783
the entering operator becomes the operator of the nursing facility 95784
or intermediate care facility for the mentally retarded. 95785

(C) "Effective date of a facility closure" means the last day 95786
that the last of the residents of the nursing facility or 95787
intermediate care facility for the mentally retarded resides in 95788
the facility. 95789

(D) "Effective date of a voluntary termination" means the day 95790
the intermediate care facility for the mentally retarded ceases to 95791
accept medicaid patients. 95792

(E) "Effective date of a voluntary withdrawal of 95793
participation" means the day the nursing facility ceases to accept 95794
new medicaid patients other than the individuals who reside in the 95795
nursing facility on the day before the effective date of the 95796
voluntary withdrawal of participation. 95797

(F) "Entering operator" means the person or government entity 95798
that will become the operator of a nursing facility or 95799
intermediate care facility for the mentally retarded when a change 95800
of operator occurs. 95801

(G) "Exiting operator" means any of the following: 95802

(1) An operator that will cease to be the operator of a 95803
nursing facility or intermediate care facility for the mentally 95804
retarded on the effective date of a change of operator; 95805

(2) An operator that will cease to be the operator of a 95806
nursing facility or intermediate care facility for the mentally 95807
retarded on the effective date of a facility closure; 95808

(3) An operator of an intermediate care facility for the 95809
mentally retarded that is undergoing or has undergone a voluntary 95810
termination; 95811

(4) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation. 95812
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(H)(1) "Facility closure" means discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility or intermediate care facility for the mentally retarded that results in the relocation of all of the facility's residents. A facility closure occurs regardless of any of the following: 95814
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(a) The operator completely or partially replacing the facility by constructing a new facility or transferring the facility's license to another facility; 95820
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(b) The facility's residents relocating to another of the operator's facilities; 95823
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(c) Any action the department of health takes regarding the facility's certification under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, that may result in the transfer of part of the facility's survey findings to another of the operator's facilities; 95825
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(d) Any action the department of health takes regarding the facility's license under Chapter 3721. of the Revised Code; 95830
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(e) Any action the department of mental retardation and developmental disabilities takes regarding the facility's license under section 5123.19 of the Revised Code. 95832
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(2) A facility closure does not occur if all of the facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the facility not later than thirty days after the evacuation occurs. 95835
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(I) "Fiscal year," "intermediate care facility for the mentally retarded," "nursing facility," "operator," "owner," and 95840
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"provider agreement" have the same meanings as in section 5111.20 95842
of the Revised Code. 95843

(J) "Voluntary termination" means an operator's voluntary 95844
election to terminate the participation of an intermediate care 95845
facility for the mentally retarded in the medicaid program but to 95846
continue to provide service of the type provided by a residential 95847
facility as defined in section 5123.19 of the Revised Code. 95848

(K) "Voluntary withdrawal of participation" means an 95849
operator's voluntary election to terminate the participation of a 95850
nursing facility in the medicaid program but to continue to 95851
provide service of the type provided by a nursing facility. 95852

Sec. 5111.651. Sections 5111.65 to ~~5111.688~~ 5111.689 of the 95853
Revised Code do not apply to a nursing facility or intermediate 95854
care facility for the mentally retarded that undergoes a facility 95855
closure, voluntary termination, voluntary withdrawal of 95856
participation, or change of operator on or before September 30, 95857
2005, if the exiting operator provided written notice of the 95858
facility closure, voluntary termination, voluntary withdrawal of 95859
participation, or change of operator to the department of job and 95860
family services on or before June 30, 2005. 95861

Sec. 5111.688. (A) All amounts withheld under section 95862
5111.681 of the Revised Code from payment due an exiting operator 95863
under the medicaid program shall be deposited into the medicaid 95864
payment withholding fund created by the controlling board pursuant 95865
to section 131.35 of the Revised Code. Money in the fund shall be 95866
used as follows: 95867

(1) To pay an exiting operator when a withholding is released 95868
to the exiting operator under section 5111.686 or 5111.687 of the 95869
Revised Code; 95870

(2) To pay the department of job and family services and 95871

United States centers for medicare and medicaid services the 95872
amount an exiting operator owes the department and United States 95873
centers under the medicaid program. 95874

(B) Amounts paid from the medicaid payment withholding fund 95875
pursuant to division (A)(2) of this section shall be deposited 95876
into the appropriate department fund. 95877

Sec. ~~5111.688~~ 5111.689. The director of job and family 95878
services may adopt rules under section 5111.02 of the Revised Code 95879
to implement sections 5111.65 to ~~5111.688~~ 5111.689 of the Revised 95880
Code, including rules applicable to an exiting operator that 95881
provides written notification under section 5111.66 of the Revised 95882
Code of a voluntary withdrawal of participation. Rules adopted 95883
under this section shall comply with section 1919(c)(2)(F) of the 95884
"Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 95885
1396r(c)(2)(F), regarding restrictions on transfers or discharges 95886
of nursing facility residents in the case of a voluntary 95887
withdrawal of participation. The rules may prescribe a medicaid 95888
reimbursement methodology and other procedures that are applicable 95889
after the effective date of a voluntary withdrawal of 95890
participation that differ from the reimbursement methodology and 95891
other procedures that would otherwise apply. 95892

Sec. 5111.705. No individual shall be denied eligibility for 95893
the medicaid buy-in for workers with disabilities program on the 95894
basis that the individual receives services under a home and 95895
community-based services medicaid waiver component as defined in 95896
section ~~5111.851~~ 5111.85 of the Revised Code. 95897

Sec. 5111.85. (A) As used in this section and sections 95898
5111.851 to 5111.856 of the Revised Code, ~~"medicaid:~~ 95899

"Home and community-based services medicaid waiver component" 95900
means a medicaid waiver component under which home and 95901

community-based services are provided as an alternative to hospital, nursing facility, or intermediate care facility for the mentally retarded services.

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"Hospital" has the same meaning as in section 3727.01 of the Revised Code.

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"Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.

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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5111.16 of the Revised Code.

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"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

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(B) The director of job and family services may adopt rules under Chapter 119. of the Revised Code governing medicaid waiver components that establish all of the following:

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(1) Eligibility requirements for the medicaid waiver components;

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(2) The type, amount, duration, and scope of services the medicaid waiver components provide;

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(3) The conditions under which the medicaid waiver components cover services;

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(4) The amount the medicaid waiver components pay for services or the method by which the amount is determined;

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(5) The manner in which the medicaid waiver components pay for services;

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(6) Safeguards for the health and welfare of medicaid

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recipients receiving services under a medicaid waiver component;	95932
(7) <u>Procedures for both of the following:</u>	95933
<u>(a) Identifying individuals who meet all of the following requirements:</u>	95934
(i) <u>Are eligible for a home and community-based services medicaid waiver component and on a waiting list for the component;</u>	95936
(ii) <u>Are receiving inpatient hospital services or residing in an intermediate care facility for the mentally retarded or nursing facility (as appropriate for the component);</u>	95938
(iii) <u>Choose to be enrolled in the component.</u>	95941
<u>(b) Approving the enrollment of individuals identified under the procedures established under division (B)(7)(a) of this section into the home and community-based services medicaid waiver component.</u>	95942
(8) <u>Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating medicaid provider agreements. The procedures shall include due process protections.</u>	95946
(8) (9) <u>Other policies necessary for the efficient administration of the medicaid waiver components.</u>	95947
(C) <u>The director of job and family services may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component.</u>	95948
(D) <u>Any procedures established under division (B)(7) of this section for the PASSPORT program shall be consistent with section 173.401 of the Revised Code. Any procedures established under division (B)(7) of this section for the assisted living program</u>	95949
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shall be consistent with section 5111.894 of the Revised Code. 95962

Sec. 5111.851. (A) As used in sections 5111.851 to 5111.855 95963
of the Revised Code: 95964

"Administrative agency" means, with respect to a home and 95965
community-based services medicaid waiver component, the department 95966
of job and family services or, if a state agency or political 95967
subdivision contracts with the department under section 5111.91 of 95968
the Revised Code to administer the component, that state agency or 95969
political subdivision. 95970

~~"Home and community based services medicaid waiver component"~~ 95971
~~means a medicaid waiver component under which home and~~ 95972
~~community based services are provided as an alternative to~~ 95973
~~hospital, nursing facility, or intermediate care facility for the~~ 95974
~~mentally retarded services.~~ 95975

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 95976
~~Revised Code.~~ 95977

~~"Intermediate care facility for the mentally retarded" has~~ 95978
~~the same meaning as in section 5111.20 of the Revised Code.~~ 95979

"Level of care determination" means a determination of 95980
whether an individual needs the level of care provided by a 95981
hospital, nursing facility, or intermediate care facility for the 95982
mentally retarded and whether the individual, if determined to 95983
need that level of care, would receive hospital, nursing facility, 95984
or intermediate care facility for the mentally retarded services 95985
if not for a home and community-based services medicaid waiver 95986
component. 95987

"Medicaid buy-in for workers with disabilities program" means 95988
the component of the medicaid program established under sections 95989
5111.70 to 5111.7011 of the Revised Code. 95990

~~"Nursing facility" has the same meaning as in section 5111.20~~ 95991

~~of the Revised Code.~~ 95992

"Skilled nursing facility" means a facility certified as a 95993
skilled nursing facility under Title XVIII of the "Social Security 95994
Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 95995

(B) The following requirements apply to each home and 95996
community-based services medicaid waiver component: 95997

(1) Only an individual who qualifies for a component shall 95998
receive that component's services. 95999

(2) A level of care determination shall be made as part of 96000
the process of determining whether an individual qualifies for a 96001
component and shall be made each year after the initial 96002
determination if, during such a subsequent year, the 96003
administrative agency determines there is a reasonable indication 96004
that the individual's needs have changed. 96005

(3) A written plan of care or individual service plan based 96006
on an individual assessment of the services that an individual 96007
needs to avoid needing admission to a hospital, nursing facility, 96008
or intermediate care facility for the mentally retarded shall be 96009
created for each individual determined eligible for a component. 96010

(4) Each individual determined eligible for a component shall 96011
receive that component's services in accordance with the 96012
individual's level of care determination and written plan of care 96013
or individual service plan. 96014

(5) No individual may receive services under a component 96015
while the individual is a hospital inpatient or resident of a 96016
skilled nursing facility, nursing facility, or intermediate care 96017
facility for the mentally retarded. 96018

(6) No individual may receive prevocational, educational, or 96019
supported employment services under a component if the individual 96020
is eligible for such services that are funded with federal funds 96021

provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended. 96022
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(7) Safeguards shall be taken to protect the health and welfare of individuals receiving services under a component, including safeguards established in rules adopted under section 5111.85 of the Revised Code and safeguards established by licensing and certification requirements that are applicable to the providers of that component's services. 96024
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(8) No services may be provided under a component by a provider that is subject to standards that 42 U.S.C. 1382e(e)(1) requires be established if the provider fails to comply with the standards applicable to the provider. 96030
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(9) Individuals determined to be eligible for a component, or such individuals' representatives, shall be informed of that component's services, including any choices that the individual or representative may make regarding the component's services, and given the choice of either receiving services under that component or, as appropriate, hospital, nursing facility, or intermediate care facility for the mentally retarded services. 96034
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(10) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual also receives services under the medicaid buy-in for workers with disabilities program. 96041
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(11) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual's income or resources increase to an amount above the eligibility limit for the component if the individual is participating in the medicaid buy-in for workers with disabilities program and the amount of the individual's income or resources does not exceed the eligibility limit for the medicaid buy-in for workers with disabilities program. 96045
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(12) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy-in for workers with disabilities program.

Sec. 5111.861. (A) As used in this section:

(1) "Assisted living program" means the medicaid waiver component created under section 5111.89 of the Revised Code.

(2) "Choices program" means the medicaid waiver component created under section 173.402 of the Revised Code.

(3) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

(4) "PASSPORT program" means the medicaid waiver component created under section 173.40 of the Revised Code.

(B) The director of job and family services shall submit a request to the United States secretary of health and human services pursuant to 42 U.S.C. 1396n to obtain a federal medicaid waiver that consolidates the following medicaid waiver components into one medicaid waiver component:

(1) The assisted living program;

(2) The choices program;

(3) The PASSPORT program.

(C) In seeking a consolidated federal medicaid waiver under this section, the director of job and family services shall work with the director of aging and provide for the waiver to do all of the following:

(1) For the part of the waiver that concerns the assisted living program, include the provisions that sections 5111.89 to 5111.894 of the Revised Code establish for the assisted living program;

(2) For the part of the waiver that concerns the choices program, include the provisions that sections 173.402 and 173.403 of the Revised Code establishes for the choices program; 96082
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(3) For the part of the waiver that concerns the PASSPORT program, include the provisions that sections 173.40, 173.401, and 173.403 of the Revised Code establish for the PASSPORT program; 96085
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(4) For each part of the waiver, including the part that concerns the choices program, be available statewide. 96088
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(D) If the United States secretary approves the consolidated federal medicaid waiver sought under this section, all of the following shall apply: 96090
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(1) The department of job and family services shall enter into a contract with the department of aging under section 5111.91 of the Revised Code for the department of aging to administer the consolidated federal medicaid waiver, except that the department of job and family services, rather than the department of aging, shall administer the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract; 96093
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(2) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code to authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement the consolidated federal medicaid waiver, except that the director of job and family services shall adopt rules under section 5111.85 of the Revised Code that are needed to implement the part of the waiver that concerns the assisted living program if the director of budget and management does not approve the contract the departments of job and family services and aging enter into under division (D)(1) of this section; 96101
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(3) Any statutory reference to the assisted living program 96112

shall mean the part of the consolidated federal medicaid waiver 96113
that concerns the assisted living program; 96114

(4) Any statutory reference to the choices program shall mean 96115
the part of the consolidated federal medicaid waiver that concerns 96116
the choices program; 96117

(5) Any statutory references to the PASSPORT program shall 96118
mean the part of the consolidated federal medicaid waiver that 96119
concerns the PASSPORT program. 96120

Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710 96121
of the Revised Code: 96122

"Home and community-based services" has the same meaning as 96123
in section 5123.01 of the Revised Code. 96124

"ICF/MR services" means intermediate care facility for the 96125
mentally retarded services covered by the medicaid program that an 96126
intermediate care facility for the mentally retarded provides to a 96127
resident of the facility who is a medicaid recipient eligible for 96128
medicaid-covered intermediate care facility for the mentally 96129
retarded services. 96130

"Intermediate care facility for the mentally retarded" means 96131
an intermediate care facility for the mentally retarded that is 96132
certified as in compliance with applicable standards for the 96133
medicaid program by the director of health in accordance with 96134
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 96135
U.S.C. 1396, as amended, and licensed as a residential facility 96136
under section 5123.19 of the Revised Code. 96137

"Residential facility" has the same meaning as in section 96138
5123.19 of the Revised Code. 96139

(B) For the purpose of increasing the number of slots 96140
available for home and community-based services and subject to 96141
sections 5111.877 and 5111.878 of the Revised Code, the operator 96142

of an intermediate care facility for the mentally retarded may 96143
convert all of the beds in the facility from providing ICF/MR 96144
services to providing home and community-based services if all of 96145
the following requirements are met: 96146

(1) The operator provides the directors of health, job and 96147
family services, and mental retardation and developmental 96148
disabilities at least ninety days' notice of the operator's intent 96149
to relinquish the facility's certification as an intermediate care 96150
facility for the mentally retarded and to begin providing home and 96151
community-based services. 96152

(2) The operator complies with the requirements of sections 96153
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96154
voluntary termination as defined in section 5111.65 of the Revised 96155
Code if those requirements are applicable. 96156

(3) The operator notifies each of the facility's residents 96157
that the facility is to cease providing ICF/MR services and inform 96158
each resident that the resident may do either of the following: 96159

(a) Continue to receive ICF/MR services by transferring to 96160
another facility that is an intermediate care facility for the 96161
mentally retarded willing and able to accept the resident if the 96162
resident continues to qualify for ICF/MR services; 96163

(b) Begin to receive home and community-based services 96164
instead of ICF/MR services from any provider of home and 96165
community-based services that is willing and able to provide the 96166
services to the resident if the resident is eligible for the 96167
services and a slot for the services is available to the resident. 96168

(4) The operator meets the requirements for providing home 96169
and community-based services, including the following: 96170

(a) Such requirements applicable to a residential facility if 96171
the operator maintains the facility's license as a residential 96172
facility; 96173

(b) Such requirements applicable to a facility that is not 96174
licensed as a residential facility if the operator surrenders the 96175
facility's residential facility license under section 5123.19 of 96176
the Revised Code. 96177

(5) The director of mental retardation and developmental 96178
disabilities approves the conversion. 96179

(C) The notice to the director of mental retardation and 96180
developmental disabilities under division (B)(1) of this section 96181
shall specify whether the operator wishes to surrender the 96182
facility's license as a residential facility under section 5123.19 96183
of the Revised Code. 96184

(D) If the director of mental retardation and developmental 96185
disabilities approves a conversion under division (B) of this 96186
section, the director of health shall terminate the certification 96187
of the intermediate care facility for the mentally retarded to be 96188
converted. The director of health shall notify the director of job 96189
and family services of the termination. On receipt of the director 96190
of health's notice, the director of job and family services shall 96191
terminate the operator's medicaid provider agreement that 96192
authorizes the operator to provide ICF/MR services at the 96193
facility. The operator is not entitled to notice or a hearing 96194
under Chapter 119. of the Revised Code before the director of job 96195
and family services terminates the medicaid provider agreement. 96196
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Sec. 5111.875. (A) For the purpose of increasing the number 96198
of slots available for home and community-based services and 96199
subject to sections 5111.877 and 5111.878 of the Revised Code, a 96200
person who acquires, through a request for proposals issued by the 96201
director of mental retardation and developmental disabilities, a 96202
residential facility that is an intermediate care facility for the 96203
mentally retarded and for which the license as a residential 96204

facility was previously surrendered or revoked may convert some or 96205
all of the facility's beds from providing ICF/MR services to 96206
providing home and community-based services if all of the 96207
following requirements are met: 96208

(1) The person provides the directors of health, job and 96209
family services, and mental retardation and developmental 96210
disabilities at least ninety days' notice of the person's intent 96211
to make the conversion. 96212

(2) The person complies with the requirements of sections 96213
5111.65 to ~~5111.688~~ 5111.689 of the Revised Code regarding a 96214
voluntary termination as defined in section 5111.65 of the Revised 96215
Code if those requirements are applicable. 96216

(3) If the person intends to convert all of the facility's 96217
beds, the person notifies each of the facility's residents that 96218
the facility is to cease providing ICF/MR services and informs 96219
each resident that the resident may do either of the following: 96220

(a) Continue to receive ICF/MR services by transferring to 96221
another facility that is an intermediate care facility for the 96222
mentally retarded willing and able to accept the resident if the 96223
resident continues to qualify for ICF/MR services; 96224

(b) Begin to receive home and community-based services 96225
instead of ICF/MR services from any provider of home and 96226
community-based services that is willing and able to provide the 96227
services to the resident if the resident is eligible for the 96228
services and a slot for the services is available to the resident. 96229

(4) If the person intends to convert some but not all of the 96230
facility's beds, the person notifies each of the facility's 96231
residents that the facility is to convert some of its beds from 96232
providing ICF/MR services to providing home and community-based 96233
services and inform each resident that the resident may do either 96234

of the following: 96235

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services; 96236
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(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 96240
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(5) The person meets the requirements for providing home and community-based services at a residential facility. 96245
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(B) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the facility's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the facility's beds are to be converted and how many of the beds are to continue to provide ICF/MR services. 96247
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(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following: 96253
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(1) Terminate the certification of the intermediate care facility for the mentally retarded if the notice specifies that all of the facility's beds are to be converted; 96255
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(2) Reduce the facility's certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 96258
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(D) The director of health shall notify the director of job and family services of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the director of job and family services shall do the 96261
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following:	96265
(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/MR services at the facility if the facility's certification was terminated;	96266 96267 96268
(2) Amend the person's medicaid provider agreement to reflect the facility's reduced certified capacity if the facility's certified capacity is reduced.	96269 96270 96271
The person is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates or amends the medicaid provider agreement.	96272 96273 96274 96275
<u>Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of the Revised Code:</u>	96276 96277
<u>(1) "Adult" means an individual at least eighteen years of age.</u>	96278 96279
<u>(2) "Authorized representative" means the following:</u>	96280
<u>(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;</u>	96281 96282
<u>(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5111.8810 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.</u>	96283 96284 96285 96286
<u>(3) "Authorizing health care professional" means a health care professional who, pursuant to section 5111.887 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.</u>	96287 96288 96289 96290
<u>(4) "Consumer" means an individual to whom all of the following apply:</u>	96291 96292
<u>(a) The individual is enrolled in a participating medicaid</u>	96293

<u>waiver component.</u>	96294
<u>(b) The individual has a medically determinable physical impairment to which both of the following apply:</u>	96295
<u>(i) It is expected to last for a continuous period of not less than twelve months.</u>	96296
<u>(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.</u>	96297
<u>(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.</u>	96298
<u>(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.</u>	96299
<u>(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u>	96300
<u>(6) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.</u>	96301
<u>(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.</u>	96302
<u>(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.</u>	96303
<u>(9) "Health care professional" means a physician or registered nurse.</u>	96304
<u>(10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to</u>	96305
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<u>provide home care attendant services to consumers.</u>	96324
<u>(11) "Home care attendant services" means all of the following as provided by a home care attendant:</u>	96325
<u>(a) Personal care aide services;</u>	96326
<u>(b) Assistance with the self-administration of medication;</u>	96327
<u>(c) Assistance with nursing tasks.</u>	96328
<u>(12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.</u>	96329
<u>(13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</u>	96330
<u>(14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.</u>	96331
<u>(15) "Minor" means an individual under eighteen years of age.</u>	96332
<u>(16) "Participating medicaid waiver component" means both of the following:</u>	96333
<u>(a) The medicaid waiver component known as Ohio home care that the department of job and family services administers;</u>	96334
<u>(b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers.</u>	96335
<u>(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u>	96336
<u>(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice nurse, as defined in section 4723.01 of the Revised Code.</u>	96337
<u>(19) "Schedule II," "schedule III," "schedule IV," and</u>	96338
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"schedule V" have the same meanings as in section 3719.01 of the Revised Code. 96353
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(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating medicaid waiver components to have those components cover home care attendant services in accordance with sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component. 96355
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Sec. 5111.881. The director of job and family services shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 96365
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(A) Agrees to comply with the requirements of sections 5111.88 to 5111.8810 and rules adopted under section 5111.8811 of the Revised Code; 96369
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(B) Provides the director evidence satisfactory to the director of all of the following: 96372
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(1) That the individual either meets the personnel qualifications specified in 42 C.F.R. 484.4 for home health aides or has successfully completed at least one of the following: 96374
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(a) A competency evaluation program or training and competency evaluation program approved or conducted by the director of health under section 3721.31 of the Revised Code; 96377
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(b) A training program approved by the department of job and family services that includes training in at least all of the following and provides training equivalent to a training and 96380
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competency evaluation program specified in division (B)(1)(a) of 96383
this section or meets the requirements of 42 C.F.R. 484.36(a): 96384

(i) Basic home safety; 96385

(ii) Universal precautions for the prevention of disease 96386
transmission, including hand-washing and proper disposal of bodily 96387
waste and medical instruments that are sharp or may produce sharp 96388
pieces if broken; 96389

(iii) Personal care aide services; 96390

(iv) The labeling, counting, and storage requirements for 96391
schedule II, III, IV, and V medications. 96392

(2) That the individual has obtained a certificate of 96393
completion of a course in first aid from a first aid course to 96394
which all of the following apply: 96395

(a) It is not provided solely through the internet. 96396

(b) It includes hands-on training provided by a first aid 96397
instructor who is qualified to provide such training according to 96398
standards set in rules adopted under section 5111.8811 of the 96399
Revised Code. 96400

(c) It requires the individual to demonstrate successfully 96401
that the individual has learned the first aid taught in the 96402
course. 96403

(3) That the individual meets any other requirements for the 96404
medicaid provider agreement specified in rules adopted under 96405
section 5111.8811 of the Revised Code. 96406

Sec. 5111.882. A home care attendant shall complete not less 96407
than twelve hours of in-service continuing education regarding 96408
home care attendant services each year and provide the director of 96409
job and family services evidence satisfactory to the director that 96410
the attendant satisfied this requirement. The evidence shall be 96411

submitted to the director not later than the annual anniversary of 96412
the issuance of the home care attendant's initial medicaid 96413
provider agreement. 96414

Sec. 5111.883. A home care attendant shall do all of the 96415
following: 96416

(A) Maintain a clinical record for each consumer to whom the 96417
attendant provides home care attendant services in a manner that 96418
protects the consumer's privacy; 96419

(B) Participate in a face-to-face visit every ninety days 96420
with all of the following to monitor the health and welfare of 96421
each of the consumers to whom the attendant provides home care 96422
attendant services: 96423

(1) The consumer; 96424

(2) The consumer's authorized representative, if any; 96425

(3) A registered nurse who agrees to answer any questions 96426
that the attendant, consumer, or authorized representative has 96427
about consumer care needs, medications, and other issues. 96428

(C) Document the activities of each visit required by 96429
division (B) of this section in the consumer's clinical record 96430
with the assistance of the registered nurse. 96431

Sec. 5111.884. (A) A home care attendant may assist a 96432
consumer with nursing tasks or self-administration of medication 96433
only after the attendant does both of the following: 96434

(1) Subject to division (B) of this section, completes 96435
consumer-specific training in how to provide the assistance that 96436
the authorizing health care professional authorizes the attendant 96437
to provide to the consumer; 96438

(2) At the request of the consumer, consumer's authorized 96439

representative, or authorizing health care professional, 96440
successfully demonstrates that the attendant has learned how to 96441
provide the authorized assistance to the consumer. 96442

(B) The training required by division (A)(1) of this section 96443
shall be provided by either of the following: 96444

(1) The authorizing health care professional; 96445

(2) The consumer or consumer's authorized representative in 96446
cooperation with the authorizing health care professional. 96447

Sec. 5111.885. A home care attendant shall comply with both 96448
of the following when assisting a consumer with nursing tasks or 96449
self-administration of medication: 96450

(A) The written consent of the consumer or consumer's 96451
authorized representative provided to the director of job and 96452
family services under section 5111.886 of the Revised Code; 96453

(B) The authorizing health care professional's written 96454
authorization provided to the director under section 5111.887 of 96455
the Revised Code. 96456

Sec. 5111.886. To consent to a home care attendant assisting 96457
a consumer with nursing tasks or self-administration of 96458
medication, the consumer or consumer's authorized representative 96459
shall provide the director of job and family services a written 96460
statement signed by the consumer or authorized representative 96461
under which the consumer or authorized representative consents to 96462
both of the following: 96463

(A) Having the attendant assist the consumer with nursing 96464
tasks or self-administration of medication; 96465

(B) Assuming responsibility for directing the attendant when 96466
the attendant assists the consumer with nursing tasks or 96467
self-administration of medication. 96468

Sec. 5111.887. To authorize a home care attendant to assist a consumer with nursing tasks or self-administration of medication, a health care professional shall provide the director of job and family services a written statement signed by the health care professional that includes all of the following:

(A) The consumer's name and address;

(B) A description of the nursing tasks or self-administration of medication with which the attendant is to assist the consumer, including, in the case of assistance with self-administration of medication, the name and dosage of the medication;

(C) The times or intervals when the attendant is to assist the consumer with the self-administration of each dosage of the medication or nursing tasks;

(D) The dates the attendant is to begin and cease providing the assistance;

(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions;

(F) At least one telephone number at which the attendant can reach the health care professional in an emergency;

(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies;

(H) The health care professional's attestation of both of the following:

(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant;

(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 96498
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Sec. 5111.888. When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication a health care professional may not authorize a home care attendant to do any of the following: 96506
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(A) Perform a task that is outside of the health care professional's scope of practice; 96510
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(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply: 96512
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(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following: 96515
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(a) In the case of an oral medication, a metered dose inhaler; 96518
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(b) In the case of a topical medication, including a transdermal medication, either of the following: 96520
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(i) An eye, ear, or nose drop or spray; 96522

(ii) A vaginal or rectal suppository. 96523

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump. 96524
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(2) The medication is in its original container and the label 96526

<u>attached to the container displays all of the following:</u>	96527
<u>(a) The consumer's full name in print;</u>	96528
<u>(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication;</u>	96529 96530 96531
<u>(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant.</u>	96532 96533
<u>(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply:</u>	96534 96535 96536 96537
<u>(1) The medication has a warning label on its container.</u>	96538
<u>(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is administered to the consumer and records the count on a form used for the count as specified in rules adopted under section 5111.8811 of the Revised Code.</u>	96539 96540 96541 96542 96543
<u>(3) The attendant recounts the medication in the consumer's or authorized representative's presence at least monthly and reconciles the recount on a log located in the consumer's clinical record.</u>	96544 96545 96546 96547
<u>(4) The medication is stored separately from all other medications and is secured and locked at all times when not being administered to the consumer to prevent unauthorized access.</u>	96548 96549 96550
<u>(D) Perform an intramuscular injection;</u>	96551
<u>(E) Perform a subcutaneous injection unless it is for a routine dose of insulin;</u>	96552 96553
<u>(F) Program a pump used to deliver a medication unless the pump is used to deliver a routine dose of insulin;</u>	96554 96555

(G) Insert, remove, or discontinue an intravenous access device; 96556
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(H) Engage in intravenous medication administration; 96558

(I) Insert or initiate an infusion therapy; 96559

(J) Perform a central line dressing change. 96560

Sec. 5111.889. A home care attendant who provides home care attendant services to a consumer in accordance with the authorizing health care professional's authorization does not engage in the practice of nursing as a registered nurse or in the practice of nursing as a licensed practical nurse in violation of section 4723.03 of the Revised Code. 96561
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A consumer or the consumer's authorized representative shall report to the director of job and family services if a home care attendant engages in the practice of nursing as a registered nurse or the practice of nursing as a licensed practical nurse beyond the authorizing health care professional's authorization. The director shall forward a copy of each report to the board of nursing. 96567
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Sec. 5111.8810. A consumer who is an adult may select an individual to act on the consumer's behalf for purposes regarding home care attendant services by submitting a written notice of the consumer's selection of an authorized representative to the director of job and family services. The notice shall specifically identify the individual the consumer selects as authorized representative and may limit what the authorized representative may do on the consumer's behalf regarding home care attendant services. A consumer may not select the consumer's home care attendant to be the consumer's authorized representative. 96574
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Sec. 5111.8811. The director of job and family services shall 96585
adopt rules under section 5111.85 of the Revised Code as necessary 96586
for the implementation of sections 5111.88 to 5111.8810 of the 96587
Revised Code. The rules shall be consistent with federal and state 96588
law. 96589

Sec. 5111.89. (A) As used in sections 5111.89 to 5111.894 of 96590
the Revised Code: 96591

"Area agency on aging" has the same meaning as in section 96592
173.14 of the Revised Code. 96593

"Assisted living program" means the ~~medicaid waiver component~~ 96594
~~for which the director of job and family services is authorized by~~ 96595
program created under this section to request a medicaid waiver. 96596

"Assisted living services" means the following home and 96597
community-based services: personal care, homemaker, chore, 96598
attendant care, companion, medication oversight, and therapeutic 96599
social and recreational programming. 96600

"County or district home" means a county or district home 96601
operated under Chapter 5155. of the Revised Code. 96602

"Long-term care consultation program" means the program the 96603
department of aging is required to develop under section 173.42 of 96604
the Revised Code. 96605

"Long-term care consultation program administrator" or 96606
"administrator" means the department of aging or, if the 96607
department contracts with an area agency on aging or other entity 96608
to administer the long-term care consultation program for a 96609
particular area, that agency or entity. 96610

"Medicaid waiver component" has the same meaning as in 96611
section 5111.85 of the Revised Code. 96612

"Nursing facility" has the same meaning as in section 5111.20 96613

of the Revised Code. 96614

"Residential care facility" has the same meaning as in 96615
section 3721.01 of the Revised Code. 96616

"State administrative agency" means the department of job and 96617
family services if the department of job and family services 96618
administers the assisted living program or the department of aging 96619
if the department of aging administers the assisted living 96620
program. 96621

~~(B) The director of job and family services may submit a 96622
request to the United States secretary of health and human 96623
services under 42 U.S.C. 1396n to obtain a waiver of federal 96624
medicaid requirements that would otherwise be violated in the 96625
creation and implementation of a program under which There is 96626
hereby created the assisted living program. The program shall 96627
provide assisted living services ~~are provided to not more than one 96628
thousand eight hundred~~ individuals who meet the program's 96629
eligibility requirements established under section 5111.891 of the 96630
Revised Code. The program may not serve more individuals than the 96631
number that is set by the United States secretary of health and 96632
human services when the medicaid waiver authorizing the program is 96633
approved. The program shall be operated as a separate medicaid 96634
waiver component until the United States secretary approves the 96635
consolidated federal medicaid waiver sought under section 5111.861 96636
of the Revised Code. The program shall be part of the consolidated 96637
federal medicaid waiver sought under that section if the United 96638
States secretary approves the waiver. 96639~~

If the ~~secretary approves the medicaid waiver requested under 96640
this section and the~~ director of budget and management approves 96641
the contract, the department of job and family services shall 96642
enter into a contract with the department of aging under section 96643
5111.91 of the Revised Code that provides for the department of 96644
aging to administer the assisted living program. The contract 96645

shall include an estimate of the program's costs. 96646

The director of job and family services may adopt rules under 96647
section 5111.85 of the Revised Code regarding the assisted living 96648
program. The director of aging may adopt rules under Chapter 119. 96649
of the Revised Code regarding the program that the rules adopted 96650
by the director of job and family services authorize the director 96651
of aging to adopt. 96652

Sec. 5111.891. To be eligible for the assisted living 96653
program, an individual must meet all of the following 96654
requirements: 96655

(A) Need an intermediate level of care as determined under 96656
rule 5101:3-3-06 of the Administrative Code; 96657

(B) At the time the individual applies for the assisted 96658
living program, be one of the following: 96659

(1) A nursing facility resident who is seeking to move to a 96660
residential care facility and would remain in a nursing facility 96661
for long term care if not for the assisted living program; 96662

(2) A participant of any of the following medicaid waiver 96663
components who would move to a nursing facility if not for the 96664
assisted living program: 96665

(a) The PASSPORT program created under section 173.40 of the 96666
Revised Code; 96667

(b) The ~~medicaid waiver component called the choices program~~ 96668
~~that the department of aging administers~~ created under section 96669
173.402 of the Revised Code; 96670

(c) A medicaid waiver component that the department of job 96671
and family services administers. 96672

(3) A resident of a residential care facility who has resided 96673
in a residential care facility for at least six months immediately 96674

before the date the individual applies for the assisted living program. 96675
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(C) At the time the individual receives assisted living services under the assisted living program, reside in a residential care facility that is authorized by a valid medicaid provider agreement to participate in the assisted living program, including both of the following: 96677
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(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility; 96682
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(2) A county or district home licensed as a residential care facility. 96687
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(D) Meet all other eligibility requirements for the assisted living program established in rules adopted under section 5111.85 of the Revised Code. 96689
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Sec. 5111.894. The state administrative agency may establish one or more waiting lists for the assisted living program. Only individuals eligible for the medicaid program may be placed on a waiting list. 96692
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Each month, each area agency on aging shall determine whether any individual who resides in the area that the area agency on aging serves and is on a waiting list for the assisted living program has been admitted to a nursing facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility and that there is a vacancy in a residential care facility participating in the assisted living program that is acceptable to the individual, the agency shall notify the long-term care consultation program administrator serving the area 96696
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in which the individual resides about the determination. The 96705
administrator shall determine whether the assisted living program 96706
is appropriate for the individual and whether the individual would 96707
rather participate in the assisted living program than continue 96708
residing in the nursing facility. If the administrator determines 96709
that the assisted living program is appropriate for the individual 96710
and the individual would rather participate in the assisted living 96711
program than continue residing in the nursing facility, the 96712
administrator shall so notify the state administrative agency. 96713
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On receipt of the notice from the administrator, the state 96715
administrative agency shall approve the individual's enrollment in 96716
the assisted living program regardless of any waiting list for the 96717
assisted living program, unless the enrollment would cause the 96718
assisted living program to exceed ~~the~~ any limit on the number of 96719
individuals who may participate in the program as set by ~~section~~ 96720
~~5111.89 of the Revised Code~~ the United States secretary of health 96721
and human services when the medicaid waiver authorizing the 96722
program is approved. Each quarter, the state administrative agency 96723
shall certify to the director of budget and management the 96724
estimated increase in costs of the assisted living program 96725
resulting from enrollment of individuals in the assisted living 96726
program pursuant to this section. 96727

~~Not later than the last day of each calendar year, the 96728
director of job and family services shall submit to the general 96729
assembly a report regarding the number of individuals enrolled in 96730
the assisted living program pursuant to this section and the costs 96731
incurred and savings achieved as a result of the enrollments.~~ 96732

Sec. 5111.971. (A) As used in this section, "long-term care 96733
medicaid waiver component" means any of the following: 96734

(1) The PASSPORT program created under section 173.40 of the 96735

Revised Code; 96736

(2) The ~~medicaid waiver component called the choices program~~ 96737
~~that the department of aging administers~~ created under section 96738
173.402 of the Revised Code; 96739

(3) A medicaid waiver component that the department of job 96740
and family services administers. 96741

(B) The director of job and family services shall submit a 96742
request to the United States secretary of health and human 96743
services for a waiver of federal medicaid requirements that would 96744
be otherwise violated in the creation of a pilot program under 96745
which not more than two hundred individuals who meet the pilot 96746
program's eligibility requirements specified in division (D) of 96747
this section receive a spending authorization to pay for the cost 96748
of medically necessary home and community-based services that the 96749
pilot program covers. The spending authorization shall be in an 96750
amount not exceeding seventy per cent of the average cost under 96751
the medicaid program for providing nursing facility services to an 96752
individual. An individual participating in the pilot program shall 96753
also receive necessary support services, including fiscal 96754
intermediary and other case management services, that the pilot 96755
program covers. 96756

(C) If the United States secretary of health and human 96757
services approves the waiver submitted under division (B) of this 96758
section, the department of job and family services shall enter 96759
into a contract with the department of aging under section 5111.91 96760
of the Revised Code that provides for the department of aging to 96761
administer the pilot program that the waiver authorizes. 96762

(D) To be eligible to participate in the pilot program 96763
created under division (B) of this section, an individual must 96764
meet all of the following requirements: 96765

(1) Need an intermediate level of care as determined under 96766

rule 5101:3-3-06 of the Administrative Code or a skilled level of 96767
care as determined under rule 5101:3-3-05 of the Administrative 96768
Code; 96769

(2) At the time the individual applies to participate in the 96770
pilot program, be one of the following: 96771

(a) A nursing facility resident who would remain in a nursing 96772
facility if not for the pilot program; 96773

(b) A participant of any long-term care medicaid waiver 96774
component who would move to a nursing facility if not for the 96775
pilot program. 96776

(3) Meet all other eligibility requirements for the pilot 96777
program established in rules adopted under section 5111.85 of the 96778
Revised Code. 96779

(E) The director of job and family services may adopt rules 96780
under section 5111.85 of the Revised Code as the director 96781
considers necessary to implement the pilot program created under 96782
division (B) of this section. The director of aging may adopt 96783
rules under Chapter 119. of the Revised Code as the director 96784
considers necessary for the pilot program's implementation. The 96785
rules may establish a list of medicaid-covered services not 96786
covered by the pilot program that an individual participating in 96787
the pilot program may not receive if the individual also receives 96788
medicaid-covered services outside of the pilot program. 96789

Sec. 5112.30. As used in sections 5112.30 to 5112.39 of the 96790
Revised Code: 96791

(A) "Intermediate care facility for the mentally retarded" 96792
has the same meaning as in section 5111.20 of the Revised Code, 96793
~~except that it does not include any such facility operated by the~~ 96794
~~department of mental retardation and developmental disabilities.~~ 96795

(B) "Medicaid" has the same meaning as in section 5111.01 of 96796

the Revised Code. 96797

Sec. 5112.31. The department of job and family services shall 96798
do all of the following: 96799

(A) For the purposes specified in sections 5112.37 ~~and,~~ 96800
5112.371, and 5112.372 of the Revised Code, annually assess each 96801
intermediate care facility for the mentally retarded a franchise 96802
permit fee equal to ~~eleven~~ fourteen dollars and ~~ninety-eight~~ 96803
twenty-five cents multiplied by the product of the following: 96804

(1) The number of beds certified under Title XIX of the 96805
"Social Security Act" on the first day of May of the calendar year 96806
in which the assessment is determined pursuant to division (A) of 96807
section 5112.33 of the Revised Code; 96808

(2) The number of days in the fiscal year beginning on the 96809
first day of July of the same calendar year. 96810

(B) Beginning July 1, ~~2009~~ 2011, and the first day of each 96811
July thereafter, adjust fees determined under division (A) of this 96812
section in accordance with the composite inflation factor 96813
established in rules adopted under section 5112.39 of the Revised 96814
Code. 96815

(C) If the United States secretary of health and human 96816
services determines that the franchise permit fee established by 96817
sections 5112.30 to 5112.39 of the Revised Code would be an 96818
impermissible health care-related tax under section 1903(w) of the 96819
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 96820
necessary actions to cease implementation of those sections in 96821
accordance with rules adopted under section 5112.39 of the Revised 96822
Code. 96823

Sec. 5112.37. There is hereby created in the state treasury 96824
the home and community-based services for the mentally retarded 96825
and developmentally disabled fund. ~~Ninety-four~~ Seventy-four and 96826

~~twenty-eight~~ eighty-nine hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2010 shall be deposited into the fund. Seventy and sixty-seven hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2011 and thereafter shall be deposited into the fund. The department of job and family services shall distribute the money in the fund in accordance with rules adopted under section 5112.39 of the Revised Code. The departments of job and family services and mental retardation and developmental disabilities shall use the money for the medicaid program established under Chapter 5111. of the Revised Code and home and community-based services to mentally retarded and developmentally disabled persons.

Sec. 5112.371. There is hereby created in the state treasury the children with intensive behavioral needs programs fund. ~~Five~~ Three and ~~seventy-two~~ seventy-eight hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2010 shall be deposited in the fund. Three and fifty-seven hundredths per cent of all installment payments and penalties paid by an intermediate care facility for the mentally retarded under sections 5112.33 and 5112.34 of the Revised Code for state fiscal year 2011 and thereafter shall be deposited into the fund. The money in the fund shall be used for the programs the director of mental retardation and developmental disabilities establishes under section 5123.0417 of the Revised Code.

Sec. 5112.372. There is hereby created in the state treasury

the ODMR/DD operating and services fund. Twenty-one and 96858
thirty-three hundredths per cent of all installment payments and 96859
penalties paid by an intermediate care facility for the mentally 96860
retarded under sections 5112.33 and 5112.34 of the Revised Code 96861
for state fiscal year 2010 shall be deposited into the fund. 96862
Twenty-five and seventy-six hundredths per cent of all installment 96863
payments and penalties paid by an intermediate care facility for 96864
the mentally retarded under sections 5112.33 and 5112.34 of the 96865
Revised Code for state fiscal year 2011 and thereafter shall be 96866
deposited into the fund. The money in the fund shall be used for 96867
the expenses of the programs that the department of mental 96868
retardation and developmental disabilities administers and the 96869
department's administrative expenses. 96870

Sec. 5112.40. As used in sections 5112.40 to 5112.48 of the 96871
Revised Code: 96872

(A) "Assessment program year" means the twelve-month period 96873
beginning the first day of October of a calendar year and ending 96874
the last day of September of the following calendar year. 96875

(B) "Cost reporting period" means the period of time used by 96876
a hospital in reporting costs for purposes of the medicare 96877
program. 96878

(C) "Federal fiscal year" means the twelve-month period 96879
beginning the first day of October of a calendar year and ending 96880
the last day of September of the following calendar year. 96881

(D) "Hospital" means a nonfederal hospital to which any of 96882
the following applies: 96883

(1) The hospital is registered under section 3701.07 of the 96884
Revised Code as a general medical and surgical hospital or a 96885
pediatric general hospital and provides inpatient hospital 96886
services, as defined in 42 C.F.R. 440.10. 96887

(2) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system. 96888
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(3) The hospital is a psychiatric hospital licensed under section 5119.20 of the Revised Code. 96891
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(E) "Hospital care assurance program" means the program established under sections 5112.01 to 5112.21 of the Revised Code. 96893
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(F) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 96895
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(G) "Medicare" means the program established under Title XVIII of the Social Security Act. 96897
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(H) "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year. 96899
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(I)(1) Except as provided in divisions (I)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation. 96902
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(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section 5112.41 of the Revised Code: 96909
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(a) Skilled nursing services provided in distinct-part nursing facility units; 96913
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(b) Home health services; 96915

(c) Hospice services; 96916

(d) Ambulance services; 96917

(e) Renting durable medical equipment; 96918

(f) Buying durable medical equipment. 96919

(3) "Total facility costs" excludes any costs excluded from a 96920
hospital's total facility costs pursuant to rules, if any, adopted 96921
under division (B) of section 5112.46 of the Revised Code. 96922

Sec. 5112.41. (A) For the purposes specified in section 96923
5112.45 of the Revised Code and subject to section 5112.48 of the 96924
Revised Code, there is hereby imposed an assessment on all 96925
hospitals each assessment program year. The amount of a hospital's 96926
assessment for an assessment program year shall equal the 96927
percentage specified in division (B) of this section of the 96928
hospital's total facility costs for the period of time specified 96929
in division (C) of this section. The amount of a hospital's total 96930
facility costs shall be derived from cost-reporting data for the 96931
hospital submitted to the department of job and family services 96932
for purposes of the hospital care assurance program. The 96933
cost-reporting data used to determine a hospital's assessment is 96934
subject to the same type of adjustments made to the data under the 96935
hospital care assurance program. 96936

(B) The percentage specified in this division is the 96937
following: 96938

(1) For the first assessment program year beginning after the 96939
effective date of this section, one and fifty-two hundredths per 96940
cent; 96941

(2) For the second assessment program year after the 96942
effective date of this section and each successive assessment 96943
program year, one and sixty-one hundredths per cent. 96944

(C) The period of time specified in this division is the 96945
hospital's cost reporting period that ends in the state fiscal 96946
year that ends in the federal fiscal year that precedes the 96947

federal fiscal year that precedes the assessment program year for 96948
which the assessment is imposed. 96949

(D) The assessment imposed by this section on a hospital is 96950
in addition to the assessment imposed by section 5112.06 of the 96951
Revised Code. 96952

Sec. 5112.42. (A) Before or during each assessment program 96953
year, the department of job and family services shall mail to each 96954
hospital by certified mail, return receipt requested, the 96955
preliminary determination of the amount that the hospital is 96956
assessed under section 5112.41 of the Revised Code for the 96957
assessment program year. Except as provided in division (B) of 96958
this section, the preliminary determination becomes the final 96959
determination for the assessment program year fifteen days after 96960
the preliminary determination is mailed to the hospital. 96961

(B) A hospital may request that the department reconsider the 96962
preliminary determination mailed to the hospital under division 96963
(A) of this section by submitting to the department a written 96964
request for a reconsideration not later than fourteen days after 96965
the hospital's preliminary determination is mailed to the 96966
hospital. The request must be accompanied by written materials 96967
setting forth the basis for the reconsideration. On receipt of the 96968
timely request, the department shall reconsider the preliminary 96969
determination and may adjust the preliminary determination on the 96970
basis of the written materials accompanying the request. The 96971
result of the reconsideration is the final determination of the 96972
hospital's assessment under section 5112.41 of the Revised Code 96973
for the assessment program year. 96974

(C) The department shall mail to each hospital a written 96975
notice of the final determination of its assessment for the 96976
assessment program year. A hospital may appeal the final 96977
determination to the court of common pleas of Franklin county. 96978

While a judicial appeal is pending, the hospital shall pay, in accordance with section 5112.43 of the Revised Code, any amount of its assessment that is not in dispute. 96979
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Sec. 5112.43. Each hospital shall pay the amount it is assessed under section 5112.41 of the Revised Code in three equal installments due on the fifteenth day of December, the fifteenth day of March, and the fifteenth day of June of each assessment program year unless rules adopted under section 5112.46 of the Revised Code establish a different payment schedule. 96982
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Sec. 5112.44. The department of job and family services may audit a hospital to ensure that the hospital properly pays the amount it is assessed under section 5112.41 of the Revised Code. The department shall take action to recover from a hospital any amount the audit reveals that the hospital should have paid but did not pay. 96988
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Sec. 5112.45. There is hereby created in the state treasury the hospital assessment fund. All installment payments made by hospitals under section 5112.43 of the Revised Code and all recoveries the department of job and family services makes under section 5112.44 of the Revised Code shall be deposited into the fund. All investment earnings of the fund shall be credited to the fund. The department shall use money in the fund to pay for the costs of the medicaid program, including the program's administrative costs. Of the amounts deposited into the fund during the first assessment program year beginning after the effective date of this section, sixteen and forty-five hundredths per cent shall be used for the hospital inpatient and outpatient supplemental upper payment limit program created under section 5112.451 of the Revised Code. Of the amounts deposited into the fund during the second assessment program year beginning after the 96994
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effective date of this section and each successive assessment 97009
program year, fourteen and ninety-one hundredths per cent shall be 97010
used for the hospital inpatient and outpatient supplemental upper 97011
payment limit program. 97012

Sec. 5112.451. The director of job and family services shall 97013
submit a medicaid state plan amendment to the United States 97014
secretary of health and human services to create the hospital 97015
inpatient and outpatient supplemental upper payment limit program. 97016
If the United States secretary approves the medicaid state plan 97017
amendment, the program shall make supplemental medicaid payments 97018
to hospitals for inpatient services and outpatient services 97019
covered by medicaid with funds made available for the program 97020
under section 5112.45 of the Revised Code and federal matching 97021
funds available for the program. 97022

Sec. 5112.46. (A) The director of job and family services may 97023
adopt, amend, and rescind rules in accordance with Chapter 119. of 97024
the Revised Code as necessary to implement sections 5112.40 to 97025
5112.48 of the Revised Code. 97026

(B) The rules adopted under this section may provide that a 97027
hospital's total facility costs for the purpose of the assessment 97028
under section 5112.41 of the Revised Code exclude any of the 97029
following: 97030

(1) A hospital's costs associated with providing care to 97031
recipients of any of the following: 97032

(a) The medicaid program; 97033

(b) The medicare program; 97034

(c) The disability financial assistance program established 97035
under Chapter 5115. of the Revised Code; 97036

(d) The disability medical assistance program established 97037

under Chapter 5115. of the Revised Code; 97038

(e) The program for medically handicapped children 97039
established under section 3701.023 of the Revised Code; 97040

(f) Services provided under the maternal and child health 97041
services block grant established under Title V of the Social 97042
Security Act. 97043

(2) Any other category of hospital costs the director deems 97044
appropriate under federal law and regulations governing the 97045
medicaid program. 97046

Sec. 5112.47. The director of job and family services shall 97047
implement the assessment imposed by section 5112.41 of the Revised 97048
Code in a manner that does not cause a reduction in federal 97049
financial participation for the medicaid program under 42 U.S.C. 97050
1396b(w). 97051

Sec. 5112.48. If the United States secretary of health and 97052
human services determines that the assessment imposed by section 97053
5112.41 of the Revised Code is an impermissible health 97054
care-related tax under 42 U.S.C. 1396b(w), the director of job and 97055
family services shall take all necessary actions to cease 97056
implementation of sections 5112.40 to 5112.47 of the Revised Code 97057
and shall promptly refund to each hospital the amount of money in 97058
the hospital assessment fund at the time the refund is to be made 97059
that the hospital paid under section 5112.43 of the Revised Code, 97060
plus any corresponding investment earnings on that amount. 97061

Sec. 5115.03. (A) The director of job and family services 97062
shall adopt rules in accordance with section 111.15 of the Revised 97063
Code governing the disability financial assistance program. The 97064
rules may establish or specify any or all of the following: 97065

(1) Maximum payment amounts under the disability financial 97066

assistance program, based on state appropriations for the program; 97067

(2) Limits on the length of time an individual may receive 97068
disability financial assistance; 97069

(3) Limits on the total number of individuals in the state 97070
who may receive disability financial assistance; 97071

(4) Income, resource, citizenship, age, residence, living 97072
arrangement, and other eligibility requirements for disability 97073
financial assistance; 97074

(5) Procedures for disregarding amounts of earned and 97075
unearned income for the purpose of determining eligibility for 97076
disability financial assistance and the amount of assistance to be 97077
provided; 97078

(6) Procedures for including the income and resources, or a 97079
certain amount of the income and resources, of a member of an 97080
individual's family when determining eligibility for disability 97081
financial assistance and the amount of assistance to be provided. 97082

(B) In establishing or specifying eligibility requirements 97083
for disability financial assistance, the director shall exclude 97084
the value of any tuition payment contract entered into under 97085
section 3334.09 of the Revised Code or any scholarship awarded 97086
under section 3334.18 of the Revised Code and the amount of 97087
payments made ~~by the Ohio tuition trust authority~~ under section 97088
3334.09 of the Revised Code pursuant to the contract or 97089
scholarship. The director shall not require any individual to 97090
terminate a tuition payment contract entered into under Chapter 97091
3334. of the Revised Code as a condition of eligibility for 97092
disability financial assistance. The director shall consider as 97093
income any refund paid under section 3334.10 of the Revised Code. 97094

(C) Notwithstanding section 3109.01 of the Revised Code, when 97095
a disability financial assistance applicant or recipient who is at 97096
least eighteen but under twenty-two years of age resides with the 97097

applicant's or recipient's parents, the income of the parents 97098
shall be taken into account in determining the applicant's or 97099
recipient's financial eligibility. In the rules adopted under this 97100
section, the director shall specify procedures for determining the 97101
amount of income to be attributed to applicants and recipients in 97102
this age category. 97103

(D) For purposes of limiting the cost of the disability 97104
financial assistance program, the director may do either or both 97105
of the following: 97106

(1) Adopt rules in accordance with section 111.15 of the 97107
Revised Code that revise the program's eligibility requirements, 97108
the maximum payment amounts, or any other requirement or standard 97109
established or specified in the rules adopted by the director; 97110

(2) Suspend acceptance of applications for disability 97111
financial assistance. While a suspension is in effect, no person 97112
shall receive a determination or redetermination of eligibility 97113
for disability financial assistance unless the person was 97114
receiving the assistance during the month immediately preceding 97115
the suspension's effective date or the person submitted an 97116
application prior to the suspension's effective date and receives 97117
a determination of eligibility based on that application. The 97118
director may adopt rules in accordance with section 111.15 of the 97119
Revised Code establishing requirements and specifying procedures 97120
applicable to the suspension of acceptance of applications. 97121

Sec. 5119.16. As used in this section, "free clinic" has the 97122
same meaning as in section 2305.2341 of the Revised Code. 97123

(A) The department of mental health ~~is hereby designated to~~ 97124
may provide certain goods and services for the department of 97125
mental health, the department of mental retardation and 97126
developmental disabilities, the department of rehabilitation and 97127
correction, the department of youth services, and other state, 97128

county, or municipal agencies requesting such goods and services 97129
when the department of mental health determines that it is in the 97130
public interest, and considers it advisable, to provide these 97131
goods and services. The department of mental health also may 97132
provide goods and services to agencies operated by the United 97133
States government and to public or private nonprofit agencies, 97134
other than free clinics, that are funded in whole or in part by 97135
the state if the public or private nonprofit agencies are 97136
designated for participation in this program by the director of 97137
mental health for community mental health agencies, the director 97138
of mental retardation and developmental disabilities for community 97139
mental retardation and developmental disabilities agencies, the 97140
director of rehabilitation and correction for community 97141
rehabilitation and correction agencies, or the director of youth 97142
services for community youth services agencies. 97143

Designated community agencies shall receive goods and 97144
services through the department of mental health only in those 97145
cases where the designating state agency certifies that providing 97146
such goods and services to the agency will conserve public 97147
resources to the benefit of the public and where the provision of 97148
such goods and services is considered feasible by the department 97149
of mental health. 97150

(B) The department of mental health may permit free clinics 97151
to purchase certain goods and services to the extent the purchases 97152
fall within the exemption to the Robinson-Patman Act, 15 U.S.C. 13 97153
et seq., applicable to ~~non-profit~~ nonprofit institutions, in 15 97154
U.S.C. 13c, as amended. 97155

(C) The goods and services ~~to~~ that may be provided by the 97156
department of mental health under divisions (A) and (B) of this 97157
section may include: 97158

(1) Procurement, storage, processing, and distribution of 97159
food and professional consultation on food operations; 97160

(2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, ~~subject to section 5120.135 of the Revised Code;~~

(3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services;

(4) Other goods and services ~~as may be agreed to.~~

(D) The department of mental health ~~shall~~ may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health services.

(E) After consultation with and advice from the director of mental retardation and developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health ~~shall~~ may provide the goods and services designated in division (C) of this section to the department of mental retardation and developmental disabilities, the department of rehabilitation and correction, and the department of youth services.

(F) The cost of administration of this section shall be determined by the department of mental health and paid by the agencies or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the mental health fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department.

~~(G) If the goods or services designated in division (C) of this section are not provided in a satisfactory manner by the department of mental health to the agencies described in division (A) of this section, the director of mental retardation and~~

~~developmental disabilities, the director of rehabilitation and 97192
correction, the director of youth services, or the managing 97193
officer of a department of mental health institution shall attempt 97194
to resolve unsatisfactory service with the director of mental 97195
health. If, after such attempt, the provision of goods or services 97196
continues to be unsatisfactory, the director or officer shall 97197
notify the director of mental health. If within thirty days of 97198
such notice the department of mental health does not provide the 97199
specified goods and services in a satisfactory manner, the 97200
director of mental retardation and developmental disabilities, the 97201
director of rehabilitation and correction, the director of youth 97202
services, or the managing officer of the department of mental 97203
health institution shall notify the director of mental health of 97204
the director's or managing officer's intent to cease purchasing 97205
goods and services from the department. Following a sixty day 97206
cancellation period from the date of such notice, the department 97207
of mental retardation, department of rehabilitation and 97208
correction, department of youth services, or the department of 97209
mental health institution may obtain the goods and services from a 97210
source other than the department of mental health, if the 97211
department certifies to the department of administrative services 97212
that the requirements of this division have been met. 97213~~

~~(H) Whenever a state agency fails to make a payment for goods 97214
and services provided under this section within thirty-one days 97215
after the date the payment was due, the office of budget and 97216
management may transfer moneys from the state agency to the 97217
department of mental health. The amount transferred shall not 97218
exceed the amount of overdue payments. Prior to making a transfer 97219
under this division, the office of budget and management shall 97220
apply any credits the state agency has accumulated in payments for 97221
goods and services provided under this section. 97222~~

~~(I)(H) Purchases of goods and services under this section are 97223~~

not subject to section 307.86 of the Revised Code. 97224

Sec. 5119.61. Any provision in this chapter that refers to a 97225
board of alcohol, drug addiction, and mental health services also 97226
refers to the community mental health board in an alcohol, drug 97227
addiction, and mental health service district that has a community 97228
mental health board. 97229

The director of mental health with respect to all facilities 97230
and programs established and operated under Chapter 340. of the 97231
Revised Code for mentally ill and emotionally disturbed persons, 97232
shall do all of the following: 97233

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 97234
that may be necessary to carry out the purposes of Chapter 340. 97235
and sections 5119.61 to 5119.63 of the Revised Code. 97236

(1) The rules shall include all of the following: 97237

(a) Rules governing a community mental health agency's 97238
services under section 340.091 of the Revised Code to an 97239
individual referred to the agency under division (C)(2) of section 97240
173.35 of the Revised Code; 97241

(b) For the purpose of division (A)(16) of section 340.03 of 97242
the Revised Code, rules governing the duties of mental health 97243
agencies and boards of alcohol, drug addiction, and mental health 97244
services under section 3722.18 of the Revised Code regarding 97245
referrals of individuals with mental illness or severe mental 97246
disability to adult care facilities and effective arrangements for 97247
ongoing mental health services for the individuals. The rules 97248
shall do at least the following: 97249

(i) Provide for agencies and boards to participate fully in 97250
the procedures owners and managers of adult care facilities must 97251
follow under division (A)~~(2)~~ of section 3722.18 of the Revised 97252
Code; 97253

(ii) Specify the manner in which boards are accountable for ensuring that ongoing mental health services are effectively arranged for individuals with mental illness or severe mental disability who are referred by the board or mental health agency under contract with the board to an adult care facility.

(c) Rules governing a board of alcohol, drug addiction, and mental health services when making a report to the director of health under section 3722.17 of the Revised Code regarding the quality of care and services provided by an adult care facility to a person with mental illness or a severe mental disability.

(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.

(B) Review and evaluate, and, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program and the requirements and priorities of the state mental health plan, including the needs of residents of the district now residing in state mental institutions, approve and allocate funds to support community programs, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;

(C) Withhold state and federal funds for any program, in whole or in part, from a board of alcohol, drug addiction, and mental health services in the event of failure of that program to comply with Chapter 340. or section 5119.61, 5119.611, 5119.612, or 5119.62 of the Revised Code or rules of the department of mental health. The director shall identify the areas of

noncompliance and the action necessary to achieve compliance. The 97286
director shall offer technical assistance to the board to achieve 97287
compliance. The director shall give the board a reasonable time 97288
within which to comply or to present its position that it is in 97289
compliance. Before withholding funds, a hearing shall be conducted 97290
to determine if there are continuing violations and that either 97291
assistance is rejected or the board is unable to achieve 97292
compliance. Subsequent to the hearing process, if it is determined 97293
that compliance has not been achieved, the director may allocate 97294
all or part of the withheld funds to a public or private agency to 97295
provide the services not in compliance until the time that there 97296
is compliance. The director shall establish rules pursuant to 97297
Chapter 119. of the Revised Code to implement this division. 97298

(D) Withhold state or federal funds from a board of alcohol, 97299
drug addiction, and mental health services that denies available 97300
service on the basis of religion, race, color, creed, sex, 97301
national origin, age, disability as defined in section 4112.01 of 97302
the Revised Code, developmental disability, or the inability to 97303
pay; 97304

(E) Provide consultative services to community mental health 97305
agencies with the knowledge and cooperation of the board of 97306
alcohol, drug addiction, and mental health services; 97307

(F) Provide to boards of alcohol, drug addiction, and mental 97308
health services state or federal funds, in addition to those 97309
allocated under section 5119.62 of the Revised Code, for special 97310
programs or projects the director considers necessary but for 97311
which local funds are not available; 97312

(G) Establish criteria by which a board of alcohol, drug 97313
addiction, and mental health services reviews and evaluates the 97314
quality, effectiveness, and efficiency of services provided 97315
through its community mental health plan. The criteria shall 97316
include requirements ensuring appropriate service utilization. The 97317

department shall assess a board's evaluation of services and the 97318
compliance of each board with this section, Chapter 340. or 97319
section 5119.62 of the Revised Code, and other state or federal 97320
law and regulations. The department, in cooperation with the 97321
board, periodically shall review and evaluate the quality, 97322
effectiveness, and efficiency of services provided through each 97323
board. The department shall collect information that is necessary 97324
to perform these functions. 97325

(H) Develop and operate a community mental health information 97326
system or systems. 97327

Boards of alcohol, drug abuse, and mental health services 97328
shall submit information requested by the department in the form 97329
and manner prescribed by the department. Information collected by 97330
the department shall include, but not be limited to, all of the 97331
following: 97332

(1) Information regarding units of services provided in whole 97333
or in part under contract with a board, including diagnosis and 97334
special needs, demographic information, the number of units of 97335
service provided, past treatment, financial status, and service 97336
dates in accordance with rules adopted by the department in 97337
accordance with Chapter 119. of the Revised Code; 97338

(2) Financial information other than price or price-related 97339
data regarding expenditures of boards and community mental health 97340
agencies, including units of service provided, budgeted and actual 97341
expenses by type, and sources of funds. 97342

Boards shall submit the information specified in division 97343
(H)(1) of this section no less frequently than annually for each 97344
client, and each time the client's case is opened or closed. The 97345
department shall not collect any personal information ~~for the~~ 97346
~~purpose of identifying by name any person who receives a service~~ 97347
~~through a board of alcohol, drug addiction, and mental health~~ 97348

~~services, from the boards except as required or permitted by state 97349~~
~~or federal law to validate appropriate reimbursement. For the 97350~~
~~purposes of division (H)(1) of this section, the department shall 97351~~
~~use an identification system that is consistent with applicable 97352~~
~~nationally recognized standards for purposes related to payment, 97353~~
~~health care operations, program and service evaluation, reporting 97354~~
~~activities, research, system administration, and oversight. 97355~~

(I) Review each board's community mental health plan 97356
submitted pursuant to section 340.03 of the Revised Code and 97357
approve or disapprove it in whole or in part. Periodically, in 97358
consultation with representatives of boards and after considering 97359
the recommendations of the medical director, the director shall 97360
issue criteria for determining when a plan is complete, criteria 97361
for plan approval or disapproval, and provisions for conditional 97362
approval. The factors that the director considers may include, but 97363
are not limited to, the following: 97364

(1) The mental health needs of all persons residing within 97365
the board's service district, especially severely mentally 97366
disabled children, adolescents, and adults; 97367

(2) The demonstrated quality, effectiveness, efficiency, and 97368
cultural relevance of the services provided in each service 97369
district, the extent to which any services are duplicative of 97370
other available services, and whether the services meet the needs 97371
identified above; 97372

(3) The adequacy of the board's accounting for the 97373
expenditure of funds. 97374

If the director disapproves all or part of any plan, the 97375
director shall provide the board an opportunity to present its 97376
position. The director shall inform the board of the reasons for 97377
the disapproval and of the criteria that must be met before the 97378
plan may be approved. The director shall give the board a 97379

reasonable time within which to meet the criteria, and shall offer 97380
technical assistance to the board to help it meet the criteria. 97381

If the approval of a plan remains in dispute thirty days 97382
prior to the conclusion of the fiscal year in which the board's 97383
current plan is scheduled to expire, the board or the director may 97384
request that the dispute be submitted to a mutually agreed upon 97385
third-party mediator with the cost to be shared by the board and 97386
the department. The mediator shall issue to the board and the 97387
department recommendations for resolution of the dispute. Prior to 97388
the conclusion of the fiscal year in which the current plan is 97389
scheduled to expire, the director, taking into consideration the 97390
recommendations of the mediator, shall make a final determination 97391
and approve or disapprove the plan, in whole or in part. 97392

Sec. 5119.613. For purposes of Chapter 3722. of the Revised 97393
Code, the director of mental health shall approve a standardized 97394
form to be used in all areas of this state by adult care 97395
facilities and boards of alcohol, drug addiction, and mental 97396
health services when entering into mental health resident program 97397
participation agreements. As part of approving the form, the 97398
director shall specify the requirements that adult care facilities 97399
must meet in order to be authorized to admit residents who are 97400
receiving or are eligible for publicly funded mental health 97401
services. 97402

Sec. 5119.621. (A)(1) When the director of mental health 97403
provides state or federal funds under section 5119.62 of the 97404
Revised Code to a board of alcohol, drug addiction, and mental 97405
health services for local management of mental health services, 97406
the director shall establish a limit on the amount or portion of 97407
the funds that may be used for administrative purposes and specify 97408
the permissible uses of the funds for administrative purposes. 97409
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(2) In establishing the limit on the amount or portion of the funds that may be used for administrative purposes, the director shall take into account both of the following: 97411
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(a) The board's community mental health plan approved under division (I) of section 5119.61 of the Revised Code; 97414
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(b) The board's total budget for mental health services. 97416

(3) In specifying the permissible uses of the funds for administrative purposes, the director shall establish general categories that describe the function for which the funds may be used. The categories may include any of the following: 97417
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(a) Continuous quality improvement; 97421

(b) Utilization review; 97422

(c) Resource development; 97423

(d) Fiscal administration; 97424

(e) General administration; 97425

(f) Other functions required under Chapter 340. of the Revised Code. 97426
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(4) A board shall account for its use of the funds for administrative purposes by submitting an annual report to the director. The report shall include details about the board's use of the funds according to the general categories of permissible uses established by the director. 97428
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(B) By submitting a written application to the director, a board may seek a variance or waiver regarding the amount or portion established under division (A)(1) of this section as the maximum that may be used for administrative purposes. The director has sole discretion in granting or denying the variance or waiver. The director's determination is final. 97433
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(C) The director may deny state or federal funds to a board 97439

that exceeds the limit established under division (A)(1) of this section. 97440
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Sec. 5119.622. (A) Notwithstanding the provisions of section 5119.62 of the Revised Code referring to the allocation of funds appropriated from the general revenue fund for local management of mental health services to separate boards of alcohol, drug addiction, and mental health services, the director of mental health may allocate the funds to groups of two or more boards, but only if the boards included in a proposed group of boards agree to the group allocation in lieu of separate allocations. 97442
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(B) If funds for local management of mental health services are allocated to groups of boards pursuant to division (A) of this section, the director shall require the boards included in each group to timely submit to the director a joint plan for the provision of mental health services and use of the funds. 97451
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(C) The director shall, at the request of a single board or group of two or more boards, consider a proposal for mental health services to be funded on a regional or statewide basis. 97456
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(D)(1) Notwithstanding the provisions of section 5119.621 of the Revised Code referring to the director's authority to establish for separate boards a limit on the amount or portion of state or federal funds provided under section 5119.62 of the Revised Code that may be used for administrative purposes, the director may specify a maximum amount or portion of such funds that may be used by the group of boards for administrative purposes if the conditions in division (A) of this section are satisfied. 97459
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(2) To accommodate the establishment of a maximum amount or portion of state or federal funds that may be used by a group of boards for administrative purposes pursuant to division (D)(1) of 97468
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97470

this section, the director shall make all necessary adjustments in 97471
the procedures specified under section 5119.621 of the Revised 97472
Code. 97473

(E) In addition to the adjustments made by the director under 97474
this section, all references in the Revised Code to the provision 97475
of state or federal funds to separate boards or to the use of 97476
state or federal funds by separate boards for administrative 97477
purposes constitute references to groups of boards as the director 97478
considers necessary to accommodate the provision of state or 97479
federal funds to groups of boards under this section. 97480

Sec. 5120.032. (A) No later than January 1, 1998, the 97481
department of rehabilitation and correction ~~shall~~ may develop and 97482
implement intensive program prisons for male and female prisoners 97483
other than prisoners described in division (B)(2) of this section. 97484
The intensive program prisons, if developed and implemented, shall 97485
include institutions at which imprisonment of the type described 97486
in division (B)(2)(a) of section 5120.031 of the Revised Code is 97487
provided and prisons that focus on educational achievement, 97488
vocational training, alcohol and other drug abuse treatment, 97489
community service and conservation work, and other intensive 97490
regimens or combinations of intensive regimens. 97491

(B)(1)(a) Except as provided in division (B)(2) of this 97492
section, if one or more intensive program prisons are established 97493
under this section, if an offender is sentenced to a term of 97494
imprisonment under the custody of the department, if the 97495
sentencing court either recommends the prisoner for placement in 97496
the an intensive program prison under this section or makes no 97497
recommendation on placement of the prisoner, and if the department 97498
determines that the prisoner is eligible for placement in an 97499
intensive program prison under this section, the department may 97500
place the prisoner in an intensive program prison established 97501

pursuant to division (A) of this section. If the sentencing court 97502
disapproves placement of the prisoner in an intensive program 97503
prison, the department shall not place the prisoner in any 97504
intensive program prison. 97505

If the sentencing court recommends a prisoner for placement 97506
in an intensive program prison and if the department subsequently 97507
places the prisoner in the recommended prison, the department 97508
shall notify the court of the prisoner's placement in the 97509
recommended intensive program prison and shall include with the 97510
notice a brief description of the placement. 97511

If the sentencing court recommends placement of a prisoner in 97512
an intensive program prison and the department for any reason does 97513
not subsequently place the prisoner in the recommended prison, the 97514
department shall send a notice to the court indicating why the 97515
prisoner was not placed in the recommended prison. 97516

If the sentencing court does not make a recommendation on the 97517
placement of a prisoner in an intensive program prison and if the 97518
department determines that the prisoner is eligible for placement 97519
in a prison of that nature, the department shall screen the 97520
prisoner and determine if the prisoner is suited for the prison. 97521
If the prisoner is suited for ~~the~~ an intensive program prison, at 97522
least three weeks prior to placing the prisoner in the prison, the 97523
department shall notify the sentencing court of the proposed 97524
placement of the prisoner in the intensive program prison and 97525
shall include with the notice a brief description of the 97526
placement. The court shall have ten days from receipt of the 97527
notice to disapprove the placement. If the sentencing court 97528
disapproves the placement, the department shall not proceed with 97529
it. If the sentencing court does not timely disapprove of the 97530
placement, the department may proceed with plans for it. 97531

If the department determines that a prisoner is not eligible 97532
for placement in an intensive program prison, the department shall 97533

not place the prisoner in any intensive program prison. 97534

(b) The department may reduce the stated prison term of a 97535
prisoner upon the prisoner's successful completion of a ninety-day 97536
period in an intensive program prison. A prisoner whose term has 97537
been so reduced shall be required to serve an intermediate, 97538
transitional type of detention followed by a release under 97539
post-release control sanctions or, in the alternative, shall be 97540
placed under post-release control sanctions, as described in 97541
division (B)(2)(b)(ii) of section 5120.031 of the Revised Code. In 97542
either case, the placement under post-release control sanctions 97543
shall be under terms set by the parole board in accordance with 97544
section 2967.28 of the Revised Code and shall be subject to the 97545
provisions of that section and section 2929.141 of the Revised 97546
Code with respect to a violation of any post-release control 97547
sanction. 97548

(2) A prisoner who is in any of the following categories is 97549
not eligible to participate in an intensive program prison 97550
established pursuant to division (A) of this section: 97551

(a) The prisoner is serving a prison term for aggravated 97552
murder, murder, or a felony of the first or second degree or a 97553
comparable offense under the law in effect prior to July 1, 1996, 97554
or the prisoner previously has been imprisoned for aggravated 97555
murder, murder, or a felony of the first or second degree or a 97556
comparable offense under the law in effect prior to July 1, 1996. 97557

(b) The prisoner is serving a mandatory prison term, as 97558
defined in section 2929.01 of the Revised Code. 97559

(c) The prisoner is serving a prison term for a felony of the 97560
third, fourth, or fifth degree that either is a sex offense, an 97561
offense betraying public trust, or an offense in which the 97562
prisoner caused or attempted to cause actual physical harm to a 97563
person, the prisoner is serving a prison term for a comparable 97564

offense under the law in effect prior to July 1, 1996, or the 97565
prisoner previously has been imprisoned for an offense of that 97566
type or a comparable offense under the law in effect prior to July 97567
1, 1996. 97568

(d) The prisoner is serving a mandatory prison term in prison 97569
for a third or fourth degree felony OVI offense, as defined in 97570
section 2929.01 of the Revised Code, that was imposed pursuant to 97571
division (G)(2) of section 2929.13 of the Revised Code. 97572

(C) Upon the implementation of intensive program prisons 97573
pursuant to division (A) of this section, the department at all 97574
times shall maintain intensive program prisons sufficient in 97575
number to reduce the prison terms of at least three hundred fifty 97576
prisoners who are eligible for reduction of their stated prison 97577
terms as a result of their completion of a regimen in an intensive 97578
program prison under this section. 97579

Sec. 5120.033. (A) As used in this section, "third degree 97580
felony OVI offense" and "fourth degree felony OVI offense" have 97581
the same meanings as in section 2929.01 of the Revised Code. 97582

(B) Within eighteen months after October 17, 1996, the 97583
department of rehabilitation and correction ~~shall~~ may develop and 97584
implement intensive program prisons for male and female prisoners 97585
who are sentenced pursuant to division (G)(2) of section 2929.13 97586
of the Revised Code to a mandatory prison term for a third or 97587
fourth degree felony OVI offense. ~~The~~ If one or more intensive 97588
program prisons are established under this section, the department 97589
~~shall~~ may contract pursuant to section 9.06 of the Revised Code 97590
for the private operation and management of the initial intensive 97591
program prison established under this section and may contract 97592
pursuant to that section for the private operation and management 97593
of any other intensive program prison established under this 97594
section. The intensive program prisons, if established under this 97595

section, shall include prisons that focus on educational 97596
achievement, vocational training, alcohol and other drug abuse 97597
treatment, community service and conservation work, and other 97598
intensive regimens or combinations of intensive regimens. 97599

(C) Except as provided in division (D) of this section, the 97600
department may place a prisoner who is sentenced to a mandatory 97601
prison term for a third or fourth degree felony OVI offense in an 97602
intensive program prison established pursuant to division (B) of 97603
this section if the sentencing judge, upon notification by the 97604
department of its intent to place the prisoner in an intensive 97605
program prison, does not notify the department that the judge 97606
disapproves the placement. If the stated prison term imposed on a 97607
prisoner who is so placed is longer than the mandatory prison term 97608
that is required to be imposed on the prisoner, the department may 97609
reduce the stated prison term upon the prisoner's successful 97610
completion of the prisoner's mandatory prison term in an intensive 97611
program prison. A prisoner whose term has been so reduced shall be 97612
required to serve an intermediate, transitional type of detention 97613
followed by a release under post-release control sanctions or, in 97614
the alternative, shall be placed under post-release control 97615
sanctions, as described in division (B)(2)(b)(ii) of section 97616
5120.031 of the Revised Code. In either case, the placement under 97617
post-release control sanctions shall be under terms set by the 97618
parole board in accordance with section 2967.28 of the Revised 97619
Code and shall be subject to the provisions of that section and 97620
section 2929.141 of the Revised Code with respect to a violation 97621
of any post-release control sanction. ~~Upon the establishment of~~ 97622
~~the initial~~ If one or more intensive program prison prisons are 97623
established pursuant to division (B) of this section ~~that is and~~ 97624
if as described in that division the initial intensive program 97625
prison is to be privately operated and managed by a contractor 97626
pursuant to a contract the department entered into under section 97627
9.06 of the Revised Code, upon the establishment of that initial 97628

intensive program prison the department shall comply with 97629
divisions (G)(2)(a) and (b) of section 2929.13 of the Revised Code 97630
in placing prisoners in intensive program prisons under this 97631
section. 97632

(D) A prisoner who is sentenced to a mandatory prison term 97633
for a third or fourth degree felony OVI offense is not eligible to 97634
participate in an intensive program prison established under 97635
division (B) of this section if any of the following applies 97636
regarding the prisoner: 97637

(1) In addition to the mandatory prison term for the third or 97638
fourth degree felony OVI offense, the prisoner also is serving a 97639
prison term of a type described in division (B)(2)(a), (b), or (c) 97640
of section 5120.032 of the Revised Code. 97641

(2) The prisoner previously has been imprisoned for an 97642
offense of a type described in division (B)(2)(a) or (c) of 97643
section 5120.032 of the Revised Code or a comparable offense under 97644
the law in effect prior to July 1, 1996. 97645

(E) Intensive program prisons established under division (B) 97646
of this section are not subject to section 5120.032 of the Revised 97647
Code. 97648

Sec. 5120.09. Under the supervision and control of the 97649
director of rehabilitation and correction, the division of 97650
business administration shall do all of the following: 97651

(A) Submit the budgets for the several divisions of the 97652
department of rehabilitation and correction, as prepared by the 97653
respective chiefs of those divisions, to the director. The 97654
director, with the assistance of the chief of the division of 97655
business administration, shall compile a departmental budget that 97656
contains all proposals submitted by the chiefs of the divisions 97657
and shall forward the departmental budget to the governor with 97658

comments and recommendations that the director considers 97659
necessary. 97660

(B) Maintain accounts and records and compile statistics that 97661
the director prescribes; 97662

(C) Under the control of the director, coordinate and make 97663
the necessary purchases and requisitions for the department and 97664
its divisions, ~~except as provided under~~ when goods and services 97665
are provided to the department as described in section 5119.16 of 97666
the Revised Code; 97667

(D) Administer within this state federal criminal justice 97668
acts that the governor requires the department to administer. In 97669
order to improve the criminal justice system of this state, the 97670
division of business administration shall apply for, allocate, 97671
disburse, and account for grants that are made available pursuant 97672
to those federal criminal justice acts and grants that are made 97673
available from other federal government sources, state government 97674
sources, or private sources. As used in this division, "criminal 97675
justice system" and "federal criminal justice acts" have the same 97676
meanings as in section 5502.61 of the Revised Code. 97677

(E) Audit the activities of governmental entities, persons as 97678
defined in section 1.59 of the Revised Code, and other types of 97679
nongovernmental entities that are financed in whole or in part by 97680
funds that the department allocates or disburses and that are 97681
derived from grants described in division (D) of this section; 97682

(F) Enter into contracts, including contracts with federal, 97683
state, or local governmental entities, persons as defined in 97684
section 1.59 of the Revised Code, foundations, and other types of 97685
nongovernmental entities, that are necessary for the department to 97686
carry out its duties and that neither the director nor another 97687
section of the Revised Code authorizes another division of the 97688
department to enter; 97689

(G) Exercise other powers and perform other duties that the 97690
director may assign to the division of business administration. 97691

Sec. 5120.135. (A) As used in this section, "laboratory 97692
services" includes the performance of medical laboratory analysis; 97693
professional laboratory and pathologist consultation; the 97694
procurement, storage, and distribution of laboratory supplies; and 97695
the performance of phlebotomy services. 97696

(B) The department of rehabilitation and correction ~~shall~~ may 97697
provide laboratory services to all of the following: 97698

(1) The departments of mental health, mental retardation and 97699
developmental disabilities, youth services, and rehabilitation and 97700
correction. ~~The department of rehabilitation and correction may~~ 97701
~~also provide laboratory services to other;~~ 97702

(2) Other state, county, or municipal agencies and to private 97703
persons that request laboratory services if the department of 97704
rehabilitation and correction determines that the provision of 97705
laboratory services is in the public interest and considers it 97706
advisable to provide such services. ~~The department of~~ 97707
~~rehabilitation and correction may also provide laboratory services~~ 97708
~~to agencies;~~ 97709

(3) Agencies operated by the United States government and to 97710
public and private entities funded in whole or in part by the 97711
state if the director of rehabilitation and correction designates 97712
them as eligible to receive ~~such~~ laboratory services. 97713

(c) The department of rehabilitation and correction shall 97714
provide laboratory services from a laboratory that complies with 97715
the standards for certification set by the United States 97716
department of health and human services under the "Clinical 97717
Laboratory Improvement Amendments of 1988," 102 Stat. 293, 42 97718
U.S.C.A. 263a. In addition, the laboratory shall maintain 97719

accreditation or certification with an appropriate accrediting or 97720
certifying organization as considered necessary by the recipients 97721
of its laboratory services and as authorized by the director of 97722
rehabilitation and correction. 97723

~~(C)~~(D) The cost of administering this section shall be 97724
determined by the department of rehabilitation and correction and 97725
shall be paid by entities that receive laboratory services to the 97726
department for deposit in the state treasury to the credit of the 97727
laboratory services fund, which is hereby created. The fund shall 97728
be used to pay the costs the department incurs in administering 97729
this section. 97730

~~(D) If the department of rehabilitation and correction does 97731
not provide laboratory services under this section in a 97732
satisfactory manner to the department of mental retardation and 97733
developmental disabilities, youth services, or mental health, the 97734
director of mental retardation and developmental disabilities, 97735
youth services, or mental health shall attempt to resolve the 97736
matter of the unsatisfactory provision of services with the 97737
director of rehabilitation and correction. If, after this attempt, 97738
the provision of laboratory services continues to be 97739
unsatisfactory, the director of mental retardation and 97740
developmental disabilities, youth services, or mental health shall 97741
notify the director of rehabilitation and correction regarding the 97742
continued unsatisfactory provision of laboratory services. If, 97743
within thirty days after the director receives this notice, the 97744
department of rehabilitation and correction does not provide the 97745
specified laboratory services in a satisfactory manner, the 97746
director of mental retardation and developmental disabilities, 97747
youth services, or mental health shall notify the director of 97748
rehabilitation and correction of the notifying director's intent 97749
to cease obtaining laboratory services from the department of 97750
rehabilitation and correction. Following the end of a cancellation 97751~~

~~period of sixty days that begins on the date of the notice, the 97752
department that sent the notice may obtain laboratory services 97753
from a provider other than the department of rehabilitation and 97754
correction, if the department that sent the notice certifies to 97755
the department of administrative services that the requirements of 97756
this division have been met. 97757~~

(E) Whenever a state agency fails to make a payment for 97758
laboratory services provided to it by the department of 97759
rehabilitation and correction under this section within thirty-one 97760
days after the date the payment was due, the office of budget and 97761
management may transfer moneys from that state agency to the 97762
department of rehabilitation and correction for deposit to the 97763
credit of the laboratory services fund. The amount transferred 97764
shall not exceed the amount of the overdue payments. Prior to 97765
making a transfer under this division, the office shall apply any 97766
credits the state agency has accumulated in payment for laboratory 97767
services provided under this section. 97768

Sec. 5122.31. (A) All certificates, applications, records, 97769
and reports made for the purpose of this chapter and sections 97770
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 97771
Code, other than court journal entries or court docket entries, 97772
and directly or indirectly identifying a patient or former patient 97773
or person whose hospitalization has been sought under this 97774
chapter, shall be kept confidential and shall not be disclosed by 97775
any person except: 97776

(1) If the person identified, or the person's legal guardian, 97777
if any, or if the person is a minor, the person's parent or legal 97778
guardian, consents, and if the disclosure is in the best interests 97779
of the person, as may be determined by the court for judicial 97780
records and by the chief clinical officer for medical records; 97781

(2) When disclosure is provided for in this chapter or 97782

section 5123.60 of the Revised Code; 97783

(3) That hospitals, boards of alcohol, drug addiction, and 97784
mental health services, and community mental health agencies may 97785
release necessary medical information to insurers and other 97786
third-party payers, including government entities responsible for 97787
processing and authorizing payment, to obtain payment for goods 97788
and services furnished to the patient; 97789

(4) Pursuant to a court order signed by a judge; 97790

(5) That a patient shall be granted access to the patient's 97791
own psychiatric and medical records, unless access specifically is 97792
restricted in a patient's treatment plan for clear treatment 97793
reasons; 97794

(6) That hospitals and other institutions and facilities 97795
within the department of mental health may exchange psychiatric 97796
records and other pertinent information with other hospitals, 97797
institutions, and facilities of the department, and with community 97798
mental health agencies and boards of alcohol, drug addiction, and 97799
mental health services with which the department has a current 97800
agreement for patient care or services. Records and information 97801
that may be released pursuant to this division shall be limited to 97802
medication history, physical health status and history, financial 97803
status, summary of course of treatment in the hospital, summary of 97804
treatment needs, and a discharge summary, if any. 97805

(7) That hospitals within the department, other institutions 97806
and facilities within the department, and community mental health 97807
agencies may exchange psychiatric records and other pertinent 97808
information with other providers of treatment and health services 97809
if the purpose of the exchange is to facilitate continuity of care 97810
for a patient; 97811

(8) That a patient's family member who is involved in the 97812
provision, planning, and monitoring of services to the patient may 97813

receive medication information, a summary of the patient's 97814
diagnosis and prognosis, and a list of the services and personnel 97815
available to assist the patient and the patient's family, if the 97816
patient's treating physician determines that the disclosure would 97817
be in the best interests of the patient. No such disclosure shall 97818
be made unless the patient is notified first and receives the 97819
information and does not object to the disclosure. 97820

~~(8)~~(9) That community mental health agencies may exchange 97821
psychiatric records and certain other information with the board 97822
of alcohol, drug addiction, and mental health services and other 97823
agencies in order to provide services to a person involuntarily 97824
committed to a board. Release of records under this division shall 97825
be limited to medication history, physical health status and 97826
history, financial status, summary of course of treatment, summary 97827
of treatment needs, and discharge summary, if any. 97828

~~(9)~~ (10) That information may be disclosed to the executor or 97829
the administrator of an estate of a deceased patient when the 97830
information is necessary to administer the estate; 97831

~~(10)~~(11) That records in the possession of the Ohio 97832
historical society may be released to the closest living relative 97833
of a deceased patient upon request of that relative; 97834

~~(11)~~(12) That information may be disclosed to staff members 97835
of the appropriate board or to staff members designated by the 97836
director of mental health for the purpose of evaluating the 97837
quality, effectiveness, and efficiency of services and determining 97838
if the services meet minimum standards. Information obtained 97839
during such evaluations shall not be retained with the name of any 97840
patient. 97841

~~(12)~~(13) That records pertaining to the patient's diagnosis, 97842
course of treatment, treatment needs, and prognosis shall be 97843
disclosed and released to the appropriate prosecuting attorney if 97844

the patient was committed pursuant to section 2945.38, 2945.39, 97845
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 97846
attorney designated by the board for proceedings pursuant to 97847
involuntary commitment under this chapter. 97848

~~(13)~~(14) That the department of mental health may exchange 97849
psychiatric hospitalization records, other mental health treatment 97850
records, and other pertinent information with the department of 97851
rehabilitation and correction to ensure continuity of care for 97852
inmates who are receiving mental health services in an institution 97853
of the department of rehabilitation and correction. The department 97854
shall not disclose those records unless the inmate is notified, 97855
receives the information, and does not object to the disclosure. 97856
The release of records under this division is limited to records 97857
regarding an inmate's medication history, physical health status 97858
and history, summary of course of treatment, summary of treatment 97859
needs, and a discharge summary, if any. 97860

~~(14)~~(15) That a community mental health agency that ceases to 97861
operate may transfer to either a community mental health agency 97862
that assumes its caseload or to the board of alcohol, drug 97863
addiction, and mental health services of the service district in 97864
which the patient resided at the time services were most recently 97865
provided any treatment records that have not been transferred 97866
elsewhere at the patient's request. 97867

(B) Before records are disclosed pursuant to divisions 97868
(A)(3), (6), (7), and ~~(8)~~(9) of this section, the custodian of the 97869
records shall attempt to obtain the patient's consent for the 97870
disclosure. No person shall reveal the contents of a medical 97871
record of a patient except as authorized by law. 97872

(C) The managing officer of a hospital who releases necessary 97873
medical information under division (A)(3) of this section to allow 97874
an insurance carrier or other third party payor to comply with 97875
section 5121.43 of the Revised Code shall neither be subject to 97876

criminal nor civil liability. 97877

Sec. 5123.049. The director of mental retardation and 97878
developmental disabilities shall adopt rules in accordance with 97879
Chapter 119. of the Revised Code governing the authorization and 97880
payment of home and community-based services and medicaid case 97881
management services. The rules shall provide for private providers 97882
of the services to receive one hundred per cent of the medicaid 97883
allowable payment amount and for government providers of the 97884
services to receive the federal share of the medicaid allowable 97885
payment, less the amount withheld as a fee under section 5123.0412 97886
of the Revised Code ~~and any amount that may be required by rules~~ 97887
~~adopted under section 5123.0413 of the Revised Code to be~~ 97888
~~deposited into the state MR/DD risk fund.~~ The rules shall 97889
establish the process by which county boards of mental retardation 97890
and developmental disabilities shall certify and provide the 97891
nonfederal share of medicaid expenditures that the county board is 97892
required by sections 5126.059 and 5126.0510 of the Revised Code to 97893
pay. The process shall require a county board to certify that the 97894
county board has funding available at one time for two months 97895
costs for those expenditures. The process may permit a county 97896
board to certify that the county board has funding available at 97897
one time for more than two months costs for those expenditures. 97898

Sec. 5123.0412. (A) The department of mental retardation and 97899
developmental disabilities shall charge each county board of 97900
mental retardation and developmental disabilities an annual fee 97901
equal to one and one-half per cent of the total value of all 97902
medicaid paid claims for home and community-based services 97903
provided during the year to an individual eligible for services 97904
from the county board. No county board shall pass the cost of a 97905
fee charged to the county board under this section on to another 97906
provider of these services. 97907

(B) The fees collected under this section shall be deposited 97908
into the ODMR/DD administration and oversight fund and the ODJFS 97909
administration and oversight fund, both of which are hereby 97910
created in the state treasury. The portion of the fees to be 97911
deposited into the ODMR/DD administration and oversight fund and 97912
the portion of the fees to be deposited into the ODJFS 97913
administration and oversight fund shall be the portion specified 97914
in an interagency agreement entered into under division (C) of 97915
this section. The department of mental retardation and 97916
developmental disabilities shall use the money in the ODMR/DD 97917
administration and oversight fund and the department of job and 97918
family services shall use the money in the ODJFS administration 97919
and oversight fund for both of the following purposes: 97920

(1) The Medicaid administrative costs, including 97921
administrative and oversight costs of medicaid case management 97922
services and home and community-based services. The administrative 97923
and oversight costs of medicaid case management services and home 97924
and community-based services shall include costs for staff, 97925
systems, and other resources the departments need and dedicate 97926
solely to the following duties associated with the services: 97927

- (a) Eligibility determinations; 97928
- (b) Training; 97929
- (c) Fiscal management; 97930
- (d) Claims processing; 97931
- (e) Quality assurance oversight; 97932
- (f) Other duties the departments identify. 97933

(2) Providing technical support to county boards' local 97935
administrative authority under section 5126.055 of the Revised 97936
Code for the services. 97937

(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:

(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;

(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.

(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.

Sec. 5123.0413. ~~(A) The department of mental retardation and developmental disabilities, in consultation with the department of job and family services, office of budget and management, and county boards of mental retardation and developmental disabilities, shall adopt rules in accordance with Chapter 119. of the Revised Code no later than January 1, 2002, establishing a method of paying for extraordinary costs, including extraordinary costs for services to individuals with mental retardation or other developmental disability, and ensure the availability of adequate funds to establish both of the following in the event a county property tax levy for services for individuals with mental retardation or other developmental disability fails. The rules may provide for using and managing either or both of the following:~~

~~(1) A state MR/DD risk fund, which is hereby created in the state treasury;~~

~~(2) A state insurance against MR/DD risk fund, which is hereby created in the state treasury.~~ 97968
97969

~~(B) Beginning January 1, 2002, the department of job and family services may not request approval from the United States secretary of health and human services to increase the number of slots for home and community based services until the rules required by division (A) of this section are in effect:~~ 97970
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97974

(A) A method of paying for home and community-based services; 97975

(B) A method of reducing the number of individuals a county board would otherwise be required by section 5126.0512 of the Revised Code to ensure are enrolled in a medicaid waiver component under which home and community-based services are provided. 97976
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97979

Sec. 5126.044. (A) As used in this section, ~~"eligible:~~ 97980

(1) "Eligible person" has the same meaning as in section 5126.03 of the Revised Code. 97981
97982

(2) "Treatment" means the provision, coordination, or management of services provided to an eligible person. 97983
97984

(3) "Payment" means activities undertaken by a service provider or governmental entity to obtain or provide reimbursement for services to an eligible person. 97985
97986
97987

(B) Except as provided in division ~~(D)~~(C) of this section, no person shall disclose the identity of an individual who requests programs or services under this chapter or release a record or report regarding an eligible person that is maintained by a county board of mental retardation and developmental disabilities or an entity under contract with a county board unless one of the following circumstances exists: 97988
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(1) The individual, eligible person, or the individual's guardian, or, if the individual is a minor, the individual's parent or guardian, makes a written request to the county board or 97995
97996
97997

entity for or approves in writing disclosure of the individual's 97998
identity or release of the record or report regarding the eligible 97999
person. 98000

(2) Disclosure of the identity of an individual is needed for 98001
approval of a direct services contract under section 5126.032 or 98002
5126.033 of the Revised Code. The county board shall release only 98003
the individual's name and the general nature of the services to be 98004
provided. 98005

(3) Disclosure of the identity of the individual is needed to 98006
ascertain that the county board's waiting lists for programs or 98007
services are being maintained in accordance with section 5126.042 98008
of the Revised Code and the rules adopted under that section. The 98009
county board shall release only the individual's name, the general 98010
nature of the programs or services to be provided the individual, 98011
the individual's rank on each waiting list that includes the 98012
individual, and any circumstances under which the individual was 98013
given priority when placed on a waiting list. 98014

(4) Disclosure of the identity of an individual who is an 98015
eligible person is needed for treatment of or payment for services 98016
provided to the individual. 98017

~~(C) A board or entity that discloses an individual's identity 98018~~
~~or releases a record or report regarding an eligible person shall 98019~~
~~maintain a record of when and to whom the disclosure or release 98020~~
~~was made. 98021~~

~~(D)~~(1) At the request of an eligible person or the person's 98022
guardian or, if the eligible person is a minor, the person's 98023
parent or guardian, a county board or entity under contract with a 98024
county board shall provide the person who made the request access 98025
to records and reports regarding the eligible person. On written 98026
request, the county board or entity shall provide copies of the 98027
records and reports to the eligible person, guardian, or parent. 98028

The county board or entity may charge a reasonable fee to cover 98029
the costs of copying. The county board or entity may waive the fee 98030
in cases of hardship. 98031

(2) A county board shall provide access to any waiting list 98032
or record or report regarding an eligible person maintained by the 98033
board to any state agency responsible for monitoring and reviewing 98034
programs and services provided or arranged by the county board, 98035
any state agency involved in the coordination of services for an 98036
eligible person, and any agency under contract with the department 98037
of mental retardation and developmental disabilities for the 98038
provision of protective service pursuant to section 5123.56 of the 98039
Revised Code. 98040

(3) When an eligible person who requests programs or services 98041
under this chapter dies, the county board or entity under contract 98042
with the county board, shall, on written request, provide to both 98043
of the following persons any reports and records in the board or 98044
entity's possession concerning the eligible person: 98045

(a) If the report or records are necessary to administer the 98046
estate of the person who is the subject of the reports or records, 98047
to the executor or administrator of the person's estate; 98048

(b) To the guardian of the person who is the subject of the 98049
reports or records or, if the individual had no guardian at the 98050
time of death, to a person in the first applicable of the 98051
following categories: 98052

(i) The person's spouse; 98053

(ii) The person's children; 98054

(iii) The person's parents; 98055

(iv) The person's brothers or sisters; 98056

(v) The person's uncles or aunts; 98057

(vi) The person's closest relative by blood or adoption; 98058

(vii) The person's closest relative by marriage. 98059

The county board or entity shall provide the reports and 98060
records as required by division ~~(D)~~(C)(3) of this section not 98061
later than thirty days after receipt of the request. 98062

~~(E)~~(D) A county board shall notify an eligible person, the 98063
person's guardian, or, if the eligible person is a minor, the 98064
person's parent or guardian, prior to destroying any record or 98065
report regarding the eligible person. 98066

Sec. 5126.05. (A) Subject to the rules established by the 98067
director of mental retardation and developmental disabilities 98068
pursuant to Chapter 119. of the Revised Code for programs and 98069
services offered pursuant to this chapter, and subject to the 98070
rules established by the state board of education pursuant to 98071
Chapter 119. of the Revised Code for programs and services offered 98072
pursuant to Chapter 3323. of the Revised Code, the county board of 98073
mental retardation and developmental disabilities shall: 98074

(1) Administer and operate facilities, programs, and services 98075
as provided by this chapter and Chapter 3323. of the Revised Code 98076
and establish policies for their administration and operation; 98077

(2) Coordinate, monitor, and evaluate existing services and 98078
facilities available to individuals with mental retardation and 98079
developmental disabilities; 98080

(3) Provide early childhood services, supportive home 98081
services, and adult services, according to the plan and priorities 98082
developed under section 5126.04 of the Revised Code; 98083

(4) Provide or contract for special education services 98084
pursuant to Chapters 3306., 3317. and 3323. of the Revised Code 98085
and ensure that related services, as defined in section 3323.01 of 98086
the Revised Code, are available according to the plan and 98087
priorities developed under section 5126.04 of the Revised Code; 98088

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.12 of the Revised Code, to the director, the superintendent of public instruction, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits;

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of mental retardation and developmental disabilities.

(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.

(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or

required, upon such terms as may be agreeable, and in accordance 98120
with this chapter and Chapter 3323. of the Revised Code and rules 98121
adopted thereunder and in accordance with sections 307.86 and 98122
5126.071 of the Revised Code. 98123

(D) A county board may combine transportation for children 98124
and adults enrolled in programs and services offered under section 98125
5126.12 with transportation for children enrolled in classes 98126
funded under section 3317.20 or units approved under section 98127
3317.05 of the Revised Code. 98128

(E) A county board may purchase all necessary insurance 98129
policies, may purchase equipment and supplies through the 98130
department of administrative services or from other sources, and 98131
may enter into agreements with public agencies or nonprofit 98132
organizations for cooperative purchasing arrangements. 98133

(F) A county board may receive by gift, grant, devise, or 98134
bequest any moneys, lands, or property for the benefit of the 98135
purposes for which the board is established and hold, apply, and 98136
dispose of the moneys, lands, and property according to the terms 98137
of the gift, grant, devise, or bequest. All money received by 98138
gift, grant, bequest, or disposition of lands or property received 98139
by gift, grant, devise, or bequest shall be deposited in the 98140
county treasury to the credit of such board and shall be available 98141
for use by the board for purposes determined or stated by the 98142
donor or grantor, but may not be used for personal expenses of the 98143
board members. Any interest or earnings accruing from such gift, 98144
grant, devise, or bequest shall be treated in the same manner and 98145
subject to the same provisions as such gift, grant, devise, or 98146
bequest. 98147

(G) The board of county commissioners shall levy taxes and 98148
make appropriations sufficient to enable the county board of 98149
mental retardation and developmental disabilities to perform its 98150
functions and duties, and may utilize any available local, state, 98151

and federal funds for such purpose. 98152

Sec. 5126.054. (A) Each county board of mental retardation 98153
and developmental disabilities shall, by resolution, develop a 98154
three-calendar year plan that includes the following three 98155
components: 98156

(1) An assessment component that includes all of the 98157
following: 98158

(a) The number of individuals with mental retardation or 98159
other developmental disability residing in the county who need the 98160
level of care provided by an intermediate care facility for the 98161
mentally retarded, may seek home and community-based services, are 98162
given priority for the services pursuant to division (D) of 98163
section 5126.042 of the Revised Code; the service needs of those 98164
individuals; and the projected annualized cost for services; 98165

(b) The source of funds available to the county board to pay 98166
the nonfederal share of medicaid expenditures that the county 98167
board is required by sections 5126.059 and 5126.0510 of the 98168
Revised Code to pay; 98169

(c) Any other applicable information or conditions that the 98170
department of mental retardation and developmental disabilities 98171
requires as a condition of approving the component under section 98172
5123.046 of the Revised Code. 98173

(2) (A preliminary implementation component that specifies 98174
the number of individuals to be provided, during the first year 98175
that the plan is in effect, home and community-based services 98176
pursuant to the priority given to them under divisions (D)(1) and 98177
(2) of section 5126.042 of the Revised Code and the types of home 98178
and community-based services the individuals are to receive; 98179

(3) A component that provides for the implementation of 98180
medicaid case management services and home and community-based 98181

services for individuals who begin to receive the services on or 98182
after the date the plan is approved under section 5123.046 of the 98183
Revised Code. A county board shall include all of the following in 98184
the component: 98185

(a) If the department of mental retardation and developmental 98186
disabilities or department of job and family services requires, an 98187
agreement to pay the nonfederal share of medicaid expenditures 98188
that the county board is required by sections 5126.059 and 98189
5126.0510 of the Revised Code to pay; 98190

(b) How the services are to be phased in over the period the 98191
plan covers, including how the county board will serve individuals 98192
on a waiting list established under division (C) of section 98193
5126.042 who are given priority status under division (D)(1) of 98194
that section; 98195

(c) Any agreement or commitment regarding the county board's 98196
funding of home and community-based services that the county board 98197
has with the department at the time the county board develops the 98198
component; 98199

(d) Assurances adequate to the department that the county 98200
board will comply with all of the following requirements: 98201

(i) To provide the types of home and community-based services 98202
specified in the preliminary implementation component required by 98203
division (A)(2) of this section to at least the number of 98204
individuals specified in that component; 98205

(ii) To use any additional funds the county board receives 98206
for the services to improve the county board's resource 98207
capabilities for supporting such services available in the county 98208
at the time the component is developed and to expand the services 98209
to accommodate the unmet need for those services in the county; 98210

(iii) To employ or contract with a business manager ~~who is~~ 98211
~~either a new employee who has earned at least a bachelor's degree~~ 98212

~~in business administration or a current employee who has the 98213
equivalent experience of a bachelor's degree in business 98214
administration or enter into an agreement with another county 98215
board of mental retardation and developmental disabilities that 98216
employs or contracts with a business manager to have the business 98217
manager serve both county boards. If the county board will employ 98218
a new employee, the county board shall include in the component a 98219
timeline for employing the employee. No superintendent of a county 98220
board may serve as the county board's business manager. 98221~~

(iv) ~~To employ or contract with a medicaid services manager 98222
who is either a new employee who has earned at least a bachelor's 98223
degree or a current employee who has the equivalent experience of 98224
a bachelor's degree or enter into an agreement with another county 98225
board of mental retardation and developmental disabilities that 98226
employs or contracts with a medicaid services manager to have the 98227
medicaid services manager serve both county boards. If the county 98228
board will employ a new employee, the county board shall include 98229
in the component a timeline for employing the employee. Two or 98230
three county boards that have a combined total enrollment in 98231
county board services not exceeding one thousand individuals as 98232
determined pursuant to certifications made under division (B) of 98233
section 5126.12 of the Revised Code may satisfy this requirement 98234
by sharing the services of a medicaid services manager or using 98235
the services of a medicaid services manager employed by or under 98236
contract with a regional council that the county boards establish 98237
under section 5126.13 of the Revised Code. No superintendent of a 98238
county board may serve as the county board's medicaid services 98239
manager. 98240~~

(e) Programmatic and financial accountability measures and 98241
projected outcomes expected from the implementation of the plan; 98242

(f) Any other applicable information or conditions that the 98243
department requires as a condition of approving the component 98244

under section 5123.046 of the Revised Code. 98245

(B) A county board whose plan developed under division (A) of 98246
this section is approved by the department under section 5123.046 98247
of the Revised Code shall update and renew the plan in accordance 98248
with a schedule the department shall develop. 98249

Sec. 5126.055. (A) Except as provided in section 5126.056 of 98250
the Revised Code, a county board of mental retardation and 98251
developmental disabilities has medicaid local administrative 98252
authority to, and shall, do all of the following for an individual 98253
with mental retardation or other developmental disability who 98254
resides in the county that the county board serves and seeks or 98255
receives home and community-based services: 98256

(1) Perform assessments and evaluations of the individual. As 98257
part of the assessment and evaluation process, the county board 98258
shall do all of the following: 98259

(a) Make a recommendation to the department of mental 98260
retardation and developmental disabilities on whether the 98261
department should approve or deny the individual's application for 98262
the services, including on the basis of whether the individual 98263
needs the level of care an intermediate care facility for the 98264
mentally retarded provides; 98265

(b) If the individual's application is denied because of the 98266
county board's recommendation and the individual requests a 98267
hearing under section 5101.35 of the Revised Code, present, with 98268
the department of mental retardation and developmental 98269
disabilities or department of job and family services, whichever 98270
denies the application, the reasons for the recommendation and 98271
denial at the hearing; 98272

(c) If the individual's application is approved, recommend to 98273
the departments of mental retardation and developmental 98274

disabilities and job and family services the services that should 98275
be included in the individual's individualized service plan and, 98276
if either department approves, reduces, denies, or terminates a 98277
service included in the individual's individualized service plan 98278
under section 5111.871 of the Revised Code because of the county 98279
board's recommendation, present, with the department that made the 98280
approval, reduction, denial, or termination, the reasons for the 98281
recommendation and approval, reduction, denial, or termination at 98282
a hearing under section 5101.35 of the Revised Code. 98283

(2) In accordance with the rules adopted under section 98284
5126.046 of the Revised Code, perform the county board's duties 98285
under that section regarding assisting the individual's right to 98286
choose a qualified and willing provider of the services and, at a 98287
hearing under section 5101.35 of the Revised Code, present 98288
evidence of the process for appropriate assistance in choosing 98289
providers; 98290

(3) If the county board is certified under section 5123.161 98291
of the Revised Code to provide the services and agrees to provide 98292
the services to the individual and the individual chooses the 98293
county board to provide the services, furnish, in accordance with 98294
the county board's medicaid provider agreement and for the 98295
authorized reimbursement rate, the services the individual 98296
requires; 98297

(4) Monitor the services provided to the individual and 98298
ensure the individual's health, safety, and welfare. The 98299
monitoring shall include quality assurance activities. If the 98300
county board provides the services, the department of mental 98301
retardation and developmental disabilities shall also monitor the 98302
services. 98303

(5) Develop, with the individual and the provider of the 98304
individual's services, an effective individualized service plan 98305
that includes coordination of services, recommend that the 98306

departments of mental retardation and developmental disabilities 98307
and job and family services approve the plan, and implement the 98308
plan unless either department disapproves it~~r~~. The individualized 98309
service plan shall include a summary page, agreed to by the county 98310
board, provider, and individual receiving services, that clearly 98311
outlines the amount, duration, and scope of services to be 98312
provided under the plan. 98313

(6) Have an investigative agent conduct investigations under 98314
section 5126.313 of the Revised Code that concern the individual; 98315

(7) Have a service and support administrator perform the 98316
duties under division (B)(9) of section 5126.15 of the Revised 98317
Code that concern the individual. 98318

(B) A county board shall perform its medicaid local 98319
administrative authority under this section in accordance with all 98320
of the following: 98321

(1) The county board's plan that the department of mental 98322
retardation and developmental disabilities approves under section 98323
5123.046 of the Revised Code; 98324

(2) All applicable federal and state laws; 98325

(3) All applicable policies of the departments of mental 98326
retardation and developmental disabilities and job and family 98327
services and the United States department of health and human 98328
services; 98329

(4) The department of job and family services' supervision 98330
under its authority under section 5111.01 of the Revised Code to 98331
act as the single state medicaid agency; 98332

(5) The department of mental retardation and developmental 98333
disabilities' oversight. 98334

(C) The departments of mental retardation and developmental 98335
disabilities and job and family services shall communicate with 98336

and provide training to county boards regarding medicaid local administrative authority granted by this section. The communication and training shall include issues regarding audit protocols and other standards established by the United States department of health and human services that the departments determine appropriate for communication and training. County boards shall participate in the training. The departments shall assess the county board's compliance against uniform standards that the departments shall establish.

(D) A county board may not delegate its medicaid local administrative authority granted under this section but may contract with a person or government entity, including a council of governments, for assistance with its medicaid local administrative authority. A county board that enters into such a contract shall notify the director of mental retardation and developmental disabilities. The notice shall include the tasks and responsibilities that the contract gives to the person or government entity. The person or government entity shall comply in full with all requirements to which the county board is subject regarding the person or government entity's tasks and responsibilities under the contract. The county board remains ultimately responsible for the tasks and responsibilities.

(E) A county board that has medicaid local administrative authority under this section shall, through the departments of mental retardation and developmental disabilities and job and family services, reply to, and cooperate in arranging compliance with, a program or fiscal audit or program violation exception that a state or federal audit or review discovers. The department of job and family services shall timely notify the department of mental retardation and developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of mental

retardation and developmental disabilities, shall cooperate fully 98369
with the department of job and family services and timely prepare 98370
and send to the department a written plan of correction or 98371
response to the adverse findings. The county board is liable for 98372
any adverse findings that result from an action it takes or fails 98373
to take in its implementation of medicaid local administrative 98374
authority. 98375

(F) If the department of mental retardation and developmental 98376
disabilities or department of job and family services determines 98377
that a county board's implementation of its medicaid local 98378
administrative authority under this section is deficient, the 98379
department that makes the determination shall require that county 98380
board do the following: 98381

(1) If the deficiency affects the health, safety, or welfare 98382
of an individual with mental retardation or other developmental 98383
disability, correct the deficiency within twenty-four hours; 98384

(2) If the deficiency does not affect the health, safety, or 98385
welfare of an individual with mental retardation or other 98386
developmental disability, receive technical assistance from the 98387
department or submit a plan of correction to the department that 98388
is acceptable to the department within sixty days and correct the 98389
deficiency within the time required by the plan of correction. 98390

Sec. 5126.0512. (A) As used in this section, "medicaid waiver 98391
component" means a medicaid waiver component as defined in section 98392
5111.85 of the Revised Code under which home and community-based 98393
services are provided. 98394

(B) Effective July 1, 2007, and except as provided in rules 98395
adopted under section 5123.0413 of the Revised Code, each county 98396
board of mental retardation and developmental disabilities shall 98397
ensure, for each medicaid waiver component, that the number of 98398
individuals eligible under section 5126.041 of the Revised Code 98399

for services from the county board who are enrolled in a medicaid waiver component is no less than the sum of the following: 98400
98401

(1) The number of individuals eligible for services from the county board who are enrolled in the medicaid waiver component on June 30, 2007; 98402
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(2) The number of medicaid waiver component slots the county board requested before July 1, 2007, that were assigned to the county board before that date but in which no individual was enrolled before that date. 98405
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(C) An individual enrolled in a medicaid waiver component after March 1, 2007, due to an emergency reserve capacity waiver assignment shall not be counted in determining the number of individuals a county board must ensure under division (B) of this section are enrolled in a medicaid waiver component. 98409
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(D) An individual who is enrolled in a medicaid waiver component to comply with the terms of the consent order filed March 5, 2007, in *Martin v. Strickland*, Case No. 89-CV-00362, in the United States district court for the southern district of Ohio, eastern division, shall be excluded in determining whether a county board has complied with division (B) of this section. 98414
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(E) A county board shall make as many requests for individuals to be enrolled in a medicaid waiver component as necessary for the county board to comply with division (B) of this section. 98420
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Sec. 5126.19. (A) The director of mental retardation and developmental disabilities may grant temporary funding from the community mental retardation and developmental disabilities trust fund based on allocations to county boards of mental retardation and developmental disabilities. The director may distribute all or part of the funding directly to a county board, the persons who 98424
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provide the services for which the funding is granted, or persons 98430
with mental retardation or developmental disabilities who are to 98431
receive those services. 98432

(B) Funding granted under division (A) of this section shall 98433
be granted according to the availability of moneys in the fund and 98434
priorities established by the director. Funding may be granted for 98435
any of the following purposes: 98436

(1) Behavioral or short-term interventions for persons with 98437
mental retardation or developmental disabilities that assist them 98438
in remaining in the community by preventing institutionalization; 98439

(2) Emergency respite care services, as defined in section 98440
5126.11 of the Revised Code; 98441

(3) Family support services provided under section 5126.11 of 98442
the Revised Code; 98443

(4) Supported living, as defined in section 5126.01 of the 98444
Revised Code; 98445

(5) Staff training for county board employees, employees of 98446
providers of residential services as defined in section 5126.01 of 98447
the Revised Code, and other personnel under contract with a county 98448
board, to provide the staff with necessary training in serving 98449
mentally retarded or developmentally disabled persons in the 98450
community; 98451

(6) Short-term provision of early childhood services provided 98452
under section 5126.05, adult services provided under sections 98453
5126.05 and 5126.051, and service and support administration 98454
provided under section 5126.15 of the Revised Code, when local 98455
moneys are insufficient to meet the need for such services due to 98456
the successive failure within a two-year period of three or more 98457
proposed levies for the services; 98458

(7) Contracts with providers of residential services to 98459

maintain persons with mental retardation and developmental 98460
disabilities in their programs and avoid institutionalization. 98461

(C) If the trust fund contains more than ten million dollars 98462
on the first day of July the director shall use one million 98463
dollars for payments under section 5126.18 of the Revised Code, 98464
two million dollars for subsidies to county boards for supported 98465
living, and one million dollars for subsidies to county boards for 98466
early childhood services and adult services provided under section 98467
5126.05 of the Revised Code. Distributions of funds under this 98468
division shall be made prior to August 31 of the state fiscal year 98469
in which the funds are available. The funds shall be allocated to 98470
a county board in an amount equal to the same percentage of the 98471
total amount allocated to the county board the immediately 98472
preceding state fiscal year. 98473

~~(D) In addition to making grants under division (A) of this 98474
section, the director may use money available in the trust fund 98475
for the same purposes that rules adopted under section 5123.0413 98476
of the Revised Code provide for money in the state MR/DD risk fund 98477
and the state insurance against MR/DD risk fund, both created 98478
under that section, to be used. 98479~~

Sec. 5126.24. (A) As used in this section: 98480

(1) "License" means an educator license issued by the state 98481
board of education under section 3319.22 of the Revised Code or a 98482
certificate issued by the department of mental retardation and 98483
developmental disabilities. 98484

(2) "Teacher" means a person employed by a county board of 98485
mental retardation and developmental disabilities in a position 98486
that requires a license. 98487

(3) "Nonteaching employee" means a person employed by a 98488
county board of mental retardation and developmental disabilities 98489

in a position that does not require a license. 98490

(4) "Years of service" includes all service described in 98491
division (A) of section 3317.13 of the Revised Code. 98492

(B) Subject to rules established by the director of mental 98493
retardation and developmental disabilities pursuant to Chapter 98494
119. of the Revised Code, each county board of mental retardation 98495
and developmental disabilities shall annually adopt separate 98496
salary schedules for teachers and nonteaching employees. 98497

(C) The teachers' salary schedule shall provide for 98498
increments based on training and years of service. The board may 98499
establish its own service requirements provided no teacher 98500
receives less than the salary the teacher would be paid under 98501
section 3317.13 of the Revised Code if the teacher were employed 98502
by a school district board of education and provided full credit 98503
for a minimum of five years of actual teaching and military 98504
experience as defined in division (A) of such section is given to 98505
each teacher. 98506

Each teacher who has completed training that would qualify 98507
the teacher for a higher salary bracket pursuant to this section 98508
shall file by the fifteenth day of September with the fiscal 98509
officer of the board, satisfactory evidence of the completion of 98510
such additional training. The fiscal officer shall then 98511
immediately place the teacher, pursuant to this section, in the 98512
proper salary bracket in accordance with training and years of 98513
service. No teacher shall be paid less than the salary to which 98514
the teacher would be entitled under section 3317.13 of the Revised 98515
Code if the teacher were employed by a school district board of 98516
education. 98517

The superintendent of each county board, on or before the 98518
fifteenth day of October of each year, shall certify to the state 98519
board of education the name of each teacher employed, on an annual 98520

salary, in each special education program operated pursuant to 98521
section 3323.09 of the Revised Code during the first full school 98522
week of October. The superintendent further shall certify, for 98523
each teacher, the number of years of training completed at a 98524
recognized college, the degrees earned from a college recognized 98525
by the state board, the type of license held, the number of months 98526
employed by the board, the annual salary, and other information 98527
that the state board may request. 98528

(D) The nonteaching employees' salary schedule established by 98529
the board shall be based on training, experience, and 98530
qualifications with initial salaries no less than salaries in 98531
effect on July 1, 1985. Each board shall prepare and may amend 98532
from time to time, specifications descriptive of duties, 98533
responsibilities, requirements, and desirable qualifications of 98534
the classifications of employees required to perform the duties 98535
specified in the salary schedule. All nonteaching employees shall 98536
be notified of the position classification to which they are 98537
assigned and the salary for the classification. The compensation 98538
of all nonteaching employees working for a particular board shall 98539
be uniform for like positions except as compensation would be 98540
affected by salary increments based upon length of service. 98541

On the fifteenth day of October of each year the nonteaching 98542
employees' salary schedule and list of job classifications and 98543
salaries in effect on that date shall be filed by each board with 98544
the superintendent of public instruction. If such salary schedule 98545
and classification plan is not filed, the superintendent of public 98546
instruction shall order the board to file such schedule and list 98547
forthwith. If this condition is not corrected within ten days 98548
after receipt of the order from the superintendent, no money shall 98549
be distributed to the district under Chapter 3306. or 3317. of the 98550
Revised Code until the superintendent has satisfactory evidence of 98551
the board's full compliance with such order. 98552

Sec. 5139.43. (A) The department of youth services shall 98553
operate a felony delinquent care and custody program that shall be 98554
operated in accordance with the formula developed pursuant to 98555
section 5139.41 of the Revised Code, subject to the conditions 98556
specified in this section. 98557

(B)(1) Each juvenile court shall use the moneys disbursed to 98558
it by the department of youth services pursuant to division (B) of 98559
section 5139.41 of the Revised Code in accordance with the 98560
applicable provisions of division (B)(2) of this section and shall 98561
transmit the moneys to the county treasurer for deposit in 98562
accordance with this division. The county treasurer shall create 98563
in the county treasury a fund that shall be known as the felony 98564
delinquent care and custody fund and shall deposit in that fund 98565
the moneys disbursed to the juvenile court pursuant to division 98566
(B) of section 5139.41 of the Revised Code. The county treasurer 98567
also shall deposit into that fund the state subsidy funds granted 98568
to the county pursuant to section 5139.34 of the Revised Code. The 98569
moneys disbursed to the juvenile court pursuant to division (B) of 98570
section 5139.41 of the Revised Code and deposited pursuant to this 98571
division in the felony delinquent care and custody fund shall not 98572
be commingled with any other county funds except state subsidy 98573
funds granted to the county pursuant to section 5139.34 of the 98574
Revised Code; shall not be used for any capital construction 98575
projects; upon an order of the juvenile court and subject to 98576
appropriation by the board of county commissioners, shall be 98577
disbursed to the juvenile court for use in accordance with the 98578
applicable provisions of division (B)(2) of this section; shall 98579
not revert to the county general fund at the end of any fiscal 98580
year; and shall carry over in the felony delinquent care and 98581
custody fund from the end of any fiscal year to the next fiscal 98582
year. At the maximum balance carry-over at the end of each 98583
respective fiscal year, beginning June 30, 2008, the balance in 98584

the felony delinquent care and custody fund in any county ~~shall~~ 98585
~~not exceed the total moneys from funds~~ allocated to the county 98586
pursuant to sections 5139.34 and 5139.41 of the Revised Code 98587
~~during~~ in the previous fiscal year shall not exceed an amount to 98588
be calculated as provided in the formula set forth in this 98589
division, unless that county has applied for and been granted an 98590
exemption by the director of youth services. Beginning June 30, 98591
2008, the maximum balance carry-over at the end of each respective 98592
fiscal year shall be determined by the following formula: for 98593
fiscal year 2008, the maximum balance carry-over shall be one 98594
hundred per cent of the allocation for fiscal year 2007, to be 98595
applied in determining the fiscal year 2009 allocation; for fiscal 98596
year 2009, it shall be fifty per cent of the allocation for fiscal 98597
year 2008, to be applied in determining the fiscal year 2010 98598
allocation; for fiscal year 2010, it shall be twenty-five per cent 98599
of the allocation for fiscal year 2009, to be applied in 98600
determining the fiscal year 2011 allocation; and for each fiscal 98601
year subsequent to fiscal year 2010, it shall be twenty-five per 98602
cent of the allocation for the immediately preceding fiscal year, 98603
to be applied in determining the allocation for the next immediate 98604
fiscal year. The department shall withhold from future payments to 98605
a county an amount equal to any moneys in the felony delinquent 98606
care and custody fund of the county that exceed the total ~~moneys~~ 98607
~~allocated pursuant to those sections to the county during the~~ 98608
~~preceding fiscal year~~ maximum balance carry-over that applies for 98609
that county for the fiscal year in which the payments are being 98610
made and shall reallocate the withheld amount. The department 98611
shall adopt rules for the withholding and reallocation of moneys 98612
disbursed under sections 5139.34 and 5139.41 of the Revised Code 98613
and for the criteria and process for a county to obtain an 98614
exemption from the withholding requirement. The moneys disbursed 98615
to the juvenile court pursuant to division (B) of section 5139.41 98616
of the Revised Code and deposited pursuant to this division in the 98617

felony delinquent care and custody fund shall be in addition to, 98618
and shall not be used to reduce, any usual annual increase in 98619
county funding that the juvenile court is eligible to receive or 98620
the current level of county funding of the juvenile court and of 98621
any programs or services for delinquent children, unruly children, 98622
or juvenile traffic offenders. 98623

(2)(a) A county and the juvenile court that serves the county 98624
shall use the moneys in its felony delinquent care and custody 98625
fund in accordance with rules that the department of youth 98626
services adopts pursuant to division (D) of section 5139.04 of the 98627
Revised Code and as follows: 98628

(i) The moneys in the fund that represent state subsidy funds 98629
granted to the county pursuant to section 5139.34 of the Revised 98630
Code shall be used to aid in the support of prevention, early 98631
intervention, diversion, treatment, and rehabilitation programs 98632
that are provided for alleged or adjudicated unruly children or 98633
delinquent children or for children who are at risk of becoming 98634
unruly children or delinquent children. The county shall not use 98635
for capital improvements more than fifteen per cent of the moneys 98636
in the fund that represent the applicable annual grant of those 98637
state subsidy funds. 98638

(ii) The moneys in the fund that were disbursed to the 98639
juvenile court pursuant to division (B) of section 5139.41 of the 98640
Revised Code and deposited pursuant to division (B)(1) of this 98641
section in the fund shall be used to provide programs and services 98642
for the training, treatment, or rehabilitation of felony 98643
delinquents that are alternatives to their commitment to the 98644
department, including, but not limited to, community residential 98645
programs, day treatment centers, services within the home, and 98646
electronic monitoring, and shall be used in connection with 98647
training, treatment, rehabilitation, early intervention, or other 98648
programs or services for any delinquent child, unruly child, or 98649

juvenile traffic offender who is under the jurisdiction of the 98650
juvenile court. 98651

The fund also may be used for prevention, early intervention, 98652
diversion, treatment, and rehabilitation programs that are 98653
provided for alleged or adjudicated unruly children, delinquent 98654
children, or juvenile traffic offenders or for children who are at 98655
risk of becoming unruly children, delinquent children, or juvenile 98656
traffic offenders. Consistent with division (B)(1) of this 98657
section, a county and the juvenile court of a county shall not use 98658
any of those moneys for capital construction projects. 98659

(iii) Moneys in the fund shall not be used to support 98660
programs or services that do not comply with federal juvenile 98661
justice and delinquency prevention core requirements or to support 98662
programs or services that research has shown to be ineffective. 98663

(iv) The county and the juvenile court that serves the county 98664
may use moneys in the fund to provide out-of-home placement of 98665
children only in detention centers, community rehabilitation 98666
centers, or community corrections facilities approved by the 98667
department pursuant to standards adopted by the department, 98668
licensed by an authorized state agency, or accredited by the 98669
American correctional association or another national organization 98670
recognized by the department. 98671

(b) Each juvenile court shall comply with division (B)(3)(d) 98672
of this section as implemented by the department. If a juvenile 98673
court fails to comply with division (B)(3)(d) of this section, the 98674
department shall not be required to make any disbursements in 98675
accordance with division (C) or (D) of section 5139.41 or division 98676
(C)(2) of section 5139.34 of the Revised Code. 98677

(3) In accordance with rules adopted by the department 98678
pursuant to division (D) of section 5139.04 of the Revised Code, 98679
each juvenile court and the county served by that juvenile court 98680

shall do all of the following that apply: 98681

(a) The juvenile court shall prepare an annual grant 98682
agreement and application for funding that satisfies the 98683
requirements of this section and section 5139.34 of the Revised 98684
Code and that pertains to the use, upon an order of the juvenile 98685
court and subject to appropriation by the board of county 98686
commissioners, of the moneys in its felony delinquent care and 98687
custody fund for specified programs, care, and services as 98688
described in division (B)(2)(a) of this section, shall submit that 98689
agreement and application to the county family and children first 98690
council, the regional family and children first council, or the 98691
local intersystem services to children cluster as described in 98692
sections 121.37 and 121.38 of the Revised Code, whichever is 98693
applicable, and shall file that agreement and application with the 98694
department for its approval. The annual grant agreement and 98695
application for funding shall include a method of ensuring equal 98696
access for minority youth to the programs, care, and services 98697
specified in it. 98698

The department may approve an annual grant agreement and 98699
application for funding only if the juvenile court involved has 98700
complied with the preparation, submission, and filing requirements 98701
described in division (B)(3)(a) of this section. If the juvenile 98702
court complies with those requirements and the department approves 98703
that agreement and application, the juvenile court and the county 98704
served by the juvenile court may expend the state subsidy funds 98705
granted to the county pursuant to section 5139.34 of the Revised 98706
Code only in accordance with division (B)(2)(a) of this section, 98707
the rules pertaining to state subsidy funds that the department 98708
adopts pursuant to division (D) of section 5139.04 of the Revised 98709
Code, and the approved agreement and application. 98710

(b) By the thirty-first day of August of each year, the 98711
juvenile court shall file with the department a report that 98712

contains all of the statistical and other information for each 98713
month of the prior state fiscal year. If the juvenile court fails 98714
to file the report required by division (B)(3)(b) of this section 98715
by the thirty-first day of August of any year, the department 98716
shall not disburse any payment of state subsidy funds to which the 98717
county otherwise is entitled pursuant to section 5139.34 of the 98718
Revised Code and shall not disburse pursuant to division (B) of 98719
section 5139.41 of the Revised Code the applicable allocation 98720
until the juvenile court fully complies with division (B)(3)(b) of 98721
this section. 98722

(c) If the department requires the juvenile court to prepare 98723
monthly statistical reports and to submit the reports on forms 98724
provided by the department, the juvenile court shall file those 98725
reports with the department on the forms so provided. If the 98726
juvenile court fails to prepare and submit those monthly 98727
statistical reports within the department's timelines, the 98728
department shall not disburse any payment of state subsidy funds 98729
to which the county otherwise is entitled pursuant to section 98730
5139.34 of the Revised Code and shall not disburse pursuant to 98731
division (B) of section 5139.41 of the Revised Code the applicable 98732
allocation until the juvenile court fully complies with division 98733
(B)(3)(c) of this section. If the juvenile court fails to prepare 98734
and submit those monthly statistical reports within one hundred 98735
eighty days of the date the department establishes for their 98736
submission, the department shall not disburse any payment of state 98737
subsidy funds to which the county otherwise is entitled pursuant 98738
to section 5139.34 of the Revised Code and shall not disburse 98739
pursuant to division (B) of section 5139.41 of the Revised Code 98740
the applicable allocation, and the state subsidy funds and the 98741
remainder of the applicable allocation shall revert to the 98742
department. If a juvenile court states in a monthly statistical 98743
report that the juvenile court adjudicated within a state fiscal 98744
year five hundred or more children to be delinquent children for 98745

committing acts that would be felonies if committed by adults and 98746
if the department determines that the data in the report may be 98747
inaccurate, the juvenile court shall have an independent auditor 98748
or other qualified entity certify the accuracy of the data on a 98749
date determined by the department. 98750

(d) If the department requires the juvenile court and the 98751
county to participate in a fiscal monitoring program or another 98752
monitoring program that is conducted by the department to ensure 98753
compliance by the juvenile court and the county with division (B) 98754
of this section, the juvenile court and the county shall 98755
participate in the program and fully comply with any guidelines 98756
for the performance of audits adopted by the department pursuant 98757
to that program and all requests made by the department pursuant 98758
to that program for information necessary to reconcile fiscal 98759
accounting. If an audit that is performed pursuant to a fiscal 98760
monitoring program or another monitoring program described in this 98761
division determines that the juvenile court or the county used 98762
moneys in the county's felony delinquent care and custody fund for 98763
expenses that are not authorized under division (B) of this 98764
section, within forty-five days after the department notifies the 98765
county of the unauthorized expenditures, the county either shall 98766
repay the amount of the unauthorized expenditures from the county 98767
general revenue fund to the state's general revenue fund or shall 98768
file a written appeal with the department. If an appeal is timely 98769
filed, the director of the department shall render a decision on 98770
the appeal and shall notify the appellant county or its juvenile 98771
court of that decision within forty-five days after the date that 98772
the appeal is filed. If the director denies an appeal, the 98773
county's fiscal agent shall repay the amount of the unauthorized 98774
expenditures from the county general revenue fund to the state's 98775
general revenue fund within thirty days after receiving the 98776
director's notification of the appeal decision. 98777

(C) The determination of which county a reduction of the care and custody allocation will be charged against for a particular youth shall be made as outlined below for all youths who do not qualify as public safety beds. The determination of which county a reduction of the care and custody allocation will be charged against shall be made as follows until each youth is released:

(1) In the event of a commitment, the reduction shall be charged against the committing county.

(2) In the event of a recommitment, the reduction shall be charged against the original committing county until the expiration of the minimum period of institutionalization under the original order of commitment or until the date on which the youth is admitted to the department of youth services pursuant to the order of recommitment, whichever is later. Reductions of the allocation shall be charged against the county that recommitted the youth after the minimum expiration date of the original commitment.

(3) In the event of a revocation of a release on parole, the reduction shall be charged against the county that revokes the youth's parole.

(D) A juvenile court is not precluded by its allocation amount for the care and custody of felony delinquents from committing a felony delinquent to the department of youth services for care and custody in an institution or a community corrections facility when the juvenile court determines that the commitment is appropriate.

Sec. 5155.38. As used in this section, "long-term care bed" has the same meaning as in section 3702.51 of the Revised Code.

The operator of each county home and each county nursing home

shall, not later than November 1, 2009, certify to the director of health the number of long-term care beds that were in operation in the home on July 1, 1993. The certification shall be accompanied by any documentation requested by the director.

Sec. 5501.04. The following divisions are hereby established in the department of transportation:

- (A) The division of business services;
- (B) The division of engineering policy;
- (C) The division of finance;
- (D) The division of human resources;
- (E) The division of information technology;
- (F) The division of multi-modal planning and programs;
- (G) The division of project management;
- (H) The division of equal opportunity.

The director of transportation shall distribute the duties, powers, and functions of the department among the divisions of the department.

Each division shall be headed by a deputy director, whose title shall be designated by the director, and shall include those other officers and employees as may be necessary to carry out the work of the division. The director shall appoint the deputy director of each division, who shall be in the unclassified civil service of the state and shall serve at the pleasure of the director. The director shall supervise the work of each division and shall be responsible for the determination of general policies in the performance of the duties, powers, and functions of the department and of each division. The director shall have complete executive charge of the department, shall be responsible for the organization, direction, and supervision of the work of the

department and the performance of the duties, powers, and 98837
functions assigned to each division, and may establish necessary 98838
administrative units therein. The deputy director of each 98839
division, with the approval of the director and subject to Chapter 98840
124. of the Revised Code, shall appoint the necessary employees of 98841
the division and may remove such employees for cause. 98842

The division of equal opportunity shall ensure that minority 98843
groups and all groups protected by state and federal civil rights 98844
laws are afforded equal opportunity to be recruited, trained, and 98845
work in the employment of or on projects of the department of 98846
transportation, and to participate in contracts awarded by the 98847
department. The director of transportation each year shall report 98848
to the governor and the general assembly on the division's 98849
activities and accomplishments. 98850

Sec. 5502.01. (A) The department of public safety shall 98851
administer and enforce the laws relating to the registration, 98852
licensing, sale, and operation of motor vehicles and the laws 98853
pertaining to the licensing of drivers of motor vehicles. 98854

The department shall compile, analyze, and publish statistics 98855
relative to motor vehicle accidents and the causes of them, 98856
prepare and conduct educational programs for the purpose of 98857
promoting safety in the operation of motor vehicles on the 98858
highways, and conduct research and studies for the purpose of 98859
promoting safety on the highways of this state. 98860

(B) The department shall administer the laws and rules 98861
relative to trauma and emergency medical services specified in 98862
Chapter 4765. of the Revised Code. 98863

(C) The department shall administer and enforce the laws 98864
contained in Chapters 4301. and 4303. of the Revised Code and 98865
enforce the rules and orders of the liquor control commission 98866
pertaining to retail liquor permit holders. 98867

(D) The department shall administer the laws governing the state emergency management agency and shall enforce all additional duties and responsibilities as prescribed in the Revised Code related to emergency management services.

(E) The department shall conduct investigations pursuant to Chapter 5101. of the Revised Code in support of the duty of the department of job and family services to administer ~~food stamp programs~~ the supplemental nutrition assistance program throughout this state. The department of public safety shall conduct investigations necessary to protect the state's property rights and interests in the ~~food stamp~~ supplemental nutrition assistance program.

(F) The department of public safety shall enforce compliance with orders and rules of the public utilities commission and applicable laws in accordance with Chapters 4919., 4921., and 4923. of the Revised Code regarding commercial motor vehicle transportation safety, economic, and hazardous materials requirements.

(G) Notwithstanding Chapter 4117. of the Revised Code, the department of public safety may establish requirements for its enforcement personnel, including its enforcement agents described in section 5502.14 of the Revised Code, that include standards of conduct, work rules and procedures, and criteria for eligibility as law enforcement personnel.

(H) The department shall administer, maintain, and operate the Ohio criminal justice network. The Ohio criminal justice network shall be a computer network that supports state and local criminal justice activities. The network shall be an electronic repository for various data, which may include arrest warrants, notices of persons wanted by law enforcement agencies, criminal records, prison inmate records, stolen vehicle records, vehicle operator's licenses, and vehicle registrations and titles.

(I) The department shall coordinate all homeland security 98900
activities of all state agencies and shall be a liaison between 98901
state agencies and local entities for those activities and related 98902
purposes. 98903

(J) Beginning July 1, 2004, the department shall administer 98904
and enforce the laws relative to private investigators and 98905
security service providers specified in Chapter 4749. of the 98906
Revised Code. 98907

(K) The department shall administer criminal justice services 98908
in accordance with sections 5502.61 to 5502.66 of the Revised 98909
Code. 98910

Sec. 5502.12. The accident reports submitted pursuant to 98911
section 5502.11 of the Revised Code shall be for the use of the 98912
director of public safety for purposes of statistical, safety, and 98913
other studies. The law enforcement agency that submitted a report 98914
shall furnish a copy of such report and associated documents to 98915
any person claiming an interest arising out of a motor vehicle 98916
accident, or to the person's attorney, upon the payment of a 98917
nonrefundable fee ~~that shall not exceed~~ of four dollars. With 98918
respect to accidents investigated by the state highway patrol, the 98919
director of public safety shall furnish to such person all related 98920
reports and statements upon the payment of a nonrefundable fee of 98921
four dollars. The cost of photographs or any other electronic 98922
format shall be a four-dollar fee in addition to the nonrefundable 98923
four-dollar fee for the accident report, whether the report was 98924
submitted by the state highway patrol or another law enforcement 98925
agency. 98926

Such state highway patrol reports, statements, and 98927
photographs, in the discretion of the director of public safety, 98928
may be withheld until all criminal prosecution has been concluded; 98929
the director of public safety may require proof, satisfactory to 98930

the director, of the right of any applicant to be furnished such 98931
documents. 98932

Sec. 5502.14. (A) As used in this section, "felony" has the 98933
same meaning as in section 109.511 of the Revised Code. 98934

(B)(1) Any person who is employed by the department of public 98935
safety and designated by the director of public safety to enforce 98936
Title XLIII of the Revised Code, the rules adopted under it, and 98937
the laws and rules regulating the use of ~~food stamps~~ supplemental 98938
nutrition assistance program benefits shall be known as an 98939
enforcement agent. The employment by the department of public 98940
safety and the designation by the director of public safety of a 98941
person as an enforcement agent shall be subject to division (D) of 98942
this section. An enforcement agent has the authority vested in 98943
peace officers pursuant to section 2935.03 of the Revised Code to 98944
keep the peace, to enforce all applicable laws and rules on any 98945
retail liquor permit premises, or on any other premises of public 98946
or private property, where a violation of Title XLIII of the 98947
Revised Code or any rule adopted under it is occurring, and to 98948
enforce all laws and rules governing the use of ~~food stamp coupons~~ 98949
supplemental nutrition assistance program benefits, women, 98950
infants, and children's coupons, electronically transferred 98951
benefits, or any other access device that is used alone or in 98952
conjunction with another access device to obtain payments, 98953
allotments, benefits, money, goods, or other things of value, or 98954
that can be used to initiate a transfer of funds, pursuant to the 98955
~~food stamp~~ supplemental nutrition assistance program established 98956
under the "~~Food Stamp and Nutrition Act of 1977,~~" ~~91 Stat. 958,~~ 98957
~~2008 (7 U.S.C.A. 2011, as amended, et seq.)~~ or any supplemental 98958
food program administered by any department of this state pursuant 98959
to the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 98960
1786. Enforcement agents, in enforcing compliance with the laws 98961
and rules described in this division, may keep the peace and make 98962

arrests for violations of those laws and rules. 98963

(2) In addition to the authority conferred by division (B)(1) 98964
of this section, an enforcement agent also may execute search 98965
warrants and seize and take into custody any contraband, as 98966
defined in section 2901.01 of the Revised Code, or any property 98967
that is otherwise necessary for evidentiary purposes related to 98968
any violations of the laws or rules described in division (B)(1) 98969
of this section. An enforcement agent may enter public or private 98970
premises where activity alleged to violate the laws or rules 98971
described in division (B)(1) of this section is occurring. 98972

(3) Enforcement agents who are on, immediately adjacent to, 98973
or across from retail liquor permit premises and who are 98974
performing investigative duties relating to that premises, 98975
enforcement agents who are on premises that are not liquor permit 98976
premises but on which a violation of Title XLIII of the Revised 98977
Code or any rule adopted under it allegedly is occurring, and 98978
enforcement agents who view a suspected violation of Title XLIII 98979
of the Revised Code, of a rule adopted under it, or of another law 98980
or rule described in division (B)(1) of this section have the 98981
authority to enforce the laws and rules described in division 98982
(B)(1) of this section, authority to enforce any section in Title 98983
XXIX of the Revised Code or any other section of the Revised Code 98984
listed in section 5502.13 of the Revised Code if they witness a 98985
violation of the section under any of the circumstances described 98986
in this division, and authority to make arrests for violations of 98987
the laws and rules described in division (B)(1) of this section 98988
and violations of any of those sections. 98989

(4) The jurisdiction of an enforcement agent under division 98990
(B) of this section shall be concurrent with that of the peace 98991
officers of the county, township, or municipal corporation in 98992
which the violation occurs. 98993

(C) Enforcement agents of the department of public safety who 98994

are engaged in the enforcement of the laws and rules described in 98995
division (B)(1) of this section may carry concealed weapons when 98996
conducting undercover investigations pursuant to their authority 98997
as law enforcement officers and while acting within the scope of 98998
their authority pursuant to this chapter. 98999

(D)(1) The department of public safety shall not employ, and 99000
the director of public safety shall not designate, a person as an 99001
enforcement agent on a permanent basis, on a temporary basis, for 99002
a probationary term, or on other than a permanent basis if the 99003
person previously has been convicted of or has pleaded guilty to a 99004
felony. 99005

(2)(a) The department of public safety shall terminate the 99006
employment of a person who is designated as an enforcement agent 99007
and who does either of the following: 99008

(i) Pleads guilty to a felony; 99009

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 99010
plea agreement as provided in division (D) of section 2929.43 of 99011
the Revised Code in which the enforcement agent agrees to 99012
surrender the certificate awarded to that agent under section 99013
109.77 of the Revised Code. 99014

(b) The department shall suspend the employment of a person 99015
who is designated as an enforcement agent if the person is 99016
convicted, after trial, of a felony. If the enforcement agent 99017
files an appeal from that conviction and the conviction is upheld 99018
by the highest court to which the appeal is taken or if no timely 99019
appeal is filed, the department shall terminate the employment of 99020
that agent. If the enforcement agent files an appeal that results 99021
in that agent's acquittal of the felony or conviction of a 99022
misdemeanor, or in the dismissal of the felony charge against the 99023
agent, the department shall reinstate the agent. An enforcement 99024
agent who is reinstated under division (D)(2)(b) of this section 99025

shall not receive any back pay unless the conviction of that agent 99026
of the felony was reversed on appeal, or the felony charge was 99027
dismissed, because the court found insufficient evidence to 99028
convict the agent of the felony. 99029

(3) Division (D) of this section does not apply regarding an 99030
offense that was committed prior to January 1, 1997. 99031

(4) The suspension or termination of the employment of a 99032
person designated as an enforcement agent under division (D)(2) of 99033
this section shall be in accordance with Chapter 119. of the 99034
Revised Code. 99035

Sec. 5502.15. Any funding provided or made available by the 99036
United States or by any agency designated and authorized by the 99037
United States government for the purposes of enforcing compliance 99038
with ~~food stamp~~ supplemental nutrition assistance program laws 99039
shall be expended by the department of public safety for those 99040
purposes. 99041

Sec. 5505.15. (A)(1) A member of the state highway patrol 99042
retirement system shall contribute ten per cent of the member's 99043
annual salary to the state highway patrol retirement fund. The 99044
amount shall be deducted by the employer from the employee's 99045
salary for each payroll period. 99046

(2) The total contributions arising from deductions made 99047
prior to January 1, 1966, from the salaries of members in the 99048
employ of the state highway patrol and standing to the credit of 99049
their individual accounts in the retirement fund shall be 99050
transferred and credited to their respective individual accounts 99051
in the employees' savings fund. 99052

(B) The state shall annually pay into the employer 99053
accumulation fund, in monthly or less frequent installments as the 99054
state highway patrol retirement board requires, ~~an amount that~~ 99055

~~shall be a certain percentage of the total salaries paid~~ 99056
~~contributing members and shall be known as the "employer~~ 99057
~~contribution."~~ The employer contribution shall be an amount equal 99058
to twenty-six and one-half per cent of the total salaries paid 99059
contributing members. If a member severs connection with the 99060
patrol or is dismissed, the employer contribution shall remain in 99061
the retirement system. 99062

The rate percentage of the employer contribution shall be 99063
certified by the board to the director of budget and management 99064
and shall not be lower than nine per cent of the total salaries 99065
paid contributing members and shall not exceed three times the 99066
rate percentage being deducted from the annual salaries of 99067
contributing members. The board shall prepare and submit to the 99068
director, on or before the first day of November of each 99069
even-numbered year, an estimate of the amounts necessary to pay 99070
the state's obligations accruing during the biennium beginning the 99071
first day of July of the following year. Such amounts shall be 99072
included in the budget and allocated as certified by the board. 99073

Sec. 5505.152. (A) As used in this section, "entry age normal 99074
actuarial cost method" means an actuarial cost method under which 99075
the actuarial present value of the projected benefits of each 99076
individual included in the valuation is allocated on a level basis 99077
over the earnings or service of the individual between the entry 99078
age and the assumed exit age, with the portion of the actuarial 99079
present value that is allocated to the valuation year to be the 99080
normal cost and the portion of the actuarial present value not 99081
provided for at the valuation date by the actuarial present value 99082
of future normal costs to be the actuarial accrued liability. 99083
Under this method, the actuarial gains or losses are reflected as 99084
they occur in a decrease or increase in the unfunded actuarial 99085
accrued liability. 99086

(B) The Ohio retirement study council shall annually review the adequacy of the contribution rates provided under divisions (A) and (B) of section 5505.15 of the Revised Code and the contribution rates recommended in a report by the actuary of the state highway patrol retirement system for the forthcoming year.

The actuarial calculations used by the actuary shall be based on the entry age normal actuarial cost method, and the adequacy of the contribution rates shall be reported on the basis of that method. The Ohio retirement study council shall make recommendations to the general assembly that it finds necessary for the proper financing of the benefits of the state highway patrol retirement system.

Sec. 5701.11. The effective date to which this section refers is the effective date of this section as amended by ~~Sub. H.B. 458~~ 1 of the ~~127th~~ 128th general assembly.

(A)(1) Except as provided under division (A)(2) or (B) of this section, any reference in Title LVII of the Revised Code to the Internal Revenue Code, to the Internal Revenue Code "as amended," to other laws of the United States, or to other laws of the United States, "as amended," means the Internal Revenue Code or other laws of the United States as they exist on the effective date.

(2) This section does not apply to any reference in Title LVII of the Revised Code to the Internal Revenue Code as of a date certain specifying the day, month, and year, or to other laws of the United States as of a date certain specifying the day, month, and year.

(B)(1) For purposes of applying section 5733.04, 5745.01, or 5747.01 of the Revised Code to a taxpayer's taxable year ending after December ~~21, 2007~~ 30, 2008, and before the effective date, a taxpayer may irrevocably elect to incorporate the provisions of

the Internal Revenue Code or other laws of the United States that 99118
are in effect for federal income tax purposes for that taxable 99119
year if those provisions differ from the provisions that, under 99120
division (A) of this section, would otherwise apply. The filing by 99121
the taxpayer for that taxable year of a report or return that 99122
incorporates the provisions of the Internal Revenue Code or other 99123
laws of the United States applicable for federal income tax 99124
purposes for that taxable year, and that does not include any 99125
adjustments to reverse the effects of any differences between 99126
those provisions and the provisions that would otherwise apply, 99127
constitutes the making of an irrevocable election under this 99128
division for that taxable year. 99129

(2) Elections under prior versions of division (B)(1) of this 99130
section remain in effect for the taxable years to which they 99131
apply. 99132

Sec. 5703.05. All powers, duties, and functions of the 99133
department of taxation are vested in and shall be performed by the 99134
tax commissioner, which powers, duties, and functions shall 99135
include, but shall not be limited to, the following: 99136

(A) Prescribing all blank forms which the department is 99137
authorized to prescribe, and to provide such forms and distribute 99138
the same as required by law and the rules of the department. The 99139
tax commissioner shall include a mail-in registration form 99140
prescribed in section 3503.14 of the Revised Code within the 99141
return and instructions for the tax levied in odd-numbered years 99142
under section 5747.02 of the Revised Code, beginning with the tax 99143
levied for 1995. The secretary of state shall bear all costs for 99144
the inclusion of the mail-in registration form. That form shall be 99145
addressed for return to the office of the secretary of state. 99146

(B) Exercising the authority provided by law, including 99147
orders from bankruptcy courts, relative to remitting or refunding 99148

taxes or assessments, including penalties and interest thereon, 99149
illegally or erroneously assessed or collected, or for any other 99150
reason overpaid, and in addition, the commissioner may on written 99151
application of any person, firm, or corporation claiming to have 99152
overpaid to the treasurer of state at any time within five years 99153
prior to the making of such application any tax payable under any 99154
law which the department of taxation is required to administer 99155
which does not contain any provision for refund, or on the 99156
commissioner's own motion investigate the facts and make in 99157
triplicate a written statement of the commissioner's findings, 99158
and, if the commissioner finds that there has been an overpayment, 99159
issue in triplicate a certificate of abatement payable to the 99160
taxpayer, the taxpayer's assigns, or legal representative which 99161
shows the amount of the overpayment and the kind of tax overpaid. 99162
One copy of such statement shall be entered on the journal of the 99163
commissioner, one shall be certified to the attorney general, and 99164
one certified copy shall be delivered to the taxpayer. All copies 99165
of the certificate of abatement shall be transmitted to the 99166
attorney general, and if the attorney general finds it to be 99167
correct the attorney general shall so certify on each copy, and 99168
deliver one copy to the taxpayer, one copy to the commissioner, 99169
and the third copy to the treasurer of state. Except as provided 99170
in sections 5725.08 and 5725.16 of the Revised Code the taxpayer's 99171
copy of any certificates of abatement may be tendered by the payee 99172
or transferee thereof to the treasurer of state as payment, to the 99173
extent of the amount thereof, of any tax payable to the treasurer 99174
of state. 99175

(C) Exercising the authority provided by law relative to 99176
consenting to the compromise and settlement of tax claims; 99177

(D) Exercising the authority provided by law relative to the 99178
use of alternative tax bases by taxpayers in the making of 99179
personal property tax returns; 99180

(E) Exercising the authority provided by law relative to 99181
authorizing the prepayment of taxes on retail sales of tangible 99182
personal property or on the storage, use, or consumption of 99183
personal property, and waiving the collection of such taxes from 99184
the consumers; 99185

(F) Exercising the authority provided by law to revoke 99186
licenses; 99187

(G) Maintaining a continuous study of the practical operation 99188
of all taxation and revenue laws of the state, the manner in which 99189
and extent to which such laws provide revenues for the support of 99190
the state and its political subdivisions, the probable effect upon 99191
such revenue of possible changes in existing laws, and the 99192
possible enactment of measures providing for other forms of 99193
taxation. For this purpose the commissioner may establish and 99194
maintain a division of research and statistics, ~~and may appoint~~ 99195
~~necessary employees who shall be in the unclassified civil~~ 99196
~~service; the.~~ The results of such study shall be available to the 99197
members of the general assembly and the public. 99198

(H) Making all tax assessments, valuations, findings, 99199
determinations, computations, and orders the department of 99200
taxation is by law authorized and required to make and, pursuant 99201
to time limitations provided by law, on the commissioner's own 99202
motion, reviewing, redetermining, or correcting any tax 99203
assessments, valuations, findings, determinations, computations, 99204
or orders the commissioner has made, but the commissioner shall 99205
not review, redetermine, or correct any tax assessment, valuation, 99206
finding, determination, computation, or order which the 99207
commissioner has made as to which an appeal or application for 99208
rehearing, review, redetermination, or correction has been filed 99209
with the board of tax appeals, unless such appeal or application 99210
is withdrawn by the appellant or applicant or dismissed; 99211

(I) Appointing not more than five deputy tax commissioners, 99212

who, under such regulations as the rules of the department of 99213
taxation prescribe, may act for the commissioner in the 99214
performance of such duties as the commissioner prescribes in the 99215
administration of the laws which the commissioner is authorized 99216
and required to administer, and who shall serve in the 99217
unclassified civil service at the pleasure of the commissioner, 99218
but if a person who holds a position in the classified service is 99219
appointed, it shall not affect the civil service status of such 99220
person. The commissioner may designate not more than two of the 99221
deputy commissioners to act as commissioner in case of the 99222
absence, disability, or recusal of the commissioner or vacancy in 99223
the office of commissioner. The commissioner may adopt rules 99224
relating to the order of precedence of such designated deputy 99225
commissioners and to their assumption and administration of the 99226
office of commissioner. 99227

(J) Appointing and prescribing the duties of all other 99228
employees of the department of taxation necessary in the 99229
performance of the work of the department which the tax 99230
commissioner is by law authorized and required to perform, and 99231
creating such divisions or sections of employees as, in the 99232
commissioner's judgment, is proper; 99233

(K) Organizing the work of the department, which the 99234
commissioner is by law authorized and required to perform, so 99235
that, in the commissioner's judgment, an efficient and economical 99236
administration of the laws will result; 99237

(L) Maintaining a journal, which is open to public 99238
inspection, in which the tax commissioner shall keep a record of 99239
all final determinations of the commissioner; 99240

(M) Adopting and promulgating, in the manner provided by 99241
section 5703.14 of the Revised Code, all rules of the department, 99242
including rules for the administration of sections 3517.16, 99243
3517.17, and 5747.081 of the Revised Code; 99244

(N) Destroying any or all returns or assessment certificates 99245
in the manner authorized by law; 99246

(O) Adopting rules, in accordance with division (B) of 99247
section 325.31 of the Revised Code, governing the expenditure of 99248
moneys from the real estate assessment fund under that division. 99249

Sec. 5703.37. ~~Whenever (A)(1) Except as provided in division 99250
(B) of this section, whenever service of a notice or order is 99251
required in the manner provided in this section, a certified copy 99252
of the order or notice or order shall be served upon the person 99253
affected thereby either by personal service or by certified mail- 99254
Within the time specified in an order of the department of 99255
taxation, every person upon whom it is served, if required by the 99256
order, shall notify the department, by personal service, certified 99257
mail, or a delivery service authorized under section 5703.056 of 99258
the Revised Code, whether the terms of the order are accepted and 99259
will be obeyed that notifies the tax commissioner of the date of 99260
delivery. 99261~~

(2) With the permission of the person affected by the notice 99262
or order, the commissioner may enter into a written agreement to 99263
deliver a notice or order by alternative means as provided in this 99264
section, including, but not limited to, delivery by secure 99265
electronic mail. Delivery by such means satisfies the requirements 99266
for delivery under this section. 99267

(B)(1)(a) If certified mail is returned because of an 99268
undeliverable address, the commissioner shall first utilize 99269
reasonable means to ascertain a new last known address, including 99270
the use of a change of address service offered by the United 99271
States postal service. An assessment is deemed final for the 99272
purposes of section 131.02 of the Revised Code sixty days after 99273
the notice or order sent by certified mail is first returned to 99274
the commissioner. If, after using reasonable means, the 99275

commissioner is unable to ascertain a new last known address, the 99276
commissioner shall certify the notice or order, if applicable, to 99277
the attorney general for collection under section 131.02 of the 99278
Revised Code. 99279

(b) Notwithstanding certification to the attorney general 99280
under division (B)(1)(a) of this section, once the commissioner or 99281
attorney general, or the designee of either, makes an initial 99282
contact with the person to whom the notice or order is directed, 99283
the person may protest an assessment by filing a petition for 99284
reassessment within sixty days after the initial contact. The 99285
certification of an assessment under division (B)(1)(a) of this 99286
section is prima-facie evidence that delivery is complete and that 99287
the notice or order is served. 99288

(2) If mailing of a notice or order by certified mail is 99289
returned for some cause other than an undeliverable address, the 99290
tax commissioner shall resend the notice or order by ordinary 99291
mail. The notice or order shall show the date the commissioner 99292
sends the notice or order and include the following statement: 99293

"This notice or order is deemed to be served on the addressee 99294
under applicable law ten days from the date this notice or order 99295
was mailed by the commissioner as shown on the notice or order, 99296
and all periods within which an appeal may be filed apply from and 99297
after that date." 99298

Unless the mailing is returned because of an undeliverable 99299
address, the mailing of that information is prima-facie evidence 99300
that delivery of the notice or order was completed ten days after 99301
the commissioner sent the notice or order by ordinary mail and 99302
that the notice or order was served. 99303

If the ordinary mail is subsequently returned because of an 99304
undeliverable address, the commissioner shall proceed under 99305
division (B)(1)(a) of this section. A person may challenge the 99306

presumption of delivery and service under this division in accordance with division (C) of this section. 99307
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(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address if the person was residing or receiving legal documents at the address, or if a business was conducted at the address either by the person or the person's agent, or by any other person affiliated with the business, if the person owned or controlled at least twenty per cent of the business' ownership interests having voting rights. 99309
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(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general must either enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code, or send to the tax commissioner the person's petition for reassessment for action under the procedures prescribed by this title for petitions for reassessment. 99321
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(D) Nothing in this section prohibits the tax commissioner or the commissioner's designee from delivering a notice or order by personal service. 99329
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(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section, but such a claim remains certified for subsequent collection by the attorney general for the purposes of this section and section 131.02 of the Revised Code. 99332
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(F) As used in this section: 99339

(1) "Last known address" means the address the department has 99340
at the time the document is originally sent by certified mail, or 99341
any address the department can ascertain using reasonable means 99342
such as the use of a change of address service offered by the 99343
United States postal service. 99344

(2) "Undeliverable address" means an address to which the 99345
United States postal service is not able to deliver a notice or 99346
order, except when the reason for nondelivery is because the 99347
addressee fails to acknowledge or accept the notice or order. 99348

Sec. 5703.80. There is hereby created in the state treasury 99349
the property tax administration fund. All money to the credit of 99350
the fund shall be used to defray the costs incurred by the 99351
department of taxation in administering the taxation of property 99352
and the equalization of real property valuation. 99353

Each fiscal year between the first and fifteenth days of 99354
July, the tax commissioner shall compute the following amounts for 99355
the property in each taxing district in each county, and certify 99356
to the director of budget and management the sum of those amounts 99357
for all taxing districts in all counties: 99358

(A) For fiscal year ~~2006~~ 2010, ~~thirty-three~~ forty-two 99359
hundredths of one per cent of the total amount by which taxes 99360
charged against real property on the general tax list of real and 99361
public utility property were reduced under section 319.302 of the 99362
Revised Code for the preceding tax year; 99363

(B) For fiscal year ~~2007~~ 2011 and thereafter, ~~thirty-five~~ 99364
forty-eight hundredths of one per cent of the total amount by 99365
which taxes charged against real property on the general tax list 99366
of real and public utility property were reduced under section 99367
319.302 of the Revised Code for the preceding tax year; 99368

(C) For fiscal year ~~2006~~ 2010, ~~one-half~~ eight-tenths of one 99369
per cent of the total amount of taxes charged and payable against 99370
public utility personal property on the general tax list of real 99371
and public utility property for the preceding tax year and of the 99372
total amount of taxes charged and payable against tangible 99373
personal property on the general tax list of personal property of 99374
the preceding tax year and for which returns were filed with the 99375
tax commissioner under section 5711.13 of the Revised Code; 99376

(D) For fiscal year ~~2007~~ 2011 and thereafter, ~~fifty-six~~ 99377
~~hundredths~~ nine hundred fifty-one thousandths of one per cent of 99378
the total amount of taxes charged and payable against public 99379
utility personal property on the general tax list of real and 99380
public utility property for the preceding tax year and of the 99381
total amount of taxes charged and payable against tangible 99382
personal property on the general tax list of personal property of 99383
the preceding tax year and for which returns were filed with the 99384
tax commissioner under section 5711.13 of the Revised Code; 99385

~~(E) For fiscal year 2008, six tenths of one per cent of the~~ 99386
~~total amount of taxes charged and payable against public utility~~ 99387
~~personal property on the general tax list of real and public~~ 99388
~~utility property for the preceding tax year and of the total~~ 99389
~~amount of taxes charged and payable against tangible personal~~ 99390
~~property on the general tax list of personal property of the~~ 99391
~~preceding tax year and for which returns were filed with the tax~~ 99392
~~commissioner under section 5711.13 of the Revised Code;~~ 99393

~~(F) For fiscal year 2009 and thereafter, seven hundred~~ 99394
~~twenty five one thousandths of one per cent of the total amount of~~ 99395
~~taxes charged and payable against public utility personal property~~ 99396
~~on the general tax list of real and public utility property for~~ 99397
~~the preceding tax year and of the total amount of taxes charged~~ 99398
~~and payable against tangible personal property on the general tax~~ 99399
~~list of personal property of the preceding tax year and for which~~ 99400

~~returns were filed with the tax commissioner under section 5711.13~~ 99401
~~of the Revised Code.~~ 99402

After receiving the tax commissioner's certification, the 99403
director of budget and management shall transfer from the general 99404
revenue fund to the property tax administration fund one-fourth of 99405
the amount certified on or before each of the following days: the 99406
first days of August, November, February, and May. 99407

On or before the thirtieth day of June of the fiscal year, 99408
the tax commissioner shall certify to the director of budget and 99409
management the sum of the amounts by which the amounts computed 99410
for a taxing district under this section exceeded the 99411
distributions to the taxing district under division (F) of section 99412
321.24 of the Revised Code, and the director shall transfer that 99413
sum from the property tax administration fund to the general 99414
revenue fund. 99415

Sec. 5705.214. Not more than three elections during any 99416
calendar year shall include the questions by a school district of 99417
tax levies proposed under any one or any combination of the 99418
following sections: sections 5705.194, 5705.199, 5705.21, 99419
5705.212, 5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the 99420
Revised Code. 99421

Sec. 5705.219. (A) As used in this section: 99422

(1) "Eligible school district" means a city, local, or 99423
exempted village school district in which the taxes charged and 99424
payable for current expenses on residential/agricultural real 99425
property in the tax year preceding the year in which the levy 99426
authorized by this section will be submitted for elector approval 99427
or rejection are greater than two per cent of the taxable value of 99428
the residential/agricultural real property. 99429

(2) "Residential/agricultural real property" and 99430

"nonresidential/agricultural real property" means the property 99431
classified as such under section 5713.041 of the Revised Code. 99432

(3) "Effective tax rate" and "taxes charged and payable" have 99433
the same meanings as in division (B) of section 319.301 of the 99434
Revised Code. 99435

(B) On or after January 1, 2010, but before January 1, 2015, 99436
the board of education of an eligible school district, by a vote 99437
of two-thirds of all its members, may adopt a resolution proposing 99438
to convert existing levies imposed for the purpose of current 99439
expenses into a levy raising a specified amount of tax money by 99440
repealing all or a portion of one or more of those existing levies 99441
and imposing a levy in excess of the ten-mill limitation that will 99442
raise a specified amount of money for current expenses of the 99443
district. 99444

The board of education shall certify a copy of the resolution 99445
to the tax commissioner not later than ninety days before the 99446
election upon which the repeal and levy authorized by this section 99447
will be proposed to the electors. Within ten days after receiving 99448
the copy of the resolution, the tax commissioner shall determine 99449
each of the following and certify the determinations to the board 99450
of education: 99451

(1) The dollar amount to be raised by the proposed levy, 99452
which shall be the product of: 99453

(a) The difference between the aggregate effective tax rate 99454
for residential/agricultural real property for the tax year 99455
preceding the year in which the repeal and levy will be proposed 99456
to the electors and twenty mills per dollar of taxable value; 99457

(b) The total taxable value of all property on the tax list 99458
of real and public utility property for the tax year preceding the 99459
year in which the repeal and levy will be proposed to the 99460
electors. 99461

(2) The estimated tax rate of the proposed levy. 99462

(3) The existing levies and any portion of an existing levy to be repealed upon approval of the question. Levies shall be repealed in reverse chronological order from most recently imposed to least recently imposed until the sum of the effective tax rates repealed for residential/agricultural real property is equal to the difference calculated in division (B)(1)(a) of this section. 99463
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(4) The sum of the following: 99469

(a) The total taxable value of nonresidential/agricultural real property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate effective tax rate for nonresidential/agricultural real property for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero; 99470
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(b) The total taxable value of public utility tangible personal property for the tax year preceding the year in which the repeal and levy will be proposed to the electors multiplied by the difference between (i) the aggregate voted tax rate for the existing levies and any portion of an existing levy to be repealed and (ii) the amount determined under division (B)(1)(a) of this section, but not less than zero. 99478
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(C) Upon receipt of the certification from the tax commissioner under division (B) of this section, a majority of the members of the board of education may adopt a resolution proposing the repeal of the existing levies as identified in the certification and the imposition of a levy in excess of the ten-mill limitation that will raise annually the amount certified by the commissioner. If the board determines that the tax should be for an amount less than that certified by the commissioner, the 99485
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board, before January 1, 2015, may request that the commissioner 99493
redetermine the rate under division (B)(2) of this section on the 99494
basis of the lesser amount the levy is to raise as specified by 99495
the board. The amount certified under division (B)(4) and the 99496
levies to be repealed as certified under division (B)(3) of this 99497
section shall not be redetermined. Within ten days after receiving 99498
a timely request specifying the lesser amount to be raised by the 99499
levy, the commissioner shall redetermine the rate and recertify it 99500
to the board as otherwise provided in division (B) of this 99501
section. Only one such request may be made by the board of 99502
education of an eligible school district. 99503

The resolution shall state the first calendar year in which 99504
the levy will be due; the existing levies and any portion of an 99505
existing levy that will be repealed, as certified by the 99506
commissioner; the term of the levy expressed in years, which may 99507
be any number not exceeding ten, or that it will be levied for a 99508
continuing period of time; and the date of the election. 99509

Immediately upon its passage, the resolution shall go into 99510
effect and shall be certified by the board of education to the 99511
county auditor of the proper county. The county auditor and the 99512
board of education shall proceed as required under section 99513
5705.195 of the Revised Code. No publication of the resolution is 99514
necessary other than that provided for in the notice of election. 99515
Section 5705.196 of the Revised Code shall govern the matters 99516
concerning the election. The submission of a question to the 99517
electors under this section is subject to the limitation on the 99518
number of election dates established by section 5705.214 of the 99519
Revised Code. 99520

(D) The form of the ballot to be used at the election 99521
provided for in this section shall be as follows: 99522

"Shall the existing levy of . . . (insert the voted millage 99523
rate of the levy to be repealed), currently being charged against 99524

residential and agricultural property by the . . . (insert the 99525
name of school district) at a rate of . . . (insert the 99526
residential/agricultural real property effective tax rate of the 99527
levy being repealed) for the purpose of . . . (insert the purpose 99528
of the existing levy) be repealed, and shall a levy be imposed by 99529
the . . . (insert the name of school district) in excess of the 99530
ten-mill limitation for the necessary requirements of the school 99531
district in the sum of . . . (insert the annual amount the levy is 99532
to produce), estimated by the tax commissioner to require . . . 99533
(insert the number of mills) mills for each one dollar of 99534
valuation, which amounts to . . . (insert the rate expressed in 99535
dollars and cents) for each one hundred dollars of valuation for 99536
the initial year of the tax, for a period of . . . (insert the 99537
number of years the levy is to be imposed, or that it will be 99538
levied for a continuing period of time), commencing in . . . 99539
(insert the first year the tax is to be levied), first due in 99540
calendar year . . . (insert the first calendar year in which the 99541
tax shall be due)? 99542

	FOR THE REPEAL AND TAX	
	AGAINST THE REPEAL AND TAX	"

If the question submitted is a proposal to repeal all or a 99547
portion of more than one existing levy, the form of the ballot 99548
shall be modified by substituting the statement "shall the 99549
existing levy of" with "shall existing levies of" and inserting 99550
the aggregate voted and aggregate effective tax rates to be 99551
repealed. 99552

(E) If a majority of the electors voting on the question 99553
submitted in an election vote in favor of the repeal and levy, the 99554
result shall be certified immediately after the canvass by the 99555
board of elections to the board of education. The board of 99556

education may make the levy necessary to raise the amount 99557
specified in the resolution for the purpose stated in the 99558
resolution and shall certify it to the county auditor, who shall 99559
extend it on the current year tax lists for collection. After the 99560
first year, the levy shall be included in the annual tax budget 99561
that is certified to the county budget commission. 99562

(F) A levy imposed under this section for a continuing period 99563
of time may be decreased or repealed pursuant to section 5705.261 99564
of the Revised Code. If a levy imposed under this section is 99565
decreased, the amount calculated under division (B)(4) of this 99566
section and paid under section 5705.2110 of the Revised Code shall 99567
be decreased by the same proportion as the levy is decreased. If 99568
the levy is repealed, no further payments shall be made to the 99569
district under that section. 99570

(G) At any time, the board of education, by a vote of 99571
two-thirds of all of its members, may adopt a resolution to renew 99572
a tax levied under this section. The resolution shall provide for 99573
levying the tax and specifically all of the following: 99574

(1) That the tax shall be called, and designated on the 99575
ballot as, a renewal levy; 99576

(2) The amount of the renewal tax, which shall be no more 99577
than the amount of tax previously collected; 99578

(3) The number of years, not to exceed ten, that the renewal 99579
tax will be levied, or that it will be levied for a continuing 99580
period of time; 99581

(4) That the purpose of the renewal tax is for current 99582
expenses. 99583

(H) The form of the ballot to be used at the election on the 99584
question of renewing a levy under this section shall be as 99585
follows: 99586

"Shall a tax levy renewing an existing levy of . . . (insert the annual dollar amount the levy is to produce each year), estimated to require . . . (insert the number of mills) mills for each one dollar of valuation be imposed by the . . . (insert the name of school district) for the purpose of current expenses for a period of . . . (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in . . . (insert the first year the tax is to be levied), first due in calendar year . . . (insert the first calendar year in which the tax shall be due)?"

	<u>FOR THE RENEWAL OF THE TAX LEVY</u>	
	<u>AGAINST THE RENEWAL OF THE TAX LEVY</u>	"

If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before "estimated to require" the statement "be approved at a tax rate necessary to produce . . . (insert the lower annual dollar amount the levy is to produce each year)."

Sec. 5705.2110. (A) For purposes of this section:

(1) "Carryover property" has the same meaning as in section 319.301 of the Revised Code.

(2) "Residential/agricultural real property" has the same meaning as in section 5705.219 of the Revised Code.

(B) For each city, local, or exempted village school district in which the tax authorized by section 5705.219 of the Revised Code has been approved by electors in the preceding year, the tax

commissioner, not later than the twenty-eighth day of February, 99615
shall certify to the department of education the amount determined 99616
in division (B)(4) of section 5705.219 of the Revised Code. Not 99617
later than the twenty-eighth day of February of each year 99618
thereafter for twelve years, the commissioner shall certify an 99619
amount equal to the difference between the amount certified in the 99620
preceding year under this division and the product of ten mills 99621
per dollar multiplied by the excess, if any, of the value of 99622
carryover property for residential/agricultural real property for 99623
the preceding tax year over the value of carryover property for 99624
residential/agricultural real property in the second preceding tax 99625
year. If the amount to be certified in any year is zero, in the 99626
commissioner's certification the commissioner shall state that no 99627
further certifications shall be forthcoming. 99628

(C) Not later than the last day of April and of October 99629
beginning in the first year in which a certification under 99630
division (B) of this section is received, the department of 99631
education shall pay to the school district for which the 99632
certification is made one-half of the amount most recently 99633
certified by the tax commissioner. 99634

Sec. 5705.29. This section does not apply to a subdivision or 99635
taxing unit for which the county budget commission has waived the 99636
requirement to adopt a tax budget pursuant to section 5705.281 of 99637
the Revised Code. The tax budget shall present the following 99638
information in such detail as is prescribed by the auditor of 99639
state: 99640

(A)(1) A statement of the necessary current operating 99641
expenses for the ensuing fiscal year for each department and 99642
division of the subdivision, classified as to personal services 99643
and other expenses, and the fund from which such expenditures are 99644
to be made. Except in the case of a school district, this estimate 99645

may include a contingent expense not designated for any particular purpose, and not to exceed three per cent of the total amount of appropriations for current expenses. In the case of a school district, this estimate may include a contingent expense not designated for any particular purpose and not to exceed thirteen per cent of the total amount of appropriations for current expenses.

(2) A statement of the expenditures for the ensuing fiscal year necessary for permanent improvements, exclusive of any expense to be paid from bond issues, classified as to the improvements contemplated by the subdivision and the fund from which such expenditures are to be made;

(3) The amounts required for the payment of final judgments;

(4) A statement of expenditures for the ensuing fiscal year necessary for any purpose for which a special levy is authorized, and the fund from which such expenditures are to be made;

(5) Comparative statements, so far as possible, in parallel columns of corresponding items of expenditures for the current fiscal year and the two preceding fiscal years.

(B)(1) An estimate of receipts from other sources than the general property tax during the ensuing fiscal year, which shall include an estimate of unencumbered balances at the end of the current fiscal year, and the funds to which such estimated receipts are credited;

(2) The amount each fund requires from the general property tax, which shall be the difference between the contemplated expenditure from the fund and the estimated receipts, as provided in this section. The section of the Revised Code under which the tax is authorized shall be set forth.

(3) Comparative statements, so far as possible, in parallel columns of taxes and other revenues for the current fiscal year

and the two preceding fiscal years. 99677

(C)(1) The amount required for debt charges; 99678

(2) The estimated receipts from sources other than the tax 99679
levy for payment of such debt charges, including the proceeds of 99680
refunding bonds to be issued to refund bonds maturing in the next 99681
succeeding fiscal year; 99682

(3) The net amount for which a tax levy shall be made, 99683
classified as to bonds authorized and issued prior to January 1, 99684
1922, and those authorized and issued subsequent to such date, and 99685
as to what portion of the levy will be within and what in excess 99686
of the ten-mill limitation. 99687

(D) An estimate of amounts from taxes authorized to be levied 99688
in excess of the ten-mill limitation on the tax rate, and the fund 99689
to which such amounts will be credited, together with the sections 99690
of the Revised Code under which each such tax is exempted from all 99691
limitations on the tax rate. 99692

(E)(1) A board of education may include in its budget for the 99693
fiscal year in which a levy proposed under section 5705.194, 99694
5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or the original levy 99695
under section 5705.212 of the Revised Code is first extended on 99696
the tax list and duplicate an estimate of expenditures to be known 99697
as a voluntary contingency reserve balance, which shall not be 99698
greater than twenty-five per cent of the total amount of the levy 99699
estimated to be available for appropriation in such year. 99700

(2) A board of education may include in its budget for the 99701
fiscal year following the year in which a levy proposed under 99702
section 5705.194, 5705.199, 5705.21, ~~or~~ 5705.213, or 5705.219, or 99703
the original levy under section 5705.212 of the Revised Code is 99704
first extended on the tax list and duplicate an estimate of 99705
expenditures to be known as a voluntary contingency reserve 99706
balance, which shall not be greater than twenty per cent of the 99707

amount of the levy estimated to be available for appropriation in 99708
such year. 99709

(3) Except as provided in division (E)(4) of this section, 99710
the full amount of any reserve balance the board includes in its 99711
budget shall be retained by the county auditor and county 99712
treasurer out of the first semiannual settlement of taxes until 99713
the beginning of the next succeeding fiscal year, and thereupon, 99714
with the depository interest apportioned thereto, it shall be 99715
turned over to the board of education, to be used for the purposes 99716
of such fiscal year. 99717

(4) A board of education, by a two-thirds vote of all members 99718
of the board, may appropriate any amount withheld as a voluntary 99719
contingency reserve balance during the fiscal year for any lawful 99720
purpose, provided that prior to such appropriation the board of 99721
education has authorized the expenditure of all amounts 99722
appropriated for contingencies under section 5705.40 of the 99723
Revised Code. Upon request by the board of education, the county 99724
auditor shall draw a warrant on the district's account in the 99725
county treasury payable to the district in the amount requested. 99726

(F)(1) A board of education may include a spending reserve in 99727
its budget for fiscal years ending on or before June 30, 2002. The 99728
spending reserve shall consist of an estimate of expenditures not 99729
to exceed the district's spending reserve balance. A district's 99730
spending reserve balance is the amount by which the designated 99731
percentage of the district's estimated personal property taxes to 99732
be settled during the calendar year in which the fiscal year ends 99733
exceeds the estimated amount of personal property taxes to be so 99734
settled and received by the district during that fiscal year. 99735
Moneys from a spending reserve shall be appropriated in accordance 99736
with section 133.301 of the Revised Code. 99737

(2) For the purposes of computing a school district's 99738
spending reserve balance for a fiscal year, the designated 99739

percentage shall be as follows:		99740
Fiscal year ending in:	Designated percentage	99741
1998	50%	99742
1999	40%	99743
2000	30%	99744
2001	20%	99745
2002	10%	99746

(G) Except as otherwise provided in this division, the county budget commission shall not reduce the taxing authority of a subdivision as a result of the creation of a reserve balance account. Except as otherwise provided in this division, the county budget commission shall not consider the amount in a reserve balance account of a township, county, or municipal corporation as an unencumbered balance or as revenue for the purposes of division (E)(3) or (4) of section 5747.51 of the Revised Code. The county budget commission may require documentation of the reasonableness of the reserve balance held in any reserve balance account. The commission shall consider any amount in a reserve balance account that it determines to be unreasonable as unencumbered and as revenue for the purposes of section 5747.51 of the Revised Code and may take such amounts into consideration when determining whether to reduce the taxing authority of a subdivision.

Sec. 5705.341. Any person required to pay taxes on real, public utility, or tangible personal property in any taxing district or other political subdivision of this state may appeal to the board of tax appeals from the action of the county budget commission of any county which relates to the fixing of uniform rates of taxation and the rate necessary to be levied by each taxing authority within its subdivision or taxing unit and which action has been certified by the county budget commission to the taxing authority of any political subdivision or other taxing district within the county.

Such appeal shall be in writing and shall set forth the tax rate complained of and the reason that such a tax rate is not necessary to produce the revenue needed by the taxing district or political subdivision for the ensuing fiscal year as those needs are set out in the tax budget of said taxing unit or, if adoption of a tax budget was waived under section 5705.281 of the Revised Code, as set out in such other information the district or subdivision was required to provide under that section, or that the action of the budget commission appealed from does not otherwise comply with sections 5705.01 to 5705.47 of the Revised Code. The notice of appeal shall be filed with the board of tax appeals, and a true copy thereof shall be filed with the tax commissioner, the county auditor, and with the fiscal officer of each taxing district or political subdivision authorized to levy the tax complained of, and such notice of appeal and copies thereof must be filed within thirty days after the budget commission has certified its action as provided by section 5705.34 of the Revised Code. Such notice of appeal and the copies thereof may be filed either in person or by certified mail. If filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal employee to whom the notice of appeal is presented shall be treated as the date of filing.

Prior to filing the appeal provided by this section, the appellant shall deposit with the county auditor of the county or, in the event the appeal concerns joint taxing districts in two or more counties, with the county auditor of the county with the greatest valuation of taxable property the sum of five hundred dollars to cover the costs of the proceeding. The county auditor shall forthwith issue a pay-in order and pay such money into the county treasury to the credit of the general fund. The appellant shall produce the receipt of the county treasurer for such deposit and shall file such receipt with the notice of appeal.

The board of tax appeals shall forthwith consider the matter 99804
presented on appeal from the action of the county budget 99805
commission and may modify any action of the commission with 99806
reference to the fixing of tax rates, to the end that no tax rate 99807
shall be levied above that necessary to produce the revenue needed 99808
by the taxing district or political subdivision for the ensuing 99809
fiscal year and to the end that the action of the budget 99810
commission appealed from shall otherwise be in conformity with 99811
sections 5705.01 to 5705.47 of the Revised Code. The findings of 99812
the board of tax appeals shall be substituted for the findings of 99813
the budget commission and shall be ~~certified~~ sent to the county 99814
auditor and the taxing authority of the taxing district or 99815
political subdivision affected as the action of such budget 99816
commission under sections 5705.01 to 5705.47 of the Revised Code 99817
and to the tax commissioner. 99818

The board of tax appeals shall promptly prepare a cost bill 99819
listing the expenses incurred by the board in conducting any 99820
hearing on the appeal and certify the cost bill to the county 99821
auditor of the county receiving the deposit for costs, who shall 99822
forthwith draw a warrant on the general fund of the county in 99823
favor of the person or persons named in the bill of costs 99824
certified by the board of tax appeals. 99825

In the event the appellant prevails, the board of tax appeals 99826
promptly shall direct the county auditor to refund the deposit to 99827
the appellant and the costs shall be taxed to the taxing district 99828
or political subdivision involved in the appeal. The county 99829
auditor shall withhold from any funds then or thereafter in the 99830
auditor's possession belonging to the taxing district or political 99831
subdivision named in the order of the board of tax appeals and 99832
shall reimburse the general fund of the county. 99833

If the appellant fails, the costs shall be deducted from the 99834
deposit provided for in this section and any balance which remains 99835

shall be refunded promptly to the appellant by warrant of the 99836
county auditor drawn on the general fund of the county. 99837

Nothing in this section or any section of the Revised Code 99838
shall permit or require the levying of any rate of taxation, 99839
whether within the ten-mill limitation or whether the levy has 99840
been approved by the electors of the taxing district, the 99841
political subdivision, or the charter of a municipal corporation 99842
in excess of such ten-mill limitation, unless such rate of 99843
taxation for the ensuing fiscal year is clearly required by a 99844
budget of the taxing district or political subdivision properly 99845
and lawfully adopted under this chapter, or by other information 99846
that must be provided under section 5705.281 of the Revised Code 99847
if a tax budget was waived. 99848

In the event more than one appeal is filed involving the same 99849
taxing district or political subdivision, all such appeals may be 99850
consolidated by the board of tax appeals and heard at the same 99851
time. 99852

Nothing herein contained shall be construed to bar or 99853
prohibit the tax commissioner from initiating an investigation or 99854
hearing on the commissioner's own motion. 99855

The tax commissioner shall adopt and issue such orders, 99856
rules, and instructions, not inconsistent with law, as the 99857
commissioner deems necessary, as to the exercise of the powers and 99858
the discharge of the duties of any particular county budget 99859
commission, county auditor, or other officer which relate to the 99860
budget, the assessment of property, or the levy and collection of 99861
taxes. The commissioner shall cause the orders and instructions 99862
issued by the commissioner to be obeyed. 99863

Sec. 5705.37. The taxing authority of any subdivision, or the 99864
board of trustees of any public library, nonprofit corporation, or 99865
library association maintaining a free public library that has 99866

adopted and certified rules under section 5705.28 of the Revised Code, that is dissatisfied with any action of the county budget commission may, through its fiscal officer, appeal to the board of tax appeals within thirty days after the receipt by the subdivision of the official certificate or notice of the commission's action. In like manner, but through its clerk, any park district may appeal to the board of tax appeals. An appeal under this section shall be taken by the filing of a notice of appeal, either in person or by certified mail, express mail, or authorized delivery service as provided in section 5703.056 of the Revised Code, with the board and with the commission. If notice of appeal is filed by certified mail, express mail, or authorized delivery service, date of the United States postmark placed on the sender's receipt by the postal service or the date of receipt recorded by the authorized delivery service shall be treated as the date of filing. Upon receipt of the notice of appeal, the commission, by certified mail, shall notify all persons who were parties to the proceeding before the commission of the filing of the notice of appeal and shall file proof of notice with the board of tax appeals. The secretary of the commission shall forthwith certify to the board a transcript of the full and accurate record of all proceedings before the commission, together with all evidence presented in the proceedings or considered by the commission, pertaining to the action from which the appeal is taken. The secretary of the commission also shall certify to the board any additional information that the board may request.

The board of tax appeals, in a de novo proceeding, shall forthwith consider the matter presented to the commission, and may modify any action of the commission with reference to the budget, the estimate of revenues and balances, the allocation of the public library fund, or the fixing of tax rates. The finding of the board of tax appeals shall be substituted for the findings of

the commission, and shall be ~~certified~~ sent to the tax 99900
commissioner, the county auditor, and the taxing authority of the 99901
subdivision affected, or to the board of public library trustees 99902
affected, as the action of the commission under sections 5705.01 99903
to 5705.47 of the Revised Code. 99904

This section does not give the board of tax appeals any 99905
authority to place any tax levy authorized by law within the 99906
ten-mill limitation outside of that limitation, or to reduce any 99907
levy below any minimum fixed by law. 99908

Sec. 5709.62. (A) In any municipal corporation that is 99909
defined by the United States office of management and budget as a 99910
principal city of a metropolitan statistical area, the legislative 99911
authority of the municipal corporation may designate one or more 99912
areas within its municipal corporation as proposed enterprise 99913
zones. Upon designating an area, the legislative authority shall 99914
petition the director of development for certification of the area 99915
as having the characteristics set forth in division (A)(1) of 99916
section 5709.61 of the Revised Code as amended by Substitute 99917
Senate Bill No. 19 of the 120th general assembly. Except as 99918
otherwise provided in division (E) of this section, on and after 99919
July 1, 1994, legislative authorities shall not enter into 99920
agreements under this section unless the legislative authority has 99921
petitioned the director and the director has certified the zone 99922
under this section as amended by that act; however, all agreements 99923
entered into under this section as it existed prior to July 1, 99924
1994, and the incentives granted under those agreements shall 99925
remain in effect for the period agreed to under those agreements. 99926
Within sixty days after receiving such a petition, the director 99927
shall determine whether the area has the characteristics set forth 99928
in division (A)(1) of section 5709.61 of the Revised Code, and 99929
shall forward the findings to the legislative authority of the 99930
municipal corporation. If the director certifies the area as 99931

having those characteristics, and thereby certifies it as a zone, 99932
the legislative authority may enter into an agreement with an 99933
enterprise under division (C) of this section. 99934

(B) Any enterprise that wishes to enter into an agreement 99935
with a municipal corporation under division (C) of this section 99936
shall submit a proposal to the legislative authority of the 99937
municipal corporation on a form prescribed by the director of 99938
development, together with the application fee established under 99939
section 5709.68 of the Revised Code. The form shall require the 99940
following information: 99941

(1) An estimate of the number of new employees whom the 99942
enterprise intends to hire, or of the number of employees whom the 99943
enterprise intends to retain, within the zone at a facility that 99944
is a project site, and an estimate of the amount of payroll of the 99945
enterprise attributable to these employees; 99946

(2) An estimate of the amount to be invested by the 99947
enterprise to establish, expand, renovate, or occupy a facility, 99948
including investment in new buildings, additions or improvements 99949
to existing buildings, machinery, equipment, furniture, fixtures, 99950
and inventory; 99951

(3) A listing of the enterprise's current investment, if any, 99952
in a facility as of the date of the proposal's submission. 99953

The enterprise shall review and update the listings required 99954
under this division to reflect material changes, and any agreement 99955
entered into under division (C) of this section shall set forth 99956
final estimates and listings as of the time the agreement is 99957
entered into. The legislative authority may, on a separate form 99958
and at any time, require any additional information necessary to 99959
determine whether an enterprise is in compliance with an agreement 99960
and to collect the information required to be reported under 99961
section 5709.68 of the Revised Code. 99962

(C) Upon receipt and investigation of a proposal under 99963
division (B) of this section, if the legislative authority finds 99964
that the enterprise submitting the proposal is qualified by 99965
financial responsibility and business experience to create and 99966
preserve employment opportunities in the zone and improve the 99967
economic climate of the municipal corporation, the legislative 99968
authority, on or before October 15, ~~2009~~ 2010, may do one of the 99969
following: 99970

(1) Enter into an agreement with the enterprise under which 99971
the enterprise agrees to establish, expand, renovate, or occupy a 99972
facility and hire new employees, or preserve employment 99973
opportunities for existing employees, in return for one or more of 99974
the following incentives: 99975

(a) Exemption for a specified number of years, not to exceed 99976
fifteen, of a specified portion, up to seventy-five per cent, of 99977
the assessed value of tangible personal property first used in 99978
business at the project site as a result of the agreement. If an 99979
exemption for inventory is specifically granted in the agreement 99980
pursuant to this division, the exemption applies to inventory 99981
required to be listed pursuant to sections 5711.15 and 5711.16 of 99982
the Revised Code, except that, in the instance of an expansion or 99983
other situations in which an enterprise was in business at the 99984
facility prior to the establishment of the zone, the inventory 99985
that is exempt is that amount or value of inventory in excess of 99986
the amount or value of inventory required to be listed in the 99987
personal property tax return of the enterprise in the return for 99988
the tax year in which the agreement is entered into. 99989

(b) Exemption for a specified number of years, not to exceed 99990
fifteen, of a specified portion, up to seventy-five per cent, of 99991
the increase in the assessed valuation of real property 99992
constituting the project site subsequent to formal approval of the 99993
agreement by the legislative authority; 99994

(c) Provision for a specified number of years, not to exceed 99995
fifteen, of any optional services or assistance that the municipal 99996
corporation is authorized to provide with regard to the project 99997
site. 99998

(2) Enter into an agreement under which the enterprise agrees 99999
to remediate an environmentally contaminated facility, to spend an 100000
amount equal to at least two hundred fifty per cent of the true 100001
value in money of the real property of the facility prior to 100002
remediation as determined for the purposes of property taxation to 100003
establish, expand, renovate, or occupy the remediated facility, 100004
and to hire new employees or preserve employment opportunities for 100005
existing employees at the remediated facility, in return for one 100006
or more of the following incentives: 100007

(a) Exemption for a specified number of years, not to exceed 100008
fifteen, of a specified portion, not to exceed fifty per cent, of 100009
the assessed valuation of the real property of the facility prior 100010
to remediation; 100011

(b) Exemption for a specified number of years, not to exceed 100012
fifteen, of a specified portion, not to exceed one hundred per 100013
cent, of the increase in the assessed valuation of the real 100014
property of the facility during or after remediation; 100015

(c) The incentive under division (C)(1)(a) of this section, 100016
except that the percentage of the assessed value of such property 100017
exempted from taxation shall not exceed one hundred per cent; 100018

(d) The incentive under division (C)(1)(c) of this section. 100019

(3) Enter into an agreement with an enterprise that plans to 100020
purchase and operate a large manufacturing facility that has 100021
ceased operation or announced its intention to cease operation, in 100022
return for exemption for a specified number of years, not to 100023
exceed fifteen, of a specified portion, up to one hundred per 100024
cent, of the assessed value of tangible personal property used in 100025

business at the project site as a result of the agreement, or of 100026
the assessed valuation of real property constituting the project 100027
site, or both. 100028

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 100029
section, the portion of the assessed value of tangible personal 100030
property or of the increase in the assessed valuation of real 100031
property exempted from taxation under those divisions may exceed 100032
seventy-five per cent in any year for which that portion is 100033
exempted if the average percentage exempted for all years in which 100034
the agreement is in effect does not exceed sixty per cent, or if 100035
the board of education of the city, local, or exempted village 100036
school district within the territory of which the property is or 100037
will be located approves a percentage in excess of seventy-five 100038
per cent. 100039

(2) Notwithstanding any provision of the Revised Code to the 100040
contrary, the exemptions described in divisions (C)(1)(a), (b), 100041
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 100042
be for up to fifteen years if the board of education of the city, 100043
local, or exempted village school district within the territory of 100044
which the property is or will be located approves a number of 100045
years in excess of ten. 100046

(3) For the purpose of obtaining the approval of a city, 100047
local, or exempted village school district under division (D)(1) 100048
or (2) of this section, the legislative authority shall deliver to 100049
the board of education a notice not later than forty-five days 100050
prior to approving the agreement, excluding Saturdays, Sundays, 100051
and legal holidays as defined in section 1.14 of the Revised Code. 100052
The notice shall state the percentage to be exempted, an estimate 100053
of the true value of the property to be exempted, and the number 100054
of years the property is to be exempted. The board of education, 100055
by resolution adopted by a majority of the board, shall approve or 100056
disapprove the agreement and certify a copy of the resolution to 100057

the legislative authority not later than fourteen days prior to 100058
the date stipulated by the legislative authority as the date upon 100059
which approval of the agreement is to be formally considered by 100060
the legislative authority. The board of education may include in 100061
the resolution conditions under which the board would approve the 100062
agreement, including the execution of an agreement to compensate 100063
the school district under division (B) of section 5709.82 of the 100064
Revised Code. The legislative authority may approve the agreement 100065
at any time after the board of education certifies its resolution 100066
approving the agreement to the legislative authority, or, if the 100067
board approves the agreement conditionally, at any time after the 100068
conditions are agreed to by the board and the legislative 100069
authority. 100070

If a board of education has adopted a resolution waiving its 100071
right to approve agreements and the resolution remains in effect, 100072
approval of an agreement by the board is not required under this 100073
division. If a board of education has adopted a resolution 100074
allowing a legislative authority to deliver the notice required 100075
under this division fewer than forty-five business days prior to 100076
the legislative authority's approval of the agreement, the 100077
legislative authority shall deliver the notice to the board not 100078
later than the number of days prior to such approval as prescribed 100079
by the board in its resolution. If a board of education adopts a 100080
resolution waiving its right to approve agreements or shortening 100081
the notification period, the board shall certify a copy of the 100082
resolution to the legislative authority. If the board of education 100083
rescinds such a resolution, it shall certify notice of the 100084
rescission to the legislative authority. 100085

(4) The legislative authority shall comply with section 100086
5709.83 of the Revised Code unless the board of education has 100087
adopted a resolution under that section waiving its right to 100088
receive such notice. 100089

(E) This division applies to zones certified by the director 100090
of development under this section prior to July 22, 1994. 100091

On or before October 15, ~~2009~~ 2010, the legislative authority 100092
that designated a zone to which this division applies may enter 100093
into an agreement with an enterprise if the legislative authority 100094
finds that the enterprise satisfies one of the criteria described 100095
in divisions (E)(1) to (5) of this section: 100096

(1) The enterprise currently has no operations in this state 100097
and, subject to approval of the agreement, intends to establish 100098
operations in the zone; 100099

(2) The enterprise currently has operations in this state 100100
and, subject to approval of the agreement, intends to establish 100101
operations at a new location in the zone that would not result in 100102
a reduction in the number of employee positions at any of the 100103
enterprise's other locations in this state; 100104

(3) The enterprise, subject to approval of the agreement, 100105
intends to relocate operations, currently located in another 100106
state, to the zone; 100107

(4) The enterprise, subject to approval of the agreement, 100108
intends to expand operations at an existing site in the zone that 100109
the enterprise currently operates; 100110

(5) The enterprise, subject to approval of the agreement, 100111
intends to relocate operations, currently located in this state, 100112
to the zone, and the director of development has issued a waiver 100113
for the enterprise under division (B) of section 5709.633 of the 100114
Revised Code. 100115

The agreement shall require the enterprise to agree to 100116
establish, expand, renovate, or occupy a facility in the zone and 100117
hire new employees, or preserve employment opportunities for 100118
existing employees, in return for one or more of the incentives 100119
described in division (C) of this section. 100120

(F) All agreements entered into under this section shall be 100121
in the form prescribed under section 5709.631 of the Revised Code. 100122
After an agreement is entered into under this section, if the 100123
legislative authority revokes its designation of a zone, or if the 100124
director of development revokes a zone's certification, any 100125
entitlements granted under the agreement shall continue for the 100126
number of years specified in the agreement. 100127

(G) Except as otherwise provided in this division, an 100128
agreement entered into under this section shall require that the 100129
enterprise pay an annual fee equal to the greater of one per cent 100130
of the dollar value of incentives offered under the agreement or 100131
five hundred dollars; provided, however, that if the value of the 100132
incentives exceeds two hundred fifty thousand dollars, the fee 100133
shall not exceed two thousand five hundred dollars. The fee shall 100134
be payable to the legislative authority once per year for each 100135
year the agreement is effective on the days and in the form 100136
specified in the agreement. Fees paid shall be deposited in a 100137
special fund created for such purpose by the legislative authority 100138
and shall be used by the legislative authority exclusively for the 100139
purpose of complying with section 5709.68 of the Revised Code and 100140
by the tax incentive review council created under section 5709.85 100141
of the Revised Code exclusively for the purposes of performing the 100142
duties prescribed under that section. The legislative authority 100143
may waive or reduce the amount of the fee charged against an 100144
enterprise, but such a waiver or reduction does not affect the 100145
obligations of the legislative authority or the tax incentive 100146
review council to comply with section 5709.68 or 5709.85 of the 100147
Revised Code. 100148

(H) When an agreement is entered into pursuant to this 100149
section, the legislative authority authorizing the agreement shall 100150
forward a copy of the agreement to the director of development and 100151
to the tax commissioner within fifteen days after the agreement is 100152

entered into. If any agreement includes terms not provided for in 100153
section 5709.631 of the Revised Code affecting the revenue of a 100154
city, local, or exempted village school district or causing 100155
revenue to be foregone by the district, including any compensation 100156
to be paid to the school district pursuant to section 5709.82 of 100157
the Revised Code, those terms also shall be forwarded in writing 100158
to the director of development along with the copy of the 100159
agreement forwarded under this division. 100160

(I) After an agreement is entered into, the enterprise shall 100161
file with each personal property tax return required to be filed, 100162
or annual report required to be filed under section 5727.08 of the 100163
Revised Code, while the agreement is in effect, an informational 100164
return, on a form prescribed by the tax commissioner for that 100165
purpose, setting forth separately the property, and related costs 100166
and values, exempted from taxation under the agreement. 100167

(J) Enterprises may agree to give preference to residents of 100168
the zone within which the agreement applies relative to residents 100169
of this state who do not reside in the zone when hiring new 100170
employees under the agreement. 100171

(K) An agreement entered into under this section may include 100172
a provision requiring the enterprise to create one or more 100173
temporary internship positions for students enrolled in a course 100174
of study at a school or other educational institution in the 100175
vicinity, and to create a scholarship or provide another form of 100176
educational financial assistance for students holding such a 100177
position in exchange for the student's commitment to work for the 100178
enterprise at the completion of the internship. 100179

(L) The tax commissioner's authority in determining the 100180
accuracy of any exemption granted by an agreement entered into 100181
under this section is limited to divisions (C)(1)(a) and (b), 100182
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 100183
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 100184

and, as authorized by law, to enforcing any modification to, or 100185
revocation of, that agreement by the legislative authority of a 100186
municipal corporation or the director of development. 100187

Sec. 5709.63. (A) With the consent of the legislative 100188
authority of each affected municipal corporation or of a board of 100189
township trustees, a board of county commissioners may, in the 100190
manner set forth in section 5709.62 of the Revised Code, designate 100191
one or more areas in one or more municipal corporations or in 100192
unincorporated areas of the county as proposed enterprise zones. A 100193
board of county commissioners may designate no more than one area 100194
within a township, or within adjacent townships, as a proposed 100195
enterprise zone. The board shall petition the director of 100196
development for certification of the area as having the 100197
characteristics set forth in division (A)(1) or (2) of section 100198
5709.61 of the Revised Code as amended by Substitute Senate Bill 100199
No. 19 of the 120th general assembly. Except as otherwise provided 100200
in division (D) of this section, on and after July 1, 1994, boards 100201
of county commissioners shall not enter into agreements under this 100202
section unless the board has petitioned the director and the 100203
director has certified the zone under this section as amended by 100204
that act; however, all agreements entered into under this section 100205
as it existed prior to July 1, 1994, and the incentives granted 100206
under those agreements shall remain in effect for the period 100207
agreed to under those agreements. The director shall make the 100208
determination in the manner provided under section 5709.62 of the 100209
Revised Code. 100210

Any enterprise wishing to enter into an agreement with the 100211
board under division (B) or (D) of this section shall submit a 100212
proposal to the board on the form and accompanied by the 100213
application fee prescribed under division (B) of section 5709.62 100214
of the Revised Code. The enterprise shall review and update the 100215
estimates and listings required by the form in the manner required 100216

under that division. The board may, on a separate form and at any 100217
time, require any additional information necessary to determine 100218
whether an enterprise is in compliance with an agreement and to 100219
collect the information required to be reported under section 100220
5709.68 of the Revised Code. 100221

(B) If the board of county commissioners finds that an 100222
enterprise submitting a proposal is qualified by financial 100223
responsibility and business experience to create and preserve 100224
employment opportunities in the zone and to improve the economic 100225
climate of the municipal corporation or municipal corporations or 100226
the unincorporated areas in which the zone is located and to which 100227
the proposal applies, the board, on or before October 15, ~~2009~~ 100228
2010, and with the consent of the legislative authority of each 100229
affected municipal corporation or of the board of township 100230
trustees may do either of the following: 100231

(1) Enter into an agreement with the enterprise under which 100232
the enterprise agrees to establish, expand, renovate, or occupy a 100233
facility in the zone and hire new employees, or preserve 100234
employment opportunities for existing employees, in return for the 100235
following incentives: 100236

(a) When the facility is located in a municipal corporation, 100237
the board may enter into an agreement for one or more of the 100238
incentives provided in division (C) of section 5709.62 of the 100239
Revised Code, subject to division (D) of that section; 100240

(b) When the facility is located in an unincorporated area, 100241
the board may enter into an agreement for one or more of the 100242
following incentives: 100243

(i) Exemption for a specified number of years, not to exceed 100244
fifteen, of a specified portion, up to sixty per cent, of the 100245
assessed value of tangible personal property first used in 100246
business at a project site as a result of the agreement. If an 100247

exemption for inventory is specifically granted in the agreement 100248
pursuant to this division, the exemption applies to inventory 100249
required to be listed pursuant to sections 5711.15 and 5711.16 of 100250
the Revised Code, except, in the instance of an expansion or other 100251
situations in which an enterprise was in business at the facility 100252
prior to the establishment of the zone, the inventory that is 100253
exempt is that amount or value of inventory in excess of the 100254
amount or value of inventory required to be listed in the personal 100255
property tax return of the enterprise in the return for the tax 100256
year in which the agreement is entered into. 100257

(ii) Exemption for a specified number of years, not to exceed 100258
fifteen, of a specified portion, up to sixty per cent, of the 100259
increase in the assessed valuation of real property constituting 100260
the project site subsequent to formal approval of the agreement by 100261
the board; 100262

(iii) Provision for a specified number of years, not to 100263
exceed fifteen, of any optional services or assistance the board 100264
is authorized to provide with regard to the project site; 100265

(iv) The incentive described in division (C)(2) of section 100266
5709.62 of the Revised Code. 100267

(2) Enter into an agreement with an enterprise that plans to 100268
purchase and operate a large manufacturing facility that has 100269
ceased operation or has announced its intention to cease 100270
operation, in return for exemption for a specified number of 100271
years, not to exceed fifteen, of a specified portion, up to one 100272
hundred per cent, of tangible personal property used in business 100273
at the project site as a result of the agreement, or of real 100274
property constituting the project site, or both. 100275

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 100276
this section, the portion of the assessed value of tangible 100277
personal property or of the increase in the assessed valuation of 100278

real property exempted from taxation under those divisions may 100279
exceed sixty per cent in any year for which that portion is 100280
exempted if the average percentage exempted for all years in which 100281
the agreement is in effect does not exceed fifty per cent, or if 100282
the board of education of the city, local, or exempted village 100283
school district within the territory of which the property is or 100284
will be located approves a percentage in excess of sixty per cent. 100285

(b) Notwithstanding any provision of the Revised Code to the 100286
contrary, the exemptions described in divisions (B)(1)(b)(i), 100287
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 100288
fifteen years if the board of education of the city, local, or 100289
exempted village school district within the territory of which the 100290
property is or will be located approves a number of years in 100291
excess of ten. 100292

(c) For the purpose of obtaining the approval of a city, 100293
local, or exempted village school district under division 100294
(C)(1)(a) or (b) of this section, the board of county 100295
commissioners shall deliver to the board of education a notice not 100296
later than forty-five days prior to approving the agreement, 100297
excluding Saturdays, Sundays, and legal holidays as defined in 100298
section 1.14 of the Revised Code. The notice shall state the 100299
percentage to be exempted, an estimate of the true value of the 100300
property to be exempted, and the number of years the property is 100301
to be exempted. The board of education, by resolution adopted by a 100302
majority of the board, shall approve or disapprove the agreement 100303
and certify a copy of the resolution to the board of county 100304
commissioners not later than fourteen days prior to the date 100305
stipulated by the board of county commissioners as the date upon 100306
which approval of the agreement is to be formally considered by 100307
the board of county commissioners. The board of education may 100308
include in the resolution conditions under which the board would 100309
approve the agreement, including the execution of an agreement to 100310

compensate the school district under division (B) of section 100311
5709.82 of the Revised Code. The board of county commissioners may 100312
approve the agreement at any time after the board of education 100313
certifies its resolution approving the agreement to the board of 100314
county commissioners, or, if the board of education approves the 100315
agreement conditionally, at any time after the conditions are 100316
agreed to by the board of education and the board of county 100317
commissioners. 100318

If a board of education has adopted a resolution waiving its 100319
right to approve agreements and the resolution remains in effect, 100320
approval of an agreement by the board of education is not required 100321
under division (C) of this section. If a board of education has 100322
adopted a resolution allowing a board of county commissioners to 100323
deliver the notice required under this division fewer than 100324
forty-five business days prior to approval of the agreement by the 100325
board of county commissioners, the board of county commissioners 100326
shall deliver the notice to the board of education not later than 100327
the number of days prior to such approval as prescribed by the 100328
board of education in its resolution. If a board of education 100329
adopts a resolution waiving its right to approve agreements or 100330
shortening the notification period, the board of education shall 100331
certify a copy of the resolution to the board of county 100332
commissioners. If the board of education rescinds such a 100333
resolution, it shall certify notice of the rescission to the board 100334
of county commissioners. 100335

(2) The board of county commissioners shall comply with 100336
section 5709.83 of the Revised Code unless the board of education 100337
has adopted a resolution under that section waiving its right to 100338
receive such notice. 100339

(D) This division applies to zones certified by the director 100340
of development under this section prior to July 22, 1994. 100341

On or before October 15, ~~2009~~ 2010, and with the consent of 100342

the legislative authority of each affected municipal corporation 100343
or board of township trustees of each affected township, the board 100344
of county commissioners that designated a zone to which this 100345
division applies may enter into an agreement with an enterprise if 100346
the board finds that the enterprise satisfies one of the criteria 100347
described in divisions (D)(1) to (5) of this section: 100348

(1) The enterprise currently has no operations in this state 100349
and, subject to approval of the agreement, intends to establish 100350
operations in the zone; 100351

(2) The enterprise currently has operations in this state 100352
and, subject to approval of the agreement, intends to establish 100353
operations at a new location in the zone that would not result in 100354
a reduction in the number of employee positions at any of the 100355
enterprise's other locations in this state; 100356

(3) The enterprise, subject to approval of the agreement, 100357
intends to relocate operations, currently located in another 100358
state, to the zone; 100359

(4) The enterprise, subject to approval of the agreement, 100360
intends to expand operations at an existing site in the zone that 100361
the enterprise currently operates; 100362

(5) The enterprise, subject to approval of the agreement, 100363
intends to relocate operations, currently located in this state, 100364
to the zone, and the director of development has issued a waiver 100365
for the enterprise under division (B) of section 5709.633 of the 100366
Revised Code. 100367

The agreement shall require the enterprise to agree to 100368
establish, expand, renovate, or occupy a facility in the zone and 100369
hire new employees, or preserve employment opportunities for 100370
existing employees, in return for one or more of the incentives 100371
described in division (B) of this section. 100372

(E) All agreements entered into under this section shall be 100373

in the form prescribed under section 5709.631 of the Revised Code. 100374
After an agreement under this section is entered into, if the 100375
board of county commissioners revokes its designation of a zone, 100376
or if the director of development revokes a zone's certification, 100377
any entitlements granted under the agreement shall continue for 100378
the number of years specified in the agreement. 100379

(F) Except as otherwise provided in this division, an 100380
agreement entered into under this section shall require that the 100381
enterprise pay an annual fee equal to the greater of one per cent 100382
of the dollar value of incentives offered under the agreement or 100383
five hundred dollars; provided, however, that if the value of the 100384
incentives exceeds two hundred fifty thousand dollars, the fee 100385
shall not exceed two thousand five hundred dollars. The fee shall 100386
be payable to the board of county commissioners once per year for 100387
each year the agreement is effective on the days and in the form 100388
specified in the agreement. Fees paid shall be deposited in a 100389
special fund created for such purpose by the board and shall be 100390
used by the board exclusively for the purpose of complying with 100391
section 5709.68 of the Revised Code and by the tax incentive 100392
review council created under section 5709.85 of the Revised Code 100393
exclusively for the purposes of performing the duties prescribed 100394
under that section. The board may waive or reduce the amount of 100395
the fee charged against an enterprise, but such waiver or 100396
reduction does not affect the obligations of the board or the tax 100397
incentive review council to comply with section 5709.68 or 5709.85 100398
of the Revised Code, respectively. 100399

(G) With the approval of the legislative authority of a 100400
municipal corporation or the board of township trustees of a 100401
township in which a zone is designated under division (A) of this 100402
section, the board of county commissioners may delegate to that 100403
legislative authority or board any powers and duties of the board 100404
of county commissioners to negotiate and administer agreements 100405

with regard to that zone under this section. 100406

(H) When an agreement is entered into pursuant to this 100407
section, the board of county commissioners authorizing the 100408
agreement or the legislative authority or board of township 100409
trustees that negotiates and administers the agreement shall 100410
forward a copy of the agreement to the director of development and 100411
to the tax commissioner within fifteen days after the agreement is 100412
entered into. If any agreement includes terms not provided for in 100413
section 5709.631 of the Revised Code affecting the revenue of a 100414
city, local, or exempted village school district or causing 100415
revenue to be foregone by the district, including any compensation 100416
to be paid to the school district pursuant to section 5709.82 of 100417
the Revised Code, those terms also shall be forwarded in writing 100418
to the director of development along with the copy of the 100419
agreement forwarded under this division. 100420

(I) After an agreement is entered into, the enterprise shall 100421
file with each personal property tax return required to be filed, 100422
or annual report that is required to be filed under section 100423
5727.08 of the Revised Code, while the agreement is in effect, an 100424
informational return, on a form prescribed by the tax commissioner 100425
for that purpose, setting forth separately the property, and 100426
related costs and values, exempted from taxation under the 100427
agreement. 100428

(J) Enterprises may agree to give preference to residents of 100429
the zone within which the agreement applies relative to residents 100430
of this state who do not reside in the zone when hiring new 100431
employees under the agreement. 100432

(K) An agreement entered into under this section may include 100433
a provision requiring the enterprise to create one or more 100434
temporary internship positions for students enrolled in a course 100435
of study at a school or other educational institution in the 100436
vicinity, and to create a scholarship or provide another form of 100437

educational financial assistance for students holding such a 100438
position in exchange for the student's commitment to work for the 100439
enterprise at the completion of the internship. 100440

(L) The tax commissioner's authority in determining the 100441
accuracy of any exemption granted by an agreement entered into 100442
under this section is limited to divisions (B)(1)(b)(i) and (ii), 100443
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 100444
this section as it pertains to divisions (C)(2)(a), (b), and (c) 100445
of section 5709.62 of the Revised Code, and divisions (B)(1) to 100446
(10) of section 5709.631 of the Revised Code and, as authorized by 100447
law, to enforcing any modification to, or revocation of, that 100448
agreement by the board of county commissioners or the director of 100449
development or, if the board's powers and duties are delegated 100450
under division (G) of this section, by the legislative authority 100451
of a municipal corporation or board of township trustees. 100452

Sec. 5709.632. (A)(1) The legislative authority of a 100453
municipal corporation defined by the United States office of 100454
management and budget as a principal city of a metropolitan 100455
statistical area may, in the manner set forth in section 5709.62 100456
of the Revised Code, designate one or more areas in the municipal 100457
corporation as a proposed enterprise zone. 100458

(2) With the consent of the legislative authority of each 100459
affected municipal corporation or of a board of township trustees, 100460
a board of county commissioners may, in the manner set forth in 100461
section 5709.62 of the Revised Code, designate one or more areas 100462
in one or more municipal corporations or in unincorporated areas 100463
of the county as proposed urban jobs and enterprise zones, except 100464
that a board of county commissioners may designate no more than 100465
one area within a township, or within adjacent townships, as a 100466
proposed urban jobs and enterprise zone. 100467

(3) The legislative authority or board of county 100468

commissioners may petition the director of development for 100469
certification of the area as having the characteristics set forth 100470
in division (A)(3) of section 5709.61 of the Revised Code. Within 100471
sixty days after receiving such a petition, the director shall 100472
determine whether the area has the characteristics set forth in 100473
that division and forward the findings to the legislative 100474
authority or board of county commissioners. If the director 100475
certifies the area as having those characteristics and thereby 100476
certifies it as a zone, the legislative authority or board may 100477
enter into agreements with enterprises under division (B) of this 100478
section. Any enterprise wishing to enter into an agreement with a 100479
legislative authority or board of county commissioners under this 100480
section and satisfying one of the criteria described in divisions 100481
(B)(1) to (5) of this section shall submit a proposal to the 100482
legislative authority or board on the form prescribed under 100483
division (B) of section 5709.62 of the Revised Code and shall 100484
review and update the estimates and listings required by the form 100485
in the manner required under that division. The legislative 100486
authority or board may, on a separate form and at any time, 100487
require any additional information necessary to determine whether 100488
an enterprise is in compliance with an agreement and to collect 100489
the information required to be reported under section 5709.68 of 100490
the Revised Code. 100491

(B) Prior to entering into an agreement with an enterprise, 100492
the legislative authority or board of county commissioners shall 100493
determine whether the enterprise submitting the proposal is 100494
qualified by financial responsibility and business experience to 100495
create and preserve employment opportunities in the zone and to 100496
improve the economic climate of the municipal corporation or 100497
municipal corporations or the unincorporated areas in which the 100498
zone is located and to which the proposal applies, and whether the 100499
enterprise satisfies one of the following criteria: 100500

(1) The enterprise currently has no operations in this state 100501
and, subject to approval of the agreement, intends to establish 100502
operations in the zone; 100503

(2) The enterprise currently has operations in this state 100504
and, subject to approval of the agreement, intends to establish 100505
operations at a new location in the zone that would not result in 100506
a reduction in the number of employee positions at any of the 100507
enterprise's other locations in this state; 100508

(3) The enterprise, subject to approval of the agreement, 100509
intends to relocate operations, currently located in another 100510
state, to the zone; 100511

(4) The enterprise, subject to approval of the agreement, 100512
intends to expand operations at an existing site in the zone that 100513
the enterprise currently operates; 100514

(5) The enterprise, subject to approval of the agreement, 100515
intends to relocate operations, currently located in this state, 100516
to the zone, and the director of development has issued a waiver 100517
for the enterprise under division (B) of section 5709.633 of the 100518
Revised Code. 100519

(C) If the legislative authority or board determines that the 100520
enterprise is so qualified and satisfies one of the criteria 100521
described in divisions (B)(1) to (5) of this section, the 100522
legislative authority or board may, after complying with section 100523
5709.83 of the Revised Code and on or before October 15, ~~2009~~ 100524
2010, and, in the case of a board of commissioners, with the 100525
consent of the legislative authority of each affected municipal 100526
corporation or of the board of township trustees, enter into an 100527
agreement with the enterprise under which the enterprise agrees to 100528
establish, expand, renovate, or occupy a facility in the zone and 100529
hire new employees, or preserve employment opportunities for 100530
existing employees, in return for the following incentives: 100531

(1) When the facility is located in a municipal corporation, 100532
a legislative authority or board of commissioners may enter into 100533
an agreement for one or more of the incentives provided in 100534
division (C) of section 5709.62 of the Revised Code, subject to 100535
division (D) of that section; 100536

(2) When the facility is located in an unincorporated area, a 100537
board of commissioners may enter into an agreement for one or more 100538
of the incentives provided in divisions (B)(1)(b), (B)(2), and 100539
(B)(3) of section 5709.63 of the Revised Code, subject to division 100540
(C) of that section. 100541

(D) All agreements entered into under this section shall be 100542
in the form prescribed under section 5709.631 of the Revised Code. 100543
After an agreement under this section is entered into, if the 100544
legislative authority or board of county commissioners revokes its 100545
designation of the zone, or if the director of development revokes 100546
the zone's certification, any entitlements granted under the 100547
agreement shall continue for the number of years specified in the 100548
agreement. 100549

(E) Except as otherwise provided in this division, an 100550
agreement entered into under this section shall require that the 100551
enterprise pay an annual fee equal to the greater of one per cent 100552
of the dollar value of incentives offered under the agreement or 100553
five hundred dollars; provided, however, that if the value of the 100554
incentives exceeds two hundred fifty thousand dollars, the fee 100555
shall not exceed two thousand five hundred dollars. The fee shall 100556
be payable to the legislative authority or board of commissioners 100557
once per year for each year the agreement is effective on the days 100558
and in the form specified in the agreement. Fees paid shall be 100559
deposited in a special fund created for such purpose by the 100560
legislative authority or board and shall be used by the 100561
legislative authority or board exclusively for the purpose of 100562
complying with section 5709.68 of the Revised Code and by the tax 100563

incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The legislative authority or board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the legislative authority or board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(F) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A)(2) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board to negotiate and administer agreements with regard to that zone under this section.

(G) When an agreement is entered into pursuant to this section, the legislative authority or board of commissioners authorizing the agreement shall forward a copy of the agreement to the director of development and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, or exempted village school district or causing revenue to be foregone by the district, including any compensation to be paid to the school district pursuant to section 5709.82 of the Revised Code, those terms also shall be forwarded in writing to the director of development along with the copy of the agreement forwarded under this division.

(H) After an agreement is entered into, the enterprise shall file with each personal property tax return required to be filed while the agreement is in effect, an informational return, on a form prescribed by the tax commissioner for that purpose, setting

forth separately the property, and related costs and values, 100596
exempted from taxation under the agreement. 100597

(I) An agreement entered into under this section may include 100598
a provision requiring the enterprise to create one or more 100599
temporary internship positions for students enrolled in a course 100600
of study at a school or other educational institution in the 100601
vicinity, and to create a scholarship or provide another form of 100602
educational financial assistance for students holding such a 100603
position in exchange for the student's commitment to work for the 100604
enterprise at the completion of the internship. 100605

Sec. 5711.33. (A)(1) When a county treasurer receives a 100606
certificate from a county auditor pursuant to division (A) of 100607
section 5711.32 of the Revised Code charging the treasurer with 100608
the collection of an amount of taxes due as the result of a 100609
deficiency assessment, the treasurer shall immediately prepare and 100610
mail a tax bill to the taxpayer owing such tax. The tax bill shall 100611
contain the name of the taxpayer; the taxable value, tax rate, and 100612
taxes charged for each year being assessed; the total amount of 100613
taxes due; the final date payment may be made without additional 100614
penalty; and any other information the treasurer considers 100615
pertinent or necessary. Taxes due and payable as a result of a 100616
deficiency assessment, less any amount specifically excepted from 100617
collection under division (B) of section 5711.32 of the Revised 100618
Code, shall be paid with interest thereon as prescribed by section 100619
5719.041 of the Revised Code on or before the sixtieth day 100620
following the date of issuance of the certificate by the county 100621
auditor. The balance of taxes found due and payable after a final 100622
determination by the tax commissioner or a final judgment of the 100623
board of tax appeals or any court to which such final judgment may 100624
be appealed shall be paid with interest thereon as prescribed by 100625
section 5719.041 of the Revised Code on or before the sixtieth day 100626
following the date of certification by the auditor to the 100627

treasurer pursuant to division (C) of section 5711.32 of the 100628
Revised Code of such final determination or judgment. Such final 100629
dates for payment shall be determined and exhibited on the tax 100630
bill by the treasurer. 100631

(2) If, on or before the sixtieth day following the date of a 100632
certification of a deficiency assessment under division (A) of 100633
section 5711.32 of the Revised Code or of a certification of a 100634
final determination or judgment under division (C) of section 100635
5711.32 of the Revised Code, the taxpayer pays the full amount of 100636
taxes and interest due at the time of the receipt of certification 100637
with respect to that assessment, determination, or judgment, no 100638
interest shall accrue or be charged with respect to that 100639
assessment, determination, or judgment for the period that begins 100640
on the first day of the month in which the certification is made 100641
and that ends on the last day of the month preceding the month in 100642
which such sixtieth day occurs. 100643

(B) When the taxes charged, as mentioned in division (A) of 100644
this section, are not paid within the time prescribed by such 100645
division, a penalty of ten per cent of the amount due and unpaid 100646
and interest for the period described in division (A)(2) of this 100647
section shall accrue at the time the treasurer closes the 100648
treasurer's office for business on the last day so prescribed, but 100649
if the taxes are paid within ten days subsequent to the last day 100650
prescribed, the treasurer shall waive the collection of and the 100651
auditor shall remit one-half of the penalty. The treasurer shall 100652
not thereafter accept less than the full amount of taxes and 100653
penalty except as otherwise authorized by law. Such penalty shall 100654
be distributed in the same manner and at the same time as the tax 100655
upon which it has accrued. The whole amount collected shall be 100656
included in the next succeeding settlement of appropriate taxes. 100657

(C) When the taxes charged, as mentioned in division (A) of 100658
this section, remain unpaid after the final date for payment 100659

prescribed by such division, such charges shall be deemed to be 100660
delinquent taxes. The county auditor shall cause such charges, 100661
including the penalty that has accrued pursuant to this section, 100662
to be added to the delinquent tax duplicate in accordance with 100663
section 5719.04 of the Revised Code. 100664

(D) The county auditor, upon consultation with the county 100665
treasurer, shall remit a penalty imposed under division (B) of 100666
this section or division ~~(C)~~(D) of section 5719.03 of the Revised 100667
Code for the late payment of taxes when: 100668

(1) The taxpayer could not make timely payment of the tax 100669
because of the negligence or error of the county auditor or county 100670
treasurer in the performance of a statutory duty relating to the 100671
levy or collection of such tax. 100672

(2) In cases other than those described in division (D)(1) of 100673
this section, the taxpayer failed to receive a tax bill or a 100674
correct tax bill, and the taxpayer made a good faith effort to 100675
obtain such bill within thirty days after the last day for payment 100676
of the tax. 100677

(3) The tax was not timely paid because of the death or 100678
serious injury of the taxpayer, or the taxpayer's confinement in a 100679
hospital within sixty days preceding the last day for payment of 100680
the tax if, in any case, the tax was subsequently paid within 100681
sixty days after the last day for payment of such tax. 100682

(4) The taxpayer demonstrates that the full payment was 100683
properly deposited in the mail in sufficient time for the envelope 100684
to be postmarked by the United States postal service on or before 100685
the last day for payment of such tax. A private meter postmark on 100686
an envelope is not a valid postmark for purposes of establishing 100687
the date of payment of such tax. 100688

(5) In cases other than those described in divisions (D)(1) 100689
to (4) of this section, the taxpayer's failure to make timely 100690

payment of the tax is due to reasonable cause and not willful neglect. 100691
100692

(E) The taxpayer, upon application within sixty days after the mailing of the county auditor's decision, may request the tax commissioner to review the denial of the remission of a penalty by the county auditor. The application may be filed in person or by certified mail. If the application is filed by certified mail, the date of the United States postmark placed on the sender's receipt by the postal service shall be treated as the date of filing. The commissioner shall consider the application, determine whether the penalty should be remitted, and certify the determination to the taxpayer and to the county treasurer and county auditor, who shall correct the tax list and duplicate accordingly. The commissioner may issue orders and instructions for the uniform implementation of this section by all county auditors and county treasurers, and such orders and instructions shall be followed by such officers. 100693
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Sec. 5715.02. The county treasurer, county auditor, and ~~the president of a member of~~ the board of county commissioners shall constitute the county board of revision, or they may provide for one or more hearing boards when they deem the creation of such to be necessary to the expeditious hearing of valuation complaints. Each such official may, ~~appoint one qualified employee from his~~ the official's office to serve in ~~his~~ the official's place and stand on each such board for the purpose of hearing complaints as to the value of real property only, each such hearing board has the same authority to hear and decide complaints and sign the journal as the board of revision, and shall proceed in the manner provided for the board of revision by sections 5715.08 to 5715.20, ~~inclusive,~~ of the Revised Code. Any decision by a hearing board shall be the decision of the board of revision. 100707
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A majority of a county board of revision or hearing board 100722
shall constitute a quorum to hear and determine any complaint, and 100723
any vacancy shall not impair the right of the remaining members of 100724
such board, whether elected officials or appointees, to exercise 100725
all the powers thereof so long as a majority remains. 100726

Each member of a county board of revision or hearing board 100727
may administer oaths. 100728

Sec. 5715.251. The county auditor may appeal to the board of 100729
tax appeals any determination of change in the abstract of real 100730
property of a taxing district in ~~his~~ the auditor's county that is 100731
made by the tax commissioner under section 5715.24 of the Revised 100732
Code. The appeal shall be taken within thirty days after receipt 100733
of the statement by the county auditor of the commissioner's 100734
determination by the filing by the county auditor of a notice of 100735
appeal with the board and the commissioner. Such notice of appeal 100736
shall set forth the determination of the commissioner appealed 100737
from and the errors therein complained of. Proof of the filing of 100738
such notice with the commissioner shall be filed with the board. 100739
The board shall have exclusive jurisdiction of the appeal. 100740

In all such appeals the commissioner shall be made appellee. 100741
Unless waived, notice of the appeal shall be served upon the 100742
commissioner by certified mail. The prosecuting attorney shall 100743
represent the county auditor in such an appeal. 100744

The commissioner, upon written demand filed by the county 100745
auditor, shall within thirty days after the filing of such demand 100746
file with the board a certified transcript of the record of the 100747
commissioner's proceedings pertaining to the determination 100748
complained of and the evidence ~~he~~ the commissioner considered in 100749
making such determination. 100750

If upon hearing and consideration of such record and evidence 100751
the board decides that the determination appealed from is 100752

reasonable and lawful, it shall affirm the same, but if the board 100753
decides that such determination is unreasonable or unlawful, the 100754
board shall reverse and vacate the determination or modify it and 100755
enter final order in accordance with such modification. 100756

The secretary of the board shall ~~certify~~ send the order of 100757
the board to the county auditor and to the commissioner, and they 100758
shall take such action in connection therewith as is required to 100759
give effect to the order of the board. 100760

Sec. 5715.26. (A)(1) Upon receiving the statement required by 100761
section 5715.25 of the Revised Code, the county auditor shall 100762
forthwith add to or deduct from each tract, lot, or parcel of real 100763
property or class of real property the required percentage or 100764
amount of the valuation thereof, adding or deducting any sum less 100765
than five dollars so that the value of any separate tract, lot, or 100766
parcel of real property shall be ten dollars or some multiple 100767
thereof. 100768

(2) ~~When he has made~~ After making the additions or deductions 100769
required by this section, the auditor shall transmit to the tax 100770
commissioner the appropriate adjusted abstract of the real 100771
property of each taxing district in ~~his~~ the auditor's county in 100772
which an adjustment was required. 100773

(3) If the commissioner increases or decreases the aggregate 100774
value of the real property or any class thereof in any county or 100775
taxing district thereof and does not receive within ninety days 100776
thereafter an adjusted abstract conforming to its statement for 100777
such county or taxing district therein, ~~he~~ the commissioner shall 100778
withhold from such county or taxing district therein fifty per 100779
cent of its share in the distribution of state revenues to local 100780
governments pursuant to sections 5747.50 to 5747.55 of the Revised 100781
Code and shall direct the department of education to withhold 100782
therefrom fifty per cent of state revenues to school districts 100783

pursuant to ~~Chapter~~ Chapters 3306. and 3317. of the Revised Code. 100784
The commissioner shall withhold the distribution of such funds 100785
until such county auditor has complied with this division, and the 100786
department shall withhold the distribution of such funds until the 100787
commissioner has notified the department that such county auditor 100788
has complied with this division. 100789

(B)(1) If the commissioner's determination is appealed under 100790
section 5715.251 of the Revised Code, the county auditor, 100791
treasurer, and all other officers shall forthwith proceed with the 100792
levy and collection of the current year's taxes in the manner 100793
prescribed by law. The taxes shall be determined and collected as 100794
if the commissioner had determined under section 5715.24 of the 100795
Revised Code that the real property and the various classes 100796
thereof in the county as shown in the auditor's abstract were 100797
assessed for taxation and the true and agricultural use values 100798
were recorded on the agricultural land tax list as required by 100799
law. 100800

(2) If as a result of the appeal to the board it is finally 100801
determined either that all real property and the various classes 100802
thereof have not been assessed as required by law or that the 100803
values set forth in the agricultural land tax list do not 100804
correctly reflect the true and agricultural use values of the 100805
lands contained therein, the county auditor shall forthwith add to 100806
or deduct from each tract, lot, or parcel of real property or 100807
class of real property the required percentage or amount of the 100808
valuation in accordance with the order of the board or judgment of 100809
the court to which the board's order was appealed, and the taxes 100810
on each tract, lot, or parcel and the percentages required by 100811
section 319.301 of the Revised Code shall be recomputed using the 100812
valuation as finally determined. The order or judgment making the 100813
final determination shall prescribe the time and manner for 100814
collecting, crediting, or refunding the resultant increases or 100815

decreases in taxes. 100816

Sec. 5717.03. (A) A decision of the board of tax appeals on 100817
an appeal filed with it pursuant to section 5717.01, 5717.011, or 100818
5717.02 of the Revised Code shall be entered of record on the 100819
journal together with the date when the order is filed with the 100820
secretary for journalization. 100821

(B) In case of an appeal from a decision of a county board of 100822
revision, the board of tax appeals shall determine the taxable 100823
value of the property whose valuation or assessment by the county 100824
board of revision is complained of, or in the event the complaint 100825
and appeal is against a discriminatory valuation, shall determine 100826
a valuation which shall correct such discrimination, and shall 100827
determine the liability of the property for taxation, if that 100828
question is in issue, and the board of tax ~~appeals's~~ appeals' 100829
decision and the date when it was filed with the secretary for 100830
journalization shall be ~~certified~~ sent by the board ~~by certified~~ 100831
~~mail~~ to all persons who were parties to the appeal before the 100832
board, to the person in whose name the property is listed, or 100833
sought to be listed, if such person is not a party to the appeal, 100834
to the county auditor of the county in which the property involved 100835
in the appeal is located, and to the tax commissioner. 100836

In correcting a discriminatory valuation, the board of tax 100837
appeals shall increase or decrease the value of the property whose 100838
valuation or assessment by the county board of revision is 100839
complained of by a per cent or amount which will cause such 100840
property to be listed and valued for taxation by an equal and 100841
uniform rule. 100842

(C) In the case of an appeal from a review, redetermination, 100843
or correction of a tax assessment, valuation, determination, 100844
finding, computation, or order of the tax commissioner, the order 100845
of the board of tax appeals and the date of the entry thereof upon 100846

its journal shall be ~~certified~~ sent by the board ~~by certified mail~~ 100847
to all persons who were parties to the appeal before the board, 100848
the person in whose name the property is listed or sought to be 100849
listed, if the decision determines the valuation or liability of 100850
property for taxation and if such person is not a party to the 100851
appeal, the taxpayer or other person to whom notice of the tax 100852
assessment, valuation, determination, finding, computation, or 100853
order, or correction or redetermination thereof, by the tax 100854
commissioner was by law required to be given, the director of 100855
budget and management, if the revenues affected by such decision 100856
would accrue primarily to the state treasury, and the county 100857
auditors of the counties to the undivided general tax funds of 100858
which the revenues affected by such decision would primarily 100859
accrue. 100860

(D) In the case of an appeal from a municipal board of appeal 100861
created under section 718.11 of the Revised Code, the order of the 100862
board of tax appeals and the date of the entry thereof upon the 100863
board's journal shall be ~~certified~~ sent by the board ~~by certified~~ 100864
~~mail~~ to all persons who were parties to the appeal before the 100865
board. 100866

(E) In the case of all other appeals or applications filed 100867
with and determined by the board, the board's order and the date 100868
when the order was filed by the secretary for journalization shall 100869
be ~~certified~~ sent by the board ~~by certified mail~~ to the person who 100870
is a party to such appeal or application, to such persons as the 100871
law requires, and to such other persons as the board deems proper. 100872

(F) The orders of the board may affirm, reverse, vacate, 100873
modify, or remand the tax assessments, valuations, determinations, 100874
findings, computations, or orders complained of in the appeals 100875
determined by the board, and the board's decision shall become 100876
final and conclusive for the current year unless reversed, 100877
vacated, or modified as provided in section 5717.04 of the Revised 100878

Code. When an order of the board becomes final the tax 100879
commissioner and all officers to whom such decision has been 100880
~~certified~~ sent shall make the changes in their tax lists or other 100881
records which the decision requires. 100882

(G) If the board finds that issues not raised on the appeal 100883
are important to a determination of a controversy, the board may 100884
remand the cause for an administrative determination and the 100885
issuance of a new tax assessment, valuation, determination, 100886
finding, computation, or order, unless the parties stipulate to 100887
the determination of such other issues without remand. An order 100888
remanding the cause is a final order. If the order relates to any 100889
issue other than a municipal income tax matter appealed under 100890
sections 718.11 and 5717.011 of the Revised Code, the order may be 100891
appealed to the court of appeals in Franklin county. If the order 100892
relates to a municipal income tax matter appealed under sections 100893
718.11 and 5717.011 of the Revised Code, the order may be appealed 100894
to the court of appeals for the county in which the municipal 100895
corporation in which the dispute arose is primarily situated. 100896

Sec. 5717.04. The proceeding to obtain a reversal, vacation, 100897
or modification of a decision of the board of tax appeals shall be 100898
by appeal to the supreme court or the court of appeals for the 100899
county in which the property taxed is situate or in which the 100900
taxpayer resides. If the taxpayer is a corporation, then the 100901
proceeding to obtain such reversal, vacation, or modification 100902
shall be by appeal to the supreme court or to the court of appeals 100903
for the county in which the property taxed is situate, or the 100904
county of residence of the agent for service of process, tax 100905
notices, or demands, or the county in which the corporation has 100906
its principal place of business. In all other instances, the 100907
proceeding to obtain such reversal, vacation, or modification 100908
shall be by appeal to the court of appeals for Franklin county. 100909

Appeals from decisions of the board determining appeals from 100910
decisions of county boards of revision may be instituted by any of 100911
the persons who were parties to the appeal before the board of tax 100912
appeals, by the person in whose name the property involved in the 100913
appeal is listed or sought to be listed, if such person was not a 100914
party to the appeal before the board of tax appeals, or by the 100915
county auditor of the county in which the property involved in the 100916
appeal is located. 100917

Appeals from decisions of the board of tax appeals 100918
determining appeals from final determinations by the tax 100919
commissioner of any preliminary, amended, or final tax 100920
assessments, reassessments, valuations, determinations, findings, 100921
computations, or orders made by the commissioner may be instituted 100922
by any of the persons who were parties to the appeal or 100923
application before the board, by the person in whose name the 100924
property is listed or sought to be listed, if the decision 100925
appealed from determines the valuation or liability of property 100926
for taxation and if any such person was not a party to the appeal 100927
or application before the board, by the taxpayer or any other 100928
person to whom the decision of the board appealed from was by law 100929
required to be ~~certified~~ sent, by the director of budget and 100930
management, if the revenue affected by the decision of the board 100931
appealed from would accrue primarily to the state treasury, by the 100932
county auditor of the county to the undivided general tax funds of 100933
which the revenues affected by the decision of the board appealed 100934
from would primarily accrue, or by the tax commissioner. 100935

Appeals from decisions of the board upon all other appeals or 100936
applications filed with and determined by the board may be 100937
instituted by any of the persons who were parties to such appeal 100938
or application before the board, by any persons to whom the 100939
decision of the board appealed from was by law required to be 100940
~~certified~~ sent, or by any other person to whom the board ~~certified~~ 100941

sent the decision appealed from, as authorized by section 5717.03 100942
of the Revised Code. 100943

Such appeals shall be taken within thirty days after the date 100944
of the entry of the decision of the board on the journal of its 100945
proceedings, as provided by such section, by the filing by 100946
appellant of a notice of appeal with the court to which the appeal 100947
is taken and the board. If a timely notice of appeal is filed by a 100948
party, any other party may file a notice of appeal within ten days 100949
of the date on which the first notice of appeal was filed or 100950
within the time otherwise prescribed in this section, whichever is 100951
later. A notice of appeal shall set forth the decision of the 100952
board appealed from and the errors therein complained of. Proof of 100953
the filing of such notice with the board shall be filed with the 100954
court to which the appeal is being taken. The court in which 100955
notice of appeal is first filed shall have exclusive jurisdiction 100956
of the appeal. 100957

In all such appeals the tax commissioner or all persons to 100958
whom the decision of the board appealed from is required by such 100959
section to be ~~certified~~ sent, other than the appellant, shall be 100960
made appellees. Unless waived, notice of the appeal shall be 100961
served upon all appellees by certified mail. The prosecuting 100962
attorney shall represent the county auditor in any such appeal in 100963
which the auditor is a party. 100964

The board, upon written demand filed by an appellant, shall 100965
within thirty days after the filing of such demand file with the 100966
court to which the appeal is being taken a certified transcript of 100967
the record of the proceedings of the board pertaining to the 100968
decision complained of and the evidence considered by the board in 100969
making such decision. 100970

If upon hearing and consideration of such record and evidence 100971
the court decides that the decision of the board appealed from is 100972
reasonable and lawful it shall affirm the same, but if the court 100973

decides that such decision of the board is unreasonable or 100974
unlawful, the court shall reverse and vacate the decision or 100975
modify it and enter final judgment in accordance with such 100976
modification. 100977

The clerk of the court shall certify the judgment of the 100978
court to the board, which shall certify such judgment to such 100979
public officials or take such other action in connection therewith 100980
as is required to give effect to the decision. The "taxpayer" 100981
includes any person required to return any property for taxation. 100982

Any party to the appeal shall have the right to appeal from 100983
the judgment of the court of appeals on questions of law, as in 100984
other cases. 100985

Sec. 5725.18. (A) An annual franchise tax on the privilege of 100986
being an insurance company is hereby levied on each domestic 100987
insurance company. In the month of May, annually, the treasurer of 100988
state shall charge for collection from each domestic insurance 100989
company a franchise tax in the amount computed in accordance with 100990
the following, as applicable: 100991

(1) With respect to a domestic insurance company that is a 100992
health insuring corporation, one per cent of all premium rate 100993
payments received, exclusive of payments received under the 100994
medicare program established under Title XVIII of the "Social 100995
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 100996
~~or pursuant to the medical assistance program established under~~ 100997
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 100998
report for the preceding calendar year; 100999

(2) With respect to a domestic insurance company that is not 101000
a health insuring corporation, one and four-tenths per cent of the 101001
gross amount of premiums received from policies covering risks 101002
within this state, exclusive of premiums received under the 101003
medicare program established under Title XVIII of the "Social 101004

Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 101005
~~or pursuant to the medical assistance program established under~~ 101006
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101007
statement for the preceding calendar year, and, if the company 101008
operates a health insuring corporation as a line of business, one 101009
per cent of all premium rate payments received from that line of 101010
business, exclusive of payments received under the medicare 101011
program established under Title XVIII of the "Social Security 101012
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or~~ 101013
~~pursuant to the medical assistance program established under~~ 101014
~~Chapter 5111. of the Revised Code,~~ as reflected in its annual 101015
statement for the preceding calendar year. 101016

(B) The gross amount of premium rate payments or premiums 101017
used to compute the applicable tax in accordance with division (A) 101018
of this section is subject to the deductions prescribed by section 101019
5729.03 of the Revised Code for foreign insurance companies. The 101020
objects of such tax are those declared in section 5725.24 of the 101021
Revised Code, to which only such tax shall be applied. 101022

(C) In no case shall such tax be less than two hundred fifty 101023
dollars. 101024

Sec. 5725.33. (A) Except as otherwise provided in this 101025
section, terms used in this section have the same meaning as 101026
section 45D of the Internal Revenue Code, any related proposed, 101027
temporary or final regulations promulgated under the Internal 101028
Revenue Code, any rules or guidance of the internal revenue 101029
service or the United States department of the treasury, and any 101030
related rules or guidance issued by the community development 101031
financial institutions fund of the United States department of the 101032
treasury. 101033

As used in this section: 101034

(1) "Adjusted purchase price" means the amount paid for 101035

qualified equity investments multiplied by the qualified 101036
low-income community investments made by the issuer in projects 101037
located in this state as a percentage of the total amount of 101038
qualified low-income community investments made by the issuer in 101039
projects located in all states on the credit allowance date during 101040
the applicable tax year, subject to divisions (B)(1) and (2) of 101041
this section. 101042

(2) "Applicable percentage" means zero per cent for each of 101043
the first two credit allowance dates, seven per cent for the third 101044
credit allowance date, and eight per cent for the four following 101045
credit allowance dates. 101046

(3) "Credit allowance date" means the date, on or after 101047
January 1, 2010, a qualified equity investment is made and each of 101048
the six anniversary dates thereafter. For qualified equity 101049
investments made after the effective date of this section but 101050
before January 1, 2010, the initial credit allowance date is 101051
January 1, 2010, and each of the six anniversary dates thereafter 101052
is on the first day of January of each year. 101053

(4) "Long-term debt security" means any debt instrument 101054
issued by a qualified community development entity, at par value 101055
or a premium, with an original maturity date at least seven years 101056
after the date of its issuance. The debt instrument shall not 101057
provide for acceleration of repayment, amortization, or prepayment 101058
features prior to its original maturity date, or for distribution, 101059
payment, or interest features related to profitability of the 101060
qualified community development entity or the performance of the 101061
qualified community development entity's investment portfolio, 101062
except for provisions permitting the instrument's holder to 101063
accelerate payments on the instrument if the issuer defaults on 101064
covenants designed to ensure compliance with this section or 101065
section 45D of the Internal Revenue Code. 101066

(5) "Qualified active low-income community business" excludes 101067

any business that derives or projects to derive fifteen per cent 101068
or more of annual revenue from the rental or sale of real 101069
property, except any business that is a special purpose entity 101070
principally owned by a principal user of that property formed 101071
solely for the purpose of renting, either directly or indirectly, 101072
or selling real property back to such principal user if such 101073
principal user does not derive fifteen per cent or more of its 101074
gross annual revenue from the rental or sale of real property. 101075

(6) "Qualified community development entity" includes only 101076
entities: 101077

(a) That have entered into an allocation agreement with the 101078
community development financial institutions fund of the United 101079
States department of the treasury with respect to credits 101080
authorized by section 45D of the Internal Revenue Code; 101081

(b) Whose service area includes any portion of this state; 101082
and 101083

(c) That will designate an equity investment in such entities 101084
as a qualified equity investment for purposes of both section 45D 101085
of the Internal Revenue Code and this section. 101086

(7) "Qualified equity investment" is limited to an equity 101087
investment in, or long-term debt security issued by, a qualified 101088
community development entity that: 101089

(a) Is acquired after the effective date of the enactment of 101090
this section at its original issuance solely in exchange for cash; 101091
101092

(b) Has at least eighty-five per cent of its cash purchase 101093
price used by the qualified community development entity to make 101094
qualified low-income community investments, provided that in the 101095
seventh year after a qualified equity investment is made, only 101096
seventy-five per cent of such cash purchase price must be used by 101097
the qualified community development entity to make qualified 101098

low-income community investments; and 101099

(c) Is designated by the issuer as a qualified equity investment. 101100
101101

"Qualified equity investment" includes any equity investment that would, but for division (A)(7)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder. 101102
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101106

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price of qualified low-income community investments, subject to divisions (B)(1) and (2) of this section: 101107
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101113

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred in the sale or repayment, in another qualified low-income community investment within twelve months of the receipt of such capital. If the qualified low-income community investment is sold or repaid after the sixth anniversary of the issuance of the qualified equity investment, the qualified low-income community investment shall be considered held by the qualified community development entity through the seventh anniversary of the 101114
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qualified equity investment's issuance. 101131

(2) The qualified low-income community investment made in 101132
this state shall equal the sum of the qualified low-income 101133
community investments in each qualified active low-income 101134
community business in this state, not to exceed two million five 101135
hundred sixty-four thousand dollars, in which the qualified 101136
community development entity invests, including such investments 101137
in any such businesses in this state related to that qualified 101138
active low-income community business through majority ownership or 101139
control. 101140

The credit shall be claimed in the order prescribed by 101141
section 5725.98 of the Revised Code. If the amount of the credit 101142
exceeds the amount of tax otherwise due after deducting all other 101143
credits in that order, the excess may be carried forward and 101144
applied to the tax due for not more than four ensuing years. 101145

By claiming a tax credit under this section, an insurance 101146
company waives its rights under section 5725.222 of the Revised 101147
Code with respect to the time limitation for the assessment of 101148
taxes as it relates to credits claimed that later become subject 101149
to recapture under division (E) of this section. 101150

(C) The amount of qualified equity investments on the basis 101151
of which credits may be claimed under this section and sections 101152
5729.16 and 5733.58 of the Revised Code shall not exceed the 101153
amount, estimated by the director of development, that would cause 101154
the total amount of credits allowed each fiscal year to exceed ten 101155
million dollars, computed without regard to the potential for 101156
taxpayers to carry tax credits forward to later years. 101157

101158
(D) If any amount of the federal tax credit allowed for a 101159
qualified equity investment for which a credit was received under 101160
this section is recaptured under section 45D of the Internal 101161

Revenue Code, or if the director of development determines that an 101162
investment for which a tax credit is claimed under this section is 101163
not a qualified equity investment or that the proceeds of an 101164
investment for which a tax credit is claimed under this section 101165
are used to make qualified low-income community investments other 101166
than in a qualified active low-income community business, all or a 101167
portion of the credit received on account of that investment shall 101168
be paid by the insurance company that received the credit to the 101169
superintendent of insurance. The amount to be recovered shall be 101170
determined by the director of development pursuant to rules 101171
adopted under division (E) of this section. The director shall 101172
certify any amount due under this division to the superintendent 101173
of insurance, and the superintendent shall notify the treasurer of 101174
state of the amount due. Upon notification, the treasurer shall 101175
invoice the insurance company for the amount due. The amount due 101176
is payable not later than thirty days after the date the treasurer 101177
invoices the insurance company. The amount due shall be considered 101178
to be tax due under section 5725.18 of the Revised Code, and may 101179
be collected by assessment without regard to the time limitations 101180
imposed under section 5725.222 of the Revised Code for the 101181
assessment of taxes by the superintendent. All amounts collected 101182
under this division shall be credited as revenue from the tax 101183
levied under section 5725.18 of the Revised Code. 101184

101185

(E) The tax credits authorized under this section and 101186
sections 5729.16 and 5733.58 of the Revised Code shall be 101187
administered by the department of development. The director of 101188
development, in consultation with the tax commissioner and the 101189
superintendent of insurance, pursuant to Chapter 119. of the 101190
Revised Code, shall adopt rules for the administration of this 101191
section and sections 5729.16 and 5733.58 of the Revised Code. The 101192
rules shall provide for determining the recovery of credits under 101193
division (D) of this section, division (D) of section 5729.16, and 101194

section 5733.58 of the Revised Code, including prorating the 101195
amount of the credit to be recovered on any reasonable basis, the 101196
manner in which credits may be allocated among claimants, and the 101197
amount of any application or other fees to be charged in 101198
connection with a recovery. 101199

(F) There is hereby created in the state treasury the new 101200
markets tax credit operating fund. The director of development is 101201
authorized to charge reasonable application and other fees in 101202
connection with the administration of tax credits authorized by 101203
this section and sections 5729.16 and 5733.58 of the Revised Code. 101204
Any such fees collected shall be credited to the fund. The 101205
director of development shall use money in the fund to pay 101206
expenses related to the administration of tax credits authorized 101207
under sections 5725.33, 5729.16, and 5733.58 of the Revised Code. 101208

Sec. 5725.98. (A) To provide a uniform procedure for 101209
calculating the amount of tax imposed by section 5725.18 of the 101210
Revised Code that is due under this chapter, a taxpayer shall 101211
claim any credits and offsets against tax liability to which it is 101212
entitled in the following order: 101213

(1) The credit for an insurance company or insurance company 101214
group under section 5729.031 of the Revised Code. 101215

(2) The credit for eligible employee training costs under 101216
section 5725.31 of the Revised Code. 101217

(3) The credit for purchasers of qualified low-income 101218
community investments under section 5725.33 of the Revised Code; 101219

(4) The job retention credit under section 122.171 of the 101220
Revised Code; 101221

(5) The offset of assessments by the Ohio life and health 101222
insurance guaranty association permitted by section 3956.20 of the 101223
Revised Code. 101224

~~(4)~~(6) The refundable credit for Ohio job creation under 101225
section 5725.32 of the Revised Code. 101226

~~(5)~~(7) The refundable credit under section ~~5729.08~~ 5725.19 of 101227
the Revised Code for losses on loans made under the Ohio venture 101228
capital program under sections 150.01 to 150.10 of the Revised 101229
Code. 101230

(B) For any credit except the credits enumerated in divisions 101231
(A)~~(4)~~(6) and ~~(5)~~(7) of this section, the amount of the credit for 101232
a taxable year shall not exceed the tax due after allowing for any 101233
other credit that precedes it in the order required under this 101234
section. Any excess amount of a particular credit may be carried 101235
forward if authorized under the section creating that credit. 101236
Nothing in this chapter shall be construed to allow a taxpayer to 101237
claim, directly or indirectly, a credit more than once for a 101238
taxable year. 101239

Sec. 5727.84. (A) As used in this section and sections 101240
5727.85, 5727.86, and 5727.87 of the Revised Code: 101241

(1) "School district" means a city, local, or exempted 101242
village school district. 101243

(2) "Joint vocational school district" means a joint 101244
vocational school district created under section 3311.16 of the 101245
Revised Code, and includes a cooperative education school district 101246
created under section 3311.52 or 3311.521 of the Revised Code and 101247
a county school financing district created under section 3311.50 101248
of the Revised Code. 101249

(3) "Local taxing unit" means a subdivision or taxing unit, 101250
as defined in section 5705.01 of the Revised Code, a park district 101251
created under Chapter 1545. of the Revised Code, or a township 101252
park district established under section 511.23 of the Revised 101253
Code, but excludes school districts and joint vocational school 101254

districts. 101255

(4) "State education aid," for a school district, means the 101256
following: 101257

(a) For fiscal years prior to fiscal year 2010, the sum of 101258
state aid amounts computed for the district under divisions (A), 101259
(C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions 101260
(B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) 101261
of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 101262
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and 101263
the adjustments required by: division (C) of section 3310.08; 101264
division (C)(2) of section 3310.41; division (C) of section 101265
3314.08, as that section existed for that fiscal year; division 101266
(D)(2) of section 3314.091; division (D) of former section 101267
3314.13; divisions (E), (K), (L), (M), and (N) of section 101268
3317.023; division (C) of section 3317.20; and sections 3313.979 101269
and 3313.981 of the Revised Code. However, when calculating state 101270
education aid for a school district for fiscal years 2008 and 101271
2009, include the amount computed for the district under Section 101272
269.20.80 of H.B. 119 of the 127th general assembly, as 101273
subsequently amended, instead of division (D) of section 3317.022 101274
of the Revised Code; and include amounts calculated under Section 101275
269.30.80 of ~~this act~~ H.B. 119 of the 127th General Assembly, as 101276
subsequently amended; ~~and account for adjustments under division~~ 101277
~~(C)(2) of section 3310.41 of the Revised Code.~~ 101278

101279

(b) For fiscal year 2010 and for each fiscal year thereafter, 101280
the sum of the amounts computed for the district under sections 101281
3306.052, 3306.12, 3306.13, 3306.19, and 3306.192; division (G) of 101282
section 3317.024; sections 3317.05, 3317.052, and 3317.053 of the 101283
Revised Code; and the adjustments required by division (C)(2) of 101284
section 3310.41; division (D)(2) of section 3314.091; divisions 101285
(E), (K), (L), (M), and (N) of section 3317.023; division (C) of 101286

<u>section 3317.20; and section 3313.979 of the Revised Code.</u>	101287
	101288
(5) "State education aid," for a joint vocational school district, means <u>the following:</u>	101289
	101290
<u>(a) For fiscal years prior to fiscal year 2010,</u> the sum of the state aid amounts computed for the district under division (N) of section 3317.024 and section 3317.16 of the Revised Code.	101291
	101292
	101293
However, when calculating state education aid for a joint vocational school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.30.90 of H.B. 119 of the 127th general assembly, as subsequently amended.	101294
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	101298
<u>(b) For fiscal years 2010 and 2011, the amount computed for the district in accordance with the section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS".</u>	101299
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	101301
(6) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5727.85 of the Revised Code.	101302
	101303
	101304
(7) "Recognized valuation" has the same meaning as in section 3317.02 of the Revised Code.	101305
	101306
(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	101307
	101308
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	101309
	101310
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	101311
	101312
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	101313
	101314
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	101315
	101316

(13) "Fixed-sum levy" means a tax levied on property at 101317
whatever rate is required to produce a specified amount of tax 101318
money or levied in excess of the ten-mill limitation to pay debt 101319
charges, and includes school district emergency levies imposed 101320
pursuant to section 5705.194 of the Revised Code. 101321

(14) "Fixed-sum levy loss" means the amount determined under 101322
division (H) of this section. 101323

(15) "Consumer price index" means the consumer price index 101324
(all items, all urban consumers) prepared by the bureau of labor 101325
statistics of the United States department of labor. 101326

(B) The kilowatt-hour tax receipts fund is hereby created in 101327
the state treasury and shall consist of money arising from the tax 101328
imposed by section 5727.81 of the Revised Code. All money in the 101329
kilowatt-hour tax receipts fund shall be credited as follows: 101330

(1) Sixty-three per cent shall be credited to the general 101331
revenue fund. 101332

(2) Twenty-five and four-tenths per cent shall be credited to 101333
the school district property tax replacement fund, which is hereby 101334
created in the state treasury for the purpose of making the 101335
payments described in section 5727.85 of the Revised Code. 101336

(3) Eleven and six-tenths per cent shall be credited to the 101337
local government property tax replacement fund, which is hereby 101338
created in the state treasury for the purpose of making the 101339
payments described in section 5727.86 of the Revised Code. 101340

(C) The natural gas tax receipts fund is hereby created in 101341
the state treasury and shall consist of money arising from the tax 101342
imposed by section 5727.811 of the Revised Code. All money in the 101343
fund shall be credited as follows: 101344

(1) Sixty-eight and seven-tenths per cent shall be credited 101345
to the school district property tax replacement fund for the 101346

purpose of making the payments described in section 5727.85 of the Revised Code. 101347
101348

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code. 101349
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(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section: 101353
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(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 101357
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101359

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 101360
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(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 101365
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(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 101370
101371
101372

(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments; 101373
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(b) The three-year average assessed value from nuclear fuel materials and assemblies assessed under division (D)(2)(a) of this section for tax years 1996, 1997, and 1998, as reflected in the preliminary assessments, using an assessment rate of twenty-five per cent.

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

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

(b) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2001 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2002, and as apportioned to the taxing district for tax year 2001.

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

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2006, and as apportioned to the taxing district for tax year 2005;

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

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

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

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

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

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

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary

assessment if issued prior to March 1, 2001, and as apportioned in 101440
the taxing district for those respective years; 101441

(b) The three-year average assessed value from current gas 101442
under division (E)(2)(a) of this section for tax years 1997, 1998, 101443
and 1999, as reflected in the preliminary assessment, using an 101444
assessment rate of twenty-five per cent. 101445

(F) The tax commissioner may request that natural gas 101446
companies, electric companies, and rural electric companies file a 101447
report to help determine the tax value loss under divisions (D) 101448
and (E) of this section. The report shall be filed within thirty 101449
days of the commissioner's request. A company that fails to file 101450
the report or does not timely file the report is subject to the 101451
penalty in section 5727.60 of the Revised Code. 101452

(G) Not later than January 1, 2002, the tax commissioner 101453
shall determine for each school district, joint vocational school 101454
district, and local taxing unit its fixed-rate levy loss, which is 101455
the sum of its electric company tax value loss multiplied by the 101456
tax rate in effect in tax year 1998 for fixed-rate levies and its 101457
natural gas company tax value loss multiplied by the tax rate in 101458
effect in tax year 1999 for fixed-rate levies. 101459

(H) Not later than January 1, 2002, the tax commissioner 101460
shall determine for each school district, joint vocational school 101461
district, and local taxing unit its fixed-sum levy loss, which is 101462
the amount obtained by subtracting the amount described in 101463
division (H)(2) of this section from the amount described in 101464
division (H)(1) of this section: 101465

(1) The sum of the electric company tax value loss multiplied 101466
by the tax rate in effect in tax year 1998, and the natural gas 101467
company tax value loss multiplied by the tax rate in effect in tax 101468
year 1999, for fixed-sum levies for all taxing districts within 101469
each school district, joint vocational school district, and local 101470

taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.

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

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86

of the Revised Code, and the one-fourth of one mill that is 101503
subtracted under division (H)(2) of this section shall be 101504
apportioned among all contributing fixed-sum levies in the 101505
proportion of each levy to the sum of all fixed-sum levies within 101506
each school district, joint vocational school district, or local 101507
taxing unit. 101508

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 101509
section, in computing the tax value loss, fixed-rate levy loss, 101510
and fixed-sum levy loss, the tax commissioner shall use the 101511
greater of the 1998 tax rate or the 1999 tax rate in the case of 101512
levy losses associated with the electric company tax value loss, 101513
but the 1999 tax rate shall not include for this purpose any tax 101514
levy approved by the voters after June 30, 1999, and the tax 101515
commissioner shall use the greater of the 1999 or the 2000 tax 101516
rate in the case of levy losses associated with the natural gas 101517
company tax value loss. 101518

(J) Not later than January 1, 2002, the tax commissioner 101519
shall certify to the department of education the tax value loss 101520
determined under divisions (D) and (E) of this section for each 101521
taxing district, the fixed-rate levy loss calculated under 101522
division (G) of this section, and the fixed-sum levy loss 101523
calculated under division (H) of this section. The calculations 101524
under divisions (G) and (H) of this section shall separately 101525
display the levy loss for each levy eligible for reimbursement. 101526

(K) Not later than September 1, 2001, the tax commissioner 101527
shall certify the amount of the fixed-sum levy loss to the county 101528
auditor of each county in which a school district with a fixed-sum 101529
levy loss has territory. 101530

Sec. 5728.12. Any non-resident of this state who accepts the 101531
privilege extended by the laws of this state to non-residents of 101532
operating a commercial car or commercial tractor, which is subject 101533

to the tax levied in section 5728.06 of the Revised Code, or of 101534
having the same operated within this state, and any resident of 101535
this state who operates a commercial car or commercial tractor, 101536
which is subject to the tax levied in section 5728.06 of the 101537
Revised Code, or has the same operated within this state and 101538
subsequently becomes a non-resident or conceals ~~his~~ the person's 101539
whereabouts, makes the secretary of state of the state of Ohio ~~his~~ 101540
the person's agent for the service of process or notice in any 101541
assessment, action or proceeding instituted in this state against 101542
such person out of the failure to pay the taxes imposed ~~upon him~~ 101543
by the provisions of section 5728.06 of the Revised Code. 101544

Such process or notice shall be served, ~~by the officer to~~ 101545
~~whom the same is directed or by the tax commissioner, or by the~~ 101546
~~sheriff of Franklin county, who may be deputized for such purpose~~ 101547
~~by the officer to whom the service is directed, upon the secretary~~ 101548
~~of state by leaving at the office of the secretary of state, at~~ 101549
~~least fifteen days before the return day of such process or~~ 101550
~~notice, a true and attested copy thereof, and by sending to the~~ 101551
~~defendant by registered or certified mail, postage prepaid, a like~~ 101552
~~and true attested copy, with an endorsement thereon of the service~~ 101553
~~upon said secretary of state, addressed to such defendant at his~~ 101554
~~last known address. The registered or certified mail return~~ 101555
~~receipt of such defendant shall be attached to and made a part of~~ 101556
~~the return of such service of process as provided under section~~ 101557
5703.37 of the Revised Code. 101558

Sec. 5729.03. (A) If the superintendent of insurance finds 101559
the annual statement required by section 5729.02 of the Revised 101560
Code to be correct, the superintendent shall compute the following 101561
amount, as applicable, of the balance of such gross amount, after 101562
deducting such return premiums and considerations received for 101563
reinsurance, and charge such amount to such company as a tax upon 101564
the business done by it in this state for the period covered by 101565

such annual statement: 101566

(1) If the company is a health insuring corporation, one per 101567
cent of the balance of premium rate payments received, exclusive 101568
of payments received under the medicare program established under 101569
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 101570
U.S.C.A. 301, as amended, ~~or pursuant to the medical assistance~~ 101571
~~program established under Chapter 5111. of the Revised Code,~~ as 101572
reflected in its annual report; 101573

(2) If the company is not a health insuring corporation, one 101574
and four-tenths per cent of the balance of premiums received, 101575
exclusive of premiums received under the medicare program 101576
established under Title XVIII of the "Social Security Act," 49 101577
Stat. 620 (1935), 42 U.S.C.A. 301, as amended, ~~or pursuant to the~~ 101578
~~medical assistance program established under Chapter 5111. of the~~ 101579
~~Revised Code,~~ as reflected in its annual statement, and, if the 101580
company operates a health insuring corporation as a line of 101581
business, one per cent of the balance of premium rate payments 101582
received from that line of business, exclusive of payments 101583
received under the medicare program established under Title XVIII 101584
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 101585
301, as amended, ~~or pursuant to the medical assistance program~~ 101586
~~established under Chapter 5111. of the Revised Code,~~ as reflected 101587
in its annual statement. 101588

(B) Any insurance policies that were not issued in violation 101589
of Title XXXIX of the Revised Code and that were issued prior to 101590
April 15, 1967, by a life insurance company organized and operated 101591
without profit to any private shareholder or individual, 101592
exclusively for the purpose of aiding educational or scientific 101593
institutions organized and operated without profit to any private 101594
shareholder or individual, are not subject to the tax imposed by 101595
this section. All taxes collected pursuant to this section shall 101596
be credited to the general revenue fund. 101597

(C) In no case shall the tax imposed under this section be 101598
less than two hundred fifty dollars. 101599

Sec. 5729.16. (A) Terms used in this section have the same 101600
meaning as in section 5725.33 of the Revised Code. 101601

(B) There is hereby allowed a nonrefundable credit against 101602
the tax imposed by section 5729.03 of the Revised Code for a 101603
foreign insurance company holding a qualified equity investment on 101604
the credit allowance date occurring in the calendar year for which 101605
the tax is due. The credit shall be computed in the same manner 101606
prescribed for the computation of credits allowed under section 101607
5725.33 of the Revised Code. 101608

The credit shall be claimed in the order prescribed by 101609
section 5729.98 of the Revised Code. If the amount of the credit 101610
exceeds the amount of tax otherwise due after deducting all other 101611
credits in that order, the excess may be carried forward and 101612
applied to the tax due for not more than four ensuing years. 101613

By claiming a tax credit under this section, an insurance 101614
company waives its rights under section 5729.102 of the Revised 101615
Code with respect to the time limitation for the assessment of 101616
taxes as it relates to credits claimed that later become subject 101617
to recapture under division (E) of this section. 101618

(C) The total amount of qualified equity investments on the 101619
basis of which credits may be claimed under this section, section 101620
5725.33, and section 5733.58 of the Revised Code is subject to the 101621
limitation of division (C) of section 5725.33 of the Revised Code. 101622
101623

(D) If any amount of the federal tax credit allowed for a 101624
qualified equity investment for which a credit was received under 101625
this section is recaptured under section 45D of the Internal 101626
Revenue Code, or if the director of development determines that an 101627

investment for which a tax credit is claimed under this section is 101628
not a qualified equity investment or that the proceeds of an 101629
investment for which a tax credit is claimed under this section 101630
are used to make qualified low-income community investments other 101631
than in a qualified active low-income community business, all or a 101632
portion of the credit received on account of that investment shall 101633
be paid by the insurance company that received the credit to the 101634
superintendent of insurance. The amount to be recovered shall be 101635
determined by the director of development pursuant to rules 101636
adopted under section 5725.33 of the Revised Code. The director 101637
shall certify any amount due under this division to the 101638
superintendent of insurance, and the superintendent shall notify 101639
the treasurer of state of the amount due. Upon notification, the 101640
treasurer shall invoice the insurance company for the amount due. 101641
The amount due is payable not later than thirty days after the 101642
date the treasurer invoices the insurance company. The amount due 101643
shall be considered to be tax due under section 5729.03 of the 101644
Revised Code, and may be collected by assessment without regard to 101645
the time limitations imposed under section 5729.102 of the Revised 101646
Code for the assessment of taxes by the superintendent. All 101647
amounts collected under this division shall be credited as revenue 101648
from the tax levied under section 5729.03 of the Revised Code. 101649

101650

Sec. 5729.98. (A) To provide a uniform procedure for 101651
calculating the amount of tax due under this chapter, a taxpayer 101652
shall claim any credits and offsets against tax liability to which 101653
it is entitled in the following order: 101654

(1) The credit for an insurance company or insurance company 101655
group under section 5729.031 of the Revised Code. 101656

(2) The credit for eligible employee training costs under 101657
section 5729.07 of the Revised Code. 101658

(3) <u>The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code;</u>	101659
	101660
<u>(4) The job retention credit under section 122.171 of the Revised Code.</u>	101661
	101662
<u>(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code.</u>	101663
	101664
	101665
(4) <u>(6) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code.</u>	101666
	101667
(5) <u>(7) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.</u>	101668
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	101671
(B) For any credit except the credits enumerated in divisions (A) (4) <u>(6)</u> and (5) <u>(7)</u> of this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.	101672
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Sec. 5733.01. (A) The tax provided by this chapter for domestic corporations shall be the amount charged against each corporation organized for profit under the laws of this state and each nonprofit corporation organized pursuant to Chapter 1729. of the Revised Code, except as provided in sections 5733.09 and 5733.10 of the Revised Code, for the privilege of exercising its franchise during the calendar year in which that amount is payable, and the tax provided by this chapter for foreign	101681
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corporations shall be the amount charged against each corporation 101689
organized for profit and each nonprofit corporation organized or 101690
operating in the same or similar manner as nonprofit corporations 101691
organized under Chapter 1729. of the Revised Code, under the laws 101692
of any state or country other than this state, except as provided 101693
in sections 5733.09 and 5733.10 of the Revised Code, for the 101694
privilege of doing business in this state, owning or using a part 101695
or all of its capital or property in this state, holding a 101696
certificate of compliance with the laws of this state authorizing 101697
it to do business in this state, or otherwise having nexus in or 101698
with this state under the Constitution of the United States, 101699
during the calendar year in which that amount is payable. 101700

(B) A corporation is subject to the tax imposed by section 101701
5733.06 of the Revised Code for each calendar year that it is so 101702
organized, doing business, owning or using a part or all of its 101703
capital or property, holding a certificate of compliance, or 101704
otherwise having nexus in or with this state under the 101705
Constitution of the United States, on the first day of January of 101706
that calendar year. 101707

(C) Any corporation subject to this chapter that is not 101708
subject to the federal income tax shall file its returns and 101709
compute its tax liability as required by this chapter in the same 101710
manner as if that corporation were subject to the federal income 101711
tax. 101712

(D) For purposes of this chapter, a federally chartered 101713
financial institution shall be deemed to be organized under the 101714
laws of the state within which its principal office is located. 101715

(E) For purposes of this chapter, any person, as defined in 101716
section 5701.01 of the Revised Code, shall be treated as a 101717
corporation if the person is classified for federal income tax 101718
purposes as an association taxable as a corporation, and an equity 101719
interest in the person shall be treated as capital stock of the 101720

person. 101721

(F) For the purposes of this chapter, "disregarded entity" 101722
has the same meaning as in division (D) of section 5745.01 of the 101723
Revised Code. 101724

(1) A person's interest in a disregarded entity, whether held 101725
directly or indirectly, shall be treated as the person's ownership 101726
of the assets and liabilities of the disregarded entity, and the 101727
income, including gain or loss, shall be included in the person's 101728
net income under this chapter. 101729

(2) Any sale, exchange, or other disposition of the person's 101730
interest in the disregarded entity, whether held directly or 101731
indirectly, shall be treated as a sale, exchange, or other 101732
disposition of the person's share of the disregarded entity's 101733
underlying assets or liabilities, and the gain or loss from such 101734
sale, exchange, or disposition shall be included in the person's 101735
net income under this chapter. 101736

(3) The disregarded entity's payroll, property, and sales 101737
factors shall be included in the person's factors. 101738

(G) The tax a corporation is required to pay under this 101739
chapter shall be as follows: 101740

(1)(a) For financial institutions, the greater of the minimum 101741
payment required under division (E) of section 5733.06 of the 101742
Revised Code or the difference between all taxes charged the 101743
financial institution under this chapter, without regard to 101744
division (G)(2) of this section, less any credits allowable 101745
against such tax. 101746

(b) A corporation satisfying the description in division 101747
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 101748
Code that is not a financial institution, insurance company, or 101749
dealer in intangibles is subject to the taxes imposed under this 101750
chapter as a corporation and not subject to tax as a financial 101751

institution, and shall pay the greater of the minimum payment 101752
required under division (E) of section 5733.06 of the Revised Code 101753
or the difference between all the taxes charged under this 101754
chapter, without regard to division (G)(2) of this section, less 101755
any credits allowable against such tax. 101756

(2) For all corporations other than those persons described 101757
in division (G)(1)(a) or (b) of this section, the amount under 101758
division (G)(2)(a) of this section applicable to the tax year 101759
specified less the amount under division (G)(2)(b) of this 101760
section: 101761

(a)(i) For tax year 2005, the greater of the minimum payment 101762
required under division (E) of section 5733.06 of the Revised Code 101763
or the difference between all taxes charged the corporation under 101764
this chapter and any credits allowable against such tax; 101765

(ii) For tax year 2006, the greater of the minimum payment 101766
required under division (E) of section 5733.06 of the Revised Code 101767
or four-fifths of the difference between all taxes charged the 101768
corporation under this chapter and any credits allowable against 101769
such tax, except the qualifying pass-through entity tax credit 101770
described in division (A)~~(29)~~(30) and the refundable credits 101771
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101772
of the Revised Code; 101773

(iii) For tax year 2007, the greater of the minimum payment 101774
required under division (E) of section 5733.06 of the Revised Code 101775
or three-fifths of the difference between all taxes charged the 101776
corporation under this chapter and any credits allowable against 101777
such tax, except the qualifying pass-through entity tax credit 101778
described in division (A)~~(29)~~(30) and the refundable credits 101779
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101780
of the Revised Code; 101781

(iv) For tax year 2008, the greater of the minimum payment 101782

required under division (E) of section 5733.06 of the Revised Code 101783
or two-fifths of the difference between all taxes charged the 101784
corporation under this chapter and any credits allowable against 101785
such tax, except the qualifying pass-through entity tax credit 101786
described in division (A)~~(29)~~(30) and the refundable credits 101787
described in divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 101788
of the Revised Code; 101789

(v) For tax year 2009, the greater of the minimum payment 101790
required under division (E) of section 5733.06 of the Revised Code 101791
or one-fifth of the difference between all taxes charged the 101792
corporation under this chapter and any credits allowable against 101793
such tax, except the qualifying pass-through entity tax credit 101794
described in division (A)~~(29)~~(30) and the refundable credits 101795
described in divisions (A)~~(30)~~, (31), (32), ~~and (33)~~, and (34) of 101796
section 5733.98 of the Revised Code; 101797

(vi) For tax year 2010 and each tax year thereafter, no tax. 101798

(b) A corporation shall subtract from the amount calculated 101799
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 101800
any qualifying pass-through entity tax credit described in 101801
division (A)~~(29)~~(30) and any refundable credits described in 101802
divisions (A)~~(30)~~(31) to ~~(34)~~(35) of section 5733.98 of the 101803
Revised Code to which the corporation is entitled. Any unused 101804
qualifying pass-through entity tax credit is not refundable. 101805

(c) For the purposes of computing the amount of a credit that 101806
may be carried forward to a subsequent tax year under division 101807
(G)(2) of this section, a credit is utilized against the tax for a 101808
tax year to the extent the credit applies against the tax for that 101809
tax year, even if the difference is then multiplied by the 101810
applicable fraction under division (G)(2)(a) of this section. 101811

(3) Nothing in division (G) of this section eliminates or 101812
reduces the tax imposed by section 5733.41 of the Revised Code on 101813

a qualifying pass-through entity. 101814

Sec. 5733.04. As used in this chapter: 101815

(A) "Issued and outstanding shares of stock" applies to 101816
nonprofit corporations, as provided in section 5733.01 of the 101817
Revised Code, and includes, but is not limited to, membership 101818
certificates and other instruments evidencing ownership of an 101819
interest in such nonprofit corporations, and with respect to a 101820
financial institution that does not have capital stock, "issued 101821
and outstanding shares of stock" includes, but is not limited to, 101822
ownership interests of depositors in the capital employed in such 101823
an institution. 101824

(B) "Taxpayer" means a corporation subject to the tax imposed 101825
by section 5733.06 of the Revised Code. 101826

(C) "Resident" means a corporation organized under the laws 101827
of this state. 101828

(D) "Commercial domicile" means the principal place from 101829
which the trade or business of the taxpayer is directed or 101830
managed. 101831

(E) "Taxable year" means the period prescribed by division 101832
(A) of section 5733.031 of the Revised Code upon the net income of 101833
which the value of the taxpayer's issued and outstanding shares of 101834
stock is determined under division (B) of section 5733.05 of the 101835
Revised Code or the period prescribed by division (A) of section 101836
5733.031 of the Revised Code that immediately precedes the date as 101837
of which the total value of the corporation is determined under 101838
division (A) or (C) of section 5733.05 of the Revised Code. 101839

(F) "Tax year" means the calendar year in and for which the 101840
tax imposed by section 5733.06 of the Revised Code is required to 101841
be paid. 101842

(G) "Internal Revenue Code" means the "Internal Revenue Code 101843

of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 101844

(H) "Federal income tax" means the income tax imposed by the 101845
Internal Revenue Code. 101846

(I) Except as provided in section 5733.058 of the Revised 101847
Code, "net income" means the taxpayer's taxable income before 101848
operating loss deduction and special deductions, as required to be 101849
reported for the taxpayer's taxable year under the Internal 101850
Revenue Code, subject to the following adjustments: 101851

(1)(a) Deduct any net operating loss incurred in any taxable 101852
years ending in 1971 or thereafter, but exclusive of any net 101853
operating loss incurred in taxable years ending prior to January 101854
1, 1971. This deduction shall not be allowed in any tax year 101855
commencing before December 31, 1973, but shall be carried over and 101856
allowed in tax years commencing after December 31, 1973, until 101857
fully utilized in the next succeeding taxable year or years in 101858
which the taxpayer has net income, but in no case for more than 101859
the designated carryover period as described in division (I)(1)(b) 101860
of this section. The amount of such net operating loss, as 101861
determined under the allocation and apportionment provisions of 101862
section 5733.051 and division (B) of section 5733.05 of the 101863
Revised Code for the year in which the net operating loss occurs, 101864
shall be deducted from net income, as determined under the 101865
allocation and apportionment provisions of section 5733.051 and 101866
division (B) of section 5733.05 of the Revised Code, to the extent 101867
necessary to reduce net income to zero with the remaining unused 101868
portion of the deduction, if any, carried forward to the remaining 101869
years of the designated carryover period as described in division 101870
(I)(1)(b) of this section, or until fully utilized, whichever 101871
occurs first. 101872

(b) For losses incurred in taxable years ending on or before 101873
December 31, 1981, the designated carryover period shall be the 101874
five consecutive taxable years after the taxable year in which the 101875

net operating loss occurred. For losses incurred in taxable years 101876
ending on or after January 1, 1982, and beginning before August 6, 101877
1997, the designated carryover period shall be the fifteen 101878
consecutive taxable years after the taxable year in which the net 101879
operating loss occurs. For losses incurred in taxable years 101880
beginning on or after August 6, 1997, the designated carryover 101881
period shall be the twenty consecutive taxable years after the 101882
taxable year in which the net operating loss occurs. 101883

(c) The tax commissioner may require a taxpayer to furnish 101884
any information necessary to support a claim for deduction under 101885
division (I)(1)(a) of this section and no deduction shall be 101886
allowed unless the information is furnished. 101887

(2) Deduct any amount included in net income by application 101888
of section 78 or 951 of the Internal Revenue Code, amounts 101889
received for royalties, technical or other services derived from 101890
sources outside the United States, and dividends received from a 101891
subsidiary, associate, or affiliated corporation that neither 101892
transacts any substantial portion of its business nor regularly 101893
maintains any substantial portion of its assets within the United 101894
States. For purposes of determining net foreign source income 101895
deductible under division (I)(2) of this section, the amount of 101896
gross income from all such sources other than dividend income and 101897
income derived by application of section 78 or 951 of the Internal 101898
Revenue Code shall be reduced by: 101899

(a) The amount of any reimbursed expenses for personal 101900
services performed by employees of the taxpayer for the 101901
subsidiary, associate, or affiliated corporation; 101902

(b) Ten per cent of the amount of royalty income and 101903
technical assistance fees; 101904

(c) Fifteen per cent of the amount of all other income. 101905

The amounts described in divisions (I)(2)(a) to (c) of this 101906

section are deemed to be the expenses attributable to the 101907
production of deductible foreign source income unless the taxpayer 101908
shows, by clear and convincing evidence, less actual expenses, or 101909
the tax commissioner shows, by clear and convincing evidence, more 101910
actual expenses. 101911

(3) Add any loss or deduct any gain resulting from the sale, 101912
exchange, or other disposition of a capital asset, or an asset 101913
described in section 1231 of the Internal Revenue Code, to the 101914
extent that such loss or gain occurred prior to the first taxable 101915
year on which the tax provided for in section 5733.06 of the 101916
Revised Code is computed on the corporation's net income. For 101917
purposes of division (I)(3) of this section, the amount of the 101918
prior loss or gain shall be measured by the difference between the 101919
original cost or other basis of the asset and the fair market 101920
value as of the beginning of the first taxable year on which the 101921
tax provided for in section 5733.06 of the Revised Code is 101922
computed on the corporation's net income. At the option of the 101923
taxpayer, the amount of the prior loss or gain may be a percentage 101924
of the gain or loss, which percentage shall be determined by 101925
multiplying the gain or loss by a fraction, the numerator of which 101926
is the number of months from the acquisition of the asset to the 101927
beginning of the first taxable year on which the fee provided in 101928
section 5733.06 of the Revised Code is computed on the 101929
corporation's net income, and the denominator of which is the 101930
number of months from the acquisition of the asset to the sale, 101931
exchange, or other disposition of the asset. The adjustments 101932
described in this division do not apply to any gain or loss where 101933
the gain or loss is recognized by a qualifying taxpayer, as 101934
defined in section 5733.0510 of the Revised Code, with respect to 101935
a qualifying taxable event, as defined in that section. 101936

(4) Deduct the dividend received deduction provided by 101937
section 243 of the Internal Revenue Code. 101938

(5) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent included in federal taxable income. As used in divisions (I)(5) and (6) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

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(6) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent included in federal taxable income.

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(7) To the extent not otherwise allowed, deduct any dividends or distributions received by a taxpayer from a public utility, excluding an electric company and a combined company, and, for tax years 2005 and thereafter, a telephone company, if the taxpayer owns at least eighty per cent of the issued and outstanding common stock of the public utility. As used in division (I)(7) of this section, "public utility" means a public utility as defined in Chapter 5727. of the Revised Code, whether or not the public utility is doing business in the state.

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(8) To the extent not otherwise allowed, deduct any dividends received by a taxpayer from an insurance company, if the taxpayer owns at least eighty per cent of the issued and outstanding common stock of the insurance company. As used in division (I)(8) of this section, "insurance company" means an insurance company that is taxable under Chapter 5725. or 5729. of the Revised Code.

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(9) Deduct expenditures for modifying existing buildings or structures to meet American national standards institute standard A-117.1-1961 (R-1971), as amended; provided, that no deduction shall be allowed to the extent that such deduction is not permitted under federal law or under rules of the tax commissioner. Those deductions as are allowed may be taken over a period of five years. The tax commissioner shall adopt rules under Chapter 119. of the Revised Code establishing reasonable

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limitations on the extent that expenditures for modifying existing 101971
buildings or structures are attributable to the purpose of making 101972
the buildings or structures accessible to and usable by physically 101973
handicapped persons. 101974

(10) Deduct the amount of wages and salaries, if any, not 101975
otherwise allowable as a deduction but that would have been 101976
allowable as a deduction in computing federal taxable income 101977
before operating loss deduction and special deductions for the 101978
taxable year, had the targeted jobs credit allowed and determined 101979
under sections 38, 51, and 52 of the Internal Revenue Code not 101980
been in effect. 101981

(11) Deduct net interest income on obligations of the United 101982
States and its territories and possessions or of any authority, 101983
commission, or instrumentality of the United States to the extent 101984
the laws of the United States prohibit inclusion of the net 101985
interest for purposes of determining the value of the taxpayer's 101986
issued and outstanding shares of stock under division (B) of 101987
section 5733.05 of the Revised Code. As used in division (I)(11) 101988
of this section, "net interest" means interest net of any expenses 101989
taken on the federal income tax return that would not have been 101990
allowed under section 265 of the Internal Revenue Code if the 101991
interest were exempt from federal income tax. 101992

(12)(a) Except as set forth in division (I)(12)(d) of this 101993
section, to the extent not included in computing the taxpayer's 101994
federal taxable income before operating loss deduction and special 101995
deductions, add gains and deduct losses from direct or indirect 101996
sales, exchanges, or other dispositions, made by a related entity 101997
who is not a taxpayer, of the taxpayer's indirect, beneficial, or 101998
constructive investment in the stock or debt of another entity, 101999
unless the gain or loss has been included in computing the federal 102000
taxable income before operating loss deduction and special 102001
deductions of another taxpayer with a more closely related 102002

investment in the stock or debt of the other entity. The amount of 102003
gain added or loss deducted shall not exceed the product obtained 102004
by multiplying such gain or loss by the taxpayer's proportionate 102005
share, directly, indirectly, beneficially, or constructively, of 102006
the outstanding stock of the related entity immediately prior to 102007
the direct or indirect sale, exchange, or other disposition. 102008

(b) Except as set forth in division (I)(12)(e) of this 102009
section, to the extent not included in computing the taxpayer's 102010
federal taxable income before operating loss deduction and special 102011
deductions, add gains and deduct losses from direct or indirect 102012
sales, exchanges, or other dispositions made by a related entity 102013
who is not a taxpayer, of intangible property other than stock, 102014
securities, and debt, if such property was owned, or used in whole 102015
or in part, at any time prior to or at the time of the sale, 102016
exchange, or disposition by either the taxpayer or by a related 102017
entity that was a taxpayer at any time during the related entity's 102018
ownership or use of such property, unless the gain or loss has 102019
been included in computing the federal taxable income before 102020
operating loss deduction and special deductions of another 102021
taxpayer with a more closely related ownership or use of such 102022
intangible property. The amount of gain added or loss deducted 102023
shall not exceed the product obtained by multiplying such gain or 102024
loss by the taxpayer's proportionate share, directly, indirectly, 102025
beneficially, or constructively, of the outstanding stock of the 102026
related entity immediately prior to the direct or indirect sale, 102027
exchange, or other disposition. 102028

(c) As used in division (I)(12) of this section, "related 102029
entity" means those entities described in divisions (I)(12)(c)(i) 102030
to (iii) of this section: 102031

(i) An individual stockholder, or a member of the 102032
stockholder's family enumerated in section 318 of the Internal 102033
Revenue Code, if the stockholder and the members of the 102034

stockholder's family own, directly, indirectly, beneficially, or 102035
constructively, in the aggregate, at least fifty per cent of the 102036
value of the taxpayer's outstanding stock; 102037

(ii) A stockholder, or a stockholder's partnership, estate, 102038
trust, or corporation, if the stockholder and the stockholder's 102039
partnerships, estates, trusts, and corporations own directly, 102040
indirectly, beneficially, or constructively, in the aggregate, at 102041
least fifty per cent of the value of the taxpayer's outstanding 102042
stock; 102043

(iii) A corporation, or a party related to the corporation in 102044
a manner that would require an attribution of stock from the 102045
corporation to the party or from the party to the corporation 102046
under division (I)(12)(c)(iv) of this section, if the taxpayer 102047
owns, directly, indirectly, beneficially, or constructively, at 102048
least fifty per cent of the value of the corporation's outstanding 102049
stock. 102050

(iv) The attribution rules of section 318 of the Internal 102051
Revenue Code apply for purposes of determining whether the 102052
ownership requirements in divisions (I)(12)(c)(i) to (iii) of this 102053
section have been met. 102054

(d) For purposes of the adjustments required by division 102055
(I)(12)(a) of this section, the term "investment in the stock or 102056
debt of another entity" means only those investments where the 102057
taxpayer and the taxpayer's related entities directly, indirectly, 102058
beneficially, or constructively own, in the aggregate, at any time 102059
during the twenty-four month period commencing one year prior to 102060
the direct or indirect sale, exchange, or other disposition of 102061
such investment at least fifty per cent or more of the value of 102062
either the outstanding stock or such debt of such other entity. 102063

(e) For purposes of the adjustments required by division 102064
(I)(12)(b) of this section, the term "related entity" excludes all 102065

of the following:	102066
(i) Foreign corporations as defined in section 7701 of the Internal Revenue Code;	102067 102068
(ii) Foreign partnerships as defined in section 7701 of the Internal Revenue Code;	102069 102070
(iii) Corporations, partnerships, estates, and trusts created or organized in or under the laws of the Commonwealth of Puerto Rico or any possession of the United States;	102071 102072 102073
(iv) Foreign estates and foreign trusts as defined in section 7701 of the Internal Revenue Code.	102074 102075
The exclusions described in divisions (I)(12)(e)(i) to (iv) of this section do not apply if the corporation, partnership, estate, or trust is described in any one of divisions (C)(1) to (5) of section 5733.042 of the Revised Code.	102076 102077 102078 102079
(f) Nothing in division (I)(12) of this section shall require or permit a taxpayer to add any gains or deduct any losses described in divisions (I)(12)(f)(i) and (ii) of this section:	102080 102081 102082
(i) Gains or losses recognized for federal income tax purposes by an individual, estate, or trust without regard to the attribution rules described in division (I)(12)(c) of this section;	102083 102084 102085 102086
(ii) A related entity's gains or losses described in division (I)(12)(b) of this section if the taxpayer's ownership of or use of such intangible property was limited to a period not exceeding nine months and was attributable to a transaction or a series of transactions executed in accordance with the election or elections made by the taxpayer or a related entity pursuant to section 338 of the Internal Revenue Code.	102087 102088 102089 102090 102091 102092 102093
(13) Any adjustment required by section 5733.042 of the Revised Code.	102094 102095

(14) Add any amount claimed as a credit under section 5733.0611 of the Revised Code to the extent that such amount satisfies either of the following:

(a) It was deducted or excluded from the computation of the corporation's taxable income before operating loss deduction and special deductions as required to be reported for the corporation's taxable year under the Internal Revenue Code;

(b) It resulted in a reduction of the corporation's taxable income before operating loss deduction and special deductions as required to be reported for any of the corporation's taxable years under the Internal Revenue Code.

(15) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (I)(15) of this section.

(16) Any adjustment required by section 5733.0510 or 5733.0511 of the Revised Code.

(17)(a)(i) Add five-sixths of the amount of depreciation expense allowed under subsection (k) of section 168 of the Internal Revenue Code, including a person's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to any pass-through entity in which the person has direct or indirect ownership.

(ii) Add five-sixths of the amount of qualifying section 179 depreciation expense, including a person's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which

the person has a direct or indirect ownership. For the purposes of 102127
this division, "qualifying section 179 depreciation expense" means 102128
the difference between (I) the amount of depreciation expense 102129
directly or indirectly allowed to the taxpayer under section 179 102130
of the Internal Revenue Code, and (II) the amount of depreciation 102131
expense directly or indirectly allowed to the taxpayer under 102132
section 179 of the Internal Revenue Code as that section existed 102133
on December 31, 2002. 102134

The tax commissioner, under procedures established by the 102135
commissioner, may waive the add-backs related to a pass-through 102136
entity if the person owns, directly or indirectly, less than five 102137
per cent of the pass-through entity. 102138

(b) Nothing in division (I)(17) of this section shall be 102139
construed to adjust or modify the adjusted basis of any asset. 102140

(c) To the extent the add-back is attributable to property 102141
generating income or loss allocable under section 5733.051 of the 102142
Revised Code, the add-back shall be allocated to the same location 102143
as the income or loss generated by that property. Otherwise, the 102144
add-back shall be apportioned, subject to division (B)(2)(d) of 102145
section 5733.05 of the Revised Code. 102146

(18)(a) If a person is required to make the add-back under 102147
division (I)(17)(a) of this section for a tax year, the person 102148
shall deduct one-fifth of the amount added back for each of the 102149
succeeding five tax years. 102150

(b) If the amount deducted under division (I)(18)(a) of this 102151
section is attributable to an add-back allocated under division 102152
(I)(17)(c) of this section, the amount deducted shall be allocated 102153
to the same location. Otherwise, the amount shall be apportioned 102154
using the apportionment factors for the taxable year in which the 102155
deduction is taken, subject to division (B)(2)(d) of section 102156
5733.05 of the Revised Code. 102157

(J) Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(K) "Financial institution" has the meaning given by section 5725.01 of the Revised Code but does not include a production credit association as described in 85 Stat. 597, 12 U.S.C.A. 2091.

(L)(1) A "qualifying holding company" is any corporation satisfying all of the following requirements:

(a) Subject to divisions (L)(2) and (3) of this section, the net book value of the corporation's intangible assets is greater than or equal to ninety per cent of the net book value of all of its assets and at least fifty per cent of the net book value of all of its assets represents direct or indirect investments in the equity of, loans and advances to, and accounts receivable due from related members;

(b) At least ninety per cent of the corporation's gross income for the taxable year is attributable to the following:

(i) The maintenance, management, ownership, acquisition, use, and disposition of its intangible property, its aircraft the use of which is not subject to regulation under 14 C.F.R. part 121 or part 135, and any real property described in division (L)(2)(c) of this section;

(ii) The collection and distribution of income from such property.

(c) The corporation is not a financial institution on the last day of the taxable year ending prior to the first day of the tax year;

(d) The corporation's related members make a good faith and reasonable effort to make timely and fully the adjustments required by division ~~(C)(2)~~(D) of section 5733.05 of the Revised Code and to pay timely and fully all uncontested taxes, interest, penalties, and other fees and charges imposed under this chapter;

(e) Subject to division (L)(4) of this section, the corporation elects to be treated as a qualifying holding company for the tax year.

A corporation otherwise satisfying divisions (L)(1)(a) to (e) of this section that does not elect to be a qualifying holding company is not a qualifying holding company for the purposes of this chapter.

(2)(a)(i) For purposes of making the ninety per cent computation under division (L)(1)(a) of this section, the net book value of the corporation's assets shall not include the net book value of aircraft or real property described in division (L)(1)(b)(i) of this section.

(ii) For purposes of making the fifty per cent computation under division (L)(1)(a) of this section, the net book value of assets shall include the net book value of aircraft or real property described in division (L)(1)(b)(i) of this section.

(b)(i) As used in division (L) of this section, "intangible asset" includes, but is not limited to, the corporation's direct interest in each pass-through entity only if at all times during the corporation's taxable year ending prior to the first day of the tax year the corporation's and the corporation's related members' combined direct and indirect interests in the capital or profits of such pass-through entity do not exceed fifty per cent. If the corporation's interest in the pass-through entity is an intangible asset for that taxable year, then the distributive share of any income from the pass-through entity shall be income

from an intangible asset for that taxable year. 102219

(ii) If a corporation's and the corporation's related 102220
members' combined direct and indirect interests in the capital or 102221
profits of a pass-through entity exceed fifty per cent at any time 102222
during the corporation's taxable year ending prior to the first 102223
day of the tax year, "intangible asset" does not include the 102224
corporation's direct interest in the pass-through entity, and the 102225
corporation shall include in its assets its proportionate share of 102226
the assets of any such pass-through entity and shall include in 102227
its gross income its distributive share of the gross income of 102228
such pass-through entity in the same form as was earned by the 102229
pass-through entity. 102230

(iii) A pass-through entity's direct or indirect 102231
proportionate share of any other pass-through entity's assets 102232
shall be included for the purpose of computing the corporation's 102233
proportionate share of the pass-through entity's assets under 102234
division (L)(2)(b)(ii) of this section, and such pass-through 102235
entity's distributive share of any other pass-through entity's 102236
gross income shall be included for purposes of computing the 102237
corporation's distributive share of the pass-through entity's 102238
gross income under division (L)(2)(b)(ii) of this section. 102239

(c) For the purposes of divisions (L)(1)(b)(i), (1)(b)(ii), 102240
(2)(a)(i), and (2)(a)(ii) of this section, real property is 102241
described in division (L)(2)(c) of this section only if all of the 102242
following conditions are present at all times during the taxable 102243
year ending prior to the first day of the tax year: 102244

(i) The real property serves as the headquarters of the 102245
corporation's trade or business, or is the place from which the 102246
corporation's trade or business is principally managed or 102247
directed; 102248

(ii) Not more than ten per cent of the value of the real 102249

property and not more than ten per cent of the square footage of 102250
the building or buildings that are part of the real property is 102251
used, made available, or occupied for the purpose of providing, 102252
acquiring, transferring, selling, or disposing of tangible 102253
property or services in the normal course of business to persons 102254
other than related members, the corporation's employees and their 102255
families, and such related members' employees and their families. 102256

(d) As used in division (L) of this section, "related member" 102257
has the same meaning as in division (A)(6) of section 5733.042 of 102258
the Revised Code without regard to division (B) of that section. 102259

(3) The percentages described in division (L)(1)(a) of this 102260
section shall be equal to the quarterly average of those 102261
percentages as calculated during the corporation's taxable year 102262
ending prior to the first day of the tax year. 102263

(4) With respect to the election described in division 102264
(L)(1)(e) of this section: 102265

(a) The election need not accompany a timely filed report; 102266

(b) The election need not accompany the report; rather, the 102267
election may accompany a subsequently filed but timely application 102268
for refund and timely amended report, or a subsequently filed but 102269
timely petition for reassessment; 102270

(c) The election is not irrevocable; 102271

(d) The election applies only to the tax year specified by 102272
the corporation; 102273

(e) The corporation's related members comply with division 102274
(L)(1)(d) of this section. 102275

Nothing in division (L)(4) of this section shall be construed 102276
to extend any statute of limitations set forth in this chapter. 102277

(M) "Qualifying controlled group" means two or more 102278
corporations that satisfy the ownership and control requirements 102279

of division (A) of section 5733.052 of the Revised Code. 102280

(N) "Limited liability company" means any limited liability 102281
company formed under Chapter 1705. of the Revised Code or under 102282
the laws of any other state. 102283

(O) "Pass-through entity" means a corporation that has made 102284
an election under subchapter S of Chapter 1 of Subtitle A of the 102285
Internal Revenue Code for its taxable year under that code, or a 102286
partnership, limited liability company, or any other person, other 102287
than an individual, trust, or estate, if the partnership, limited 102288
liability company, or other person is not classified for federal 102289
income tax purposes as an association taxed as a corporation. 102290

(P) "Electric company," "combined company," and "telephone 102291
company" have the same meanings as in section 5727.01 of the 102292
Revised Code. 102293

(Q) "Business income" means income arising from transactions, 102294
activities, and sources in the regular course of a trade or 102295
business and includes income from real property, tangible personal 102296
property, and intangible personal property if the acquisition, 102297
rental, management, and disposition of the property constitute 102298
integral parts of the regular course of a trade or business 102299
operation. "Business income" includes income, including gain or 102300
loss, from a partial or complete liquidation of a business, 102301
including, but not limited to, gain or loss from the sale or other 102302
disposition of goodwill. 102303

(R) "Nonbusiness income" means all income other than business 102304
income. 102305

Sec. 5733.58. (A) Terms used in this section have the same 102306
meaning as in section 5725.33 of the Revised Code. 102307

(B) There is hereby allowed a nonrefundable credit against 102308
the tax imposed by section 5733.06 of the Revised Code for a 102309

financial institution holding a qualified equity investment on the 102310
credit allowance date occurring in the calendar year immediately 102311
preceding the tax year for which the tax is due. The credit shall 102312
be computed in the same manner prescribed for the computation of 102313
credits allowed under section 5725.33 of the Revised Code. 102314

By claiming a tax credit under this section, a financial 102315
institution waives its rights under section 5733.11 of the Revised 102316
Code with respect to the time limitation for the assessment of 102317
taxes as it relates to credits claimed that later become subject 102318
to recapture under division (D) of this section. 102319

The credit shall be claimed in the order prescribed by 102320
section 5733.98 of the Revised Code. If the amount of the credit 102321
exceeds the amount of tax otherwise due after deducting all other 102322
credits in that order, the excess may be carried forward and 102323
applied to the tax due for not more than four ensuing tax years. 102324

(C) The total amount of qualified equity investments on the 102325
basis of which credits may be claimed under this section and 102326
sections 5725.33 and 5729.16 of the Revised Code is subject to the 102327
limitation of division (C) of section 5725.33 of the Revised Code. 102328

(D) If any amount of the federal tax credit allowed for a 102329
qualified equity investment for which a credit was received under 102330
this section is recaptured under section 45D of the Internal 102331
Revenue Code, or if the director of development determines that an 102332
investment for which a tax credit is claimed under this section is 102333
not a qualified equity investment or that the proceeds of an 102334
investment for which a tax credit is claimed under this section 102335
are used to make qualified low-income community investments other 102336
than in a qualified active low-income community business, all or a 102337
portion of the credit received on account of that investment shall 102338
be paid by the financial institution that received the credit to 102339
the tax commissioner. The amount to be recovered shall be 102340
determined by the director of development pursuant to rules 102341

adopted under section 5725.33 of the Revised Code. The director 102342
shall certify any amount due under this division to the tax 102343
commissioner, and the commissioner shall notify the financial 102344
institution of the amount due. The amount due is payable not later 102345
than thirty days after the day the commissioner issues the notice. 102346
The amount due shall be considered to be tax due under section 102347
5733.06 of the Revised Code, and may be collected by assessment 102348
without regard to the limitations imposed under section 5733.11 of 102349
the Revised Code for the assessment of taxes by the commissioner. 102350
All amounts collected under this division shall be credited as 102351
revenue from the tax levied under section 5733.06 of the Revised 102352
Code. 102353

Sec. 5733.59. (A) Any term used in this section has the same 102354
meaning as in section 122.85 of the Revised Code. 102355

(B) There is allowed a credit against the tax imposed by 102356
section 5733.06 of the Revised Code for any corporation that is 102357
the certificate owner of a tax credit certificate issued under 102358
section 122.85 of the Revised Code. The credit shall be claimed 102359
for the taxable year in which the certificate is issued by the 102360
director of development. The credit amount equals the amount 102361
stated in the certificate. The credit shall be claimed in the 102362
order required under section 5733.98 of the Revised Code. If the 102363
credit amount exceeds the tax otherwise due under section 5733.06 102364
of the Revised Code after deducting all other credits in that 102365
order, the excess shall be refunded. 102366

(C) If, pursuant to division (G) of section 5733.01 of the 102367
Revised Code, the corporation is not required to pay tax under 102368
this chapter, the corporation may file an annual report under 102369
section 5733.02 of the Revised Code and claim the credit 102370
authorized by this section. Nothing in this section allows a 102371
corporation to claim more than one credit per tax credit-eligible 102372

production. 102373

Sec. 5733.98. (A) To provide a uniform procedure for 102374
calculating the amount of tax imposed by section 5733.06 of the 102375
Revised Code that is due under this chapter, a taxpayer shall 102376
claim any credits to which it is entitled in the following order, 102377
except as otherwise provided in section 5733.058 of the Revised 102378
Code: 102379

(1) For tax year 2005, the credit for taxes paid by a 102380
qualifying pass-through entity allowed under section 5733.0611 of 102381
the Revised Code; 102382

(2) The credit allowed for financial institutions under 102383
section 5733.45 of the Revised Code; 102384

(3) The credit for qualifying affiliated groups under section 102385
5733.068 of the Revised Code; 102386

(4) The subsidiary corporation credit under section 5733.067 102387
of the Revised Code; 102388

(5) The savings and loan assessment credit under section 102389
5733.063 of the Revised Code; 102390

(6) The credit for recycling and litter prevention donations 102391
under section 5733.064 of the Revised Code; 102392

(7) The credit for employers that enter into agreements with 102393
child day-care centers under section 5733.36 of the Revised Code; 102394

(8) The credit for employers that reimburse employee child 102395
care expenses under section 5733.38 of the Revised Code; 102396

(9) The credit for maintaining railroad active grade crossing 102397
warning devices under section 5733.43 of the Revised Code; 102398

(10) The credit for purchases of lights and reflectors under 102399
section 5733.44 of the Revised Code; 102400

(11) The job retention credit under division (B) of section 102401

5733.0610 of the Revised Code;	102402
(12) The credit for tax years 2008 and 2009 for selling alternative fuel under section 5733.48 of the Revised Code;	102403 102404
(13) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	102405 102406
(14) The job training credit under section 5733.42 of the Revised Code;	102407 102408
(15) The credit for qualified research expenses under section 5733.351 of the Revised Code;	102409 102410
(16) The enterprise zone credit under section 5709.66 of the Revised Code;	102411 102412
(17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	102413 102414
(18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	102415 102416
(19) The ethanol plant investment credit under section 5733.46 of the Revised Code;	102417 102418
(20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	102419 102420
(21) The export sales credit under section 5733.069 of the Revised Code;	102421 102422
(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	102423 102424
(23) The enterprise zone credits under section 5709.65 of the Revised Code;	102425 102426
(24) The credit for using Ohio coal under section 5733.39 of the Revised Code;	102427 102428
(25) <u>The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;</u>	102429 102430

<u>(26)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;	102431 102432
(26) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	102433 102434
(27) <u>(28)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code;	102435 102436 102437
(28) <u>(29)</u> The research and development credit under section 5733.352 of the Revised Code;	102438 102439
(29) <u>(30)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;	102440 102441 102442
(30) <u>(31)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;	102443 102444
(31) <u>(32)</u> The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;	102445 102446
(32) <u>(33)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;	102447 102448
(33) <u>(34)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	102449 102450 102451
(34) <u>(35)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	102452 102453 102454
<u>(36) The refundable motion picture production credit under section 5733.59 of the Revised Code.</u>	102455 102456
(B) For any credit except the credits enumerated in divisions (A) (30) <u>(31)</u> to (34) <u>(36)</u> of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this	102457 102458 102459 102460

section. Any excess amount of a particular credit may be carried 102461
forward if authorized under the section creating that credit. 102462

102463

Sec. 5735.142. (A)(1) Any person who uses any motor fuel, on 102464
which the tax imposed by sections 5735.05, 5735.25, and 5735.29 of 102465
the Revised Code has been paid, for the purpose of operating a 102466
transit bus shall be reimbursed in the amount of ~~the~~ such tax paid 102467
on motor fuel used by public transportation systems providing 102468
transit or paratransit service on a regular and continuing basis 102469
within the state; 102470

(2) A city, exempted village, joint vocational, or local 102471
school district or educational service center that purchases any 102472
motor fuel for school district or service center operations, on 102473
which any tax imposed by section 5735.29 of the Revised Code that 102474
became effective on or after July 1, 2003, has been paid, may, if 102475
an application is filed under this section, be reimbursed in the 102476
amount of all but two cents per gallon of the total tax imposed by 102477
such section and paid on motor fuel. 102478

(3) A county board of mental retardation and developmental 102479
disabilities that, on or after July 1, 2005, purchases any motor 102480
fuel for county board operations, on which any tax imposed by 102481
section 5735.29 of the Revised Code has been paid may, if an 102482
application is filed under this section, be reimbursed in the 102483
amount of all but two cents per gallon of the total tax imposed by 102484
such section and paid on motor fuel purchased on or after July 1, 102485
2005. 102486

(B) Such person, school district, educational service center, 102487
or county board shall file with the tax commissioner an 102488
application for refund within one year from the date of purchase, 102489
stating the quantity of fuel used for operating transit buses used 102490
by local transit systems in furnishing scheduled common carrier, 102491

public passenger land transportation service along regular routes 102492
primarily in one or more municipal corporations or for operating 102493
vehicles used for school district, service center, or county board 102494
operations. However, no claim shall be made for the tax on fewer 102495
than one hundred gallons of motor fuel. A school district, 102496
educational service center, or county board shall not apply for a 102497
refund for any tax paid on motor fuel that is sold by the 102498
district, service center, or county board. The application shall 102499
be accompanied by the statement described in section 5735.15 of 102500
the Revised Code showing the purchase, together with evidence of 102501
payment thereof. 102502

(C) After consideration of the application and statement, the 102503
commissioner shall determine the amount of refund to which the 102504
applicant is entitled. If the amount is not less than that 102505
claimed, the commissioner shall certify the amount to the director 102506
of budget and management and treasurer of state for payment from 102507
the tax refund fund created by section 5703.052 of the Revised 102508
Code. If the amount is less than that claimed, the commissioner 102509
shall proceed in accordance with section 5703.70 of the Revised 102510
Code. 102511

The commissioner may require that the application be 102512
supported by the affidavit of the claimant. No refund shall be 102513
authorized or ordered for any single claim for the tax on fewer 102514
than one hundred gallons of motor fuel. No refund shall be 102515
authorized or ordered on motor fuel that is sold by a school 102516
district, educational service center, or county board. 102517

(D) The refund authorized by this section or section 5703.70 102518
of the Revised Code shall be reduced by the cents per gallon 102519
amount of any qualified fuel credit received under section 102520
5735.145 of the Revised Code, as determined by the commissioner, 102521
for each gallon of qualified fuel included in the total gallonage 102522
of motor fuel upon which the refund is computed. 102523

(E) The right to receive any refund under this section or 102524
section 5703.70 of the Revised Code is not assignable. The payment 102525
of this refund shall not be made to any person or entity other 102526
than the person or entity originally entitled thereto who used the 102527
motor fuel upon which the claim for refund is based, except that 102528
the refund when allowed and certified, as provided in this 102529
section, may be paid to the executor, the administrator, the 102530
receiver, the trustee in bankruptcy, or the assignee in insolvency 102531
proceedings of the person. 102532

Sec. 5739.01. As used in this chapter: 102533

(A) "Person" includes individuals, receivers, assignees, 102534
trustees in bankruptcy, estates, firms, partnerships, 102535
associations, joint-stock companies, joint ventures, clubs, 102536
societies, corporations, the state and its political subdivisions, 102537
and combinations of individuals of any form. 102538

(B) "Sale" and "selling" include all of the following 102539
transactions for a consideration in any manner, whether absolutely 102540
or conditionally, whether for a price or rental, in money or by 102541
exchange, and by any means whatsoever: 102542

(1) All transactions by which title or possession, or both, 102543
of tangible personal property, is or is to be transferred, or a 102544
license to use or consume tangible personal property is or is to 102545
be granted; 102546

(2) All transactions by which lodging by a hotel is or is to 102547
be furnished to transient guests; 102548

(3) All transactions by which: 102549

(a) An item of tangible personal property is or is to be 102550
repaired, except property, the purchase of which would not be 102551
subject to the tax imposed by section 5739.02 of the Revised Code; 102552

(b) An item of tangible personal property is or is to be 102553

installed, except property, the purchase of which would not be 102554
subject to the tax imposed by section 5739.02 of the Revised Code 102555
or property that is or is to be incorporated into and will become 102556
a part of a production, transmission, transportation, or 102557
distribution system for the delivery of a public utility service; 102558

(c) The service of washing, cleaning, waxing, polishing, or 102559
painting a motor vehicle is or is to be furnished; 102560

(d) Until August 1, 2003, industrial laundry cleaning 102561
services are or are to be provided and, on and after August 1, 102562
2003, laundry and dry cleaning services are or are to be provided; 102563

(e) Automatic data processing, computer services, or 102564
electronic information services are or are to be provided for use 102565
in business when the true object of the transaction is the receipt 102566
by the consumer of automatic data processing, computer services, 102567
or electronic information services rather than the receipt of 102568
personal or professional services to which automatic data 102569
processing, computer services, or electronic information services 102570
are incidental or supplemental. Notwithstanding any other 102571
provision of this chapter, such transactions that occur between 102572
members of an affiliated group are not sales. An "affiliated 102573
group" means two or more persons related in such a way that one 102574
person owns or controls the business operation of another member 102575
of the group. In the case of corporations with stock, one 102576
corporation owns or controls another if it owns more than fifty 102577
per cent of the other corporation's common stock with voting 102578
rights. 102579

(f) Telecommunications service, including prepaid calling 102580
service, prepaid wireless calling service, or ancillary service, 102581
is or is to be provided, but not including coin-operated telephone 102582
service; 102583

(g) Landscaping and lawn care service is or is to be 102584

provided;	102585
(h) Private investigation and security service is or is to be provided;	102586 102587
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	102588 102589
(j) Building maintenance and janitorial service is or is to be provided;	102590 102591
(k) Employment service is or is to be provided;	102592
(l) Employment placement service is or is to be provided;	102593
(m) Exterminating service is or is to be provided;	102594
(n) Physical fitness facility service is or is to be provided;	102595 102596
(o) Recreation and sports club service is or is to be provided;	102597 102598
(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;	102599 102600
(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	102601 102602 102603 102604 102605 102606 102607 102608
(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding	102609 102610 102611 102612 102613 102614

a certificate of public convenience and necessity issued under 49 102615
U.S.C. 41102; 102616

(s) On and after August 1, 2003, motor vehicle towing service 102617
is or is to be provided. As used in this division, "motor vehicle 102618
towing service" means the towing or conveyance of a wrecked, 102619
disabled, or illegally parked motor vehicle. 102620

(t) On and after August 1, 2003, snow removal service is or 102621
is to be provided. As used in this division, "snow removal 102622
service" means the removal of snow by any mechanized means, but 102623
does not include the providing of such service by a person that 102624
has less than five thousand dollars in sales of such service 102625
during the calendar year. 102626

(u) Electronic publishing service is or is to be provided to 102627
a consumer for use in business, except that such transactions 102628
occurring between members of an affiliated group, as defined in 102629
division (B)(3)(e) of this section, are not sales. 102630

(4) All transactions by which printed, imprinted, 102631
overprinted, lithographic, multilithic, blueprinted, photostatic, 102632
or other productions or reproductions of written or graphic matter 102633
are or are to be furnished or transferred; 102634

(5) The production or fabrication of tangible personal 102635
property for a consideration for consumers who furnish either 102636
directly or indirectly the materials used in the production of 102637
fabrication work; and include the furnishing, preparing, or 102638
serving for a consideration of any tangible personal property 102639
consumed on the premises of the person furnishing, preparing, or 102640
serving such tangible personal property. Except as provided in 102641
section 5739.03 of the Revised Code, a construction contract 102642
pursuant to which tangible personal property is or is to be 102643
incorporated into a structure or improvement on and becoming a 102644
part of real property is not a sale of such tangible personal 102645

property. The construction contractor is the consumer of such 102646
tangible personal property, provided that the sale and 102647
installation of carpeting, the sale and installation of 102648
agricultural land tile, the sale and erection or installation of 102649
portable grain bins, or the provision of landscaping and lawn care 102650
service and the transfer of property as part of such service is 102651
never a construction contract. 102652

As used in division (B)(5) of this section: 102653

(a) "Agricultural land tile" means fired clay or concrete 102654
tile, or flexible or rigid perforated plastic pipe or tubing, 102655
incorporated or to be incorporated into a subsurface drainage 102656
system appurtenant to land used or to be used directly in 102657
production by farming, agriculture, horticulture, or floriculture. 102658
The term does not include such materials when they are or are to 102659
be incorporated into a drainage system appurtenant to a building 102660
or structure even if the building or structure is used or to be 102661
used in such production. 102662

(b) "Portable grain bin" means a structure that is used or to 102663
be used by a person engaged in farming or agriculture to shelter 102664
the person's grain and that is designed to be disassembled without 102665
significant damage to its component parts. 102666

(6) All transactions in which all of the shares of stock of a 102667
closely held corporation are transferred, if the corporation is 102668
not engaging in business and its entire assets consist of boats, 102669
planes, motor vehicles, or other tangible personal property 102670
operated primarily for the use and enjoyment of the shareholders; 102671

(7) All transactions in which a warranty, maintenance or 102672
service contract, or similar agreement by which the vendor of the 102673
warranty, contract, or agreement agrees to repair or maintain the 102674
tangible personal property of the consumer is or is to be 102675
provided; 102676

(8) The transfer of copyrighted motion picture films used 102677
solely for advertising purposes, except that the transfer of such 102678
films for exhibition purposes is not a sale; 102679

(9) On and after August 1, 2003, all transactions by which 102680
tangible personal property is or is to be stored, except such 102681
property that the consumer of the storage holds for sale in the 102682
regular course of business; 102683

(10) All transactions in which "guaranteed auto protection" 102684
is provided whereby a person promises to pay to the consumer the 102685
difference between the amount the consumer receives from motor 102686
vehicle insurance and the amount the consumer owes to a person 102687
holding title to or a lien on the consumer's motor vehicle in the 102688
event the consumer's motor vehicle suffers a total loss under the 102689
terms of the motor vehicle insurance policy or is stolen and not 102690
recovered, if the protection and its price are included in the 102691
purchase or lease agreement; 102692

(11)(a) Except as provided in division (B)(11)(b) of this 102693
section, on and after September 1, 2009, all transactions by which 102694
health care services are paid for, reimbursed, provided, 102695
delivered, arranged for, or otherwise made available by a medicaid 102696
health insuring corporation pursuant to the corporation's contract 102697
with the state. 102698

(b) If the centers for medicare and medicaid services of the 102699
United States department of health and human services determines 102700
that the taxation of transactions described in division (B)(11)(a) 102701
of this section constitutes an impermissible health care-related 102702
tax under section 1903(w) of the "Social Security Act," 49 Stat. 102703
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 102704
adopted thereunder, the director of job and family services shall 102705
notify the tax commissioner of that determination. Beginning with 102706
the first day of the month following that notification, the 102707
transactions described in division (B)(11)(a) of this section are 102708

not sales for the purposes of this chapter or Chapter 5741. of the 102709
Revised Code. The tax commissioner shall order that the collection 102710
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 102711
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 102712
shall cease for transactions occurring on or after that date. 102713

Except as provided in this section, "sale" and "selling" do 102714
not include transfers of interest in leased property where the 102715
original lessee and the terms of the original lease agreement 102716
remain unchanged, or professional, insurance, or personal service 102717
transactions that involve the transfer of tangible personal 102718
property as an inconsequential element, for which no separate 102719
charges are made. 102720

(C) "Vendor" means the person providing the service or by 102721
whom the transfer effected or license given by a sale is or is to 102722
be made or given and, for sales described in division (B)(3)(i) of 102723
this section, the telecommunications service vendor that provides 102724
the nine hundred telephone service; if two or more persons are 102725
engaged in business at the same place of business under a single 102726
trade name in which all collections on account of sales by each 102727
are made, such persons shall constitute a single vendor. 102728

Physicians, dentists, hospitals, and veterinarians who are 102729
engaged in selling tangible personal property as received from 102730
others, such as eyeglasses, mouthwashes, dentifrices, or similar 102731
articles, are vendors. Veterinarians who are engaged in 102732
transferring to others for a consideration drugs, the dispensing 102733
of which does not require an order of a licensed veterinarian or 102734
physician under federal law, are vendors. 102735

(D)(1) "Consumer" means the person for whom the service is 102736
provided, to whom the transfer effected or license given by a sale 102737
is or is to be made or given, to whom the service described in 102738
division (B)(3)(f) or (i) of this section is charged, or to whom 102739
the admission is granted. 102740

(2) Physicians, dentists, hospitals, and blood banks operated 102741
by nonprofit institutions and persons licensed to practice 102742
veterinary medicine, surgery, and dentistry are consumers of all 102743
tangible personal property and services purchased by them in 102744
connection with the practice of medicine, dentistry, the rendition 102745
of hospital or blood bank service, or the practice of veterinary 102746
medicine, surgery, and dentistry. In addition to being consumers 102747
of drugs administered by them or by their assistants according to 102748
their direction, veterinarians also are consumers of drugs that 102749
under federal law may be dispensed only by or upon the order of a 102750
licensed veterinarian or physician, when transferred by them to 102751
others for a consideration to provide treatment to animals as 102752
directed by the veterinarian. 102753

(3) A person who performs a facility management, or similar 102754
service contract for a contractee is a consumer of all tangible 102755
personal property and services purchased for use in connection 102756
with the performance of such contract, regardless of whether title 102757
to any such property vests in the contractee. The purchase of such 102758
property and services is not subject to the exception for resale 102759
under division (E)(1) of this section. 102760

(4)(a) In the case of a person who purchases printed matter 102761
for the purpose of distributing it or having it distributed to the 102762
public or to a designated segment of the public, free of charge, 102763
that person is the consumer of that printed matter, and the 102764
purchase of that printed matter for that purpose is a sale. 102765

(b) In the case of a person who produces, rather than 102766
purchases, printed matter for the purpose of distributing it or 102767
having it distributed to the public or to a designated segment of 102768
the public, free of charge, that person is the consumer of all 102769
tangible personal property and services purchased for use or 102770
consumption in the production of that printed matter. That person 102771
is not entitled to claim exemption under division (B)(42)(f) of 102772

section 5739.02 of the Revised Code for any material incorporated 102773
into the printed matter or any equipment, supplies, or services 102774
primarily used to produce the printed matter. 102775

(c) The distribution of printed matter to the public or to a 102776
designated segment of the public, free of charge, is not a sale to 102777
the members of the public to whom the printed matter is 102778
distributed or to any persons who purchase space in the printed 102779
matter for advertising or other purposes. 102780

(5) A person who makes sales of any of the services listed in 102781
division (B)(3) of this section is the consumer of any tangible 102782
personal property used in performing the service. The purchase of 102783
that property is not subject to the resale exception under 102784
division (E)(1) of this section. 102785

(6) A person who engages in highway transportation for hire 102786
is the consumer of all packaging materials purchased by that 102787
person and used in performing the service, except for packaging 102788
materials sold by such person in a transaction separate from the 102789
service. 102790

(7) In the case of a transaction for health care services 102791
under division (B)(11) of this section, a medicaid health insuring 102792
corporation is the consumer of such services. The purchase of such 102793
services by a medicaid health insuring corporation is not subject 102794
to the exception for resale under division (E)(1) of this section 102795
or to the exemptions provided under divisions (B)(12), (18), (19), 102796
and (22) of section 5739.02 of the Revised Code. 102797

(E) "Retail sale" and "sales at retail" include all sales, 102798
except those in which the purpose of the consumer is to resell the 102799
thing transferred or benefit of the service provided, by a person 102800
engaging in business, in the form in which the same is, or is to 102801
be, received by the person. 102802

(F) "Business" includes any activity engaged in by any person 102803

with the object of gain, benefit, or advantage, either direct or 102804
indirect. "Business" does not include the activity of a person in 102805
managing and investing the person's own funds. 102806

(G) "Engaging in business" means commencing, conducting, or 102807
continuing in business, and liquidating a business when the 102808
liquidator thereof holds itself out to the public as conducting 102809
such business. Making a casual sale is not engaging in business. 102810

(H)(1)(a) "Price," except as provided in divisions (H)(2) 102811
~~and~~, (3), and (4) of this section, means the total amount of 102812
consideration, including cash, credit, property, and services, for 102813
which tangible personal property or services are sold, leased, or 102814
rented, valued in money, whether received in money or otherwise, 102815
without any deduction for any of the following: 102816

(i) The vendor's cost of the property sold; 102817

(ii) The cost of materials used, labor or service costs, 102818
interest, losses, all costs of transportation to the vendor, all 102819
taxes imposed on the vendor, including the tax imposed under 102820
Chapter 5751. of the Revised Code, and any other expense of the 102821
vendor; 102822

(iii) Charges by the vendor for any services necessary to 102823
complete the sale; 102824

(iv) On and after August 1, 2003, delivery charges. As used 102825
in this division, "delivery charges" means charges by the vendor 102826
for preparation and delivery to a location designated by the 102827
consumer of tangible personal property or a service, including 102828
transportation, shipping, postage, handling, crating, and packing. 102829

(v) Installation charges; 102830

(vi) Credit for any trade-in. 102831

(b) "Price" includes consideration received by the vendor 102832
from a third party, if the vendor actually receives the 102833

consideration from a party other than the consumer, and the 102834
consideration is directly related to a price reduction or discount 102835
on the sale; the vendor has an obligation to pass the price 102836
reduction or discount through to the consumer; the amount of the 102837
consideration attributable to the sale is fixed and determinable 102838
by the vendor at the time of the sale of the item to the consumer; 102839
and one of the following criteria is met: 102840

(i) The consumer presents a coupon, certificate, or other 102841
document to the vendor to claim a price reduction or discount 102842
where the coupon, certificate, or document is authorized, 102843
distributed, or granted by a third party with the understanding 102844
that the third party will reimburse any vendor to whom the coupon, 102845
certificate, or document is presented; 102846

(ii) The consumer identifies the consumer's self to the 102847
seller as a member of a group or organization entitled to a price 102848
reduction or discount. A preferred customer card that is available 102849
to any patron does not constitute membership in such a group or 102850
organization. 102851

(iii) The price reduction or discount is identified as a 102852
third party price reduction or discount on the invoice received by 102853
the consumer, or on a coupon, certificate, or other document 102854
presented by the consumer. 102855

(c) "Price" does not include any of the following: 102856

(i) Discounts, including cash, term, or coupons that are not 102857
reimbursed by a third party that are allowed by a vendor and taken 102858
by a consumer on a sale; 102859

(ii) Interest, financing, and carrying charges from credit 102860
extended on the sale of tangible personal property or services, if 102861
the amount is separately stated on the invoice, bill of sale, or 102862
similar document given to the purchaser; 102863

(iii) Any taxes legally imposed directly on the consumer that 102864

are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

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

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

(I) "Receipts" means the total amount of the prices of the

sales of vendors, provided that cash discounts allowed and taken 102896
on sales at the time they are consummated are not included, minus 102897
any amount deducted as a bad debt pursuant to section 5739.121 of 102898
the Revised Code. "Receipts" does not include the sale price of 102899
property returned or services rejected by consumers when the full 102900
sale price and tax are refunded either in cash or by credit. 102901

(J) "Place of business" means any location at which a person 102902
engages in business. 102903

(K) "Premises" includes any real property or portion thereof 102904
upon which any person engages in selling tangible personal 102905
property at retail or making retail sales and also includes any 102906
real property or portion thereof designated for, or devoted to, 102907
use in conjunction with the business engaged in by such person. 102908

(L) "Casual sale" means a sale of an item of tangible 102909
personal property that was obtained by the person making the sale, 102910
through purchase or otherwise, for the person's own use and was 102911
previously subject to any state's taxing jurisdiction on its sale 102912
or use, and includes such items acquired for the seller's use that 102913
are sold by an auctioneer employed directly by the person for such 102914
purpose, provided the location of such sales is not the 102915
auctioneer's permanent place of business. As used in this 102916
division, "permanent place of business" includes any location 102917
where such auctioneer has conducted more than two auctions during 102918
the year. 102919

(M) "Hotel" means every establishment kept, used, maintained, 102920
advertised, or held out to the public to be a place where sleeping 102921
accommodations are offered to guests, in which five or more rooms 102922
are used for the accommodation of such guests, whether the rooms 102923
are in one or several structures, except as otherwise provided in 102924
division (G) of section 5739.09 of the Revised Code. 102925

(N) "Transient guests" means persons occupying a room or 102926

rooms for sleeping accommodations for less than thirty consecutive 102927
days. 102928

(O) "Making retail sales" means the effecting of transactions 102929
wherein one party is obligated to pay the price and the other 102930
party is obligated to provide a service or to transfer title to or 102931
possession of the item sold. "Making retail sales" does not 102932
include the preliminary acts of promoting or soliciting the retail 102933
sales, other than the distribution of printed matter which 102934
displays or describes and prices the item offered for sale, nor 102935
does it include delivery of a predetermined quantity of tangible 102936
personal property or transportation of property or personnel to or 102937
from a place where a service is performed, regardless of whether 102938
the vendor is a delivery vendor. 102939

(P) "Used directly in the rendition of a public utility 102940
service" means that property that is to be incorporated into and 102941
will become a part of the consumer's production, transmission, 102942
transportation, or distribution system and that retains its 102943
classification as tangible personal property after such 102944
incorporation; fuel or power used in the production, transmission, 102945
transportation, or distribution system; and tangible personal 102946
property used in the repair and maintenance of the production, 102947
transmission, transportation, or distribution system, including 102948
only such motor vehicles as are specially designed and equipped 102949
for such use. Tangible personal property and services used 102950
primarily in providing highway transportation for hire are not 102951
used directly in the rendition of a public utility service. In 102952
this definition, "public utility" includes a citizen of the United 102953
States holding, and required to hold, a certificate of public 102954
convenience and necessity issued under 49 U.S.C. 41102. 102955

(Q) "Refining" means removing or separating a desirable 102956
product from raw or contaminated materials by distillation or 102957
physical, mechanical, or chemical processes. 102958

(R) "Assembly" and "assembling" mean attaching or fitting 102959
together parts to form a product, but do not include packaging a 102960
product. 102961

(S) "Manufacturing operation" means a process in which 102962
materials are changed, converted, or transformed into a different 102963
state or form from which they previously existed and includes 102964
refining materials, assembling parts, and preparing raw materials 102965
and parts by mixing, measuring, blending, or otherwise committing 102966
such materials or parts to the manufacturing process. 102967
"Manufacturing operation" does not include packaging. 102968

(T) "Fiscal officer" means, with respect to a regional 102969
transit authority, the secretary-treasurer thereof, and with 102970
respect to a county that is a transit authority, the fiscal 102971
officer of the county transit board if one is appointed pursuant 102972
to section 306.03 of the Revised Code or the county auditor if the 102973
board of county commissioners operates the county transit system. 102974

(U) "Transit authority" means a regional transit authority 102975
created pursuant to section 306.31 of the Revised Code or a county 102976
in which a county transit system is created pursuant to section 102977
306.01 of the Revised Code. For the purposes of this chapter, a 102978
transit authority must extend to at least the entire area of a 102979
single county. A transit authority that includes territory in more 102980
than one county must include all the area of the most populous 102981
county that is a part of such transit authority. County population 102982
shall be measured by the most recent census taken by the United 102983
States census bureau. 102984

(V) "Legislative authority" means, with respect to a regional 102985
transit authority, the board of trustees thereof, and with respect 102986
to a county that is a transit authority, the board of county 102987
commissioners. 102988

(W) "Territory of the transit authority" means all of the 102989

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

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

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

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

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

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

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

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

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

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

(a) Accounting and legal services such as advice on tax
matters, asset management, budgetary matters, quality control,
information security, and auditing and any other situation where
the service provider receives data or information and studies,
alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;

(d) Feasibility studies, including economic and technical
analysis of existing or potential computer hardware or software
needs and alternatives;

(e) Designing policies, procedures, and custom software for
collecting business information, and determining how data should
be summarized, sequenced, formatted, processed, controlled, and
reported so that it will be meaningful to management;

(f) Developing policies and procedures that document how
business events and transactions are to be authorized, executed,
and controlled;

(g) Testing of business procedures;

(h) Training personnel in business procedure applications;

(i) Providing credit information to users of such information
by a consumer reporting agency, as defined in the "Fair Credit
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or
as hereafter amended, including but not limited to gathering,

organizing, analyzing, recording, and furnishing such information 103051
by any oral, written, graphic, or electronic medium; 103052

(j) Providing debt collection services by any oral, written, 103053
graphic, or electronic means. 103054

The services listed in divisions (Y)(2)(a) to (j) of this 103055
section are not automatic data processing or computer services. 103056

(Z) "Highway transportation for hire" means the 103057
transportation of personal property belonging to others for 103058
consideration by any of the following: 103059

(1) The holder of a permit or certificate issued by this 103060
state or the United States authorizing the holder to engage in 103061
transportation of personal property belonging to others for 103062
consideration over or on highways, roadways, streets, or any 103063
similar public thoroughfare; 103064

(2) A person who engages in the transportation of personal 103065
property belonging to others for consideration over or on 103066
highways, roadways, streets, or any similar public thoroughfare 103067
but who could not have engaged in such transportation on December 103068
11, 1985, unless the person was the holder of a permit or 103069
certificate of the types described in division (Z)(1) of this 103070
section; 103071

(3) A person who leases a motor vehicle to and operates it 103072
for a person described by division (Z)(1) or (2) of this section. 103073

(AA)(1) "Telecommunications service" means the electronic 103074
transmission, conveyance, or routing of voice, data, audio, video, 103075
or any other information or signals to a point, or between or 103076
among points. "Telecommunications service" includes such 103077
transmission, conveyance, or routing in which computer processing 103078
applications are used to act on the form, code, or protocol of the 103079
content for purposes of transmission, conveyance, or routing 103080
without regard to whether the service is referred to as voice-over 103081

internet protocol service or is classified by the federal 103082
communications commission as enhanced or value-added. 103083
"Telecommunications service" does not include any of the 103084
following: 103085

(a) Data processing and information services that allow data 103086
to be generated, acquired, stored, processed, or retrieved and 103087
delivered by an electronic transmission to a consumer where the 103088
consumer's primary purpose for the underlying transaction is the 103089
processed data or information; 103090

(b) Installation or maintenance of wiring or equipment on a 103091
customer's premises; 103092

(c) Tangible personal property; 103093

(d) Advertising, including directory advertising; 103094

(e) Billing and collection services provided to third 103095
parties; 103096

(f) Internet access service; 103097

(g) Radio and television audio and video programming 103098
services, regardless of the medium, including the furnishing of 103099
transmission, conveyance, and routing of such services by the 103100
programming service provider. Radio and television audio and video 103101
programming services include, but are not limited to, cable 103102
service, as defined in 47 U.S.C. 522(6), and audio and video 103103
programming services delivered by commercial mobile radio service 103104
providers, as defined in 47 C.F.R. 20.3; 103105

(h) Ancillary service; 103106

(i) Digital products delivered electronically, including 103107
software, music, video, reading materials, or ring tones. 103108

(2) "Ancillary service" means a service that is associated 103109
with or incidental to the provision of telecommunications service, 103110
including conference bridging service, detailed telecommunications 103111

billing service, directory assistance, vertical service, and voice 103112
mail service. As used in this division: 103113

(a) "Conference bridging service" means an ancillary service 103114
that links two or more participants of an audio or video 103115
conference call, including providing a telephone number. 103116
"Conference bridging service" does not include telecommunications 103117
services used to reach the conference bridge. 103118

(b) "Detailed telecommunications billing service" means an 103119
ancillary service of separately stating information pertaining to 103120
individual calls on a customer's billing statement. 103121

(c) "Directory assistance" means an ancillary service of 103122
providing telephone number or address information. 103123

(d) "Vertical service" means an ancillary service that is 103124
offered in connection with one or more telecommunications 103125
services, which offers advanced calling features that allow 103126
customers to identify callers and manage multiple calls and call 103127
connections, including conference bridging service. 103128

(e) "Voice mail service" means an ancillary service that 103129
enables the customer to store, send, or receive recorded messages. 103130
"Voice mail service" does not include any vertical services that 103131
the customer may be required to have in order to utilize the voice 103132
mail service. 103133

(3) "900 service" means an inbound toll telecommunications 103134
service purchased by a subscriber that allows the subscriber's 103135
customers to call in to the subscriber's prerecorded announcement 103136
or live service, and which is typically marketed under the name 103137
"900" service and any subsequent numbers designated by the federal 103138
communications commission. "900 service" does not include the 103139
charge for collection services provided by the seller of the 103140
telecommunications service to the subscriber, or services or 103141
products sold by the subscriber to the subscriber's customer. 103142

(4) "Prepaid calling service" means the right to access 103143
exclusively telecommunications services, which must be paid for in 103144
advance and which enables the origination of calls using an access 103145
number or authorization code, whether manually or electronically 103146
dialed, and that is sold in predetermined units of dollars of 103147
which the number declines with use in a known amount. 103148

(5) "Prepaid wireless calling service" means a 103149
telecommunications service that provides the right to utilize 103150
mobile telecommunications service as well as other 103151
non-telecommunications services, including the download of digital 103152
products delivered electronically, and content and ancillary 103153
services, that must be paid for in advance and that is sold in 103154
predetermined units of dollars of which the number declines with 103155
use in a known amount. 103156

(6) "Value-added non-voice data service" means a 103157
telecommunications service in which computer processing 103158
applications are used to act on the form, content, code, or 103159
protocol of the information or data primarily for a purpose other 103160
than transmission, conveyance, or routing. 103161

(7) "Coin-operated telephone service" means a 103162
telecommunications service paid for by inserting money into a 103163
telephone accepting direct deposits of money to operate. 103164

(8) "Customer" has the same meaning as in section 5739.034 of 103165
the Revised Code. 103166

(BB) "Laundry and dry cleaning services" means removing soil 103167
or dirt from towels, linens, articles of clothing, or other fabric 103168
items that belong to others and supplying towels, linens, articles 103169
of clothing, or other fabric items. "Laundry and dry cleaning 103170
services" does not include the provision of self-service 103171
facilities for use by consumers to remove soil or dirt from 103172
towels, linens, articles of clothing, or other fabric items. 103173

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

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

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

(FF) "Information services" means providing conversation, 103206
giving consultation or advice, playing or making a voice or other 103207
recording, making or keeping a record of the number of callers, 103208
and any other service provided to a consumer by means of a nine 103209
hundred telephone call, except when the nine hundred telephone 103210
call is the means by which the consumer makes a contribution to a 103211
recognized charity. 103212

(GG) "Research and development" means designing, creating, or 103213
formulating new or enhanced products, equipment, or manufacturing 103214
processes, and also means conducting scientific or technological 103215
inquiry and experimentation in the physical sciences with the goal 103216
of increasing scientific knowledge which may reveal the bases for 103217
new or enhanced products, equipment, or manufacturing processes. 103218

(HH) "Qualified research and development equipment" means 103219
capitalized tangible personal property, and leased personal 103220
property that would be capitalized if purchased, used by a person 103221
primarily to perform research and development. Tangible personal 103222
property primarily used in testing, as defined in division (A)(4) 103223
of section 5739.011 of the Revised Code, or used for recording or 103224
storing test results, is not qualified research and development 103225
equipment unless such property is primarily used by the consumer 103226
in testing the product, equipment, or manufacturing process being 103227
created, designed, or formulated by the consumer in the research 103228
and development activity or in recording or storing such test 103229
results. 103230

(II) "Building maintenance and janitorial service" means 103231
cleaning the interior or exterior of a building and any tangible 103232
personal property located therein or thereon, including any 103233
services incidental to such cleaning for which no separate charge 103234
is made. However, "building maintenance and janitorial service" 103235
does not include the providing of such service by a person who has 103236
less than five thousand dollars in sales of such service during 103237

the calendar year. 103238

(JJ) "Employment service" means providing or supplying 103239
personnel, on a temporary or long-term basis, to perform work or 103240
labor under the supervision or control of another, when the 103241
personnel so provided or supplied receive their wages, salary, or 103242
other compensation from the provider or supplier of the employment 103243
service or from a third party that provided or supplied the 103244
personnel to the provider or supplier. "Employment service" does 103245
not include: 103246

(1) Acting as a contractor or subcontractor, where the 103247
personnel performing the work are not under the direct control of 103248
the purchaser. 103249

(2) Medical and health care services. 103250

(3) Supplying personnel to a purchaser pursuant to a contract 103251
of at least one year between the service provider and the 103252
purchaser that specifies that each employee covered under the 103253
contract is assigned to the purchaser on a permanent basis. 103254

(4) Transactions between members of an affiliated group, as 103255
defined in division (B)(3)(e) of this section. 103256

(5) Transactions where the personnel so provided or supplied 103257
by a provider or supplier to a purchaser of an employment service 103258
are then provided or supplied by that purchaser to a third party 103259
as an employment service, except "employment service" does include 103260
the transaction between that purchaser and the third party. 103261

(KK) "Employment placement service" means locating or finding 103262
employment for a person or finding or locating an employee to fill 103263
an available position. 103264

(LL) "Exterminating service" means eradicating or attempting 103265
to eradicate vermin infestations from a building or structure, or 103266
the area surrounding a building or structure, and includes 103267

activities to inspect, detect, or prevent vermin infestation of a building or structure. 103268
103269

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 103270
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(NN) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization. 103277
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(OO) "Livestock" means farm animals commonly raised for food or food production, and includes but is not limited to cattle, sheep, goats, swine, and poultry. "Livestock" does not include invertebrates, fish, amphibians, reptiles, horses, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production. 103288
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(PP) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of livestock, and includes feed storage or handling structures and structures for livestock waste handling. 103294
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(QQ) "Horticulture" means the growing, cultivation, and 103298

production of flowers, fruits, herbs, vegetables, sod, mushrooms, 103299
and nursery stock. As used in this division, "nursery stock" has 103300
the same meaning as in section 927.51 of the Revised Code. 103301

(RR) "Horticulture structure" means a building or structure 103302
used exclusively for the commercial growing, raising, or 103303
overwintering of horticultural products, and includes the area 103304
used for stocking, storing, and packing horticultural products 103305
when done in conjunction with the production of those products. 103306

(SS) "Newspaper" means an unbound publication bearing a title 103307
or name that is regularly published, at least as frequently as 103308
biweekly, and distributed from a fixed place of business to the 103309
public in a specific geographic area, and that contains a 103310
substantial amount of news matter of international, national, or 103311
local events of interest to the general public. 103312

(TT) "Professional racing team" means a person that employs 103313
at least twenty full-time employees for the purpose of conducting 103314
a motor vehicle racing business for profit. The person must 103315
conduct the business with the purpose of racing one or more motor 103316
racing vehicles in at least ten competitive professional racing 103317
events each year that comprise all or part of a motor racing 103318
series sanctioned by one or more motor racing sanctioning 103319
organizations. A "motor racing vehicle" means a vehicle for which 103320
the chassis, engine, and parts are designed exclusively for motor 103321
racing, and does not include a stock or production model vehicle 103322
that may be modified for use in racing. For the purposes of this 103323
division: 103324

(1) A "competitive professional racing event" is a motor 103325
vehicle racing event sanctioned by one or more motor racing 103326
sanctioning organizations, at which aggregate cash prizes in 103327
excess of eight hundred thousand dollars are awarded to the 103328
competitors. 103329

(2) "Full-time employee" means an individual who is employed 103330
for consideration for thirty-five or more hours a week, or who 103331
renders any other standard of service generally accepted by custom 103332
or specified by contract as full-time employment. 103333

(UU)(1) "Lease" or "rental" means any transfer of the 103334
possession or control of tangible personal property for a fixed or 103335
indefinite term, for consideration. "Lease" or "rental" includes 103336
future options to purchase or extend, and agreements described in 103337
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 103338
the amount of consideration may be increased or decreased by 103339
reference to the amount realized upon the sale or disposition of 103340
the property. "Lease" or "rental" does not include: 103341

(a) A transfer of possession or control of tangible personal 103342
property under a security agreement or a deferred payment plan 103343
that requires the transfer of title upon completion of the 103344
required payments; 103345

(b) A transfer of possession or control of tangible personal 103346
property under an agreement that requires the transfer of title 103347
upon completion of required payments and payment of an option 103348
price that does not exceed the greater of one hundred dollars or 103349
one per cent of the total required payments; 103350

(c) Providing tangible personal property along with an 103351
operator for a fixed or indefinite period of time, if the operator 103352
is necessary for the property to perform as designed. For purposes 103353
of this division, the operator must do more than maintain, 103354
inspect, or set-up the tangible personal property. 103355

(2) "Lease" and "rental," as defined in division (UU) of this 103356
section, shall not apply to leases or rentals that exist before 103357
June 26, 2003. 103358

(3) "Lease" and "rental" have the same meaning as in division 103359
(UU)(1) of this section regardless of whether a transaction is 103360

characterized as a lease or rental under generally accepted 103361
accounting principles, the Internal Revenue Code, Title XIII of 103362
the Revised Code, or other federal, state, or local laws. 103363

(VV) "Mobile telecommunications service" has the same meaning 103364
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 103365
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 103366
on and after August 1, 2003, includes related fees and ancillary 103367
services, including universal service fees, detailed billing 103368
service, directory assistance, service initiation, voice mail 103369
service, and vertical services, such as caller ID and three-way 103370
calling. 103371

(WW) "Certified service provider" has the same meaning as in 103372
section 5740.01 of the Revised Code. 103373

(XX) "Satellite broadcasting service" means the distribution 103374
or broadcasting of programming or services by satellite directly 103375
to the subscriber's receiving equipment without the use of ground 103376
receiving or distribution equipment, except the subscriber's 103377
receiving equipment or equipment used in the uplink process to the 103378
satellite, and includes all service and rental charges, premium 103379
channels or other special services, installation and repair 103380
service charges, and any other charges having any connection with 103381
the provision of the satellite broadcasting service. 103382

(YY) "Tangible personal property" means personal property 103383
that can be seen, weighed, measured, felt, or touched, or that is 103384
in any other manner perceptible to the senses. For purposes of 103385
this chapter and Chapter 5741. of the Revised Code, "tangible 103386
personal property" includes motor vehicles, electricity, water, 103387
gas, steam, and prewritten computer software. 103388

(ZZ) "Direct mail" means printed material delivered or 103389
distributed by United States mail or other delivery service to a 103390
mass audience or to addressees on a mailing list provided by the 103391

consumer or at the direction of the consumer when the cost of the 103392
items are not billed directly to the recipients. "Direct mail" 103393
includes tangible personal property supplied directly or 103394
indirectly by the consumer to the direct mail vendor for inclusion 103395
in the package containing the printed material. "Direct mail" does 103396
not include multiple items of printed material delivered to a 103397
single address. 103398

(AAA) "Computer" means an electronic device that accepts 103399
information in digital or similar form and manipulates it for a 103400
result based on a sequence of instructions. 103401

(BBB) "Computer software" means a set of coded instructions 103402
designed to cause a computer or automatic data processing 103403
equipment to perform a task. 103404

(CCC) "Delivered electronically" means delivery of computer 103405
software from the seller to the purchaser by means other than 103406
tangible storage media. 103407

(DDD) "Prewritten computer software" means computer software, 103408
including prewritten upgrades, that is not designed and developed 103409
by the author or other creator to the specifications of a specific 103410
purchaser. The combining of two or more prewritten computer 103411
software programs or prewritten portions thereof does not cause 103412
the combination to be other than prewritten computer software. 103413
"Prewritten computer software" includes software designed and 103414
developed by the author or other creator to the specifications of 103415
a specific purchaser when it is sold to a person other than the 103416
purchaser. If a person modifies or enhances computer software of 103417
which the person is not the author or creator, the person shall be 103418
deemed to be the author or creator only of such person's 103419
modifications or enhancements. Prewritten computer software or a 103420
prewritten portion thereof that is modified or enhanced to any 103421
degree, where such modification or enhancement is designed and 103422
developed to the specifications of a specific purchaser, remains 103423

prewritten computer software; provided, however, that where there 103424
is a reasonable, separately stated charge or an invoice or other 103425
statement of the price given to the purchaser for the modification 103426
or enhancement, the modification or enhancement shall not 103427
constitute prewritten computer software. 103428

(EEE)(1) "Food" means substances, whether in liquid, 103429
concentrated, solid, frozen, dried, or dehydrated form, that are 103430
sold for ingestion or chewing by humans and are consumed for their 103431
taste or nutritional value. "Food" does not include alcoholic 103432
beverages, dietary supplements, soft drinks, or tobacco. 103433

(2) As used in division (EEE)(1) of this section: 103434

(a) "Alcoholic beverages" means beverages that are suitable 103435
for human consumption and contain one-half of one per cent or more 103436
of alcohol by volume. 103437

(b) "Dietary supplements" means any product, other than 103438
tobacco, that is intended to supplement the diet and that is 103439
intended for ingestion in tablet, capsule, powder, softgel, 103440
gelcap, or liquid form, or, if not intended for ingestion in such 103441
a form, is not represented as conventional food for use as a sole 103442
item of a meal or of the diet; that is required to be labeled as a 103443
dietary supplement, identifiable by the "supplement facts" box 103444
found on the label, as required by 21 C.F.R. 101.36; and that 103445
contains one or more of the following dietary ingredients: 103446

(i) A vitamin; 103447

(ii) A mineral; 103448

(iii) An herb or other botanical; 103449

(iv) An amino acid; 103450

(v) A dietary substance for use by humans to supplement the 103451
diet by increasing the total dietary intake; 103452

(vi) A concentrate, metabolite, constituent, extract, or 103453

combination of any ingredient described in divisions 103454
(EEE)(2)(b)(i) to (v) of this section. 103455

(c) "Soft drinks" means nonalcoholic beverages that contain 103456
natural or artificial sweeteners. "Soft drinks" does not include 103457
beverages that contain milk or milk products, soy, rice, or 103458
similar milk substitutes, or that contains greater than fifty per 103459
cent vegetable or fruit juice by volume. 103460

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 103461
tobacco, or any other item that contains tobacco. 103462

(FFF) "Drug" means a compound, substance, or preparation, and 103463
any component of a compound, substance, or preparation, other than 103464
food, dietary supplements, or alcoholic beverages that is 103465
recognized in the official United States pharmacopoeia, official 103466
homeopathic pharmacopoeia of the United States, or official 103467
national formulary, and supplements to them; is intended for use 103468
in the diagnosis, cure, mitigation, treatment, or prevention of 103469
disease; or is intended to affect the structure or any function of 103470
the body. 103471

(GGG) "Prescription" means an order, formula, or recipe 103472
issued in any form of oral, written, electronic, or other means of 103473
transmission by a duly licensed practitioner authorized by the 103474
laws of this state to issue a prescription. 103475

(HHH) "Durable medical equipment" means equipment, including 103476
repair and replacement parts for such equipment, that can 103477
withstand repeated use, is primarily and customarily used to serve 103478
a medical purpose, generally is not useful to a person in the 103479
absence of illness or injury, and is not worn in or on the body. 103480
"Durable medical equipment" does not include mobility enhancing 103481
equipment. 103482

(III) "Mobility enhancing equipment" means equipment, 103483
including repair and replacement parts for such equipment, that is 103484

primarily and customarily used to provide or increase the ability 103485
to move from one place to another and is appropriate for use 103486
either in a home or a motor vehicle, that is not generally used by 103487
persons with normal mobility, and that does not include any motor 103488
vehicle or equipment on a motor vehicle normally provided by a 103489
motor vehicle manufacturer. "Mobility enhancing equipment" does 103490
not include durable medical equipment. 103491

(JJJ) "Prosthetic device" means a replacement, corrective, or 103492
supportive device, including repair and replacement parts for the 103493
device, worn on or in the human body to artificially replace a 103494
missing portion of the body, prevent or correct physical deformity 103495
or malfunction, or support a weak or deformed portion of the body. 103496
As used in this division, "prosthetic device" does not include 103497
corrective eyeglasses, contact lenses, or dental prosthesis. 103498

(KKK)(1) "Fractional aircraft ownership program" means a 103499
program in which persons within an affiliated group sell and 103500
manage fractional ownership program aircraft, provided that at 103501
least one hundred airworthy aircraft are operated in the program 103502
and the program meets all of the following criteria: 103503

(a) Management services are provided by at least one program 103504
manager within an affiliated group on behalf of the fractional 103505
owners. 103506

(b) Each program aircraft is owned or possessed by at least 103507
one fractional owner. 103508

(c) Each fractional owner owns or possesses at least a 103509
one-sixteenth interest in at least one fixed-wing program 103510
aircraft. 103511

(d) A dry-lease aircraft interchange arrangement is in effect 103512
among all of the fractional owners. 103513

(e) Multi-year program agreements are in effect regarding the 103514
fractional ownership, management services, and dry-lease aircraft 103515

interchange arrangement aspects of the program. 103516

(2) As used in division (KKK)(1) of this section: 103517

(a) "Affiliated group" has the same meaning as in division 103518
(B)(3)(e) of this section. 103519

(b) "Fractional owner" means a person that owns or possesses 103520
at least a one-sixteenth interest in a program aircraft and has 103521
entered into the agreements described in division (KKK)(1)(e) of 103522
this section. 103523

(c) "Fractional ownership program aircraft" or "program 103524
aircraft" means a turbojet aircraft that is owned or possessed by 103525
a fractional owner and that has been included in a dry-lease 103526
aircraft interchange arrangement and agreement under divisions 103527
(KKK)(1)(d) and (e) of this section, or an aircraft a program 103528
manager owns or possesses primarily for use in a fractional 103529
aircraft ownership program. 103530

(d) "Management services" means administrative and aviation 103531
support services furnished under a fractional aircraft ownership 103532
program in accordance with a management services agreement under 103533
division (KKK)(1)(e) of this section, and offered by the program 103534
manager to the fractional owners, including, at a minimum, the 103535
establishment and implementation of safety guidelines; the 103536
coordination of the scheduling of the program aircraft and crews; 103537
program aircraft maintenance; program aircraft insurance; crew 103538
training for crews employed, furnished, or contracted by the 103539
program manager or the fractional owner; the satisfaction of 103540
record-keeping requirements; and the development and use of an 103541
operations manual and a maintenance manual for the fractional 103542
aircraft ownership program. 103543

(e) "Program manager" means the person that offers management 103544
services to fractional owners pursuant to a management services 103545
agreement under division (KKK)(1)(e) of this section. 103546

(LLL) "Electronic publishing" means providing access to one 103547
or more of the following primarily for business customers, 103548
including the federal government or a state government or a 103549
political subdivision thereof, to conduct research: news; 103550
business, financial, legal, consumer, or credit materials; 103551
editorials, columns, reader commentary, or features; photos or 103552
images; archival or research material; legal notices, identity 103553
verification, or public records; scientific, educational, 103554
instructional, technical, professional, trade, or other literary 103555
materials; or other similar information which has been gathered 103556
and made available by the provider to the consumer in an 103557
electronic format. Providing electronic publishing includes the 103558
functions necessary for the acquisition, formatting, editing, 103559
storage, and dissemination of data or information that is the 103560
subject of a sale. 103561

(MMM) "Medicaid health insuring corporation" means a health 103562
insuring corporation that holds a certificate of authority under 103563
Chapter 1751. of the Revised Code and is under contract with the 103564
department of job and family services pursuant to section 5111.17 103565
of the Revised Code. 103566

(NNN) "Managed care premium" means any premium, capitation, 103567
or other payment a medicaid health insuring corporation receives 103568
for providing or arranging for the provision of health care 103569
services to its members or enrollees residing in this state. 103570

Sec. 5739.02. For the purpose of providing revenue with which 103571
to meet the needs of the state, for the use of the general revenue 103572
fund of the state, for the purpose of securing a thorough and 103573
efficient system of common schools throughout the state, for the 103574
purpose of affording revenues, in addition to those from general 103575
property taxes, permitted under constitutional limitations, and 103576
from other sources, for the support of local governmental 103577

functions, and for the purpose of reimbursing the state for the 103578
expense of administering this chapter, an excise tax is hereby 103579
levied on each retail sale made in this state. 103580

(A)(1) The tax shall be collected as provided in section 103581
5739.025 of the Revised Code. The rate of the tax shall be five 103582
and one-half per cent. The tax applies and is collectible when the 103583
sale is made, regardless of the time when the price is paid or 103584
delivered. 103585

(2) In the case of the lease or rental, with a fixed term of 103586
more than thirty days or an indefinite term with a minimum period 103587
of more than thirty days, of any motor vehicles designed by the 103588
manufacturer to carry a load of not more than one ton, watercraft, 103589
outboard motor, or aircraft, or of any tangible personal property, 103590
other than motor vehicles designed by the manufacturer to carry a 103591
load of more than one ton, to be used by the lessee or renter 103592
primarily for business purposes, the tax shall be collected by the 103593
vendor at the time the lease or rental is consummated and shall be 103594
calculated by the vendor on the basis of the total amount to be 103595
paid by the lessee or renter under the lease agreement. If the 103596
total amount of the consideration for the lease or rental includes 103597
amounts that are not calculated at the time the lease or rental is 103598
executed, the tax shall be calculated and collected by the vendor 103599
at the time such amounts are billed to the lessee or renter. In 103600
the case of an open-end lease or rental, the tax shall be 103601
calculated by the vendor on the basis of the total amount to be 103602
paid during the initial fixed term of the lease or rental, and for 103603
each subsequent renewal period as it comes due. As used in this 103604
division, "motor vehicle" has the same meaning as in section 103605
4501.01 of the Revised Code, and "watercraft" includes an outdrive 103606
unit attached to the watercraft. 103607

A lease with a renewal clause and a termination penalty or 103608
similar provision that applies if the renewal clause is not 103609

exercised is presumed to be a sham transaction. In such a case, 103610
the tax shall be calculated and paid on the basis of the entire 103611
length of the lease period, including any renewal periods, until 103612
the termination penalty or similar provision no longer applies. 103613
The taxpayer shall bear the burden, by a preponderance of the 103614
evidence, that the transaction or series of transactions is not a 103615
sham transaction. 103616

(3) Except as provided in division (A)(2) of this section, in 103617
the case of a sale, the price of which consists in whole or in 103618
part of the lease or rental of tangible personal property, the tax 103619
shall be measured by the installments of that lease or rental. 103620

(4) In the case of a sale of a physical fitness facility 103621
service or recreation and sports club service, the price of which 103622
consists in whole or in part of a membership for the receipt of 103623
the benefit of the service, the tax applicable to the sale shall 103624
be measured by the installments thereof. 103625

(B) The tax does not apply to the following: 103626

(1) Sales to the state or any of its political subdivisions, 103627
or to any other state or its political subdivisions if the laws of 103628
that state exempt from taxation sales made to this state and its 103629
political subdivisions; 103630

(2) Sales of food for human consumption off the premises 103631
where sold; 103632

(3) Sales of food sold to students only in a cafeteria, 103633
dormitory, fraternity, or sorority maintained in a private, 103634
public, or parochial school, college, or university; 103635

(4) Sales of newspapers and of magazine subscriptions and 103636
sales or transfers of magazines distributed as controlled 103637
circulation publications; 103638

(5) The furnishing, preparing, or serving of meals without 103639

charge by an employer to an employee provided the employer records 103640
the meals as part compensation for services performed or work 103641
done; 103642

(6) Sales of motor fuel upon receipt, use, distribution, or 103643
sale of which in this state a tax is imposed by the law of this 103644
state, but this exemption shall not apply to the sale of motor 103645
fuel on which a refund of the tax is allowable under division (A) 103646
of section 5735.14 of the Revised Code; and the tax commissioner 103647
may deduct the amount of tax levied by this section applicable to 103648
the price of motor fuel when granting a refund of motor fuel tax 103649
pursuant to division (A) of section 5735.14 of the Revised Code 103650
and shall cause the amount deducted to be paid into the general 103651
revenue fund of this state; 103652

(7) Sales of natural gas by a natural gas company, of water 103653
by a water-works company, or of steam by a heating company, if in 103654
each case the thing sold is delivered to consumers through pipes 103655
or conduits, and all sales of communications services by a 103656
telegraph company, all terms as defined in section 5727.01 of the 103657
Revised Code, and sales of electricity delivered through wires; 103658

(8) Casual sales by a person, or auctioneer employed directly 103659
by the person to conduct such sales, except as to such sales of 103660
motor vehicles, watercraft or outboard motors required to be 103661
titled under section 1548.06 of the Revised Code, watercraft 103662
documented with the United States coast guard, snowmobiles, and 103663
all-purpose vehicles as defined in section 4519.01 of the Revised 103664
Code; 103665

(9)(a) Sales of services or tangible personal property, other 103666
than motor vehicles, mobile homes, and manufactured homes, by 103667
churches, organizations exempt from taxation under section 103668
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 103669
organizations operated exclusively for charitable purposes as 103670
defined in division (B)(12) of this section, provided that the 103671

number of days on which such tangible personal property or 103672
services, other than items never subject to the tax, are sold does 103673
not exceed six in any calendar year, except as otherwise provided 103674
in division (B)(9)(b) of this section. If the number of days on 103675
which such sales are made exceeds six in any calendar year, the 103676
church or organization shall be considered to be engaged in 103677
business and all subsequent sales by it shall be subject to the 103678
tax. In counting the number of days, all sales by groups within a 103679
church or within an organization shall be considered to be sales 103680
of that church or organization. 103681

(b) The limitation on the number of days on which tax-exempt 103682
sales may be made by a church or organization under division 103683
(B)(9)(a) of this section does not apply to sales made by student 103684
clubs and other groups of students of a primary or secondary 103685
school, or a parent-teacher association, booster group, or similar 103686
organization that raises money to support or fund curricular or 103687
extracurricular activities of a primary or secondary school. 103688

(c) Divisions (B)(9)(a) and (b) of this section do not apply 103689
to sales by a noncommercial educational radio or television 103690
broadcasting station. 103691

(10) Sales not within the taxing power of this state under 103692
the Constitution of the United States; 103693

(11) Except for transactions that are sales under division 103694
(B)(3)(r) of section 5739.01 of the Revised Code, the 103695
transportation of persons or property, unless the transportation 103696
is by a private investigation and security service; 103697

(12) Sales of tangible personal property or services to 103698
churches, to organizations exempt from taxation under section 103699
501(c)(3) of the Internal Revenue Code of 1986, and to any other 103700
nonprofit organizations operated exclusively for charitable 103701
purposes in this state, no part of the net income of which inures 103702

to the benefit of any private shareholder or individual, and no 103703
substantial part of the activities of which consists of carrying 103704
on propaganda or otherwise attempting to influence legislation; 103705
sales to offices administering one or more homes for the aged or 103706
one or more hospital facilities exempt under section 140.08 of the 103707
Revised Code; and sales to organizations described in division (D) 103708
of section 5709.12 of the Revised Code. 103709

"Charitable purposes" means the relief of poverty; the 103710
improvement of health through the alleviation of illness, disease, 103711
or injury; the operation of an organization exclusively for the 103712
provision of professional, laundry, printing, and purchasing 103713
services to hospitals or charitable institutions; the operation of 103714
a home for the aged, as defined in section 5701.13 of the Revised 103715
Code; the operation of a radio or television broadcasting station 103716
that is licensed by the federal communications commission as a 103717
noncommercial educational radio or television station; the 103718
operation of a nonprofit animal adoption service or a county 103719
humane society; the promotion of education by an institution of 103720
learning that maintains a faculty of qualified instructors, 103721
teaches regular continuous courses of study, and confers a 103722
recognized diploma upon completion of a specific curriculum; the 103723
operation of a parent-teacher association, booster group, or 103724
similar organization primarily engaged in the promotion and 103725
support of the curricular or extracurricular activities of a 103726
primary or secondary school; the operation of a community or area 103727
center in which presentations in music, dramatics, the arts, and 103728
related fields are made in order to foster public interest and 103729
education therein; the production of performances in music, 103730
dramatics, and the arts; or the promotion of education by an 103731
organization engaged in carrying on research in, or the 103732
dissemination of, scientific and technological knowledge and 103733
information primarily for the public. 103734

Nothing in this division shall be deemed to exempt sales to 103735
any organization for use in the operation or carrying on of a 103736
trade or business, or sales to a home for the aged for use in the 103737
operation of independent living facilities as defined in division 103738
(A) of section 5709.12 of the Revised Code. 103739

(13) Building and construction materials and services sold to 103740
construction contractors for incorporation into a structure or 103741
improvement to real property under a construction contract with 103742
this state or a political subdivision of this state, or with the 103743
United States government or any of its agencies; building and 103744
construction materials and services sold to construction 103745
contractors for incorporation into a structure or improvement to 103746
real property that are accepted for ownership by this state or any 103747
of its political subdivisions, or by the United States government 103748
or any of its agencies at the time of completion of the structures 103749
or improvements; building and construction materials sold to 103750
construction contractors for incorporation into a horticulture 103751
structure or livestock structure for a person engaged in the 103752
business of horticulture or producing livestock; building 103753
materials and services sold to a construction contractor for 103754
incorporation into a house of public worship or religious 103755
education, or a building used exclusively for charitable purposes 103756
under a construction contract with an organization whose purpose 103757
is as described in division (B)(12) of this section; building 103758
materials and services sold to a construction contractor for 103759
incorporation into a building under a construction contract with 103760
an organization exempt from taxation under section 501(c)(3) of 103761
the Internal Revenue Code of 1986 when the building is to be used 103762
exclusively for the organization's exempt purposes; building and 103763
construction materials sold for incorporation into the original 103764
construction of a sports facility under section 307.696 of the 103765
Revised Code; and building and construction materials and services 103766
sold to a construction contractor for incorporation into real 103767

property outside this state if such materials and services, when 103768
sold to a construction contractor in the state in which the real 103769
property is located for incorporation into real property in that 103770
state, would be exempt from a tax on sales levied by that state; 103771

(14) Sales of ships or vessels or rail rolling stock used or 103772
to be used principally in interstate or foreign commerce, and 103773
repairs, alterations, fuel, and lubricants for such ships or 103774
vessels or rail rolling stock; 103775

(15) Sales to persons primarily engaged in any of the 103776
activities mentioned in division (B)(42)(a) or (g) of this 103777
section, to persons engaged in making retail sales, or to persons 103778
who purchase for sale from a manufacturer tangible personal 103779
property that was produced by the manufacturer in accordance with 103780
specific designs provided by the purchaser, of packages, including 103781
material, labels, and parts for packages, and of machinery, 103782
equipment, and material for use primarily in packaging tangible 103783
personal property produced for sale, including any machinery, 103784
equipment, and supplies used to make labels or packages, to 103785
prepare packages or products for labeling, or to label packages or 103786
products, by or on the order of the person doing the packaging, or 103787
sold at retail. "Packages" includes bags, baskets, cartons, 103788
crates, boxes, cans, bottles, bindings, wrappings, and other 103789
similar devices and containers, but does not include motor 103790
vehicles or bulk tanks, trailers, or similar devices attached to 103791
motor vehicles. "Packaging" means placing in a package. Division 103792
(B)(15) of this section does not apply to persons engaged in 103793
highway transportation for hire. 103794

(16) Sales of food to persons using ~~food stamp~~ supplemental 103795
nutrition assistance program benefits to purchase the food. As 103796
used in this division, "food" has the same meaning as in ~~the "Food~~ 103797
~~Stamp Act of 1977," 91 Stat. 958,~~ 7 U.S.C. 2012, ~~as amended,~~ and 103798
federal regulations adopted pursuant to ~~that act~~ the Food and 103799

Nutrition Act of 2008. 103800

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property; 103801
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(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities; 103815
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(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being. 103826
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(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing 103830
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fire protection and emergency services, including trauma care and 103832
emergency medical services, for political subdivisions of the 103833
state; 103834

(21) Sales of tangible personal property manufactured in this 103835
state, if sold by the manufacturer in this state to a retailer for 103836
use in the retail business of the retailer outside of this state 103837
and if possession is taken from the manufacturer by the purchaser 103838
within this state for the sole purpose of immediately removing the 103839
same from this state in a vehicle owned by the purchaser; 103840

(22) Sales of services provided by the state or any of its 103841
political subdivisions, agencies, instrumentalities, institutions, 103842
or authorities, or by governmental entities of the state or any of 103843
its political subdivisions, agencies, instrumentalities, 103844
institutions, or authorities; 103845

(23) Sales of motor vehicles to nonresidents of this state 103846
under the circumstances described in division (B) of section 103847
5739.029 of the Revised Code; 103848

(24) Sales to persons engaged in the preparation of eggs for 103849
sale of tangible personal property used or consumed directly in 103850
such preparation, including such tangible personal property used 103851
for cleaning, sanitizing, preserving, grading, sorting, and 103852
classifying by size; packages, including material and parts for 103853
packages, and machinery, equipment, and material for use in 103854
packaging eggs for sale; and handling and transportation equipment 103855
and parts therefor, except motor vehicles licensed to operate on 103856
public highways, used in intraplant or interplant transfers or 103857
shipment of eggs in the process of preparation for sale, when the 103858
plant or plants within or between which such transfers or 103859
shipments occur are operated by the same person. "Packages" 103860
includes containers, cases, baskets, flats, fillers, filler flats, 103861
cartons, closure materials, labels, and labeling materials, and 103862
"packaging" means placing therein. 103863

(25)(a) Sales of water to a consumer for residential use,	103864
except the sale of bottled water, distilled water, mineral water,	103865
carbonated water, or ice;	103866
(b) Sales of water by a nonprofit corporation engaged	103867
exclusively in the treatment, distribution, and sale of water to	103868
consumers, if such water is delivered to consumers through pipes	103869
or tubing.	103870
(26) Fees charged for inspection or reinspection of motor	103871
vehicles under section 3704.14 of the Revised Code;	103872
(27) Sales to persons licensed to conduct a food service	103873
operation pursuant to section 3717.43 of the Revised Code, of	103874
tangible personal property primarily used directly for the	103875
following:	103876
(a) To prepare food for human consumption for sale;	103877
(b) To preserve food that has been or will be prepared for	103878
human consumption for sale by the food service operator, not	103879
including tangible personal property used to display food for	103880
selection by the consumer;	103881
(c) To clean tangible personal property used to prepare or	103882
serve food for human consumption for sale.	103883
(28) Sales of animals by nonprofit animal adoption services	103884
or county humane societies;	103885
(29) Sales of services to a corporation described in division	103886
(A) of section 5709.72 of the Revised Code, and sales of tangible	103887
personal property that qualifies for exemption from taxation under	103888
section 5709.72 of the Revised Code;	103889
(30) Sales and installation of agricultural land tile, as	103890
defined in division (B)(5)(a) of section 5739.01 of the Revised	103891
Code;	103892
(31) Sales and erection or installation of portable grain	103893

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;

(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;

(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;

(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service.

(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and

describes tangible personal property offered for retail sale.	103926
(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section; and of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.	103927 103928 103929 103930 103931 103932 103933 103934 103935
(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.	103936 103937 103938
For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.	103939 103940 103941 103942 103943 103944 103945 103946
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	103947 103948 103949
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	103950 103951 103952 103953 103954
(38) Sales to a professional racing team of any of the following:	103955 103956

(a) Motor racing vehicles;	103957
(b) Repair services for motor racing vehicles;	103958
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	103959 103960 103961 103962 103963 103964 103965 103966
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	103967 103968 103969
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	103970 103971 103972 103973 103974 103975 103976 103977 103978 103979 103980 103981 103982 103983 103984 103985 103986
(41) Sales to a person providing services under division	103987

(B)(3)(r) of section 5739.01 of the Revised Code of tangible 103988
personal property and services used directly and primarily in 103989
providing taxable services under that section. 103990

(42) Sales where the purpose of the purchaser is to do any of 103991
the following: 103992

(a) To incorporate the thing transferred as a material or a 103993
part into tangible personal property to be produced for sale by 103994
manufacturing, assembling, processing, or refining; or to use or 103995
consume the thing transferred directly in producing tangible 103996
personal property for sale by mining, including, without 103997
limitation, the extraction from the earth of all substances that 103998
are classed geologically as minerals, production of crude oil and 103999
natural gas, farming, agriculture, horticulture, or floriculture, 104000
or directly in the rendition of a public utility service, except 104001
that the sales tax levied by this section shall be collected upon 104002
all meals, drinks, and food for human consumption sold when 104003
transporting persons. Persons engaged in rendering farming, 104004
agricultural, horticultural, or floricultural services, and 104005
services in the exploration for, and production of, crude oil and 104006
natural gas, for others are deemed engaged directly in farming, 104007
agriculture, horticulture, and floriculture, or exploration for, 104008
and production of, crude oil and natural gas. This paragraph does 104009
not exempt from "retail sale" or "sales at retail" the sale of 104010
tangible personal property that is to be incorporated into a 104011
structure or improvement to real property. 104012

(b) To hold the thing transferred as security for the 104013
performance of an obligation of the vendor; 104014

(c) To resell, hold, use, or consume the thing transferred as 104015
evidence of a contract of insurance; 104016

(d) To use or consume the thing directly in commercial 104017
fishing; 104018

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and

"direct marketing" has the same meaning as in division (B)(35) of
this section. 104050
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(k) To use or consume the thing transferred to fulfill a 104052
contractual obligation incurred by a warrantor pursuant to a 104053
warranty provided as a part of the price of the tangible personal 104054
property sold or by a vendor of a warranty, maintenance or service 104055
contract, or similar agreement the provision of which is defined 104056
as a sale under division (B)(7) of section 5739.01 of the Revised 104057
Code; 104058

(l) To use or consume the thing transferred in the production 104059
of a newspaper for distribution to the public; 104060

(m) To use tangible personal property to perform a service 104061
listed in division (B)(3) of section 5739.01 of the Revised Code, 104062
if the property is or is to be permanently transferred to the 104063
consumer of the service as an integral part of the performance of 104064
the service; 104065

(n) To use or consume the thing transferred in acquiring, 104066
formatting, editing, storing, and disseminating data or 104067
information by electronic publishing. 104068

As used in division (B)(42) of this section, "thing" includes 104069
all transactions included in divisions (B)(3)(a), (b), and (e) of 104070
section 5739.01 of the Revised Code. 104071

(43) Sales conducted through a coin operated device that 104072
activates vacuum equipment or equipment that dispenses water, 104073
whether or not in combination with soap or other cleaning agents 104074
or wax, to the consumer for the consumer's use on the premises in 104075
washing, cleaning, or waxing a motor vehicle, provided no other 104076
personal property or personal service is provided as part of the 104077
transaction. 104078

(44) Sales of replacement and modification parts for engines, 104079
airframes, instruments, and interiors in, and paint for, aircraft 104080

used primarily in a fractional aircraft ownership program, and 104081
sales of services for the repair, modification, and maintenance of 104082
such aircraft, and machinery, equipment, and supplies primarily 104083
used to provide those services. 104084

(45) Sales of telecommunications service that is used 104085
directly and primarily to perform the functions of a call center. 104086
As used in this division, "call center" means any physical 104087
location where telephone calls are placed or received in high 104088
volume for the purpose of making sales, marketing, customer 104089
service, technical support, or other specialized business 104090
activity, and that employs at least fifty individuals that engage 104091
in call center activities on a full-time basis, or sufficient 104092
individuals to fill fifty full-time equivalent positions. 104093

(46) Sales by a telecommunications service vendor of 900 104094
service to a subscriber. This division does not apply to 104095
information services, as defined in division (FF) of section 104096
5739.01 of the Revised Code. 104097

(47) Sales of value-added non-voice data service. This 104098
division does not apply to any similar service that is not 104099
otherwise a telecommunications service. 104100

(48)(a) Sales of machinery, equipment, and software to a 104101
qualified direct selling entity for use in a warehouse or 104102
distribution center primarily for storing, transporting, or 104103
otherwise handling inventory that is held for sale to independent 104104
salespersons who operate as direct sellers and that is held 104105
primarily for distribution outside this state; 104106

(b) As used in division (B)(48)(a) of this section: 104107

(i) "Direct seller" means a person selling consumer products 104108
to individuals for personal or household use and not from a fixed 104109
retail location, including selling such product at in-home product 104110
demonstrations, parties, and other one-on-one selling. 104111

(ii) "Qualified direct selling entity" means an entity 104112
selling to direct sellers at the time the entity enters into a tax 104113
credit agreement with the tax credit authority pursuant to section 104114
122.17 of the Revised Code, provided that the agreement was 104115
entered into on or after January 1, 2007. Neither contingencies 104116
relevant to the granting of, nor later developments with respect 104117
to, the tax credit shall impair the status of the qualified direct 104118
selling entity under division (B)(48) of this section after 104119
execution of the tax credit agreement by the tax credit authority. 104120

(c) Division (B)(48) of this section is limited to machinery, 104121
equipment, and software first stored, used, or consumed in this 104122
state within the period commencing June 24, 2008, and ending on 104123
the date that is five years after that date. 104124

(49) Sales of materials, parts, equipment, or engines used in 104125
the repair or maintenance of aircraft or avionics systems of such 104126
aircraft, and sales of repair, remodeling, replacement, or 104127
maintenance services in this state performed on aircraft or on an 104128
aircraft's avionics, engine, or component materials or parts. As 104129
used in division (B)(49) of this section, "aircraft" means 104130
aircraft of more than six thousand pounds maximum certified 104131
takeoff weight or used exclusively in general aviation. 104132

(50) Sales of full flight simulators that are used for pilot 104133
or flight-crew training, sales of repair or replacement parts or 104134
components, and sales of repair or maintenance services for such 104135
full flight simulators. "Full flight simulator" means a replica of 104136
a specific type, or make, model, and series of aircraft cockpit. 104137
It includes the assemblage of equipment and computer programs 104138
necessary to represent aircraft operations in ground and flight 104139
conditions, a visual system providing an out-of-the-cockpit view, 104140
and a system that provides cues at least equivalent to those of a 104141
three-degree-of-freedom motion system, and has the full range of 104142
capabilities of the systems installed in the device as described 104143

in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.

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

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

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

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Sec. 5739.03. (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

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(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale shall be reported on and the amount of the tax applicable thereto shall be remitted with the return for the period in which the sale is made, and the amount of the tax shall become a legal charge in favor of the vendor and against the consumer.

(B)(1)(a) If any sale is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall be in such form, and shall be provided either in a hard copy form or electronic form, as the tax commissioner prescribes.

(b) A vendor that obtains a fully completed exemption certificate from a consumer is relieved of liability for collecting and remitting tax on any sale covered by that certificate. If it is determined the exemption was improperly claimed, the consumer shall be liable for any tax due on that sale under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter

5741. of the Revised Code. Relief under this division from	104207
liability does not apply to any of the following:	104208
(i) A vendor that fraudulently fails to collect tax;	104209
(ii) A vendor that solicits consumers to participate in the unlawful claim of an exemption;	104210 104211
(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its website an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state;	104212 104213 104214 104215 104216 104217 104218 104219
(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (D) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software.	104220 104221 104222 104223 104224
(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request.	104225 104226 104227
(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section.	104228 104229 104230 104231 104232
(4) If no certificate is provided or obtained within ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not preclude a vendor, within one hundred twenty days after the tax commissioner gives written	104233 104234 104235 104236 104237

notice of intent to levy an assessment, from either establishing 104238
that the sale is not subject to the tax, or obtaining, in good 104239
faith, a fully completed exemption certificate. 104240

(5) Certificates need not be obtained nor provided where the 104241
identity of the consumer is such that the transaction is never 104242
subject to the tax imposed or where the item of tangible personal 104243
property sold or the service provided is never subject to the tax 104244
imposed, regardless of use, or when the sale is in interstate 104245
commerce. 104246

(6) If a transaction is claimed to be exempt under division 104247
(B)(13) of section 5739.02 of the Revised Code, the contractor 104248
shall obtain certification of the claimed exemption from the 104249
contractee. This certification shall be in addition to an 104250
exemption certificate provided by the contractor to the vendor. A 104251
contractee that provides a certification under this division shall 104252
be deemed to be the consumer of all items purchased by the 104253
contractor under the claim of exemption, if it is subsequently 104254
determined that the exemption is not properly claimed. The 104255
certification shall be in such form as the tax commissioner 104256
prescribes. 104257

(C) As used in this division, "contractee" means a person who 104258
seeks to enter or enters into a contract or agreement with a 104259
contractor or vendor for the construction of real property or for 104260
the sale and installation onto real property of tangible personal 104261
property. 104262

Any contractor or vendor may request from any contractee a 104263
certification of what portion of the property to be transferred 104264
under such contract or agreement is to be incorporated into the 104265
realty and what portion will retain its status as tangible 104266
personal property after installation is completed. The contractor 104267
or vendor shall request the certification by certified mail 104268
delivered to the contractee, return receipt requested. Upon 104269

receipt of such request and prior to entering into the contract or 104270
agreement, the contractee shall provide to the contractor or 104271
vendor a certification sufficiently detailed to enable the 104272
contractor or vendor to ascertain the resulting classification of 104273
all materials purchased or fabricated by the contractor or vendor 104274
and transferred to the contractee. This requirement applies to a 104275
contractee regardless of whether the contractee holds a direct 104276
payment permit under section 5739.031 of the Revised Code or 104277
provides to the contractor or vendor an exemption certificate as 104278
provided under this section. 104279

For the purposes of the taxes levied by this chapter and 104280
Chapter 5741. of the Revised Code, the contractor or vendor may in 104281
good faith rely on the contractee's certification. Notwithstanding 104282
division (B) of section 5739.01 of the Revised Code, if the tax 104283
commissioner determines that certain property certified by the 104284
contractee as tangible personal property pursuant to this division 104285
is, in fact, real property, the contractee shall be considered to 104286
be the consumer of all materials so incorporated into that real 104287
property and shall be liable for the applicable tax, and the 104288
contractor or vendor shall be excused from any liability on those 104289
materials. 104290

If a contractee fails to provide such certification upon the 104291
request of the contractor or vendor, the contractor or vendor 104292
shall comply with the provisions of this chapter and Chapter 5741. 104293
of the Revised Code without the certification. If the tax 104294
commissioner determines that such compliance has been performed in 104295
good faith and that certain property treated as tangible personal 104296
property by the contractor or vendor is, in fact, real property, 104297
the contractee shall be considered to be the consumer of all 104298
materials so incorporated into that real property and shall be 104299
liable for the applicable tax, and the construction contractor or 104300
vendor shall be excused from any liability on those materials. 104301

This division does not apply to any contract or agreement 104302
where the tax commissioner determines as a fact that a 104303
certification under this division was made solely on the decision 104304
or advice of the contractor or vendor. 104305

(D) Notwithstanding division (B) of section 5739.01 of the 104306
Revised Code, whenever the total rate of tax imposed under this 104307
chapter is increased after the date after a construction contract 104308
is entered into, the contractee shall reimburse the construction 104309
contractor for any additional tax paid on tangible property 104310
consumed or services received pursuant to the contract. 104311

(E) A vendor who files a petition for reassessment contesting 104312
the assessment of tax on sales for which the vendor obtained no 104313
valid exemption certificates and for which the vendor failed to 104314
establish that the sales were properly not subject to the tax 104315
during the one-hundred-twenty-day period allowed under division 104316
(B) of this section, may present to the tax commissioner 104317
additional evidence to prove that the sales were properly subject 104318
to a claim of exception or exemption. The vendor shall file such 104319
evidence within ninety days of the receipt by the vendor of the 104320
notice of assessment, except that, upon application and for 104321
reasonable cause, the period for submitting such evidence shall be 104322
extended thirty days. 104323

The commissioner shall consider such additional evidence in 104324
reaching the final determination on the assessment and petition 104325
for reassessment. 104326

(F) Whenever a vendor refunds the price, minus any separately 104327
stated delivery charge, of an item of tangible personal property 104328
on which the tax imposed under this chapter has been paid, the 104329
vendor shall also refund the amount of tax paid, minus the amount 104330
of tax attributable to the delivery charge. 104331

Sec. 5739.033. (A) Except as provided in division (B) of this 104332

section, divisions (C) to (I) of this section apply to sales made 104333
on and after January 1, 2008. Any vendor previously required to 104334
comply with divisions (C) to (I) of this section and any vendor 104335
that irrevocably elects to comply with divisions (C) to (I) of 104336
this section for all of the vendor's sales and places of business 104337
in this state shall continue to source its sales under those 104338
divisions. 104339

The amount of tax due pursuant to sections 5739.02, 5739.021, 104340
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 104341
imposed pursuant to those sections at the sourcing location of the 104342
sale as determined under this section or, if applicable, under 104343
division (C) of section 5739.031 or section 5739.034 of the 104344
Revised Code, or at the situs of the sale as determined under 104345
section 5739.035 of the Revised Code. This section applies only to 104346
a vendor's or seller's obligation to collect and remit sales taxes 104347
under section 5739.02, 5739.021, 5739.023, or 5739.026 of the 104348
Revised Code or use taxes under section 5741.02, 5741.021, 104349
5741.022, or 5741.023 of the Revised Code. Division (A) of this 104350
section does not apply in determining the jurisdiction for which 104351
sellers are required to collect the use tax under section 5741.05 104352
of the Revised Code. This section does not affect the obligation 104353
of a consumer to remit use taxes on the storage, use, or other 104354
consumption of tangible personal property or on the benefit 104355
realized of any service provided, to the jurisdiction of that 104356
storage, use, or consumption, or benefit realized. 104357

(B)(1) As used in this division: 104358

(a) "Delivery sale" means the taxable sale of tangible 104359
personal property or a service that is received by a consumer, or 104360
a donee designated by the consumer, in a taxing jurisdiction that 104361
is not the taxing jurisdiction in which the vendor has a fixed 104362
place of business. 104363

(b) "Agreement" has the same meaning as in section 5740.01 of 104364

the Revised Code. 104365

(c) "Governing board" has the same meaning as in section 104366
5740.02 of the Revised Code. 104367

(2) If the tax commissioner does not make the certification 104368
under section 5740.10 of the Revised Code, a vendor that is not 104369
required by division (A) of this section to situs sales under 104370
divisions (C) to (I) of this section on the date of the 104371
commissioner's certification may continue after that date to situs 104372
its sales under section 5739.035 of the Revised Code unless it is 104373
required, under division (B)(5) of this section, to situs its 104374
sales under divisions (C) to (I) of this section. 104375

(3) Except as otherwise provided in divisions (B)(4) and (5) 104376
of this section, a vendor with total delivery sales within this 104377
state in prior calendar years, beginning with calendar year 2007, 104378
of less than five hundred thousand dollars may situs its sales 104379
under section 5739.035 of the Revised Code. 104380

(4) Once a vendor has total delivery sales in this state of 104381
five hundred thousand dollars or more for a prior calendar year, 104382
the vendor shall source its sales under divisions (C) to (I) of 104383
this section and shall continue to source its sales under those 104384
divisions regardless of the amount of the vendor's total delivery 104385
sales in future years. 104386

(5) A vendor permitted under division (B)(3) of this section 104387
to situs its sales under section 5739.035 of the Revised Code that 104388
fails to provide, absent a clerical error, the notices required 104389
under division (I)(1) of section 5739.035 of the Revised Code 104390
shall situs all subsequent sales as required under divisions (C) 104391
to (I) of this section. 104392

(C) Except for sales, other than leases, of titled motor 104393
vehicles, titled watercraft, or titled outboard motors as provided 104394
in section 5741.05 of the Revised Code, or as otherwise provided 104395

in this section and section 5739.034 of the Revised Code, all 104396
sales shall be sourced as follows: 104397

(1) If the consumer or a donee designated by the consumer 104398
receives tangible personal property or a service at a vendor's 104399
place of business, the sale shall be sourced to that place of 104400
business. 104401

(2) When the tangible personal property or service is not 104402
received at a vendor's place of business, the sale shall be 104403
sourced to the location known to the vendor where the consumer or 104404
the donee designated by the consumer receives the tangible 104405
personal property or service, including the location indicated by 104406
instructions for delivery to the consumer or the consumer's donee. 104407

(3) If divisions (C)(1) and (2) of this section do not apply, 104408
the sale shall be sourced to the location indicated by an address 104409
for the consumer that is available from the vendor's business 104410
records that are maintained in the ordinary course of the vendor's 104411
business, when use of that address does not constitute bad faith. 104412
104413

(4) If divisions (C)(1), (2), and (3) of this section do not 104414
apply, the sale shall be sourced to the location indicated by an 104415
address for the consumer obtained during the consummation of the 104416
sale, including the address associated with the consumer's payment 104417
instrument, if no other address is available, when use of that 104418
address does not constitute bad faith. 104419

(5) If divisions (C)(1), (2), (3), and (4) of this section do 104420
not apply, including in the circumstance where the vendor is 104421
without sufficient information to apply any of those divisions, 104422
the sale shall be sourced to the address from which tangible 104423
personal property was shipped, or from which the service was 104424
provided, disregarding any location that merely provided the 104425
electronic transfer of the property sold or service provided. 104426

(6) As used in division (C) of this section, "receive" means 104427
taking possession of tangible personal property or making first 104428
use of a service. "Receive" does not include possession by a 104429
shipping company on behalf of a consumer. 104430

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this 104431
section, a business consumer that is not a holder of a direct 104432
payment permit granted under section 5739.031 of the Revised Code, 104433
that purchases a digital good, computer software, except computer 104434
software received in person by a business consumer at a vendor's 104435
place of business, or a service, and that knows at the time of 104436
purchase that such digital good, software, or service will be 104437
concurrently available for use in more than one taxing 104438
jurisdiction shall deliver to the vendor in conjunction with its 104439
purchase an exemption certificate claiming multiple points of use, 104440
or shall meet the requirements of division (D)(2) of this section. 104441
On receipt of the exemption certificate claiming multiple points 104442
of use, the vendor is relieved of its obligation to collect, pay, 104443
or remit the tax due, and the business consumer must pay the tax 104444
directly to the state. 104445

(b) A business consumer that delivers the exemption 104446
certificate claiming multiple points of use to a vendor may use 104447
any reasonable, consistent, and uniform method of apportioning the 104448
tax due on the digital good, computer software, or service that is 104449
supported by the consumer's business records as they existed at 104450
the time of the sale. The business consumer shall report and pay 104451
the appropriate tax to each jurisdiction where concurrent use 104452
occurs. The tax due shall be calculated as if the apportioned 104453
amount of the digital good, computer software, or service had been 104454
delivered to each jurisdiction to which the sale is apportioned 104455
under this division. 104456

(c) The exemption certificate claiming multiple points of use 104457
shall remain in effect for all future sales by the vendor to the 104458

business consumer until it is revoked in writing by the business consumer, except as to the business consumer's specific apportionment of a subsequent sale under division (D)(1)(b) of this section and the facts existing at the time of the sale.

(2) When the vendor knows that a digital good, computer software, or service sold will be concurrently available for use by the business consumer in more than one jurisdiction, but the business consumer does not provide an exemption certificate claiming multiple points of use as required by division (D)(1) of this section, the vendor may work with the business consumer to produce the correct apportionment. Governed by the principles of division (D)(1)(b) of this section, the vendor and business consumer may use any reasonable, but consistent and uniform, method of apportionment that is supported by the vendor's and business consumer's books and records as they exist at the time the sale is reported for purposes of the taxes levied under this chapter. If the business consumer certifies to the accuracy of the apportionment and the vendor accepts the certification, the vendor shall collect and remit the tax accordingly. In the absence of bad faith, the vendor is relieved of any further obligation to collect tax on any transaction where the vendor has collected tax pursuant to the information certified by the business consumer.

(3) When the vendor knows that the digital good, computer software, or service will be concurrently available for use in more than one jurisdiction, and the business consumer does not have a direct pay permit and does not provide to the vendor an exemption certificate claiming multiple points of use as required in division (D)(1) of this section, or certification pursuant to division (D)(2) of this section, the vendor shall collect and remit the tax based on division (C) of this section.

(4) Nothing in this section shall limit a person's obligation for sales or use tax to any state in which a digital good,

computer software, or service is concurrently available for use, 104491
nor limit a person's ability under local, state, or federal law, 104492
to claim a credit for sales or use taxes legally due and paid to 104493
other jurisdictions. 104494

(E) A person who holds a direct payment permit issued under 104495
section 5739.031 of the Revised Code is not required to deliver an 104496
exemption certificate claiming multiple points of use to a vendor. 104497
But such permit holder shall comply with division (D)(2) of this 104498
section in apportioning the tax due on a digital good, computer 104499
software, or a service for use in business that will be 104500
concurrently available for use in more than one taxing 104501
jurisdiction. 104502

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 104503
section, the consumer of direct mail that is not a holder of a 104504
direct payment permit shall provide to the vendor in conjunction 104505
with the sale either an exemption certificate claiming direct mail 104506
prescribed by the tax commissioner, or information to show the 104507
jurisdictions to which the direct mail is delivered to recipients. 104508

(2) Upon receipt of such exemption certificate, the vendor is 104509
relieved of all obligations to collect, pay, or remit the 104510
applicable tax and the consumer is obligated to pay that tax on a 104511
direct pay basis. An exemption certificate claiming direct mail 104512
shall remain in effect for all future sales of direct mail by the 104513
vendor to the consumer until it is revoked in writing. 104514

(3) Upon receipt of information from the consumer showing the 104515
jurisdictions to which the direct mail is delivered to recipients, 104516
the vendor shall collect the tax according to the delivery 104517
information provided by the consumer. In the absence of bad faith, 104518
the vendor is relieved of any further obligation to collect tax on 104519
any transaction where the vendor has collected tax pursuant to the 104520
delivery information provided by the consumer. 104521

(4) If the consumer of direct mail does not have a direct payment permit and does not provide the vendor with either an exemption certificate claiming direct mail or delivery information as required by division (F)(1) of this section, the vendor shall collect the tax according to division (C)(5) of this section. Nothing in division (F)(4) of this section shall limit a consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or

property in interstate or foreign commerce. 104553

(d) Containers designed for use on and component parts 104554
attached to or secured on the items set forth in division 104555
(H)(1)(a), (b), or (c) of this section. 104556

(2) A sale, lease, or rental of transportation equipment 104557
shall be sourced pursuant to division (C) of this section. 104558

(I)(1) A lease or rental of tangible personal property that 104559
does not require recurring periodic payments shall be sourced 104560
pursuant to division (C) of this section. 104561

(2) A lease or rental of tangible personal property that 104562
requires recurring periodic payments shall be sourced as follows: 104563

(a) In the case of a motor vehicle, other than a motor 104564
vehicle that is transportation equipment, or an aircraft, other 104565
than an aircraft that is transportation equipment, such lease or 104566
rental shall be sourced as follows: 104567

(i) An accelerated tax payment on a lease or rental taxed 104568
pursuant to division (A)(2) of section 5739.02 of the Revised Code 104569
shall be sourced to the primary property location at the time the 104570
lease or rental is consummated. Any subsequent taxable charges on 104571
the lease or rental shall be sourced to the primary property 104572
location for the period in which the charges are incurred. 104573

(ii) For a lease or rental taxed pursuant to division (A)(3) 104574
of section 5739.02 of the Revised Code, each lease or rental 104575
installment shall be sourced to the primary property location for 104576
the period covered by the installment. 104577

(b) In the case of a lease or rental of all other tangible 104578
personal property, other than transportation equipment, such lease 104579
or rental shall be sourced as follows: 104580

(i) An accelerated tax payment on a lease or rental that is 104581
taxed pursuant to division (A)(2) of section 5739.02 of the 104582

Revised Code shall be sourced pursuant to division (C) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.

(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (C) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (I) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

(J) Sales described in division (B)(11) of section 5739.01 of the Revised Code shall be sourced to the location of the enrollee for whom a medicaid health insuring corporation receives managed care premiums. Such sales shall be sourced to the locations of the enrollees in the same proportion as the managed care premiums received by the medicaid health insuring corporation on behalf of enrollees located in a particular taxing jurisdiction in Ohio as compared to all managed care premiums received by the medicaid health insuring corporation.

Sec. 5739.051. (A) The tax commissioner shall issue a direct payment permit to a medicaid health insuring corporation that authorizes the medicaid health insuring corporation to pay all taxes due on sales described in division (B)(11) of section 5739.01 of the Revised Code directly to the state. Each medicaid health insuring corporation shall pay pursuant to such direct

payment authority all sales tax levied on such sales by sections 104614
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code and 104615
all use tax levied on such sales pursuant to sections 5741.02, 104616
5741.021, 5741.022, and 5741.023 of the Revised Code, unless 104617
division (B)(11)(b) of section 5739.01 of the Revised Code 104618
applies. 104619

(B) Each medicaid health insuring corporation shall, on or 104620
before the twenty-third day of each month, file a return for the 104621
preceding month on a form prescribed by the tax commissioner and 104622
shall pay the tax shown on the return to be due, unless division 104623
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 104624
return shall show the amount of tax due from the medicaid health 104625
care insuring corporation for the period covered by the return and 104626
other such information as the commissioner deems necessary. Upon 104627
written request, the commissioner may extend the time for filing 104628
the return and paying the tax. The commissioner may require each 104629
medicaid health insuring corporation to file returns and remit 104630
payment by electronic means as provided in section 5739.032 of the 104631
Revised Code. 104632

Sec. 5739.09. (A)(1) A board of county commissioners may, by 104633
resolution adopted by a majority of the members of the board, levy 104634
an excise tax not to exceed three per cent on transactions by 104635
which lodging by a hotel is or is to be furnished to transient 104636
guests. The board shall establish all regulations necessary to 104637
provide for the administration and allocation of the tax. The 104638
regulations may prescribe the time for payment of the tax, and may 104639
provide for the imposition of a penalty or interest, or both, for 104640
late payments, provided that the penalty does not exceed ten per 104641
cent of the amount of tax due, and the rate at which interest 104642
accrues does not exceed the rate per annum prescribed pursuant to 104643
section 5703.47 of the Revised Code. Except as provided in 104644

divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 104645
regulations shall provide, after deducting the real and actual 104646
costs of administering the tax, for the return to each municipal 104647
corporation or township that does not levy an excise tax on the 104648
transactions, a uniform percentage of the tax collected in the 104649
municipal corporation or in the unincorporated portion of the 104650
township from each transaction, not to exceed thirty-three and 104651
one-third per cent. The remainder of the revenue arising from the 104652
tax shall be deposited in a separate fund and shall be spent 104653
solely to make contributions to the convention and visitors' 104654
bureau operating within the county, including a pledge and 104655
contribution of any portion of the remainder pursuant to an 104656
agreement authorized by section 307.695 of the Revised Code, 104657
provided that if the board of county commissioners of an eligible 104658
county as defined in section 307.695 of the Revised Code adopts a 104659
resolution amending a resolution levying a tax under this division 104660
to provide that the revenue from the tax shall be used by the 104661
board as described in division (H) of section 307.695 of the 104662
Revised Code, the remainder of the revenue shall be used as 104663
described in the resolution making that amendment. Except as 104664
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 104665
this section, on and after May 10, 1994, a board of county 104666
commissioners may not levy an excise tax pursuant to this division 104667
in any municipal corporation or township located wholly or partly 104668
within the county that has in effect an ordinance or resolution 104669
levying an excise tax pursuant to division (B) of this section. 104670
The board of a county that has levied a tax under division (C) of 104671
this section may, by resolution adopted within ninety days after 104672
July 15, 1985, by a majority of the members of the board, amend 104673
the resolution levying a tax under this division to provide for a 104674
portion of that tax to be pledged and contributed in accordance 104675
with an agreement entered into under section 307.695 of the 104676
Revised Code. A tax, any revenue from which is pledged pursuant to 104677

such an agreement, shall remain in effect at the rate at which it 104678
is imposed for the duration of the period for which the revenue 104679
from the tax has been so pledged. 104680

The board of county commissioners of an eligible county as 104681
defined in section 307.695 of the Revised Code may, by resolution 104682
adopted by a majority of the members of the board, amend a 104683
resolution levying a tax under this division to provide that the 104684
revenue from the tax shall be used by the board as described in 104685
division (H) of section 307.695 of the Revised Code, in which case 104686
the tax shall remain in effect at the rate at which it was imposed 104687
for the duration of any agreement entered into by the board under 104688
section 307.695 of the Revised Code, the duration during which any 104689
securities issued by the board under that section are outstanding, 104690
or the duration of the period during which the board owns a 104691
project as defined in section 307.695 of the Revised Code, 104692
whichever duration is longest. 104693

(2) A board of county commissioners that levies an excise tax 104694
under division (A)(1) of this section on June 30, 1997, at a rate 104695
of three per cent, and that has pledged revenue from the tax to an 104696
agreement entered into under section 307.695 of the Revised Code 104697
or, in the case of the board of county commissioners of an 104698
eligible county as defined in section 307.695 of the Revised Code, 104699
has amended a resolution levying a tax under division (C) of this 104700
section to provide that proceeds from the tax shall be used by the 104701
board as described in division (H) of section 307.695 of the 104702
Revised Code, may, at any time by a resolution adopted by a 104703
majority of the members of the board, amend the resolution levying 104704
a tax under division (A)(1) of this section to provide for an 104705
increase in the rate of that tax up to seven per cent on each 104706
transaction; to provide that revenue from the increase in the rate 104707
shall be used as described in division (H) of section 307.695 of 104708
the Revised Code or be spent solely to make contributions to the 104709

convention and visitors' bureau operating within the county to be 104710
used specifically for promotion, advertising, and marketing of the 104711
region in which the county is located; and to provide that the 104712
rate in excess of the three per cent levied under division (A)(1) 104713
of this section shall remain in effect at the rate at which it is 104714
imposed for the duration of the period during which any agreement 104715
is in effect that was entered into under section 307.695 of the 104716
Revised Code by the board of county commissioners levying a tax 104717
under division (A)(1) of this section, the duration of the period 104718
during which any securities issued by the board under division (I) 104719
of section 307.695 of the Revised Code are outstanding, or the 104720
duration of the period during which the board owns a project as 104721
defined in section 307.695 of the Revised Code, whichever duration 104722
is longest. The amendment also shall provide that no portion of 104723
that revenue need be returned to townships or municipal 104724
corporations as would otherwise be required under division (A)(1) 104725
of this section. 104726

(3) A board of county commissioners that levies a tax under 104727
division (A)(1) of this section on March 18, 1999, at a rate of 104728
three per cent may, by resolution adopted not later than 104729
forty-five days after March 18, 1999, amend the resolution levying 104730
the tax to provide for all of the following: 104731

(a) That the rate of the tax shall be increased by not more 104732
than an additional four per cent on each transaction; 104733

(b) That all of the revenue from the increase in the rate 104734
shall be pledged and contributed to a convention facilities 104735
authority established by the board of county commissioners under 104736
Chapter 351. of the Revised Code on or before November 15, 1998, 104737
and used to pay costs of constructing, maintaining, operating, and 104738
promoting a facility in the county, including paying bonds, or 104739
notes issued in anticipation of bonds, as provided by that 104740
chapter; 104741

(c) That no portion of the revenue arising from the increase 104742
in rate need be returned to municipal corporations or townships as 104743
otherwise required under division (A)(1) of this section; 104744

(d) That the increase in rate shall not be subject to 104745
diminution by initiative or referendum or by law while any bonds, 104746
or notes in anticipation of bonds, issued by the authority under 104747
Chapter 351. of the Revised Code to which the revenue is pledged, 104748
remain outstanding in accordance with their terms, unless 104749
provision is made by law or by the board of county commissioners 104750
for an adequate substitute therefor that is satisfactory to the 104751
trustee if a trust agreement secures the bonds. 104752

Division (A)(3) of this section does not apply to the board 104753
of county commissioners of any county in which a convention center 104754
or facility exists or is being constructed on November 15, 1998, 104755
or of any county in which a convention facilities authority levies 104756
a tax pursuant to section 351.021 of the Revised Code on that 104757
date. 104758

As used in division (A)(3) of this section, "cost" and 104759
"facility" have the same meanings as in section 351.01 of the 104760
Revised Code, and "convention center" has the same meaning as in 104761
section 307.695 of the Revised Code. 104762

(4)(a) A board of county commissioners that levies a tax 104763
under division (A)(1) of this section on June 30, 2002, at a rate 104764
of three per cent may, by resolution adopted not later than 104765
September 30, 2002, amend the resolution levying the tax to 104766
provide for all of the following: 104767

(i) That the rate of the tax shall be increased by not more 104768
than an additional three and one-half per cent on each 104769
transaction; 104770

(ii) That all of the revenue from the increase in rate shall 104771
be pledged and contributed to a convention facilities authority 104772

established by the board of county commissioners under Chapter 104773
351. of the Revised Code on or before May 15, 2002, and be used to 104774
pay costs of constructing, expanding, maintaining, operating, or 104775
promoting a convention center in the county, including paying 104776
bonds, or notes issued in anticipation of bonds, as provided by 104777
that chapter; 104778

(iii) That no portion of the revenue arising from the 104779
increase in rate need be returned to municipal corporations or 104780
townships as otherwise required under division (A)(1) of this 104781
section; 104782

(iv) That the increase in rate shall not be subject to 104783
diminution by initiative or referendum or by law while any bonds, 104784
or notes in anticipation of bonds, issued by the authority under 104785
Chapter 351. of the Revised Code to which the revenue is pledged, 104786
remain outstanding in accordance with their terms, unless 104787
provision is made by law or by the board of county commissioners 104788
for an adequate substitute therefor that is satisfactory to the 104789
trustee if a trust agreement secures the bonds. 104790

(b) Any board of county commissioners that, pursuant to 104791
division (A)(4)(a) of this section, has amended a resolution 104792
levying the tax authorized by division (A)(1) of this section may 104793
further amend the resolution to provide that the revenue referred 104794
to in division (A)(4)(a)(ii) of this section shall be pledged and 104795
contributed both to a convention facilities authority to pay the 104796
costs of constructing, expanding, maintaining, or operating one or 104797
more convention centers in the county, including paying bonds, or 104798
notes issued in anticipation of bonds, as provided in Chapter 351. 104799
of the Revised Code, and to a convention and visitors' bureau to 104800
pay the costs of promoting one or more convention centers in the 104801
county. 104802

As used in division (A)(4) of this section, "cost" has the 104803
same meaning as in section 351.01 of the Revised Code, and 104804

"convention center" has the same meaning as in section 307.695 of the Revised Code. 104805
104806

(5)(a) As used in division (A)(5) of this section: 104807

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 104808
104809

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard. 104810
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(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following: 104817
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104819
104820
104821

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division; 104822
104823
104824
104825

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose. 104826
104827
104828
104829

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than 104830
104831
104832
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104835

a number of rooms specified by the board. 104836

(6) A board of county commissioners of a county organized 104837
under a county charter adopted pursuant to Article X, Section 3, 104838
Ohio Constitution, and that levies an excise tax under division 104839
(A)(1) of this section at a rate of three per cent and levies an 104840
additional excise tax under division (E) of this section at a rate 104841
of one and one-half per cent may, by resolution adopted not later 104842
than January 1, 2008, by a majority of the members of the board, 104843
amend the resolution levying a tax under division (A)(1) of this 104844
section to provide for an increase in the rate of that tax by not 104845
more than an additional one per cent on transactions by which 104846
lodging by a hotel is or is to be furnished to transient guests. 104847
Notwithstanding divisions (A)(1) and (E) of this section, the 104848
resolution shall provide that all of the revenue from the increase 104849
in rate, after deducting the real and actual costs of 104850
administering the tax, shall be used to pay the costs of 104851
improving, expanding, equipping, financing, or operating a 104852
convention center by a convention and visitors' bureau in the 104853
county. The increase in rate shall remain in effect for the period 104854
specified in the resolution, not to exceed ten years. The increase 104855
in rate shall be subject to the regulations adopted under division 104856
(A)(1) of this section, except that the resolution may provide 104857
that no portion of the revenue from the increase in the rate shall 104858
be returned to townships or municipal corporations as would 104859
otherwise be required under that division. 104860

(7) Division (A)(7) of this section applies only to a county 104861
with a population greater than sixty-five thousand and less than 104862
seventy thousand according to the most recent federal decennial 104863
census and in which, on December 31, 2006, an excise tax is levied 104864
under division (A)(1) of this section at a rate not less than and 104865
not greater than three per cent, and in which the most recent 104866
increase in the rate of that tax was enacted or took effect in 104867

November 1984. 104868

The board of county commissioners of a county to which this 104869
division applies, by resolution adopted by a majority of the 104870
members of the board, may increase the rate of the tax by not more 104871
than one per cent on transactions by which lodging by a hotel is 104872
or is to be furnished to transient guests. The increase in rate 104873
shall be for the purpose of paying expenses deemed necessary by 104874
the convention and visitors' bureau operating in the county to 104875
promote travel and tourism. The increase in rate shall remain in 104876
effect for the period specified in the resolution, not to exceed 104877
twenty years, provided that the increase in rate may not continue 104878
beyond the time when the purpose for which the increase is levied 104879
ceases to exist. If revenue from the increase in rate is pledged 104880
to the payment of debt charges on securities, the increase in rate 104881
is not subject to diminution by initiative or referendum or by law 104882
for so long as the securities are outstanding, unless provision is 104883
made by law or by the board of county commissioners for an 104884
adequate substitute for that revenue that is satisfactory to the 104885
trustee if a trust agreement secures payment of the debt charges. 104886
The increase in rate shall be subject to the regulations adopted 104887
under division (A)(1) of this section, except that the resolution 104888
may provide that no portion of the revenue from the increase in 104889
the rate shall be returned to townships or municipal corporations 104890
as would otherwise be required under division (A)(1) of this 104891
section. A resolution adopted under division (A)(7) of this 104892
section is subject to referendum under sections 305.31 to 305.99 104893
of the Revised Code. 104894

(B)(1) The legislative authority of a municipal corporation 104895
or the board of trustees of a township that is not wholly or 104896
partly located in a county that has in effect a resolution levying 104897
an excise tax pursuant to division (A)(1) of this section may, by 104898
ordinance or resolution, levy an excise tax not to exceed three 104899

per cent on transactions by which lodging by a hotel is or is to 104900
be furnished to transient guests. The legislative authority of the 104901
municipal corporation or the board of trustees of the township 104902
shall deposit at least fifty per cent of the revenue from the tax 104903
levied pursuant to this division into a separate fund, which shall 104904
be spent solely to make contributions to convention and visitors' 104905
bureaus operating within the county in which the municipal 104906
corporation or township is wholly or partly located, and the 104907
balance of that revenue shall be deposited in the general fund. 104908
The municipal corporation or township shall establish all 104909
regulations necessary to provide for the administration and 104910
allocation of the tax. The regulations may prescribe the time for 104911
payment of the tax, and may provide for the imposition of a 104912
penalty or interest, or both, for late payments, provided that the 104913
penalty does not exceed ten per cent of the amount of tax due, and 104914
the rate at which interest accrues does not exceed the rate per 104915
annum prescribed pursuant to section 5703.47 of the Revised Code. 104916
The levy of a tax under this division is in addition to any tax 104917
imposed on the same transaction by a municipal corporation or a 104918
township as authorized by division (A) of section 5739.08 of the 104919
Revised Code. 104920

(2)(a) The legislative authority of the most populous 104921
municipal corporation located wholly or partly in a county in 104922
which the board of county commissioners has levied a tax under 104923
division (A)(4) of this section may amend, on or before September 104924
30, 2002, that municipal corporation's ordinance or resolution 104925
that levies an excise tax on transactions by which lodging by a 104926
hotel is or is to be furnished to transient guests, to provide for 104927
all of the following: 104928

(i) That the rate of the tax shall be increased by not more 104929
than an additional one per cent on each transaction; 104930

(ii) That all of the revenue from the increase in rate shall 104931

be pledged and contributed to a convention facilities authority 104932
established by the board of county commissioners under Chapter 104933
351. of the Revised Code on or before May 15, 2002, and be used to 104934
pay costs of constructing, expanding, maintaining, operating, or 104935
promoting a convention center in the county, including paying 104936
bonds, or notes issued in anticipation of bonds, as provided by 104937
that chapter; 104938

(iii) That the increase in rate shall not be subject to 104939
diminution by initiative or referendum or by law while any bonds, 104940
or notes in anticipation of bonds, issued by the authority under 104941
Chapter 351. of the Revised Code to which the revenue is pledged, 104942
remain outstanding in accordance with their terms, unless 104943
provision is made by law, by the board of county commissioners, or 104944
by the legislative authority, for an adequate substitute therefor 104945
that is satisfactory to the trustee if a trust agreement secures 104946
the bonds. 104947

(b) The legislative authority of a municipal corporation 104948
that, pursuant to division (B)(2)(a) of this section, has amended 104949
its ordinance or resolution to increase the rate of the tax 104950
authorized by division (B)(1) of this section may further amend 104951
the ordinance or resolution to provide that the revenue referred 104952
to in division (B)(2)(a)(ii) of this section shall be pledged and 104953
contributed both to a convention facilities authority to pay the 104954
costs of constructing, expanding, maintaining, or operating one or 104955
more convention centers in the county, including paying bonds, or 104956
notes issued in anticipation of bonds, as provided in Chapter 351. 104957
of the Revised Code, and to a convention and visitors' bureau to 104958
pay the costs of promoting one or more convention centers in the 104959
county. 104960

As used in division (B)(2) of this section, "cost" has the 104961
same meaning as in section 351.01 of the Revised Code, and 104962
"convention center" has the same meaning as in section 307.695 of 104963

the Revised Code. 104964

(C) For the purposes described in section 307.695 of the 104965
Revised Code and to cover the costs of administering the tax, a 104966
board of county commissioners of a county where a tax imposed 104967
under division (A)(1) of this section is in effect may, by 104968
resolution adopted within ninety days after July 15, 1985, by a 104969
majority of the members of the board, levy an additional excise 104970
tax not to exceed three per cent on transactions by which lodging 104971
by a hotel is or is to be furnished to transient guests. The tax 104972
authorized by this division shall be in addition to any tax that 104973
is levied pursuant to division (A) of this section, but it shall 104974
not apply to transactions subject to a tax levied by a municipal 104975
corporation or township pursuant to the authorization granted by 104976
division (A) of section 5739.08 of the Revised Code. The board 104977
shall establish all regulations necessary to provide for the 104978
administration and allocation of the tax. The regulations may 104979
prescribe the time for payment of the tax, and may provide for the 104980
imposition of a penalty or interest, or both, for late payments, 104981
provided that the penalty does not exceed ten per cent of the 104982
amount of tax due, and the rate at which interest accrues does not 104983
exceed the rate per annum prescribed pursuant to section 5703.47 104984
of the Revised Code. All revenues arising from the tax shall be 104985
expended in accordance with section 307.695 of the Revised Code. 104986
The board of county commissioners of an eligible county as defined 104987
in section 307.695 of the Revised Code may, by resolution adopted 104988
by a majority of the members of the board, amend the resolution 104989
levying a tax under this division to provide that the revenue from 104990
the tax shall be used by the board as described in division (H) of 104991
section 307.695 of the Revised Code. A tax imposed under this 104992
division shall remain in effect at the rate at which it is imposed 104993
for the duration of the period during which any agreement entered 104994
into by the board under section 307.695 of the Revised Code is in 104995
effect, the duration of the period during which any securities 104996

issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

(D) For the purpose of providing contributions under division (B)(1) of section 307.671 of the Revised Code to enable the acquisition, construction, and equipping of a port authority educational and cultural facility in the county and, to the extent provided for in the cooperative agreement authorized by that section, for the purpose of paying debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section, a board of county commissioners, by resolution adopted within ninety days after December 22, 1992, by a majority of the members of the board, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by this division shall be in addition to any tax that is levied pursuant to divisions (A), (B), and (C) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code. The board of county commissioners shall establish all regulations necessary to provide for the administration and allocation of the tax that are not inconsistent with this section or section 307.671 of the Revised Code. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. All revenues arising from the tax shall be expended in accordance with section 307.671 of the Revised Code and division (D) of this section. The levy of a tax imposed under this division may not

commence prior to the first day of the month next following the 105030
execution of the cooperative agreement authorized by section 105031
307.671 of the Revised Code by all parties to that agreement. The 105032
tax shall remain in effect at the rate at which it is imposed for 105033
the period of time described in division (C) of section 307.671 of 105034
the Revised Code for which the revenue from the tax has been 105035
pledged by the county to the corporation pursuant to that section, 105036
but, to any extent provided for in the cooperative agreement, for 105037
no lesser period than the period of time required for payment of 105038
the debt service charges on bonds, or notes in anticipation of 105039
bonds, described in division (B)(1)(b) of that section. 105040

(E) For the purpose of paying the costs of acquiring, 105041
constructing, equipping, and improving a municipal educational and 105042
cultural facility, including debt service charges on bonds 105043
provided for in division (B) of section 307.672 of the Revised 105044
Code, and for any additional purposes determined by the county in 105045
the resolution levying the tax or amendments to the resolution, 105046
including subsequent amendments providing for paying costs of 105047
acquiring, constructing, renovating, rehabilitating, equipping, 105048
and improving a port authority educational and cultural performing 105049
arts facility, as defined in section 307.674 of the Revised Code, 105050
and including debt service charges on bonds provided for in 105051
division (B) of section 307.674 of the Revised Code, the 105052
legislative authority of a county, by resolution adopted within 105053
ninety days after June 30, 1993, by a majority of the members of 105054
the legislative authority, may levy an additional excise tax not 105055
to exceed one and one-half per cent on transactions by which 105056
lodging by a hotel is or is to be furnished to transient guests. 105057
The excise tax authorized by this division shall be in addition to 105058
any tax that is levied pursuant to divisions (A), (B), (C), and 105059
(D) of this section, to any excise tax levied pursuant to section 105060
5739.08 of the Revised Code, and to any excise tax levied pursuant 105061
to section 351.021 of the Revised Code. The legislative authority 105062

of the county shall establish all regulations necessary to provide 105063
for the administration and allocation of the tax. The regulations 105064
may prescribe the time for payment of the tax, and may provide for 105065
the imposition of a penalty or interest, or both, for late 105066
payments, provided that the penalty does not exceed ten per cent 105067
of the amount of tax due, and the rate at which interest accrues 105068
does not exceed the rate per annum prescribed pursuant to section 105069
5703.47 of the Revised Code. All revenues arising from the tax 105070
shall be expended in accordance with section 307.672 of the 105071
Revised Code and this division. The levy of a tax imposed under 105072
this division shall not commence prior to the first day of the 105073
month next following the execution of the cooperative agreement 105074
authorized by section 307.672 of the Revised Code by all parties 105075
to that agreement. The tax shall remain in effect at the rate at 105076
which it is imposed for the period of time determined by the 105077
legislative authority of the county. That period of time shall not 105078
exceed fifteen years, except that the legislative authority of a 105079
county with a population of less than two hundred fifty thousand 105080
according to the most recent federal decennial census, by 105081
resolution adopted by a majority of its members before the 105082
original tax expires, may extend the duration of the tax for an 105083
additional period of time. The additional period of time by which 105084
a legislative authority extends a tax levied under this division 105085
shall not exceed fifteen years. 105086

(F) The legislative authority of a county that has levied a 105087
tax under division (E) of this section may, by resolution adopted 105088
within one hundred eighty days after January 4, 2001, by a 105089
majority of the members of the legislative authority, amend the 105090
resolution levying a tax under that division to provide for the 105091
use of the proceeds of that tax, to the extent that it is no 105092
longer needed for its original purpose as determined by the 105093
parties to a cooperative agreement amendment pursuant to division 105094
(D) of section 307.672 of the Revised Code, to pay costs of 105095

acquiring, constructing, renovating, rehabilitating, equipping, 105096
and improving a port authority educational and cultural performing 105097
arts facility, including debt service charges on bonds provided 105098
for in division (B) of section 307.674 of the Revised Code, and to 105099
pay all obligations under any guaranty agreements, reimbursement 105100
agreements, or other credit enhancement agreements described in 105101
division (C) of section 307.674 of the Revised Code. The 105102
resolution may also provide for the extension of the tax at the 105103
same rate for the longer of the period of time determined by the 105104
legislative authority of the county, but not to exceed an 105105
additional twenty-five years, or the period of time required to 105106
pay all debt service charges on bonds provided for in division (B) 105107
of section 307.672 of the Revised Code and on port authority 105108
revenue bonds provided for in division (B) of section 307.674 of 105109
the Revised Code. All revenues arising from the amendment and 105110
extension of the tax shall be expended in accordance with section 105111
307.674 of the Revised Code, this division, and division (E) of 105112
this section. 105113

(G) For purposes of a tax levied by a county, township, or 105114
municipal corporation under this section or section 5739.08 of the 105115
Revised Code, a board of county commissioners, board of township 105116
trustees, or the legislative authority of a municipal corporation 105117
may adopt a resolution or ordinance at any time specifying that 105118
"hotel," as otherwise defined in section 5739.01 of the Revised 105119
Code, includes ~~establishments~~ the following: 105120

(1) Establishments in which fewer than five rooms are used 105121
for the accommodation of guests. ~~The~~ 105122

(2) Establishments at which rooms are used for the 105123
accommodation of guests regardless of whether each room is 105124
accessible through its own keyed entry or several rooms are 105125
accessible through the same keyed entry; and, in determining the 105126
number of rooms, all rooms are included regardless of the number 105127

of structures in which the rooms are situated or the number of 105128
parcels of land on which the structures are located if the 105129
structures are under the same ownership and the structures are not 105130
identified in advertisements of the accommodations as distinct 105131
establishments. For the purposes of division (G)(2) of this 105132
section, two or more structures are under the same ownership if 105133
they are owned by the same person, or if they are owned by two or 105134
more persons the majority of the ownership interests of which are 105135
owned by the same person. 105136

The resolution or ordinance may apply to a tax imposed 105137
pursuant to this section prior to the adoption of the resolution 105138
or ordinance if the resolution or ordinance so states, but the tax 105139
shall not apply to transactions by which lodging by such an 105140
establishment is provided to transient guests prior to the 105141
adoption of the resolution or ordinance. 105142

(H)(1) As used in this division: 105143

(a) "Convention facilities authority" has the same meaning as 105144
in section 351.01 of the Revised Code. 105145

(b) "Convention center" has the same meaning as in section 105146
307.695 of the Revised Code. 105147

(2) Notwithstanding any contrary provision of division (D) of 105148
this section, the legislative authority of a county with a 105149
population of one million or more according to the most recent 105150
federal decennial census that has levied a tax under division (D) 105151
of this section may, by resolution adopted by a majority of the 105152
members of the legislative authority, provide for the extension of 105153
such levy and may provide that the proceeds of that tax, to the 105154
extent that they are no longer needed for their original purpose 105155
as defined by a cooperative agreement entered into under section 105156
307.671 of the Revised Code, shall be deposited into the county 105157
general revenue fund. The resolution shall provide for the 105158

extension of the tax at a rate not to exceed the rate specified in 105159
division (D) of this section for a period of time determined by 105160
the legislative authority of the county, but not to exceed an 105161
additional forty years. 105162

(3) The legislative authority of a county with a population 105163
of one million or more that has levied a tax under division (A)(1) 105164
of this section may, by resolution adopted by a majority of the 105165
members of the legislative authority, increase the rate of the tax 105166
levied by such county under division (A)(1) of this section to a 105167
rate not to exceed five per cent on transactions by which lodging 105168
by a hotel is or is to be furnished to transient guests. 105169
Notwithstanding any contrary provision of division (A)(1) of this 105170
section, the resolution may provide that all collections resulting 105171
from the rate levied in excess of three per cent, after deducting 105172
the real and actual costs of administering the tax, shall be 105173
deposited in the county general fund. 105174

(4) The legislative authority of a county with a population 105175
of one million or more that has levied a tax under division (A)(1) 105176
of this section may, by resolution adopted on or before August 30, 105177
2004, by a majority of the members of the legislative authority, 105178
provide that all or a portion of the proceeds of the tax levied 105179
under division (A)(1) of this section, after deducting the real 105180
and actual costs of administering the tax and the amounts required 105181
to be returned to townships and municipal corporations with 105182
respect to the first three per cent levied under division (A)(1) 105183
of this section, shall be deposited in the county general fund, 105184
provided that such proceeds shall be used to satisfy any pledges 105185
made in connection with an agreement entered into under section 105186
307.695 of the Revised Code. 105187

(5) No amount collected from a tax levied, extended, or 105188
required to be deposited in the county general fund under division 105189
(H) of this section shall be contributed to a convention 105190

facilities authority, corporation, or other entity created after 105191
July 1, 2003, for the principal purpose of constructing, 105192
improving, expanding, equipping, financing, or operating a 105193
convention center unless the mayor of the municipal corporation in 105194
which the convention center is to be operated by that convention 105195
facilities authority, corporation, or other entity has consented 105196
to the creation of that convention facilities authority, 105197
corporation, or entity. Notwithstanding any contrary provision of 105198
section 351.04 of the Revised Code, if a tax is levied by a county 105199
under division (H) of this section, the board of county 105200
commissioners of that county may determine the manner of 105201
selection, the qualifications, the number, and terms of office of 105202
the members of the board of directors of any convention facilities 105203
authority, corporation, or other entity described in division 105204
(H)(5) of this section. 105205

(6)(a) No amount collected from a tax levied, extended, or 105206
required to be deposited in the county general fund under division 105207
(H) of this section may be used for any purpose other than paying 105208
the direct and indirect costs of constructing, improving, 105209
expanding, equipping, financing, or operating a convention center 105210
and for the real and actual costs of administering the tax, 105211
unless, prior to the adoption of the resolution of the legislative 105212
authority of the county authorizing the levy, extension, increase, 105213
or deposit, the county and the mayor of the most populous 105214
municipal corporation in that county have entered into an 105215
agreement as to the use of such amounts, provided that such 105216
agreement has been approved by a majority of the mayors of the 105217
other municipal corporations in that county. The agreement shall 105218
provide that the amounts to be used for purposes other than paying 105219
the convention center or administrative costs described in 105220
division (H)(6)(a) of this section be used only for the direct and 105221
indirect costs of capital improvements, including the financing of 105222
capital improvements. 105223

(b) If the county in which the tax is levied has an association of mayors and city managers, the approval of that association of an agreement described in division (H)(6)(a) of this section shall be considered to be the approval of the majority of the mayors of the other municipal corporations for purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

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

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original

purpose as defined by a cooperative agreement entered into under 105255
section 307.671 of the Revised Code and after deducting the real 105256
and actual costs of administering the tax, shall be used for 105257
paying the direct and indirect costs of constructing, improving, 105258
expanding, equipping, financing, or operating a convention center. 105259
The resolution shall provide for the extension of the tax at a 105260
rate not to exceed the rate specified in division (D) of this 105261
section for a period of time determined by the legislative 105262
authority of the county, but not to exceed an additional forty 105263
years. 105264

(3) The legislative authority of a county with a population 105265
of one million two hundred thousand or more that has levied a tax 105266
under division (A)(1) of this section may, by resolution adopted 105267
by a majority of the members of the legislative authority, 105268
increase the rate of the tax levied by such county under division 105269
(A)(1) of this section to a rate not to exceed five per cent on 105270
transactions by which lodging by a hotel is or is to be furnished 105271
to transient guests. Notwithstanding any contrary provision of 105272
division (A)(1) of this section, the resolution shall provide that 105273
all collections resulting from the rate levied in excess of three 105274
per cent, after deducting the real and actual costs of 105275
administering the tax, shall be used for paying the direct and 105276
indirect costs of constructing, improving, expanding, equipping, 105277
financing, or operating a convention center. 105278

(4) The legislative authority of a county with a population 105279
of one million two hundred thousand or more that has levied a tax 105280
under division (A)(1) of this section may, by resolution adopted 105281
on or before July 1, 2008, by a majority of the members of the 105282
legislative authority, provide that all or a portion of the 105283
proceeds of the tax levied under division (A)(1) of this section, 105284
after deducting the real and actual costs of administering the tax 105285
and the amounts required to be returned to townships and municipal 105286

corporations with respect to the first three per cent levied under 105287
division (A)(1) of this section, shall be used to satisfy any 105288
pledges made in connection with an agreement entered into under 105289
section 307.695 of the Revised Code or shall otherwise be used for 105290
paying the direct and indirect costs of constructing, improving, 105291
expanding, equipping, financing, or operating a convention center. 105292

(5) Any amount collected from a tax levied or extended under 105293
division (I) of this section may be contributed to a convention 105294
facilities authority created before July 1, 2005, but no amount 105295
collected from a tax levied or extended under division (I) of this 105296
section may be contributed to a convention facilities authority, 105297
corporation, or other entity created after July 1, 2005, unless 105298
the mayor of the municipal corporation in which the convention 105299
center is to be operated by that convention facilities authority, 105300
corporation, or other entity has consented to the creation of that 105301
convention facilities authority, corporation, or entity. 105302

Sec. 5739.131. Any nonresident of this state who accepts the 105303
privilege extended by the laws of this state to nonresidents of 105304
engaging in the business of selling in this state, as defined in 105305
section 5741.01 of the Revised Code, and any resident of this 105306
state who is required by sections 5739.17 and 5739.31 of the 105307
Revised Code to have a vendor's license and subsequently becomes a 105308
nonresident or conceals his the person's whereabouts, makes the 105309
secretary of state his the person's agent for the service of 105310
process or notice in any assessment, action, or proceedings 105311
instituted in this state against such person under sections 105312
5739.01 to 5739.31 and 5741.01 to 5741.22 of the Revised Code. 105313

Such process or notice shall be served, ~~by the officer to~~ 105314
~~whom the same is directed or by the tax commissioner, or by the~~ 105315
~~sheriff of Franklin county, who may be deputized for such purpose~~ 105316
~~by the officer to whom the service is directed, upon the secretary~~ 105317

~~of state by leaving at the office of the secretary of state, at 105318
least fifteen days before the return day of such process or 105319
notice, a true and attested copy thereof, and by sending to the 105320
defendant by certified mail, postage prepaid, a like and true 105321
attested copy, with an endorsement thereon of the service upon the 105322
secretary of state, addressed to such defendant at his last known 105323
address as provided under section 5703.37 of the Revised Code. 105324~~

Sec. 5743.15. (A) ~~No~~ Except as otherwise provided in this 105325
division, no person shall engage in this state in the wholesale or 105326
retail business of trafficking in cigarettes or in the business of 105327
a manufacturer or importer of cigarettes without having a license 105328
to conduct each such activity issued by a county auditor under 105329
division (B) of this section or the tax commissioner under 105330
division (E) divisions (C) and (F) of this section, ~~except that 105331
en.~~ On dissolution of a partnership by death, the surviving 105332
partner may operate under the license of the partnership until 105333
expiration of the license, and the heirs or legal representatives 105334
of deceased persons, and receivers and trustees in bankruptcy 105335
appointed by any competent authority, may operate under the 105336
license of the person succeeded in possession by such heir, 105337
representative, receiver, or trustee in bankruptcy if the partner 105338
or successor notifies the auditor or commissioner of the 105339
dissolution or succession within thirty days after the dissolution 105340
or succession. 105341

(B) (1) Each applicant for a license to engage in the 105342
~~wholesale or~~ retail business of trafficking in cigarettes under 105343
this section, annually, on or before the fourth Monday of May, 105344
shall make and deliver to the county auditor of the county in 105345
which the applicant desires to engage in the ~~wholesale or~~ retail 105346
business of trafficking in cigarettes, upon a blank form furnished 105347
by such auditor for that purpose, a statement showing the name of 105348
the applicant, each physical place in the county where the 105349

applicant's business is conducted, the nature of the business, and
any other information the tax commissioner requires in the form of
statement prescribed by the commissioner. If the applicant is a
firm, partnership, or association other than a corporation, the
application shall state the name and address of each of its
members. If the applicant is a corporation, the application shall
state the name and address of each of its officers. At the time of
making the application required by this section, every person
~~desiring to engage in the wholesale business of trafficking in~~
~~cigarettes shall pay into the county treasury a license tax in the~~
~~sum of two hundred dollars, or if~~ desiring to engage in the retail
business of trafficking in cigarettes, a license tax shall pay an
application fee in the sum of ~~thirty~~ one hundred twenty-five
dollars for each ~~of the first five places~~ physical place where the
person proposes to carry on such business ~~and twenty five dollars~~
~~for each additional place~~. Each place of business shall be deemed
such space, under lease or license to, or under the control of, or
under the supervision of the applicant, as is contained in one or
more contiguous, adjacent, or adjoining buildings constituting an
industrial plant or a place of business operated by, or under the
control of, one person, or under one roof and connected by doors,
halls, stairways, or elevators, which space may contain any number
of points at which cigarettes are offered for sale, provided that
each additional point at which cigarettes are offered for sale
shall be listed in the application.

(2) Upon receipt of the application and exhibition of the
county treasurer's receipt showing the payment of the ~~tax~~
application fee, the county auditor shall issue to the applicant a
license for each place of business designated in the application,
authorizing the applicant to engage in such business at such place
for one year commencing on the fourth Monday of May. ~~Companies~~
~~operating club or dining cars or other cars upon which cigarettes~~

~~are sold shall obtain licenses at railroad terminals within the~~ 105383
~~state, under such rules as are prescribed by the commissioner. The~~ 105384
form of the license shall be prescribed by the commissioner. A 105385
duplicate license may be obtained from the county auditor upon 105386
payment of a ~~fifty-cent~~ five-dollar fee if the original license is 105387
lost, destroyed, or defaced. When an application is filed after 105388
the fourth Monday of May, the ~~license tax~~ application fee required 105389
to be paid shall be proportioned in amount to the remainder of the 105390
license year, except that it shall not be less than ~~one-fifth of~~ 105391
~~the whole amount~~ twenty-five dollars in any one year. 105392
105393

(3) The holder of a ~~wholesale or~~ retail dealer's cigarette 105394
license may transfer the license to a place of business within the 105395
same county other than that designated on the license ~~or may~~ 105396
~~assign the license to another person for use in the same county on~~ 105397
condition that the licensee or assignee, whichever is applicable, 105398
~~make application~~ licensee's ownership interest and business 105399
structure remain unchanged, and that the license applies to the 105400
county auditor therefor, upon forms approved by the commissioner 105401
and the payment of a fee of ~~one-dollar~~ five dollars into the 105402
county treasury. 105403

(C)(1) Each applicant for a license to engage in the 105404
wholesale business of trafficking in cigarettes under this 105405
section, annually, on or before the fourth Monday in May, shall 105406
make and deliver to the tax commissioner, upon a blank form 105407
furnished by the commissioner for that purpose, a statement 105408
showing the name of the applicant, physical street address where 105409
the applicant's business is conducted, the nature of the business, 105410
and any other information required by the commissioner. If the 105411
applicant is a firm, partnership, or association other than a 105412
corporation, the applicant shall state the name and address of 105413
each of its members. If the applicant is a corporation, the 105414

applicant shall state the name and address of each of its 105415
officers. At the time of making the application required by this 105416
section, every person desiring to engage in the wholesale business 105417
of trafficking in cigarettes shall pay an application fee of one 105418
thousand dollars for each physical place where the person proposes 105419
to carry on such business. Each place of business shall be deemed 105420
such space, under lease or license to, or under the control of, or 105421
under the supervision of the applicant, as is contained in one or 105422
more contiguous, adjacent, or adjoining buildings constituting an 105423
industrial plant or a place of business operated by, or under the 105424
control of, one person, or under one roof and connected by doors, 105425
halls, stairways, or elevators. A duplicate license may be 105426
obtained from the commissioner upon payment of a 105427
twenty-five-dollar fee if the original license is lost, destroyed, 105428
or defaced. 105429

(2) Upon receipt of the application and payment of any 105430
application fee required by this section, the commissioner shall 105431
verify that the applicant is in good standing under Chapter 1346, 105432
and Title LVII of the Revised Code. Upon approval, the 105433
commissioner shall issue to the applicant a license for each 105434
physical place of business designated in the application 105435
authorizing the applicant to engage in business at that location 105436
for one year commencing on the fourth Monday in May. For licenses 105437
issued after the fourth Monday in May, the application fee shall 105438
be reduced proportionately by the remainder of the twelve-month 105439
period for which the license is issued, except that the 105440
application fee required to be paid under this section shall be 105441
not less than two hundred dollars in any one year. 105442

(3) The holder of a wholesale dealer cigarette license may 105443
transfer the license to a place of business other than that 105444
designated on the license on condition that the licensee's 105445
ownership or business structure remains unchanged, and that the 105446

licensee applies to the commissioner for such a transfer upon a 105447
form promulgated by the commissioner and pays a fee of twenty-five 105448
dollars, which shall be deposited into the cigarette tax 105449
enforcement fund created in division (E) of this section. 105450

(D)(1) The wholesale cigarette license tax revenue 105451
application fees collected under this section shall be distributed 105452
as follows: 105453

(a) Thirty seven and one half per cent shall be paid upon the 105454
warrant of the county auditor into the treasury of the municipal 105455
corporation or township in which the place of business for which 105456
the tax revenue was received is located; 105457

(b) Fifteen per cent shall be credited to the general fund of 105458
the county; 105459

(c) Forty seven and one half per cent shall be paid into the 105460
cigarette tax enforcement fund created by division (C) of this 105461
section. 105462

(2) The revenue retail cigarette license application fees 105463
collected from the thirty dollar tax imposed upon the first five 105464
places of business of a person engaged in the retail business of 105465
trafficking in cigarettes under this section shall be distributed 105466
as follows: 105467

(a) ~~Sixty two and one half~~ Thirty per cent shall be paid upon 105468
the warrant of the county auditor into the treasury of the 105469
municipal corporation or township in which the places of business 105470
for which the tax revenue was received are located; 105471

(b) ~~Twenty two and one half~~ Ten per cent shall be credited to 105472
the general fund of the county; 105473

(c) ~~Fifteen~~ Sixty per cent shall be paid into the cigarette 105474
tax enforcement fund created by division (C) of this section. 105475

(3) The remainder of the revenues and fines collected under 105476

this section and the penal laws relating to cigarettes shall be 105477
distributed as follows: 105478

(a) Three-fourths shall be paid upon the warrant of the 105479
county auditor into the treasury of the municipal corporation or 105480
township in which the place of business, on account of which the 105481
revenues and fines were received, is located; 105482

(b) One-fourth shall be credited to the general fund of the 105483
county. 105484

~~(D)~~(E) There is hereby created within the state treasury the 105485
cigarette tax enforcement fund for the purpose of providing funds 105486
to assist in paying the costs of enforcing sections 1333.11 to 105487
1333.21 and Chapter 5743. of the Revised Code. 105488

The portion of cigarette license ~~tax revenues~~ application 105489
fees received by a county auditor during the annual application 105490
period that ends ~~before~~ on the fourth Monday in May ~~which and that~~ 105491
is required to be deposited in the cigarette tax enforcement fund 105492
shall be sent to the treasurer of state by the thirtieth day of 105493
June each year accompanied by the form prescribed by the tax 105494
commissioner. The portion of cigarette license ~~tax money~~ 105495
application fees received by each county auditor after the fourth 105496
Monday in May ~~which and that~~ is required to be deposited in the 105497
cigarette tax enforcement fund shall be sent to the treasurer of 105498
state by the ~~thirty first day of December~~ last day of the month 105499
following the month in which such fees were collected. 105500

~~(E)~~(F)(1) Every person who desires to engage in the business 105501
of a manufacturer or importer of cigarettes shall, annually, on or 105502
before the fourth Monday of May, make and deliver to the tax 105503
commissioner, upon a blank form furnished by the commissioner for 105504
that purpose, a statement showing the name of the applicant, the 105505
nature of the applicant's business, and any other information 105506
required by the commissioner. If the applicant is a firm, 105507

partnership, or association other than a corporation, the 105508
applicant shall state the name and address of each of its members. 105509
If the applicant is a corporation, the applicant shall state the 105510
name and address of each of its officers. 105511

(2) Upon receipt of the application and payment of the fee 105512
required under this section, the commissioner shall verify that 105513
the applicant is in good standing under Chapter 1346. and Title 105514
LVII of the Revised Code. Upon approval, the commissioner shall 105515
issue to the applicant a license authorizing the applicant to 105516
engage in the business of manufacturer or importer, whichever the 105517
case may be, for one year commencing on the fourth Monday of May. 105518

~~(2)~~(3) The issuing of a license under division ~~(E)~~(F)(1) of 105519
this section to a manufacturer does not excuse a manufacturer from 105520
the certification process required under section 1346.05 of the 105521
Revised Code. A manufacturer who is issued a license under 105522
division ~~(E)~~(F)(1) of this section and who is not listed on the 105523
directory required under section 1346.05 of the Revised Code shall 105524
not be permitted to sell cigarettes in this state other than to a 105525
licensed cigarette wholesaler for sale outside this state. Such a 105526
manufacturer shall provide documentation to the commissioner 105527
evidencing that the cigarettes are legal for sale in another 105528
state. 105529

~~(3)~~(G) The tax commissioner may adopt rules necessary to 105530
administer ~~division (E)~~ of this section. 105531

Sec. 5743.61. (A) ~~No~~ Except as otherwise provided in this 105532
division, no distributor shall engage in the business of 105533
distributing tobacco products within this state without having a 105534
license issued by the department of taxation to engage in that 105535
business, ~~except that on~~. On the dissolution of a partnership by 105536
death, the surviving partner may operate under the license of the 105537
partnership until the expiration of the license, and the heirs or 105538

legal representatives of deceased persons, and receivers and 105539
trustees in bankruptcy appointed by any competent authority, may 105540
operate under the license of the person succeeded in possession by 105541
the heir, representative, receiver, or trustee in bankruptcy if 105542
the partner or successor notifies the department of taxation of 105543
the dissolution or succession within thirty days after the 105544
dissolution or succession. 105545

(B)(1) Each applicant for a license to engage in the business 105546
of distributing tobacco products, annually, on or before the first 105547
day of February, shall make and deliver to the tax commissioner, 105548
upon a form furnished by the commissioner for that purpose, a 105549
statement showing the name of the applicant, each physical place 105550
from which the applicant distributes to distributors, retail 105551
dealers, or wholesale dealers, and any other information the 105552
commissioner considers necessary for the administration of 105553
sections 5743.51 to 5743.66 of the Revised Code. 105554

(2) At the time of making the license application, the 105555
applicant shall pay a ~~license~~ an application fee of one ~~hundred~~ 105556
thousand dollars for each place listed ~~in~~ on the application where 105557
~~he~~ the applicant proposes to carry on that business. The fee 105558
charged for the ~~license~~ application shall accompany the 105559
application and shall be made payable to the treasurer of state 105560
for deposit into the cigarette tax enforcement fund. 105561

(3) Upon receipt of the application and payment of any 105562
licensing fee required by this section, the commissioner shall 105563
issue to the applicant a license for each place of distribution 105564
designated in the application authorizing the applicant to engage 105565
in business at that location for one year commencing on the first 105566
day of February. For licenses issued after the first day of 105567
February, the license application fee shall be reduced 105568
proportionately by the remainder of the twelve-month period for 105569
which the license is issued, except that the application fee 105570

required to be paid under this section shall be not less than two 105571
hundred dollars. If the original license is lost, destroyed, or 105572
defaced, a duplicate license may be obtained from the commissioner 105573
upon payment of a license replacement fee of twenty-five dollars. 105574

105575

(C) The holder of a tobacco products license may transfer the 105576
license to a place of business ~~or may assign the license to~~ 105577
~~another person for use,~~ on condition that the licensee's ownership 105578
and business structure remains unchanged and the licensee ~~or~~ 105579
~~assignee~~ applies to the commissioner for the transfer, ~~upon forms~~ 105580
on a form issued by the commissioner, and pays a transfer fee of 105581
twenty-five dollars. 105582

(D) If a distributor fails to file ~~the returns~~ forms as 105583
required under Chapter 1346. ~~or~~ section 5743.52 of the Revised 105584
Code, ~~or pay the tax due thereon,~~ on for two consecutive ~~months~~ 105585
periods or three ~~months~~ periods during any twelve-month period, 105586
the commissioner may suspend the license issued to the distributor 105587
under this section. The suspension is effective ten days after the 105588
commissioner notifies the distributor of the suspension in writing 105589
personally or by certified mail. The commissioner shall lift the 105590
suspension when the distributor files the delinquent ~~returns~~ forms 105591
and pays the tax due, including any penalties, interest, and 105592
additional charges. The commissioner may refuse to issue the 105593
annual renewal of the license required by this section and may 105594
refuse to issue a new license for the same location until all 105595
delinquent ~~returns~~ forms are filed and outstanding taxes are paid. 105596
This division does not apply to any unpaid or underpaid tax 105597
liability that is the subject of a ~~petition~~ petition or appeal 105598
filed pursuant to section 5743.56, 5717.02, or 5717.04 of the 105599
Revised Code. 105600

Sec. 5747.01. Except as otherwise expressly provided or 105601

clearly appearing from the context, any term used in this chapter 105602
that is not otherwise defined in this section has the same meaning 105603
as when used in a comparable context in the laws of the United 105604
States relating to federal income taxes or if not used in a 105605
comparable context in those laws, has the same meaning as in 105606
section 5733.40 of the Revised Code. Any reference in this chapter 105607
to the Internal Revenue Code includes other laws of the United 105608
States relating to federal income taxes. 105609

As used in this chapter: 105610

(A) "Adjusted gross income" or "Ohio adjusted gross income" 105611
means federal adjusted gross income, as defined and used in the 105612
Internal Revenue Code, adjusted as provided in this section: 105613

(1) Add interest or dividends on obligations or securities of 105614
any state or of any political subdivision or authority of any 105615
state, other than this state and its subdivisions and authorities. 105616

(2) Add interest or dividends on obligations of any 105617
authority, commission, instrumentality, territory, or possession 105618
of the United States to the extent that the interest or dividends 105619
are exempt from federal income taxes but not from state income 105620
taxes. 105621

(3) Deduct interest or dividends on obligations of the United 105622
States and its territories and possessions or of any authority, 105623
commission, or instrumentality of the United States to the extent 105624
that the interest or dividends are included in federal adjusted 105625
gross income but exempt from state income taxes under the laws of 105626
the United States. 105627

(4) Deduct disability and survivor's benefits to the extent 105628
included in federal adjusted gross income. 105629

(5) Deduct benefits under Title II of the Social Security Act 105630
and tier 1 railroad retirement benefits to the extent included in 105631
federal adjusted gross income under section 86 of the Internal 105632

Revenue Code. 105633

(6) In the case of a taxpayer who is a beneficiary of a trust 105634
that makes an accumulation distribution as defined in section 665 105635
of the Internal Revenue Code, add, for the beneficiary's taxable 105636
years beginning before 2002, the portion, if any, of such 105637
distribution that does not exceed the undistributed net income of 105638
the trust for the three taxable years preceding the taxable year 105639
in which the distribution is made to the extent that the portion 105640
was not included in the trust's taxable income for any of the 105641
trust's taxable years beginning in 2002 or thereafter. 105642
"Undistributed net income of a trust" means the taxable income of 105643
the trust increased by (a)(i) the additions to adjusted gross 105644
income required under division (A) of this section and (ii) the 105645
personal exemptions allowed to the trust pursuant to section 105646
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 105647
deductions to adjusted gross income required under division (A) of 105648
this section, (ii) the amount of federal income taxes attributable 105649
to such income, and (iii) the amount of taxable income that has 105650
been included in the adjusted gross income of a beneficiary by 105651
reason of a prior accumulation distribution. Any undistributed net 105652
income included in the adjusted gross income of a beneficiary 105653
shall reduce the undistributed net income of the trust commencing 105654
with the earliest years of the accumulation period. 105655

(7) Deduct the amount of wages and salaries, if any, not 105656
otherwise allowable as a deduction but that would have been 105657
allowable as a deduction in computing federal adjusted gross 105658
income for the taxable year, had the targeted jobs credit allowed 105659
and determined under sections 38, 51, and 52 of the Internal 105660
Revenue Code not been in effect. 105661

(8) Deduct any interest or interest equivalent on public 105662
obligations and purchase obligations to the extent that the 105663
interest or interest equivalent is included in federal adjusted 105664

gross income. 105665

(9) Add any loss or deduct any gain resulting from the sale, 105666
exchange, or other disposition of public obligations to the extent 105667
that the loss has been deducted or the gain has been included in 105668
computing federal adjusted gross income. 105669

(10) Deduct or add amounts, as provided under section 5747.70 105670
of the Revised Code, related to contributions to variable college 105671
savings program accounts made or tuition units purchased pursuant 105672
to Chapter 3334. of the Revised Code. 105673

(11)(a) Deduct, to the extent not otherwise allowable as a 105674
deduction or exclusion in computing federal or Ohio adjusted gross 105675
income for the taxable year, the amount the taxpayer paid during 105676
the taxable year for medical care insurance and qualified 105677
long-term care insurance for the taxpayer, the taxpayer's spouse, 105678
and dependents. No deduction for medical care insurance under 105679
division (A)(11) of this section shall be allowed either to any 105680
taxpayer who is eligible to participate in any subsidized health 105681
plan maintained by any employer of the taxpayer or of the 105682
taxpayer's spouse, or to any taxpayer who is entitled to, or on 105683
application would be entitled to, benefits under part A of Title 105684
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 105685
301, as amended. For the purposes of division (A)(11)(a) of this 105686
section, "subsidized health plan" means a health plan for which 105687
the employer pays any portion of the plan's cost. The deduction 105688
allowed under division (A)(11)(a) of this section shall be the net 105689
of any related premium refunds, related premium reimbursements, or 105690
related insurance premium dividends received during the taxable 105691
year. 105692

(b) Deduct, to the extent not otherwise deducted or excluded 105693
in computing federal or Ohio adjusted gross income during the 105694
taxable year, the amount the taxpayer paid during the taxable 105695
year, not compensated for by any insurance or otherwise, for 105696

medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income, any amount included in federal adjusted gross income under section 105 or not excluded under section 106 of the Internal Revenue Code solely because it relates to an accident and health plan for a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

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

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

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year. 105729
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(13) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements: 105734
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(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year; 105738
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(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year. 105742
105743

(14) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(14) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income. 105744
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(15)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were used for any purpose other than to reimburse an account holder for, or to pay, eligible medical expenses, in accordance with section 3924.66 of the Revised Code; 105751
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(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 105757
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(16) Add any amount claimed as a credit under section 105760
5747.059 of the Revised Code to the extent that such amount 105761
satisfies either of the following: 105762

(a) The amount was deducted or excluded from the computation 105763
of the taxpayer's federal adjusted gross income as required to be 105764
reported for the taxpayer's taxable year under the Internal 105765
Revenue Code; 105766

(b) The amount resulted in a reduction of the taxpayer's 105767
federal adjusted gross income as required to be reported for any 105768
of the taxpayer's taxable years under the Internal Revenue Code. 105769

(17) Deduct the amount contributed by the taxpayer to an 105770
individual development account program established by a county 105771
department of job and family services pursuant to sections 329.11 105772
to 329.14 of the Revised Code for the purpose of matching funds 105773
deposited by program participants. On request of the tax 105774
commissioner, the taxpayer shall provide any information that, in 105775
the tax commissioner's opinion, is necessary to establish the 105776
amount deducted under division (A)(17) of this section. 105777

(18) Beginning in taxable year 2001 but not for any taxable 105778
year beginning after December 31, 2005, if the taxpayer is married 105779
and files a joint return and the combined federal adjusted gross 105780
income of the taxpayer and the taxpayer's spouse for the taxable 105781
year does not exceed one hundred thousand dollars, or if the 105782
taxpayer is single and has a federal adjusted gross income for the 105783
taxable year not exceeding fifty thousand dollars, deduct amounts 105784
paid during the taxable year for qualified tuition and fees paid 105785
to an eligible institution for the taxpayer, the taxpayer's 105786
spouse, or any dependent of the taxpayer, who is a resident of 105787
this state and is enrolled in or attending a program that 105788
culminates in a degree or diploma at an eligible institution. The 105789
deduction may be claimed only to the extent that qualified tuition 105790
and fees are not otherwise deducted or excluded for any taxable 105791

year from federal or Ohio adjusted gross income. The deduction may 105792
not be claimed for educational expenses for which the taxpayer 105793
claims a credit under section 5747.27 of the Revised Code. 105794

(19) Add any reimbursement received during the taxable year 105795
of any amount the taxpayer deducted under division (A)(18) of this 105796
section in any previous taxable year to the extent the amount is 105797
not otherwise included in Ohio adjusted gross income. 105798

(20)(a)(i) Add five-sixths of the amount of depreciation 105799
expense allowed by subsection (k) of section 168 of the Internal 105800
Revenue Code, including the taxpayer's proportionate or 105801
distributive share of the amount of depreciation expense allowed 105802
by that subsection to a pass-through entity in which the taxpayer 105803
has a direct or indirect ownership interest. 105804

(ii) Add five-sixths of the amount of qualifying section 179 105805
depreciation expense, including a person's proportionate or 105806
distributive share of the amount of qualifying section 179 105807
depreciation expense allowed to any pass-through entity in which 105808
the person has a direct or indirect ownership. For the purposes of 105809
this division, "qualifying section 179 depreciation expense" means 105810
the difference between (I) the amount of depreciation expense 105811
directly or indirectly allowed to the taxpayer under section 179 105812
of the Internal Revenue Code, and (II) the amount of depreciation 105813
expense directly or indirectly allowed to the taxpayer under 105814
section 179 of the Internal Revenue Code as that section existed 105815
on December 31, 2002. 105816

The tax commissioner, under procedures established by the 105817
commissioner, may waive the add-backs related to a pass-through 105818
entity if the taxpayer owns, directly or indirectly, less than 105819
five per cent of the pass-through entity. 105820

(b) Nothing in division (A)(20) of this section shall be 105821
construed to adjust or modify the adjusted basis of any asset. 105822

(c) To the extent the add-back required under division 105823
(A)(20)(a) of this section is attributable to property generating 105824
nonbusiness income or loss allocated under section 5747.20 of the 105825
Revised Code, the add-back shall be sitused to the same location 105826
as the nonbusiness income or loss generated by the property for 105827
the purpose of determining the credit under division (A) of 105828
section 5747.05 of the Revised Code. Otherwise, the add-back shall 105829
be apportioned, subject to one or more of the four alternative 105830
methods of apportionment enumerated in section 5747.21 of the 105831
Revised Code. 105832

(d) For the purposes of division (A) of this section, net 105833
operating loss carryback and carryforward shall not include 105834
five-sixths of the allowance of any net operating loss deduction 105835
carryback or carryforward to the taxable year to the extent such 105836
loss resulted from depreciation allowed by section 168(k) of the 105837
Internal Revenue Code and by the qualifying section 179 105838
depreciation expense amount. 105839

(21)(a) If the taxpayer was required to add an amount under 105840
division (A)(20)(a) of this section for a taxable year, deduct 105841
one-fifth of the amount so added for each of the five succeeding 105842
taxable years. 105843

(b) If the amount deducted under division (A)(21)(a) of this 105844
section is attributable to an add-back allocated under division 105845
(A)(20)(c) of this section, the amount deducted shall be sitused 105846
to the same location. Otherwise, the add-back shall be apportioned 105847
using the apportionment factors for the taxable year in which the 105848
deduction is taken, subject to one or more of the four alternative 105849
methods of apportionment enumerated in section 5747.21 of the 105850
Revised Code. 105851

(c) No deduction is available under division (A)(21)(a) of 105852
this section with regard to any depreciation allowed by section 105853
168(k) of the Internal Revenue Code and by the qualifying section 105854

179 depreciation expense amount to the extent that such 105855
depreciation resulted in or increased a federal net operating loss 105856
carryback or carryforward to a taxable year to which division 105857
(A)(20)(d) of this section does not apply. 105858

(22) Deduct, to the extent not otherwise deducted or excluded 105859
in computing federal or Ohio adjusted gross income for the taxable 105860
year, the amount the taxpayer received during the taxable year as 105861
reimbursement for life insurance premiums under section 5919.31 of 105862
the Revised Code. 105863

(23) Deduct, to the extent not otherwise deducted or excluded 105864
in computing federal or Ohio adjusted gross income for the taxable 105865
year, the amount the taxpayer received during the taxable year as 105866
a death benefit paid by the adjutant general under section 5919.33 105867
of the Revised Code. 105868

(24) Deduct, to the extent included in federal adjusted gross 105869
income and not otherwise allowable as a deduction or exclusion in 105870
computing federal or Ohio adjusted gross income for the taxable 105871
year, military pay and allowances received by the taxpayer during 105872
the taxable year for active duty service in the United States 105873
army, air force, navy, marine corps, or coast guard or reserve 105874
components thereof or the national guard. The deduction may not be 105875
claimed for military pay and allowances received by the taxpayer 105876
while the taxpayer is stationed in this state. 105877

(25) Deduct, to the extent not otherwise allowable as a 105878
deduction or exclusion in computing federal or Ohio adjusted gross 105879
income for the taxable year and not otherwise compensated for by 105880
any other source, the amount of qualified organ donation expenses 105881
incurred by the taxpayer during the taxable year, not to exceed 105882
ten thousand dollars. A taxpayer may deduct qualified organ 105883
donation expenses only once for all taxable years beginning with 105884
taxable years beginning in 2007. 105885

For the purposes of division (A)(25) of this section: 105886

(a) "Human organ" means all or any portion of a human liver, 105887
pancreas, kidney, intestine, or lung, and any portion of human 105888
bone marrow. 105889

(b) "Qualified organ donation expenses" means travel 105890
expenses, lodging expenses, and wages and salary forgone by a 105891
taxpayer in connection with the taxpayer's donation, while living, 105892
of one or more of the taxpayer's human organs to another human 105893
being. 105894

(26) Deduct, to the extent not otherwise deducted or excluded 105895
in computing federal or Ohio adjusted gross income for the taxable 105896
year, amounts received by the taxpayer as retired military 105897
personnel pay for service in the United States army, navy, air 105898
force, coast guard, or marine corps or reserve components thereof, 105899
or the national guard, or received by the surviving spouse or 105900
former spouse of such a taxpayer under the survivor benefit plan 105901
on account of such a taxpayer's death. If the taxpayer receives 105902
income on account of retirement paid under the federal civil 105903
service retirement system or federal employees retirement system, 105904
or under any successor retirement program enacted by the congress 105905
of the United States that is established and maintained for 105906
retired employees of the United States government, and such 105907
retirement income is based, in whole or in part, on credit for the 105908
taxpayer's military service, the deduction allowed under this 105909
division shall include only that portion of such retirement income 105910
that is attributable to the taxpayer's military service, to the 105911
extent that portion of such retirement income is otherwise 105912
included in federal adjusted gross income and is not otherwise 105913
deducted under this section. Any amount deducted under division 105914
(A)(26) of this section is not included in a taxpayer's adjusted 105915
gross income for the purposes of section 5747.055 of the Revised 105916
Code. No amount may be deducted under division (A)(26) of this 105917

section on the basis of which a credit was claimed under section 105918
5747.055 of the Revised Code. 105919

(27) Deduct, to the extent not otherwise deducted or excluded 105920
in computing federal or Ohio adjusted gross income for the taxable 105921
year, the amount the taxpayer received during the taxable year 105922
from the military injury relief fund created in section 5101.98 of 105923
the Revised Code. 105924

(B) "Business income" means income, including gain or loss, 105925
arising from transactions, activities, and sources in the regular 105926
course of a trade or business and includes income, gain, or loss 105927
from real property, tangible property, and intangible property if 105928
the acquisition, rental, management, and disposition of the 105929
property constitute integral parts of the regular course of a 105930
trade or business operation. "Business income" includes income, 105931
including gain or loss, from a partial or complete liquidation of 105932
a business, including, but not limited to, gain or loss from the 105933
sale or other disposition of goodwill. 105934

(C) "Nonbusiness income" means all income other than business 105935
income and may include, but is not limited to, compensation, rents 105936
and royalties from real or tangible personal property, capital 105937
gains, interest, dividends and distributions, patent or copyright 105938
royalties, or lottery winnings, prizes, and awards. 105939

(D) "Compensation" means any form of remuneration paid to an 105940
employee for personal services. 105941

(E) "Fiduciary" means a guardian, trustee, executor, 105942
administrator, receiver, conservator, or any other person acting 105943
in any fiduciary capacity for any individual, trust, or estate. 105944

(F) "Fiscal year" means an accounting period of twelve months 105945
ending on the last day of any month other than December. 105946

(G) "Individual" means any natural person. 105947

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter:

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.

For the purposes of division (I)(3) of this section:

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:

(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;

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

of the trust's current taxable year; 105978

(iii) A person who was domiciled in this state for the 105979
purposes of this chapter when the trust document or instrument or 105980
part of the trust document or instrument became irrevocable, but 105981
only if at least one of the trust's qualifying beneficiaries is a 105982
resident domiciled in this state for the purposes of this chapter 105983
during all or some portion of the trust's current taxable year. If 105984
a trust document or instrument became irrevocable upon the death 105985
of a person who at the time of death was domiciled in this state 105986
for purposes of this chapter, that person is a person described in 105987
division (I)(3)(a)(iii) of this section. 105988

(b) A trust is irrevocable to the extent that the transferor 105989
is not considered to be the owner of the net assets of the trust 105990
under sections 671 to 678 of the Internal Revenue Code. 105991

(c) With respect to a trust other than a charitable lead 105992
trust, "qualifying beneficiary" has the same meaning as "potential 105993
current beneficiary" as defined in section 1361(e)(2) of the 105994
Internal Revenue Code, and with respect to a charitable lead trust 105995
"qualifying beneficiary" is any current, future, or contingent 105996
beneficiary, but with respect to any trust "qualifying 105997
beneficiary" excludes a person or a governmental entity or 105998
instrumentality to any of which a contribution would qualify for 105999
the charitable deduction under section 170 of the Internal Revenue 106000
Code. 106001

(d) For the purposes of division (I)(3)(a) of this section, 106002
the extent to which a trust consists directly or indirectly, in 106003
whole or in part, of assets, net of any related liabilities, that 106004
were transferred directly or indirectly, in whole or part, to the 106005
trust by any of the sources enumerated in that division shall be 106006
ascertained by multiplying the fair market value of the trust's 106007
assets, net of related liabilities, by the qualifying ratio, which 106008
shall be computed as follows: 106009

(i) The first time the trust receives assets, the numerator 106010
of the qualifying ratio is the fair market value of those assets 106011
at that time, net of any related liabilities, from sources 106012
enumerated in division (I)(3)(a) of this section. The denominator 106013
of the qualifying ratio is the fair market value of all the 106014
trust's assets at that time, net of any related liabilities. 106015

(ii) Each subsequent time the trust receives assets, a 106016
revised qualifying ratio shall be computed. The numerator of the 106017
revised qualifying ratio is the sum of (1) the fair market value 106018
of the trust's assets immediately prior to the subsequent 106019
transfer, net of any related liabilities, multiplied by the 106020
qualifying ratio last computed without regard to the subsequent 106021
transfer, and (2) the fair market value of the subsequently 106022
transferred assets at the time transferred, net of any related 106023
liabilities, from sources enumerated in division (I)(3)(a) of this 106024
section. The denominator of the revised qualifying ratio is the 106025
fair market value of all the trust's assets immediately after the 106026
subsequent transfer, net of any related liabilities. 106027

(iii) Whether a transfer to the trust is by or from any of 106028
the sources enumerated in division (I)(3)(a) of this section shall 106029
be ascertained without regard to the domicile of the trust's 106030
beneficiaries. 106031

(e) For the purposes of division (I)(3)(a)(i) of this 106032
section: 106033

(i) A trust is described in division (I)(3)(e)(i) of this 106034
section if the trust is a testamentary trust and the testator of 106035
that testamentary trust was domiciled in this state at the time of 106036
the testator's death for purposes of the taxes levied under 106037
Chapter 5731. of the Revised Code. 106038

(ii) A trust is described in division (I)(3)(e)(ii) of this 106039
section if the transfer is a qualifying transfer described in any 106040

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 106041
irrevocable inter vivos trust, and at least one of the trust's 106042
qualifying beneficiaries is domiciled in this state for purposes 106043
of this chapter during all or some portion of the trust's current 106044
taxable year. 106045

(f) For the purposes of division (I)(3)(e)(ii) of this 106046
section, a "qualifying transfer" is a transfer of assets, net of 106047
any related liabilities, directly or indirectly to a trust, if the 106048
transfer is described in any of the following: 106049

(i) The transfer is made to a trust, created by the decedent 106050
before the decedent's death and while the decedent was domiciled 106051
in this state for the purposes of this chapter, and, prior to the 106052
death of the decedent, the trust became irrevocable while the 106053
decedent was domiciled in this state for the purposes of this 106054
chapter. 106055

(ii) The transfer is made to a trust to which the decedent, 106056
prior to the decedent's death, had directly or indirectly 106057
transferred assets, net of any related liabilities, while the 106058
decedent was domiciled in this state for the purposes of this 106059
chapter, and prior to the death of the decedent the trust became 106060
irrevocable while the decedent was domiciled in this state for the 106061
purposes of this chapter. 106062

(iii) The transfer is made on account of a contractual 106063
relationship existing directly or indirectly between the 106064
transferor and either the decedent or the estate of the decedent 106065
at any time prior to the date of the decedent's death, and the 106066
decedent was domiciled in this state at the time of death for 106067
purposes of the taxes levied under Chapter 5731. of the Revised 106068
Code. 106069

(iv) The transfer is made to a trust on account of a 106070
contractual relationship existing directly or indirectly between 106071

the transferor and another person who at the time of the 106072
decedent's death was domiciled in this state for purposes of this 106073
chapter. 106074

(v) The transfer is made to a trust on account of the will of 106075
a testator. 106076

(vi) The transfer is made to a trust created by or caused to 106077
be created by a court, and the trust was directly or indirectly 106078
created in connection with or as a result of the death of an 106079
individual who, for purposes of the taxes levied under Chapter 106080
5731. of the Revised Code, was domiciled in this state at the time 106081
of the individual's death. 106082

(g) The tax commissioner may adopt rules to ascertain the 106083
part of a trust residing in this state. 106084

(J) "Nonresident" means an individual or estate that is not a 106085
resident. An individual who is a resident for only part of a 106086
taxable year is a nonresident for the remainder of that taxable 106087
year. 106088

(K) "Pass-through entity" has the same meaning as in section 106089
5733.04 of the Revised Code. 106090

(L) "Return" means the notifications and reports required to 106091
be filed pursuant to this chapter for the purpose of reporting the 106092
tax due and includes declarations of estimated tax when so 106093
required. 106094

(M) "Taxable year" means the calendar year or the taxpayer's 106095
fiscal year ending during the calendar year, or fractional part 106096
thereof, upon which the adjusted gross income is calculated 106097
pursuant to this chapter. 106098

(N) "Taxpayer" means any person subject to the tax imposed by 106099
section 5747.02 of the Revised Code or any pass-through entity 106100
that makes the election under division (D) of section 5747.08 of 106101

the Revised Code. 106102

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return. 106103
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(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed. 106108
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106110
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106112

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code: 106113
106114

(1) "Subdivision" means any county, municipal corporation, park district, or township. 106115
106116

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution. 106117
106118
106119
106120

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax. 106121
106122

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows: 106123
106124
106125

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable 106126
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income and is described in either division (S)(1)(a) or (b) of 106132
this section: 106133

(a) The net amount is not attributable to the S portion of an 106134
electing small business trust and has not been distributed to 106135
beneficiaries for the taxable year; 106136

(b) The net amount is attributable to the S portion of an 106137
electing small business trust for the taxable year. 106138

(2) Add interest or dividends, net of ordinary, necessary, 106139
and reasonable expenses not deducted in computing federal taxable 106140
income, on obligations of any authority, commission, 106141
instrumentality, territory, or possession of the United States to 106142
the extent that the interest or dividends are exempt from federal 106143
income taxes but not from state income taxes, but only to the 106144
extent that such net amount is not otherwise includible in Ohio 106145
taxable income and is described in either division (S)(1)(a) or 106146
(b) of this section; 106147

(3) Add the amount of personal exemption allowed to the 106148
estate pursuant to section 642(b) of the Internal Revenue Code; 106149

(4) Deduct interest or dividends, net of related expenses 106150
deducted in computing federal taxable income, on obligations of 106151
the United States and its territories and possessions or of any 106152
authority, commission, or instrumentality of the United States to 106153
the extent that the interest or dividends are exempt from state 106154
taxes under the laws of the United States, but only to the extent 106155
that such amount is included in federal taxable income and is 106156
described in either division (S)(1)(a) or (b) of this section; 106157

(5) Deduct the amount of wages and salaries, if any, not 106158
otherwise allowable as a deduction but that would have been 106159
allowable as a deduction in computing federal taxable income for 106160
the taxable year, had the targeted jobs credit allowed under 106161
sections 38, 51, and 52 of the Internal Revenue Code not been in 106162

effect, but only to the extent such amount relates either to 106163
income included in federal taxable income for the taxable year or 106164
to income of the S portion of an electing small business trust for 106165
the taxable year; 106166

(6) Deduct any interest or interest equivalent, net of 106167
related expenses deducted in computing federal taxable income, on 106168
public obligations and purchase obligations, but only to the 106169
extent that such net amount relates either to income included in 106170
federal taxable income for the taxable year or to income of the S 106171
portion of an electing small business trust for the taxable year; 106172

(7) Add any loss or deduct any gain resulting from sale, 106173
exchange, or other disposition of public obligations to the extent 106174
that such loss has been deducted or such gain has been included in 106175
computing either federal taxable income or income of the S portion 106176
of an electing small business trust for the taxable year; 106177

(8) Except in the case of the final return of an estate, add 106178
any amount deducted by the taxpayer on both its Ohio estate tax 106179
return pursuant to section 5731.14 of the Revised Code, and on its 106180
federal income tax return in determining federal taxable income; 106181

(9)(a) Deduct any amount included in federal taxable income 106182
solely because the amount represents a reimbursement or refund of 106183
expenses that in a previous year the decedent had deducted as an 106184
itemized deduction pursuant to section 63 of the Internal Revenue 106185
Code and applicable treasury regulations. The deduction otherwise 106186
allowed under division (S)(9)(a) of this section shall be reduced 106187
to the extent the reimbursement is attributable to an amount the 106188
taxpayer or decedent deducted under this section in any taxable 106189
year. 106190

(b) Add any amount not otherwise included in Ohio taxable 106191
income for any taxable year to the extent that the amount is 106192
attributable to the recovery during the taxable year of any amount 106193

deducted or excluded in computing federal or Ohio taxable income 106194
in any taxable year, but only to the extent such amount has not 106195
been distributed to beneficiaries for the taxable year. 106196

(10) Deduct any portion of the deduction described in section 106197
1341(a)(2) of the Internal Revenue Code, for repaying previously 106198
reported income received under a claim of right, that meets both 106199
of the following requirements: 106200

(a) It is allowable for repayment of an item that was 106201
included in the taxpayer's taxable income or the decedent's 106202
adjusted gross income for a prior taxable year and did not qualify 106203
for a credit under division (A) or (B) of section 5747.05 of the 106204
Revised Code for that year. 106205

(b) It does not otherwise reduce the taxpayer's taxable 106206
income or the decedent's adjusted gross income for the current or 106207
any other taxable year. 106208

(11) Add any amount claimed as a credit under section 106209
5747.059 of the Revised Code to the extent that the amount 106210
satisfies either of the following: 106211

(a) The amount was deducted or excluded from the computation 106212
of the taxpayer's federal taxable income as required to be 106213
reported for the taxpayer's taxable year under the Internal 106214
Revenue Code; 106215

(b) The amount resulted in a reduction in the taxpayer's 106216
federal taxable income as required to be reported for any of the 106217
taxpayer's taxable years under the Internal Revenue Code. 106218

(12) Deduct any amount, net of related expenses deducted in 106219
computing federal taxable income, that a trust is required to 106220
report as farm income on its federal income tax return, but only 106221
if the assets of the trust include at least ten acres of land 106222
satisfying the definition of "land devoted exclusively to 106223
agricultural use" under section 5713.30 of the Revised Code, 106224

regardless of whether the land is valued for tax purposes as such 106225
land under sections 5713.30 to 5713.38 of the Revised Code. If the 106226
trust is a pass-through entity investor, section 5747.231 of the 106227
Revised Code applies in ascertaining if the trust is eligible to 106228
claim the deduction provided by division (S)(12) of this section 106229
in connection with the pass-through entity's farm income. 106230

Except for farm income attributable to the S portion of an 106231
electing small business trust, the deduction provided by division 106232
(S)(12) of this section is allowed only to the extent that the 106233
trust has not distributed such farm income. Division (S)(12) of 106234
this section applies only to taxable years of a trust beginning in 106235
2002 or thereafter. 106236

(13) Add the net amount of income described in section 641(c) 106237
of the Internal Revenue Code to the extent that amount is not 106238
included in federal taxable income. 106239

(14) Add or deduct the amount the taxpayer would be required 106240
to add or deduct under division (A)(20) or (21) of this section if 106241
the taxpayer's Ohio taxable income were computed in the same 106242
manner as an individual's Ohio adjusted gross income is computed 106243
under this section. In the case of a trust, division (S)(14) of 106244
this section applies only to any of the trust's taxable years 106245
beginning in 2002 or thereafter. 106246

(T) "School district income" and "school district income tax" 106247
have the same meanings as in section 5748.01 of the Revised Code. 106248

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 106249
of this section, "public obligations," "purchase obligations," and 106250
"interest or interest equivalent" have the same meanings as in 106251
section 5709.76 of the Revised Code. 106252

(V) "Limited liability company" means any limited liability 106253
company formed under Chapter 1705. of the Revised Code or under 106254
the laws of any other state. 106255

(W) "Pass-through entity investor" means any person who, 106256
during any portion of a taxable year of a pass-through entity, is 106257
a partner, member, shareholder, or equity investor in that 106258
pass-through entity. 106259

(X) "Banking day" has the same meaning as in section 1304.01 106260
of the Revised Code. 106261

(Y) "Month" means a calendar month. 106262

(Z) "Quarter" means the first three months, the second three 106263
months, the third three months, or the last three months of the 106264
taxpayer's taxable year. 106265

(AA)(1) "Eligible institution" means a state university or 106266
state institution of higher education as defined in section 106267
3345.011 of the Revised Code, or a private, nonprofit college, 106268
university, or other post-secondary institution located in this 106269
state that possesses a certificate of authorization issued by the 106270
Ohio board of regents pursuant to Chapter 1713. of the Revised 106271
Code or a certificate of registration issued by the state board of 106272
career colleges and schools under Chapter 3332. of the Revised 106273
Code. 106274

(2) "Qualified tuition and fees" means tuition and fees 106275
imposed by an eligible institution as a condition of enrollment or 106276
attendance, not exceeding two thousand five hundred dollars in 106277
each of the individual's first two years of post-secondary 106278
education. If the individual is a part-time student, "qualified 106279
tuition and fees" includes tuition and fees paid for the academic 106280
equivalent of the first two years of post-secondary education 106281
during a maximum of five taxable years, not exceeding a total of 106282
five thousand dollars. "Qualified tuition and fees" does not 106283
include: 106284

(a) Expenses for any course or activity involving sports, 106285
games, or hobbies unless the course or activity is part of the 106286

individual's degree or diploma program;	106287
(b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction;	106288 106289 106290
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	106291 106292 106293
(BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	106294 106295 106296
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	106297 106298 106299 106300 106301
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	106302 106303 106304 106305 106306
(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.	106307 106308 106309
Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.	106310 106311 106312
(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the	106313 106314 106315 106316

extent such qualifying investment income is not otherwise part of 106317
modified business income. 106318

(4) "Modified Ohio taxable income" applies only to trusts, 106319
and means the sum of the amounts described in divisions (BB)(4)(a) 106320
to (c) of this section: 106321

(a) The fraction, calculated under section 5747.013, and 106322
applying section 5747.231 of the Revised Code, multiplied by the 106323
sum of the following amounts: 106324

(i) The trust's modified business income; 106325

(ii) The trust's qualifying investment income, as defined in 106326
section 5747.012 of the Revised Code, but only to the extent the 106327
qualifying investment income does not otherwise constitute 106328
modified business income and does not otherwise constitute a 106329
qualifying trust amount. 106330

(b) The qualifying trust amount multiplied by a fraction, the 106331
numerator of which is the sum of the book value of the qualifying 106332
investee's physical assets in this state on the last day of the 106333
qualifying investee's fiscal or calendar year ending immediately 106334
prior to the day on which the trust recognizes the qualifying 106335
trust amount, and the denominator of which is the sum of the book 106336
value of the qualifying investee's total physical assets 106337
everywhere on the last day of the qualifying investee's fiscal or 106338
calendar year ending immediately prior to the day on which the 106339
trust recognizes the qualifying trust amount. If, for a taxable 106340
year, the trust recognizes a qualifying trust amount with respect 106341
to more than one qualifying investee, the amount described in 106342
division (BB)(4)(b) of this section shall equal the sum of the 106343
products so computed for each such qualifying investee. 106344

(c)(i) With respect to a trust or portion of a trust that is 106345
a resident as ascertained in accordance with division (I)(3)(d) of 106346
this section, its modified nonbusiness income. 106347

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

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

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's

fiscal or calendar year ending immediately prior to the date on 106380
which the trust recognizes the gain or loss, then "qualifying 106381
investee" includes all persons in the qualifying controlled group 106382
on such last day. 106383

(ii) If the qualifying investee, or if the qualifying 106384
investee and any members of the qualifying controlled group of 106385
which the qualifying investee is a member on the last day of the 106386
qualifying investee's fiscal or calendar year ending immediately 106387
prior to the date on which the trust recognizes the gain or loss, 106388
separately or cumulatively own, directly or indirectly, on the 106389
last day of the qualifying investee's fiscal or calendar year 106390
ending immediately prior to the date on which the trust recognizes 106391
the qualifying trust amount, more than fifty per cent of the 106392
equity of a pass-through entity, then the qualifying investee and 106393
the other members are deemed to own the proportionate share of the 106394
pass-through entity's physical assets which the pass-through 106395
entity directly or indirectly owns on the last day of the 106396
pass-through entity's calendar or fiscal year ending within or 106397
with the last day of the qualifying investee's fiscal or calendar 106398
year ending immediately prior to the date on which the trust 106399
recognizes the qualifying trust amount. 106400

(iii) For the purposes of division (BB)(5)(a)(iii) of this 106401
section, "upper level pass-through entity" means a pass-through 106402
entity directly or indirectly owning any equity of another 106403
pass-through entity, and "lower level pass-through entity" means 106404
that other pass-through entity. 106405

An upper level pass-through entity, whether or not it is also 106406
a qualifying investee, is deemed to own, on the last day of the 106407
upper level pass-through entity's calendar or fiscal year, the 106408
proportionate share of the lower level pass-through entity's 106409
physical assets that the lower level pass-through entity directly 106410
or indirectly owns on the last day of the lower level pass-through 106411

entity's calendar or fiscal year ending within or with the last 106412
day of the upper level pass-through entity's fiscal or calendar 106413
year. If the upper level pass-through entity directly and 106414
indirectly owns less than fifty per cent of the equity of the 106415
lower level pass-through entity on each day of the upper level 106416
pass-through entity's calendar or fiscal year in which or with 106417
which ends the calendar or fiscal year of the lower level 106418
pass-through entity and if, based upon clear and convincing 106419
evidence, complete information about the location and cost of the 106420
physical assets of the lower pass-through entity is not available 106421
to the upper level pass-through entity, then solely for purposes 106422
of ascertaining if a gain or loss constitutes a qualifying trust 106423
amount, the upper level pass-through entity shall be deemed as 106424
owning no equity of the lower level pass-through entity for each 106425
day during the upper level pass-through entity's calendar or 106426
fiscal year in which or with which ends the lower level 106427
pass-through entity's calendar or fiscal year. Nothing in division 106428
(BB)(5)(a)(iii) of this section shall be construed to provide for 106429
any deduction or exclusion in computing any trust's Ohio taxable 106430
income. 106431

(b) With respect to a trust that is not a resident for the 106432
taxable year and with respect to a part of a trust that is not a 106433
resident for the taxable year, "qualifying investee" for that 106434
taxable year does not include a C corporation if both of the 106435
following apply: 106436

(i) During the taxable year the trust or part of the trust 106437
recognizes a gain or loss from the sale, exchange, or other 106438
disposition of equity or ownership interests in, or debt 106439
obligations of, the C corporation. 106440

(ii) Such gain or loss constitutes nonbusiness income. 106441

(6) "Available" means information is such that a person is 106442
able to learn of the information by the due date plus extensions, 106443

if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.

(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.

(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.

(EE)(1) For the purposes of division (EE) of this section:

(a) "Qualifying person" means any person other than a qualifying corporation.

(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;

(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.

(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.

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

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

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

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

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

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

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

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

Sec. 5747.113. (A) Any taxpayer claiming a refund under section 5747.11 of the Revised Code ~~for taxable years ending on or after October 14, 1983,~~ who wishes to contribute any part of the taxpayer's refund to the natural areas and preserves fund created in section 1517.11 of the Revised Code, the nongame and endangered wildlife fund created in section 1531.26 of the Revised Code, the military injury relief fund created in section 5101.98 of the Revised Code, the Ohio historical society income tax contribution fund created in section 149.308 of the Revised Code, or all of those funds, may designate on the taxpayer's income tax return the amount that the taxpayer wishes to contribute to the fund or funds. A designated contribution is irrevocable upon the filing of

the return and shall be made in the full amount designated if the 106505
refund found due the taxpayer upon the initial processing of the 106506
taxpayer's return, after any deductions including those required 106507
by section 5747.12 of the Revised Code, is greater than or equal 106508
to the designated contribution. If the refund due as initially 106509
determined is less than the designated contribution, the 106510
contribution shall be made in the full amount of the refund. The 106511
tax commissioner shall subtract the amount of the contribution 106512
from the amount of the refund initially found due the taxpayer and 106513
shall certify the difference to the director of budget and 106514
management and treasurer of state for payment to the taxpayer in 106515
accordance with section 5747.11 of the Revised Code. For the 106516
purpose of any subsequent determination of the taxpayer's net tax 106517
payment, the contribution shall be considered a part of the refund 106518
paid to the taxpayer. 106519

(B) The tax commissioner shall provide a space on the income 106520
tax return form in which a taxpayer may indicate that the taxpayer 106521
wishes to make a donation in accordance with this section. The tax 106522
commissioner shall also print in the instructions accompanying the 106523
income tax return form a description of the purposes for which the 106524
natural areas and preserves fund, the nongame and endangered 106525
wildlife fund, ~~and~~ the military injury relief fund, and the Ohio 106526
historical society income tax contribution fund were created and 106527
the use of moneys from the income tax refund contribution system 106528
established in this section. No person shall designate on the 106529
person's income tax return any part of a refund claimed under 106530
section 5747.11 of the Revised Code as a contribution to any fund 106531
other than the natural areas and preserves fund, the nongame and 106532
endangered wildlife fund, the military injury relief fund, ~~or all~~ 106533
~~of those funds~~ the Ohio historical society income tax contribution 106534
fund. 106535

(C) The money collected under the income tax refund 106536

contribution system established in this section shall be deposited 106537
by the tax commissioner into the natural areas and preserves fund, 106538
the nongame and endangered wildlife fund, ~~and~~ the military injury 106539
relief fund, and the Ohio historical society income tax 106540
contribution fund in the amounts designated on the tax returns. 106541

(D) No later than the thirtieth day of September each year, 106542
the tax commissioner shall determine the total amount contributed 106543
to each fund under this section during the preceding eight months, 106544
any adjustments to prior months, and the cost to the department of 106545
taxation of administering the income tax refund contribution 106546
system during that eight-month period. The commissioner shall make 106547
an additional determination no later than the thirty-first day of 106548
January of each year of the total amount contributed to each fund 106549
under this section during the preceding four calendar months, any 106550
adjustments to prior years made during that four-month period, and 106551
the cost to the department of taxation of administering the income 106552
tax contribution system during that period. The cost of 106553
administering the income tax contribution system shall be 106554
certified by the tax commissioner to the director of budget and 106555
management, who shall transfer an amount equal to ~~one-third~~ 106556
one-fourth of such administrative costs from the natural areas and 106557
preserves fund, ~~one-third~~ one-fourth of such costs from the 106558
nongame and endangered wildlife fund, ~~and one-third~~ one-fourth of 106559
such costs from the military injury relief fund, and one-fourth of 106560
such costs from the Ohio historical society income tax 106561
contribution fund to the ~~litter control and natural resource~~ 106562
income tax contribution administration fund, which is hereby 106563
created, provided that the moneys that the department receives to 106564
pay the cost of administering the income tax refund contribution 106565
system in any year shall not exceed two and one-half per cent of 106566
the total amount contributed under that system during that year. 106567

(E)(1) The director of natural resources, in January of every 106568

odd-numbered year, shall report to the general assembly on the 106569
effectiveness of the income tax refund contribution system as it 106570
pertains to the natural areas and preserves fund and the nongame 106571
and endangered wildlife fund. The report shall include the amount 106572
of money contributed to each fund in each of the previous five 106573
years, the amount of money contributed directly to each fund in 106574
addition to or independently of the income tax refund contribution 106575
system in each of the previous five years, and the purposes for 106576
which the money was expended. 106577

(2) The director of job and family services and the director 106578
of the Ohio historical society, in January of every odd-numbered 106579
year, each shall report to the general assembly on the 106580
effectiveness of the income tax refund contribution system as it 106581
pertains to the military injury relief fund and the Ohio 106582
historical society income tax contribution fund, respectively. The 106583
report shall include the amount of money contributed to the fund 106584
in each of the previous five years, the amount of money 106585
contributed directly to the fund in addition to or independently 106586
of the income tax refund contribution system in each of the 106587
previous five years, and the purposes for which the money was 106588
expended. 106589

Sec. 5747.13. (A) If any employer collects the tax imposed by 106590
section 5747.02 or under Chapter 5748. of the Revised Code and 106591
fails to remit the tax as required by law, or fails to collect the 106592
tax, the employer is personally liable for any amount collected 106593
that the employer fails to remit, or any amount that the employer 106594
fails to collect. If any taxpayer fails to file a return or fails 106595
to pay the tax imposed by section 5747.02 or under Chapter 5748. 106596
of the Revised Code, the taxpayer is personally liable for the 106597
amount of the tax. 106598

If any employer, taxpayer, or qualifying entity required to 106599

file a return under this chapter fails to file the return within 106600
the time prescribed, files an incorrect return, fails to remit the 106601
full amount of the taxes due for the period covered by the return, 106602
or fails to remit any additional tax due as a result of a 106603
reduction in the amount of the credit allowed under division (B) 106604
of section 5747.05 of the Revised Code together with interest on 106605
the additional tax within the time prescribed by that division, 106606
the tax commissioner may make an assessment against any person 106607
liable for any deficiency for the period for which the return is 106608
or taxes are due, based upon any information in the commissioner's 106609
possession. 106610

An assessment issued against either the employer or the 106611
taxpayer pursuant to this section shall not be considered an 106612
election of remedies or a bar to an assessment against the other 106613
for failure to report or pay the same tax. No assessment shall be 106614
issued against any person if the tax actually has been paid by 106615
another. 106616

No assessment shall be made or issued against an employer, 106617
taxpayer, or qualifying entity more than four years after the 106618
final date the return subject to assessment was required to be 106619
filed or the date the return was filed, whichever is later. 106620
However, the commissioner may assess any balance due as the result 106621
of a reduction in the credit allowed under division (B) of section 106622
5747.05 of the Revised Code, including applicable penalty and 106623
interest, within four years of the date on which the taxpayer 106624
reports a change in either the portion of the taxpayer's adjusted 106625
gross income subjected to an income tax or tax measured by income 106626
in another state or the District of Columbia, or the amount of 106627
liability for an income tax or tax measured by income to another 106628
state or the District of Columbia, as required by division (B)(3) 106629
of section 5747.05 of the Revised Code. Such time limits may be 106630
extended if both the employer, taxpayer, or qualifying entity and 106631

the commissioner consent in writing to the extension or if an 106632
agreement waiving or extending the time limits has been entered 106633
into pursuant to section 122.171 of the Revised Code. Any such 106634
extension shall extend the four-year time limit in division (B) of 106635
section 5747.11 of the Revised Code for the same period of time. 106636
There shall be no bar or limit to an assessment against an 106637
employer for taxes withheld from employees and not remitted to the 106638
state, against an employer, taxpayer, or qualifying entity that 106639
fails to file a return subject to assessment as required by this 106640
chapter, or against an employer, taxpayer, or qualifying entity 106641
that files a fraudulent return. 106642

The commissioner shall give the party assessed written notice 106643
of the assessment in the manner provided in section 5703.37 of the 106644
Revised Code. With the notice, the commissioner shall provide 106645
instructions on how to petition for reassessment and request a 106646
hearing on the petition. 106647

(B) Unless the party assessed files with the tax commissioner 106648
within sixty days after service of the notice of assessment, 106649
either personally or by certified mail, a written petition for 106650
reassessment, signed by the party assessed or that party's 106651
authorized agent having knowledge of the facts, the assessment 106652
becomes final, and the amount of the assessment is due and payable 106653
from the party assessed to the commissioner with remittance made 106654
payable to the treasurer of state. The petition shall indicate the 106655
objections of the party assessed, but additional objections may be 106656
raised in writing if received by the commissioner prior to the 106657
date shown on the final determination. If the petition has been 106658
properly filed, the commissioner shall proceed under section 106659
5703.60 of the Revised Code. 106660

(C) After an assessment becomes final, if any portion of the 106661
assessment remains unpaid, including accrued interest, a certified 106662
copy of the tax commissioner's entry making the assessment final 106663

may be filed in the office of the clerk of the court of common 106664
pleas in the county in which the employer's, taxpayer's, or 106665
qualifying entity's place of business is located or the county in 106666
which the party assessed resides. If the party assessed is not a 106667
resident of this state, the certified copy of the entry may be 106668
filed in the office of the clerk of the court of common pleas of 106669
Franklin county. 106670

Immediately upon the filing of the entry, the clerk shall 106671
enter a judgment against the party assessed in the amount shown on 106672
the entry. The judgment shall be filed by the clerk in one of two 106673
loose-leaf books, one entitled "special judgments for state and 106674
school district income taxes," and the other entitled "special 106675
judgments for qualifying entity taxes." The judgment shall have 106676
the same effect as other judgments. Execution shall issue upon the 106677
judgment upon the request of the tax commissioner, and all laws 106678
applicable to sales on execution shall apply to sales made under 106679
the judgment. 106680

The portion of the assessment not paid within sixty days 106681
after the assessment was issued shall bear interest at the rate 106682
per annum prescribed by section 5703.47 of the Revised Code from 106683
the day the tax commissioner issues the assessment until it is 106684
paid. Interest shall be paid in the same manner as the tax and may 106685
be collected by the issuance of an assessment under this section. 106686

(D) All money collected under this section shall be 106687
considered as revenue arising from the taxes imposed by this 106688
chapter or Chapter 5733. or 5748. of the Revised Code, as 106689
appropriate. 106690

~~(E) The portion of an assessment that must be paid upon the 106691
filing of a petition for reassessment shall be as follows: 106692~~

~~(1) If the sole item objected to is the assessed penalty or 106693
interest, payment of the assessment, including interest but not 106694~~

~~penalty, is required;~~ 106695

~~(2) If the taxpayer or qualifying entity that is assessed 106696
failed to file, prior to the date of issuance of the assessment, 106697
the annual return or report required by section 5747.08 or 5747.42 106698
of the Revised Code, any amended return or amended report required 106699
by section 5747.10 or 5747.45 of the Revised Code for the taxable 106700
year at issue, or any report required by division (B) of section 106701
5747.05 of the Revised Code to indicate a reduction in the amount 106702
of the credit provided under that division, payment of the 106703
assessment, including interest but not penalty, is required, 106704
except as otherwise provided under division (E)(6) or (7) of this 106705
section;~~ 106706

~~(3) If the employer assessed had not filed, prior to the date 106707
of issuance of the assessment, the annual return required by 106708
division (E)(2) of section 5747.07 of the Revised Code covering 106709
the period at issue, payment of the assessment, including interest 106710
but not penalty, is required;~~ 106711

~~(4) If the taxpayer or qualifying entity that is assessed 106712
filed, prior to the date of issuance of the assessment, the annual 106713
return or report required by section 5747.08 or 5747.42 of the 106714
Revised Code, all amended returns or reports required by section 106715
5747.10 or 5747.45 of the Revised Code for the taxable year at 106716
issue, and all reports required by division (B) of section 5747.05 106717
of the Revised Code to indicate a reduction in the amount of the 106718
credit provided under that division, and a balance of the taxes 106719
shown due on the returns or reports as computed on the returns or 106720
reports remains unpaid, payment of only that portion of the 106721
assessment representing the unpaid balance of tax and interest is 106722
required;~~ 106723

~~(5) If the employer assessed filed, prior to the date of 106724
issuance of the assessment, the annual return required by division 106725
(E)(2) of section 5747.07 of the Revised Code covering the period 106726~~

~~at issue, and a balance of the taxes shown due on the return as
computed on the return remains unpaid, payment of only that
portion of the assessment representing the unpaid balance of tax
and interest is required;~~

~~(6) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does not dispute that it is a
qualifying entity subject to that tax but claims the protections
of section 101 of Public Law 86-272, 73 Stat. 555, 15 U.S.C.A.
381, as amended, no payment is required;~~

~~(7) In the case of a party assessed as a qualifying entity
subject to the tax levied under section 5733.41 or 5747.41 of the
Revised Code, if the party does dispute that it is a qualifying
entity subject to that tax, no payment is required;~~

~~(8) If none of the conditions specified in divisions (E)(1)
to (7) of this section apply, no payment is required If the party
assessed files a petition for reassessment under division (B) of
this section, the person, on or before the last day the petition
may be filed, shall pay the assessed amount, including assessed
interest and assessed penalties, if any of the following
conditions exists:~~

~~(1) The person files a tax return reporting Ohio adjusted
gross income, less the exemptions allowed by section 5747.025 of
the Revised Code, in an amount less than one cent, and the
reported amount is not based on the computations required under
division (A) of section 5747.01 or section 5747.025 of the Revised
Code.~~

~~(2) The person files a tax return that the tax commissioner
determines to be incomplete, false, fraudulent, or frivolous.~~

~~(3) The person fails to file a tax return, and the basis for
this failure is not either of the following:~~

(a) An assertion that the person has no nexus with this 106758
state; 106759

(b) The computations required under division (A) of section 106760
5747.01 of the Revised Code or the application of credits allowed 106761
under this chapter has the result that the person's tax liability 106762
is less than one dollar and one cent. 106763

(F) Notwithstanding the fact that a petition for reassessment 106764
is pending, the petitioner may pay all or a portion of the 106765
assessment that is the subject of the petition. The acceptance of 106766
a payment by the treasurer of state does not prejudice any claim 106767
for refund upon final determination of the petition. 106768

If upon final determination of the petition an error in the 106769
assessment is corrected by the tax commissioner, upon petition so 106770
filed or pursuant to a decision of the board of tax appeals or any 106771
court to which the determination or decision has been appealed, so 106772
that the amount due from the party assessed under the corrected 106773
assessment is less than the portion paid, there shall be issued to 106774
the petitioner or to the petitioner's assigns or legal 106775
representative a refund in the amount of the overpayment as 106776
provided by section 5747.11 of the Revised Code, with interest on 106777
that amount as provided by such section, subject to section 106778
5747.12 of the Revised Code. 106779

Sec. 5747.16. Any nonresident who accepts the privileges 106780
extended by the laws of this state to nonresidents earning or 106781
receiving income in this state, and any resident who becomes a 106782
nonresident or conceals his the person's whereabouts thereby makes 106783
the secretary of state his the person's agent for the service of 106784
process or notice in any assessment, action, or proceedings 106785
instituted in this state against such person under this chapter, 106786
such process or notice shall be served ~~by the officer to whom the~~ 106787
~~same is directed by the tax commissioner, or by the sheriff of~~ 106788

~~Franklin county, who may be deputized for such purpose by the officer to whom the service is directed, upon the secretary of state by leaving at the secretary's office at least fifteen days before the return day of such process or notice, a true and attested copy thereof, and by sending to the defendant by certified mail, postage prepaid, a like and true attested copy, with an endorsement thereon of the service upon the secretary of state, addressed to such defendant at his last known address as provided under section 5703.37 of the Revised Code.~~

Sec. 5747.66. (A) Any term used in this section has the same meaning as in section 122.85 of the Revised Code.

(B) There is allowed a credit against the tax imposed by section 5747.02 of the Revised Code for any individual who, on the last day of the individual's taxable year, is the certificate owner of a tax credit certificate issued under section 122.85 of the Revised Code. The credit shall be claimed for the taxable year that includes the date the certificate was issued by the director of development. The credit amount equals the amount stated in the certificate. The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit amount exceeds the tax otherwise due under section 5747.02 of the Revised Code after deducting all other credits in that order, the excess shall be refunded.

Nothing in this section limits or disallows pass-through treatment of the credit.

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

(1) The retirement income credit under division (B) of

section 5747.055 of the Revised Code;	106819
(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	106820 106821
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	106822 106823
(4) The dependent care credit under section 5747.054 of the Revised Code;	106824 106825
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	106826 106827
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	106828 106829
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	106830 106831
(8) The low-income credit under section 5747.056 of the Revised Code;	106832 106833
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	106834 106835
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	106836 106837
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	106838 106839
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	106840 106841
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	106842 106843
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	106844 106845
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	106846 106847

(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	106848 106849
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	106850 106851
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	106852 106853
(19) The job retention credit under division (B) of section 5747.058 of the Revised Code;	106854 106855
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	106856 106857
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	106858 106859 106860
(22) The job training credit under section 5747.39 of the Revised Code;	106861 106862
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	106863 106864
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	106865 106866
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	106867 106868
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	106869 106870
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	106871 106872
(28) The export sales credit under section 5747.057 of the Revised Code;	106873 106874
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	106875 106876

(30) The enterprise zone credits under section 5709.65 of the Revised Code;	106877 106878
(31) The research and development credit under section 5747.331 of the Revised Code;	106879 106880
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	106881 106882
(33) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	106883 106884
(34) The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	106885 106886
(35) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	106887 106888
(36) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	106889 106890 106891
(37) The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	106892 106893
(38) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	106894 106895 106896
<u>(39) The refundable motion picture production credit under section 5747.66 of the Revised Code.</u>	106897 106898
(B) For any credit, except the <u>refundable</u> credits enumerated in divisions (A)(33) to (38) of this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be	106899 106900 106901 106902 106903 106904 106905 106906

construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

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

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

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

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Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution proposing an income tax under division (B) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The commissioner's certification applies only to the board's proposal to levy an income tax at the election for which the board requested the certification. If the board intends to submit a

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proposal to levy an income tax at any other election, it shall 106938
request another certification for that election in the manner 106939
prescribed in this division. 106940

(B)(1) Upon the receipt of a certification from the tax 106941
commissioner under division (A) of this section, a majority of the 106942
members of a board of education may adopt a resolution proposing 106943
the levy of an annual tax for school district purposes on school 106944
district income. The proposed levy may be for a continuing period 106945
of time or for a specified number of years. The resolution shall 106946
set forth the purpose for which the tax is to be imposed, the rate 106947
of the tax, which shall be the rate set forth in the 106948
commissioner's certification rounded to the nearest one-fourth of 106949
one per cent, the number of years the tax will be levied or that 106950
it will be levied for a continuing period of time, the date on 106951
which the tax shall take effect, which shall be the first day of 106952
January of any year following the year in which the question is 106953
submitted, and the date of the election at which the proposal 106954
shall be submitted to the electors of the district, which shall be 106955
on the date of a primary, general, or special election the date of 106956
which is consistent with section 3501.01 of the Revised Code. The 106957
resolution shall specify whether the income that is to be subject 106958
to the tax is taxable income of individuals and estates as defined 106959
in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised 106960
Code or taxable income of individuals as defined in division 106961
(E)(1)(b) of that section. The specification shall be the same as 106962
the specification in the resolution adopted and certified under 106963
division (A) of this section. 106964

If the tax is to be levied for current expenses and permanent 106965
improvements, the resolution shall apportion the annual rate of 106966
the tax. The apportionment may be the same or different for each 106967
year the tax is levied, but the respective portions of the rate 106968
actually levied each year for current expenses and for permanent 106969

improvements shall be limited by the apportionment. 106970

If the board of education currently imposes an income tax 106971
pursuant to this chapter that is due to expire and a question is 106972
submitted under this section for a proposed income tax to take 106973
effect upon the expiration of the existing tax, the board may 106974
specify in the resolution that the proposed tax renews the 106975
expiring tax ~~and is not an additional income tax, provided that,~~ 106976
Two or more expiring income taxes may be renewed under this 106977
paragraph if the taxes are due to expire on the same date. If the 106978
tax rate being proposed is no higher than the total tax rate ~~that~~ 106979
~~is currently~~ imposed by the expiring tax or taxes, the resolution 106980
may state that the proposed tax is not an additional income tax. 106981

(2) A board of education adopting a resolution under division 106982
(B)(1) of this section proposing a school district income tax for 106983
a continuing period of time and limited to the purpose of current 106984
expenses may propose in that resolution to reduce the rate or 106985
rates of one or more of the school district's property taxes 106986
levied for a continuing period of time in excess of the ten-mill 106987
limitation for the purpose of current expenses. The reduction in 106988
the rate of a property tax may be any amount, expressed in mills 106989
per one dollar in valuation, not exceeding the rate at which the 106990
tax is authorized to be levied. The reduction in the rate of a tax 106991
shall first take effect for the tax year that includes the day on 106992
which the school district income tax first takes effect, and shall 106993
continue for each tax year that both the school district income 106994
tax and the property tax levy are in effect. 106995

In addition to the matters required to be set forth in the 106996
resolution under division (B)(1) of this section, a resolution 106997
containing a proposal to reduce the rate of one or more property 106998
taxes shall state for each such tax the maximum rate at which it 106999
currently may be levied and the maximum rate at which the tax 107000
could be levied after the proposed reduction, expressed in mills 107001

per one dollar in valuation, and that the tax is levied for a 107002
continuing period of time. 107003

If a board of education proposes to reduce the rate of one or 107004
more property taxes under division (B)(2) of this section, the 107005
board, when it makes the certification required under division (A) 107006
of this section, shall designate the specific levy or levies to be 107007
reduced, the maximum rate at which each levy currently is 107008
authorized to be levied, and the rate by which each levy is 107009
proposed to be reduced. The tax commissioner, when making the 107010
certification to the board under division (A) of this section, 107011
also shall certify the reduction in the total effective tax rate 107012
for current expenses for each class of property that would have 107013
resulted if the proposed reduction in the rate or rates had been 107014
in effect the previous tax year. As used in this paragraph, 107015
"effective tax rate" has the same meaning as in section 323.08 of 107016
the Revised Code. 107017

(C) A resolution adopted under division (B) of this section 107018
shall go into immediate effect upon its passage, and no 107019
publication of the resolution shall be necessary other than that 107020
provided for in the notice of election. Immediately after its 107021
adoption and at least seventy-five days prior to the election at 107022
which the question will appear on the ballot, a copy of the 107023
resolution shall be certified to the board of elections of the 107024
proper county, which shall submit the proposal to the electors on 107025
the date specified in the resolution. The form of the ballot shall 107026
be as provided in section 5748.03 of the Revised Code. Publication 107027
of notice of the election shall be made in one or more newspapers 107028
of general circulation in the county once a week for two 107029
consecutive weeks prior to the election, and, if the board of 107030
elections operates and maintains a web site, the board of 107031
elections shall post notice of the election on its web site for 107032
thirty days prior to the election. The notice shall contain the 107033

time and place of the election and the question to be submitted to 107034
the electors. The question covered by the resolution shall be 107035
submitted as a separate proposition, but may be printed on the 107036
same ballot with any other proposition submitted at the same 107037
election, other than the election of officers. 107038

(D) No board of education shall submit the question of a tax 107039
on school district income to the electors of the district more 107040
than twice in any calendar year. If a board submits the question 107041
twice in any calendar year, one of the elections on the question 107042
shall be held on the date of the general election. 107043

(E)(1) No board of education may submit to the electors of 107044
the district the question of a tax on school district income on 107045
the taxable income of individuals as defined in division (E)(1)(b) 107046
of section 5748.01 of the Revised Code if that tax would be in 107047
addition to an existing tax on the taxable income of individuals 107048
and estates as defined in divisions (E)(1)(a) and (2) of that 107049
section. 107050

(2) No board of education may submit to the electors of the 107051
district the question of a tax on school district income on the 107052
taxable income of individuals and estates as defined in divisions 107053
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 107054
tax would be in addition to an existing tax on the taxable income 107055
of individuals as defined in division (E)(1)(b) of that section. 107056

Sec. 5748.03. (A) The form of the ballot on a question 107057
submitted to the electors under section 5748.02 of the Revised 107058
Code shall be as follows: 107059

"Shall an annual income tax of (state the proposed 107060
rate of tax) on the school district income of individuals and of 107061
estates be imposed by (state the name of the school 107062
district), for (state the number of years the tax would be 107063
levied, or that it would be levied for a continuing period of 107064

time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)?

	FOR THE TAX
	AGAINST THE TAX

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

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(2) If the question submitted to electors proposes to renew ~~an~~ one or more expiring income tax levies, the ballot shall be modified by adding the following language immediately after the name of the school district that would impose the tax: "to renew an income tax (or income taxes) expiring at the end of (state the last year the existing income tax or taxes may be levied)."

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(3) If the question includes a proposal under division (B)(2) of section 5748.02 of the Revised Code to reduce the rate of one or more school district property taxes, the ballot shall state that the purpose of the school district income tax is for current expenses, and the form of the ballot shall be modified by adding the following language immediately after the statement of the purpose of the proposed income tax: ", and shall the rate of an existing tax on property, currently levied for the purpose of current expenses at the rate of mills, be REDUCED to mills until any such time as the income tax is repealed." In lieu of "for the tax" and "against the tax," the phrases "for

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the issue" and "against the issue," respectively, shall be used. 107096
If a board of education proposes a reduction in the rates of more 107097
than one tax, the ballot language shall be modified accordingly to 107098
express the rates at which those taxes currently are levied and 107099
the rates to which the taxes will be reduced. 107100

(C) The board of elections shall certify the results of the 107101
election to the board of education and to the tax commissioner. If 107102
a majority of the electors voting on the question vote in favor of 107103
it, the income tax, the applicable provisions of Chapter 5747. of 107104
the Revised Code, and the reduction in the rate or rates of 107105
existing property taxes if the question included such a reduction 107106
shall take effect on the date specified in the resolution. If the 107107
question approved by the voters includes a reduction in the rate 107108
of a school district property tax, the board of education shall 107109
not levy the tax at a rate greater than the rate to which the tax 107110
is reduced, unless the school district income tax is repealed in 107111
an election under section 5748.04 of the Revised Code. 107112

(D) If the rate at which a property tax is levied and 107113
collected is reduced pursuant to a question approved under this 107114
section, the tax commissioner shall compute the percentage 107115
required to be computed for that tax under division (D) of section 107116
319.301 of the Revised Code each year the rate is reduced as if 107117
the tax had been levied in the preceding year at the rate at which 107118
it has been reduced. If the rate of a property tax increases due 107119
to the repeal of the school district income tax pursuant to 107120
section 5748.04 of the Revised Code, the tax commissioner, for the 107121
first year for which the rate increases, shall compute the 107122
percentage as if the tax in the preceding year had been levied at 107123
the rate at which the tax was authorized to be levied prior to any 107124
rate reduction. 107125

Sec. 5749.02. (A) For the purpose of providing revenue to 107126

administer the state's coal mining and reclamation regulatory 107127
program, to meet the environmental and resource management needs 107128
of this state, and to reclaim land affected by mining, an excise 107129
tax is hereby levied on the privilege of engaging in the severance 107130
of natural resources from the soil or water of this state. The tax 107131
shall be imposed upon the severer and shall be: 107132

(1) Ten cents per ton of coal; 107133

(2) Four cents per ton of salt; 107134

(3) Two cents per ton of limestone or dolomite; 107135

(4) Two cents per ton of sand and gravel; 107136

(5) Ten cents per barrel of oil; 107137

(6) Two and one-half cents per thousand cubic feet of natural 107138
gas; 107139

(7) One cent per ton of clay, sandstone or conglomerate, 107140
shale, gypsum, or quartzite; 107141

(8) Except as otherwise provided in this division or in rules 107142
adopted by the reclamation forfeiture fund advisory board under 107143
section 1513.182 of the Revised Code, an additional fourteen cents 107144
per ton of coal produced from an area under a coal mining and 107145
reclamation permit issued under Chapter 1513. of the Revised Code 107146
for which the performance security is provided under division 107147
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 107148
2007, if at the end of a fiscal biennium the balance of the 107149
reclamation forfeiture fund created in section 1513.18 of the 107150
Revised Code is equal to or greater than ten million dollars, the 107151
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 107152
if at the end of a fiscal biennium the balance of the fund is at 107153
least five million dollars, but less than ten million dollars, the 107154
rate levied shall be fourteen cents per ton. Beginning July 1, 107155
2007, if at the end of a fiscal biennium the balance of the fund 107156

is less than five million dollars, the rate levied shall be 107157
sixteen cents per ton. Beginning July 1, 2009, not later than 107158
thirty days after the close of a fiscal biennium, the chief of the 107159
division of mineral resources management shall certify to the tax 107160
commissioner the amount of the balance of the reclamation 107161
forfeiture fund as of the close of the fiscal biennium. Any 107162
necessary adjustment of the rate levied shall take effect on the 107163
first day of the following January and shall remain in effect 107164
during the calendar biennium that begins on that date. 107165

(9) An additional one and two-tenths cents per ton of coal 107166
mined by surface mining methods. 107167

(B) Of the moneys received by the treasurer of state from the 107168
tax levied in division (A)(1) of this section, four and 107169
seventy-six-hundredths per cent shall be credited to the 107170
geological mapping fund created in section 1505.09 of the Revised 107171
Code, eighty and ninety-five-hundredths per cent shall be credited 107172
to the coal mining administration and reclamation reserve fund 107173
created in section 1513.181 of the Revised Code, and fourteen and 107174
twenty-nine-hundredths per cent shall be credited to the 107175
unreclaimed lands fund created in section 1513.30 of the Revised 107176
Code. 107177

~~Fifteen per cent of the moneys~~ The money received by the 107178
treasurer of state from the tax levied in division (A)(2) of this 107179
section shall be credited to the geological mapping fund ~~and the~~ 107180
~~remainder shall be credited to the unreclaimed lands fund.~~ 107181

Of the moneys received by the treasurer of state from the tax 107182
levied in divisions (A)(3) and (4) of this section, seven and 107183
five-tenths per cent shall be credited to the geological mapping 107184
fund, forty-two and five-tenths per cent shall be credited to the 107185
unreclaimed lands fund, and the remainder shall be credited to the 107186
surface mining fund created in section 1514.06 of the Revised 107187
Code. 107188

Of the moneys received by the treasurer of state from the tax 107189
levied in divisions (A)(5) and (6) of this section, ninety per 107190
cent shall be credited to the oil and gas well fund created in 107191
section 1509.02 of the Revised Code and ten per cent shall be 107192
credited to the geological mapping fund. All of the moneys 107193
received by the treasurer of state from the tax levied in division 107194
(A)(7) of this section shall be credited to the surface mining 107195
fund. 107196

All of the moneys received by the treasurer of state from the 107197
tax levied in division (A)(8) of this section shall be credited to 107198
the reclamation forfeiture fund. 107199

All of the moneys received by the treasurer of state from the 107200
tax levied in division (A)(9) of this section shall be credited to 107201
the unreclaimed lands fund. 107202

(C) When, at the close of any fiscal year, the chief finds 107203
that the balance of the reclamation forfeiture fund, plus 107204
estimated transfers to it from the coal mining administration and 107205
reclamation reserve fund under section 1513.181 of the Revised 107206
Code, plus the estimated revenues from the tax levied by division 107207
(A)(8) of this section for the remainder of the calendar year that 107208
includes the close of the fiscal year, are sufficient to complete 107209
the reclamation of lands for which the performance security has 107210
been provided under division (C)(2) of section 1513.08 of the 107211
Revised Code, the purposes for which the tax under division (A)(8) 107212
of this section is levied shall be deemed accomplished at the end 107213
of that calendar year. The chief, within thirty days after the 107214
close of the fiscal year, shall certify those findings to the tax 107215
commissioner, and the tax levied under division (A)(8) of this 107216
section shall cease to be imposed after the last day of that 107217
calendar year on coal produced under a coal mining and reclamation 107218
permit issued under Chapter 1513. of the Revised Code if the 107219
permittee has made tax payments under division (A)(8) of this 107220

section during each of the preceding five full calendar years. Not 107221
later than thirty days after the close of a fiscal year, the chief 107222
shall certify to the tax commissioner the identity of any 107223
permittees who accordingly no longer are required to pay the tax 107224
levied under division (A)(8) of this section. 107225

Sec. 5749.12. Any nonresident of this state who accepts the 107226
privilege extended by the laws of this state to nonresidents 107227
severing natural resources in this state, and any resident of this 107228
state who subsequently becomes a nonresident or conceals ~~his~~ the 107229
resident's whereabouts, makes the secretary of state of Ohio ~~his~~ 107230
the person's agent for the service of process or notice in any 107231
assessment, action or proceedings instituted in this state against 107232
such person under this chapter. 107233

Such process or notice shall be served, ~~by the officer to~~ 107234
~~whom the same is directed by the tax commissioner or by the~~ 107235
~~sheriff of Franklin county, who may be deputized for such purpose~~ 107236
~~by the officer to whom the service is directed, upon the secretary~~ 107237
~~of state by leaving at the office of the secretary of state, at~~ 107238
~~least fifteen days before the return day of such process or~~ 107239
~~notice, a true and attested copy thereof, and by sending to the~~ 107240
~~defendant by certified mail, a like and true attested copy, with~~ 107241
~~an endorsement thereon of the service upon said secretary of~~ 107242
~~state, addressed to such defendant at his last known address as~~ 107243
~~provided under section 5703.37 of the Revised Code.~~ 107244

Sec. 5751.01. As used in this chapter: 107245

(A) "Person" means, but is not limited to, individuals, 107246
combinations of individuals of any form, receivers, assignees, 107247
trustees in bankruptcy, firms, companies, joint-stock companies, 107248
business trusts, estates, partnerships, limited liability 107249
partnerships, limited liability companies, associations, joint 107250

ventures, clubs, societies, for-profit corporations, S 107251
corporations, qualified subchapter S subsidiaries, qualified 107252
subchapter S trusts, trusts, entities that are disregarded for 107253
federal income tax purposes, and any other entities. "Person" does 107254
~~not include nonprofit organizations or the state, its agencies,~~ 107255
~~its instrumentalities, and its political subdivisions.~~ 107256

(B) "Consolidated elected taxpayer" means a group of two or 107257
more persons treated as a single taxpayer for purposes of this 107258
chapter as the result of an election made under section 5751.011 107259
of the Revised Code. 107260

(C) "Combined taxpayer" means a group of two or more persons 107261
treated as a single taxpayer for purposes of this chapter under 107262
section 5751.012 of the Revised Code. 107263

(D) "Taxpayer" means any person, or any group of persons in 107264
the case of a consolidated elected taxpayer or combined taxpayer 107265
treated as one taxpayer, required to register or pay tax under 107266
this chapter. "Taxpayer" does not include excluded persons. 107267

(E) "Excluded person" means any of the following: 107268

(1) Any person with not more than one hundred fifty thousand 107269
dollars of taxable gross receipts during the calendar year. 107270
Division (E)(1) of this section does not apply to a person that is 107271
a member of a ~~group that is a~~ consolidated elected taxpayer ~~or a~~ 107272
~~combined taxpayer;~~ 107273

(2) A public utility that paid the excise tax imposed by 107274
section 5727.24 or 5727.30 of the Revised Code based on one or 107275
more measurement periods that include the entire tax period under 107276
this chapter, except that a public utility that is a combined 107277
company is a taxpayer with regard to the following gross receipts: 107278

(a) Taxable gross receipts directly attributed to a public 107279
utility activity, but not directly attributed to an activity that 107280
is subject to the excise tax imposed by section 5727.24 or 5727.30 107281

of the Revised Code; 107282

(b) Taxable gross receipts that cannot be directly attributed 107283
to any activity, multiplied by a fraction whose numerator is the 107284
taxable gross receipts described in division (E)(2)(a) of this 107285
section and whose denominator is the total taxable gross receipts 107286
that can be directly attributed to any activity; 107287

(c) Except for any differences resulting from the use of an 107288
accrual basis method of accounting for purposes of determining 107289
gross receipts under this chapter and the use of the cash basis 107290
method of accounting for purposes of determining gross receipts 107291
under section 5727.24 of the Revised Code, the gross receipts 107292
directly attributed to the activity of a natural gas company shall 107293
be determined in a manner consistent with division (D) of section 107294
5727.03 of the Revised Code. 107295

As used in division (E)(2) of this section, "combined 107296
company" and "public utility" have the same meanings as in section 107297
5727.01 of the Revised Code. 107298

(3) A financial institution, as defined in section 5725.01 of 107299
the Revised Code, that paid the corporation franchise tax charged 107300
by division (D) of section 5733.06 of the Revised Code based on 107301
one or more taxable years that include the entire tax period under 107302
this chapter; 107303

(4) A dealer in intangibles, as defined in section 5725.01 of 107304
the Revised Code, that paid the dealer in intangibles tax levied 107305
by division (D) of section 5707.03 of the Revised Code based on 107306
one or more measurement periods that include the entire tax period 107307
under this chapter; 107308

(5) A financial holding company as defined in the "Bank 107309
Holding Company Act," 12 U.S.C. 1841(p); 107310

(6) A bank holding company as defined in the "Bank Holding 107311
Company Act," 12 U.S.C. 1841(a); 107312

(7) A savings and loan holding company as defined in the 107313
"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 107314
only in activities or investments permissible for a financial 107315
holding company under 12 U.S.C. 1843(k); 107316

(8) A person directly or indirectly owned by one or more 107317
financial institutions, financial holding companies, bank holding 107318
companies, or savings and loan holding companies described in 107319
division (E)(3), (5), (6), or (7) of this section that is engaged 107320
in activities permissible for a financial holding company under 12 107321
U.S.C. 1843(k), except that any such person held pursuant to 107322
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 107323
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 107324
directly or indirectly owned by one or more insurance companies 107325
described in division (E)(9) of this section that is authorized to 107326
do the business of insurance in this state. 107327

For the purposes of division (E)(8) of this section, a person 107328
owns another person under the following circumstances: 107329

(a) In the case of corporations issuing capital stock, one 107330
corporation owns another corporation if it owns fifty per cent or 107331
more of the other corporation's capital stock with current voting 107332
rights; 107333

(b) In the case of a limited liability company, one person 107334
owns the company if that person's membership interest, as defined 107335
in section 1705.01 of the Revised Code, is fifty per cent or more 107336
of the combined membership interests of all persons owning such 107337
interests in the company; 107338

(c) In the case of a partnership, trust, or other 107339
unincorporated business organization other than a limited 107340
liability company, one person owns the organization if, under the 107341
articles of organization or other instrument governing the affairs 107342
of the organization, that person has a beneficial interest in the 107343

organization's profits, surpluses, losses, or distributions of 107344
fifty per cent or more of the combined beneficial interests of all 107345
persons having such an interest in the organization; 107346

(d) In the case of multiple ownership, the ownership 107347
interests of more than one person may be aggregated to meet the 107348
fifty per cent ownership tests in this division only when each 107349
such owner is described in division (E)(3), (5), (6), or (7) of 107350
this section and is engaged in activities permissible for a 107351
financial holding company under 12 U.S.C. 1843(k) or is a person 107352
directly or indirectly owned by one or more insurance companies 107353
described in division (E)(9) of this section that is authorized to 107354
do the business of insurance in this state. 107355

(9) A domestic insurance company or foreign insurance 107356
company, as defined in section 5725.01 of the Revised Code, that 107357
paid the insurance company premiums tax imposed by section 5725.18 107358
or Chapter 5729. of the Revised Code based on one or more 107359
measurement periods that include the entire tax period under this 107360
chapter; 107361

(10) A person that solely facilitates or services one or more 107362
securitizations or similar transactions for any person described 107363
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 107364
For purposes of this division, "securitization" means transferring 107365
one or more assets to one or more persons and then issuing 107366
securities backed by the right to receive payment from the asset 107367
or assets so transferred. 107368

(11) Except as otherwise provided in this division, a 107369
pre-income tax trust as defined in division (FF)(4) of section 107370
5747.01 of the Revised Code and any pass-through entity of which 107371
such pre-income tax trust owns or controls, directly, indirectly, 107372
or constructively through related interests, more than five per 107373
cent of the ownership or equity interests. If the pre-income tax 107374
trust has made a qualifying pre-income tax trust election under 107375

division (FF)(3) of section 5747.01 of the Revised Code, then the 107376
trust and the pass-through entities of which it owns or controls, 107377
directly, indirectly, or constructively through related interests, 107378
more than five per cent of the ownership or equity interests, 107379
shall not be excluded persons for purposes of the tax imposed 107380
under section 5751.02 of the Revised Code. 107381

(12) Nonprofit organizations or the state and its agencies, 107382
instrumentalities, or political subdivisions. 107383

(F) Except as otherwise provided in divisions (F)(2), (3), 107384
and (4) of this section, "gross receipts" means the total amount 107385
realized by a person, without deduction for the cost of goods sold 107386
or other expenses incurred, that contributes to the production of 107387
gross income of the person, including the fair market value of any 107388
property and any services received, and any debt transferred or 107389
forgiven as consideration. 107390

(1) The following are examples of gross receipts: 107391

(a) Amounts realized from the sale, exchange, or other 107392
disposition of the taxpayer's property to or with another; 107393

(b) Amounts realized from the taxpayer's performance of 107394
services for another; 107395

(c) Amounts realized from another's use or possession of the 107396
taxpayer's property or capital; 107397

(d) Any combination of the foregoing amounts. 107398

(2) "Gross receipts" excludes the following amounts: 107399

(a) Interest income except interest on credit sales; 107400

(b) Dividends and distributions from corporations, and 107401
distributive or proportionate shares of receipts and income from a 107402
pass-through entity as defined under section 5733.04 of the 107403
Revised Code; 107404

(c) Receipts from the sale, exchange, or other disposition of 107405

an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

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

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

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

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements received by or for an individual for medical or education expenses, health insurance

premiums, or employee expenses, or on account of a dependent care 107438
spending account, legal services plan, any cafeteria plan 107439
described in section 125 of the Internal Revenue Code, or any 107440
similar employee reimbursement; 107441

(h) Proceeds received from the issuance of the taxpayer's own 107442
stock, options, warrants, puts, or calls, or from the sale of the 107443
taxpayer's treasury stock; 107444

(i) Proceeds received on the account of payments from life 107445
insurance policies, except those proceeds received for the loss of 107446
business revenue; 107447

(j) Gifts or charitable contributions received, ~~i~~ membership 107448
dues received, by trade, professional, homeowners', or condominium 107449
associations; and payments received for educational courses, 107450
meetings, meals, or similar payments to a trade, professional, or 107451
other similar association; and fundraising receipts received by 107452
any person when any excess receipts are donated or used 107453
exclusively for charitable purposes; ~~and proceeds received by a~~ 107454
~~nonprofit organization including proceeds realized with regard to~~ 107455
~~its unrelated business taxable income;~~ 107456

(k) Damages received as the result of litigation in excess of 107457
amounts that, if received without litigation, would be gross 107458
receipts; 107459

(l) Property, money, and other amounts received or acquired 107460
by an agent on behalf of another in excess of the agent's 107461
commission, fee, or other remuneration; 107462

(m) Tax refunds, other tax benefit recoveries, and 107463
reimbursements for the tax imposed under this chapter made by 107464
entities that are part of the same combined taxpayer or 107465
consolidated elected taxpayer group, and reimbursements made by 107466
entities that are not members of a combined taxpayer or 107467
consolidated elected taxpayer group that are required to be made 107468

for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code;

(n) Pension reversions;

(o) Contributions to capital;

(p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;

(q) In the case of receipts from the sale of cigarettes or tobacco products by a wholesale dealer, retail dealer, distributor, manufacturer, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes or tobacco products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code;

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

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

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

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

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

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

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, from a client employer, as defined in that

section, in excess of the administrative fee charged by the 107532
professional employer organization to the client employer; 107533

(y) In the case of amounts retained as commissions by a 107534
permit holder under Chapter 3769. of the Revised Code, an amount 107535
equal to the amounts specified under that chapter that must be 107536
paid to or collected by the tax commissioner as a tax and the 107537
amounts specified under that chapter to be used as purse money; 107538

(z) Qualifying distribution center receipts. 107539

(i) For purposes of division (F)(2)(z) of this section: 107540

(I) "Qualifying distribution center receipts" means receipts 107541
of a supplier from qualified property that is delivered to a 107542
qualified distribution center, multiplied by a quantity that 107543
equals one minus the Ohio delivery percentage. 107544

(II) "Qualified property" means tangible personal property 107545
delivered to a qualified distribution center that is shipped to 107546
that qualified distribution center solely for further shipping by 107547
the qualified distribution center to another location in this 107548
state or elsewhere. "Further shipping" includes storing and 107549
repackaging such property into smaller or larger bundles, so long 107550
as such property is not subject to further manufacturing or 107551
processing. 107552

(III) "Qualified distribution center" means a warehouse or 107553
other similar facility in this state that, for the qualifying 107554
year, is operated by a person that is not part of a combined 107555
taxpayer group and that has a qualifying certificate. However, all 107556
warehouses or other similar facilities that are operated by 107557
persons in the same taxpayer group and that are located within one 107558
mile of each other shall be treated as one qualified distribution 107559
center. 107560

(IV) "Qualifying year" means the calendar year to which the 107561
qualifying certificate applies. 107562

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

(VI) "Qualifying certificate" means the certificate issued by the tax commissioner after the operator of a distribution center files an annual application approved by the tax commissioner from an operator of a distribution center that has filed an application as prescribed by the commissioner and paid the annual fee for the qualifying certificate on or before the first day of September prior to the qualifying year or forty five days after the opening of the distribution center, whichever is later with the commissioner. The application and annual fee shall be filed and paid for each qualified distribution center on or before the first day of September before the qualifying year or within forty-five days after the distribution center opens, whichever is later.

The applicant must substantiate to the commissioner's satisfaction that, for the qualifying period, all persons operating the distribution center have more than fifty per cent of the cost of the qualified property shipped to a location such that it would be situated outside this state under the provisions of division (E) of section 5751.033 of the Revised Code. The applicant must also substantiate that the distribution center cumulatively had costs from its suppliers equal to or exceeding five hundred million dollars during the qualifying period. (For purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" excludes any person that is part of the consolidated elected taxpayer group, if applicable, of the operator of the qualified distribution center.) The commissioner may require the applicant to have an independent certified public accountant certify that the calculation of the minimum thresholds required for a qualified distribution center by the operator of a distribution center has been made in accordance with generally accepted accounting

principles. The commissioner shall issue or deny the issuance of a certificate within sixty days after the receipt of the application. A denial is subject to appeal under section 5717.02 of the Revised Code. If the operator files a timely appeal under section 5717.02 of the Revised Code, the operator shall be granted a qualifying certificate, provided that the operator is liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have otherwise not been owed by its suppliers if the qualifying certificate was valid.

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

(ii) If the distribution center is new and was not open for the entire qualifying period, the operator of the distribution center may request that the commissioner grant a qualifying certificate. If the certificate is granted and it is later determined that more than fifty per cent of the qualified property during that year was not shipped to a location such that it would be situated outside of this state under the provisions of division (E) of section 5751.033 of the Revised Code or if it is later determined that the person that operates the distribution center had average monthly costs from its suppliers of less than forty million dollars during that year, then the operator of the distribution center shall be liable for any tax, interest, or penalty upon amounts claimed as qualifying distribution center receipts, other than those receipts exempt under division (C)(1) of section 5751.011 of the Revised Code, that would have not otherwise been owed by its suppliers during the qualifying year if

the qualifying certificate was valid. (For purposes of division 107627
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 107628
is part of the consolidated elected taxpayer group, if applicable, 107629
of the operator of the qualified distribution center.) 107630

(iii) When filing an application for a qualifying certificate 107631
under division (F)(2)(z)(i)(VI) of this section, the operator of a 107632
qualified distribution center also shall provide documentation, as 107633
the commissioner requires, for the commissioner to ascertain the 107634
Ohio delivery percentage. The commissioner, upon issuing the 107635
qualifying certificate, also shall certify the Ohio delivery 107636
percentage. The operator of the qualified distribution center may 107637
appeal the commissioner's certification of the Ohio delivery 107638
percentage in the same manner as an appeal is taken from the 107639
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 107640
of this section. 107641

Within thirty days after all appeals have been exhausted, the 107642
operator of the qualified distribution center shall notify the 107643
affected suppliers of qualified property that such suppliers are 107644
required to file, within sixty days after receiving notice from 107645
the operator of the qualified distribution center, amended reports 107646
for the impacted calendar quarter or quarters or calendar year, 107647
whichever the case may be. Any additional tax liability or tax 107648
overpayment shall be subject to interest but shall not be subject 107649
to the imposition of any penalty so long as the amended returns 107650
are timely filed. The supplier of tangible personal property 107651
delivered to the qualified distribution center shall include in 107652
its report of taxable gross receipts the receipts from the total 107653
sales of property delivered to the qualified distribution center 107654
for the calendar quarter or calendar year, whichever the case may 107655
be, multiplied by the Ohio delivery percentage for the qualifying 107656
year. Nothing in division (F)(2)(z)(iii) of this section shall be 107657
construed as imposing liability on the operator of a qualified 107658

distribution center for the tax imposed by this chapter arising 107659
from any change to the Ohio delivery percentage. 107660

(iv) In the case where the distribution center is new and not 107661
open for the entire qualifying period, the operator shall make a 107662
good faith estimate of an Ohio delivery percentage for use by 107663
suppliers in their reports of taxable gross receipts for the 107664
remainder of the qualifying period. The operator of the facility 107665
shall disclose to the suppliers that such Ohio delivery percentage 107666
is an estimate and is subject to recalculation. By the due date of 107667
the next application for a qualifying certificate, the operator 107668
shall determine the actual Ohio delivery percentage for the 107669
estimated qualifying period and proceed as provided in division 107670
(F)(2)(z)(iii) of this section with respect to the calculation and 107671
recalculation of the Ohio delivery percentage. The supplier is 107672
required to file, within sixty days after receiving notice from 107673
the operator of the qualified distribution center, amended reports 107674
for the impacted calendar quarter or quarters or calendar year, 107675
whichever the case may be. Any additional tax liability or tax 107676
overpayment shall be subject to interest but shall not be subject 107677
to the imposition of any penalty so long as the amended returns 107678
are timely filed. 107679

(v) Qualifying certificates and Ohio delivery percentages 107680
issued by the commissioner shall be open to public inspection and 107681
shall be timely published by the commissioner. A supplier relying 107682
in good faith on a certificate issued under this division shall 107683
not be subject to tax on the qualifying distribution center 107684
receipts under division (F)(2)(z) of this section. A person 107685
receiving a qualifying certificate is responsible for paying the 107686
tax, interest, and penalty upon amounts claimed as qualifying 107687
distribution center receipts that would not otherwise have been 107688
owed by the supplier if the qualifying certificate were available 107689
when it is later determined that the qualifying certificate should 107690

not have been issued because the statutory requirements were in fact not met.

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

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

(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;

(bb) Cash discounts allowed and taken;

(cc) Returns and allowances;

(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a

deduction under section 166 of the Internal Revenue Code and the 107722
regulations adopted under that section, or that could be claimed 107723
as such if the taxpayer kept its accounts on the accrual basis. 107724
"Bad debts" does not include repossessed property, uncollectible 107725
amounts on property that remains in the possession of the taxpayer 107726
until the full purchase price is paid, or expenses in attempting 107727
to collect any account receivable or for any portion of the debt 107728
recovered; 107729

(ee) Any amount realized from the sale of an account 107730
receivable to the extent the receipts from the underlying 107731
transaction giving rise to the account receivable were included in 107732
the gross receipts of the taxpayer; 107733

(ff) Any receipts for which the tax imposed by this chapter 107734
is prohibited by the Constitution or laws of the United States or 107735
the Constitution of Ohio. 107736

(3) In the case of a taxpayer when acting as a real estate 107737
broker, "gross receipts" includes only the portion of any fee for 107738
the service of a real estate broker, or service of a real estate 107739
salesperson associated with that broker, that is retained by the 107740
broker and not paid to an associated real estate salesperson or 107741
another real estate broker. For the purposes of this division, 107742
"real estate broker" and "real estate salesperson" have the same 107743
meanings as in section 4735.01 of the Revised Code. 107744

(4) A taxpayer's method of accounting for gross receipts for 107745
a tax period shall be the same as the taxpayer's method of 107746
accounting for federal income tax purposes for the taxpayer's 107747
federal taxable year that includes the tax period. If a taxpayer's 107748
method of accounting for federal income tax purposes changes, its 107749
method of accounting for gross receipts under this chapter shall 107750
be changed accordingly. 107751

~~In calculating gross receipts, the following shall be~~ 107752

deducted to the extent included as a gross receipt in the current	107753
tax period or reported as taxable gross receipts in a prior tax	107754
period;	107755
(a) Cash discounts allowed and taken;	107756
(b) Returns and allowances;	107757
(c) Bad debts. For the purposes of this division, "bad debts"	107758
mean any debts that have become worthless or uncollectible between	107759
the preceding and current quarterly tax payment periods, have been	107760
uncollected for at least six months, and may be claimed as a	107761
deduction under section 166 of the Internal Revenue Code and the	107762
regulations adopted pursuant thereto, or that could be claimed as	107763
such if the taxpayer kept its accounts on the accrual basis. "Bad	107764
debts" does not include uncollectible amounts on property that	107765
remains in the possession of the taxpayer until the full purchase	107766
price is paid, expenses in attempting to collect any account	107767
receivable or for any portion of the debt recovered, and	107768
repossessed property;	107769
(d) Any amount realized from the sale of an account	107770
receivable but only to the extent the receipts from the underlying	107771
transaction giving rise to the account receivable were included in	107772
the gross receipts of the taxpayer.	107773
(G) "Taxable gross receipts" means gross receipts sitused to	107774
this state under section 5751.033 of the Revised Code.	107775
(H) A person has "substantial nexus with this state" if any	107776
of the following applies. The person:	107777
(1) Owns or uses a part or all of its capital in this state;	107778
(2) Holds a certificate of compliance with the laws of this	107779
state authorizing the person to do business in this state;	107780
(3) Has bright-line presence in this state;	107781
(4) Otherwise has nexus with this state to an extent that the	107782

person can be required to remit the tax imposed under this chapter 107783
under the Constitution of the United States. 107784

(I) A person has "bright-line presence" in this state for a 107785
reporting period and for the remaining portion of the calendar 107786
year if any of the following applies. The person: 107787

(1) Has at any time during the calendar year property in this 107788
state with an aggregate value of at least fifty thousand dollars. 107789
For the purpose of division (I)(1) of this section, owned property 107790
is valued at original cost and rented property is valued at eight 107791
times the net annual rental charge. 107792

(2) Has during the calendar year payroll in this state of at 107793
least fifty thousand dollars. Payroll in this state includes all 107794
of the following: 107795

(a) Any amount subject to withholding by the person under 107796
section 5747.06 of the Revised Code; 107797

(b) Any other amount the person pays as compensation to an 107798
individual under the supervision or control of the person for work 107799
done in this state; and 107800

(c) Any amount the person pays for services performed in this 107801
state on its behalf by another. 107802

(3) Has during the calendar year taxable gross receipts of at 107803
least five hundred thousand dollars. 107804

(4) Has at any time during the calendar year within this 107805
state at least twenty-five per cent of the person's total 107806
property, total payroll, or total gross receipts. 107807

(5) Is domiciled in this state as an individual or for 107808
corporate, commercial, or other business purposes. 107809

(J) "Tangible personal property" has the same meaning as in 107810
section 5739.01 of the Revised Code. 107811

(K) "Internal Revenue Code" means the Internal Revenue Code 107812

of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 107813
this chapter that is not otherwise defined has the same meaning as 107814
when used in a comparable context in the laws of the United States 107815
relating to federal income taxes unless a different meaning is 107816
clearly required. Any reference in this chapter to the Internal 107817
Revenue Code includes other laws of the United States relating to 107818
federal income taxes. 107819

(L) "Calendar quarter" means a three-month period ending on 107820
the thirty-first day of March, the thirtieth day of June, the 107821
thirtieth day of September, or the thirty-first day of December. 107822

(M) "Tax period" means the calendar quarter or calendar year 107823
on the basis of which a taxpayer is required to pay the tax 107824
imposed under this chapter. 107825

(N) "Calendar year taxpayer" means a taxpayer for which the 107826
tax period is a calendar year. 107827

(O) "Calendar quarter taxpayer" means a taxpayer for which 107828
the tax period is a calendar quarter. 107829

(P) "Agent" means a person authorized by another person to 107830
act on its behalf to undertake a transaction for the other, 107831
including any of the following: 107832

(1) A person receiving a fee to sell financial instruments; 107833

(2) A person retaining only a commission from a transaction 107834
with the other proceeds from the transaction being remitted to 107835
another person; 107836

(3) A person issuing licenses and permits under section 107837
1533.13 of the Revised Code; 107838

(4) A lottery sales agent holding a valid license issued 107839
under section 3770.05 of the Revised Code; 107840

(5) A person acting as an agent of the division of liquor 107841
control under section 4301.17 of the Revised Code. 107842

(Q) "Received" includes amounts accrued under the accrual method of accounting. 107843
107844

(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 107845
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Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements: 107852
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(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners. ~~At~~ 107855
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A group making its initial election on the basis of the eighty per cent ownership test may change its election so that its consolidated elected taxpayer group is formed on the basis of the fifty per cent ownership test if all of the following are satisfied: 107862
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(a) When the initial election was made, the group did not have any persons satisfying the fifty per cent ownership test; 107867
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(b) One or more of the persons in the initial group subsequently acquires ownership interests in a person such that the fifty per cent ownership test is satisfied, the eighty per cent ownership test is not satisfied, and the acquired person 107869
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would be required to be included in a combined taxpayer group 107873
under section 5751.012 of the Revised Code; 107874

(c) The group requests the change in a written request to the 107875
tax commissioner on or before the due date for filing the first 107876
return due under section 5751.051 of the Revised Code after the 107877
date of the acquisition; 107878

(d) The group has not previously changed its election. 107879

At the election of the group, all entities that are not 107880
incorporated or formed under the laws of a state or of the United 107881
States and that meet the consolidated elected ownership test shall 107882
either be included in the group or all shall be excluded from the 107883
group. The If, at the time of registration, the group does not 107884
include any such entities that meet the consolidated elected 107885
ownership test, the group shall elect to either include or exclude 107886
the newly acquired entities before the due date of the first 107887
return due after the date of the acquisition. 107888

Each group shall notify the tax commissioner of the foregoing 107889
elections before the due date of the return ~~in which the election~~ 107890
~~is to become effective~~ for the period in which the election 107891
becomes binding. If fifty per cent of the value of a person's 107892
ownership interests is owned or controlled by each of two 107893
consolidated elected taxpayer groups formed under the fifty per 107894
cent ownership or control test, that person is a member of each 107895
group for the purposes of this section, and each group shall 107896
include in the group's taxable gross receipts fifty per cent of 107897
that person's taxable gross receipts. Otherwise, all of that 107898
person's taxable gross receipts shall be included in the taxable 107899
gross receipts of the consolidated elected taxpayer group of which 107900
the person is a member. In no event shall the ownership or control 107901
of fifty per cent of the value of a person's ownership interests 107902
by two otherwise unrelated groups form the basis for consolidating 107903
the groups into a single consolidated elected taxpayer group or 107904

permit any exclusion under division (C) of this section of taxable gross receipts between members of the two groups. Division (A)(3) of this section applies with respect to the elections described in this division.

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

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

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

(b) Before the expiration of the eighth such calendar quarter, the group shall notify the commissioner if it elects to cancel its designation as a consolidated elected taxpayer. If the group does not so notify the tax commissioner, the election remains in effect for another eight calendar quarters.

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

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

(B) A group of persons making the election under this section shall report and pay tax on all of the group's taxable gross receipts even if substantial nexus with this state does not exist

for one or more persons in the group. 107936

(C)(1)(a) Members of a consolidated elected taxpayer group 107937
shall exclude gross receipts among persons included in the 107938
consolidated elected taxpayer group. 107939

(b) Subject to divisions (C)(1)(c) and (C)(2) of this 107940
section, nothing in this section shall have the effect of 107941
requiring a consolidated elected taxpayer group to include gross 107942
receipts received by a person enumerated in divisions (E)(2) to 107943
(10) of section 5751.01 of the Revised Code if that person is a 107944
member of the group pursuant to the elections made by the group 107945
under division (A)(1) of this section. 107946

(c)(i) As used in division (C)(1)(c) of this section, "dealer 107947
transfer" means a transfer of property that satisfies both of the 107948
following: (I) the property is directly transferred by any means 107949
from one member of the group to another member of the group that 107950
is a dealer in intangibles but is not a qualifying dealer as 107951
defined in section 5725.24 of the Revised Code; and (II) the 107952
property is subsequently delivered by the dealer in intangibles to 107953
a person that is not a member of the group. 107954

(ii) In the event of a dealer transfer, a consolidated 107955
elected taxpayer group shall not exclude, under division (C) of 107956
this section, gross receipts from the transfer described in 107957
division (C)(1)(c)(i)(I) of this section. 107958

(2) Gross receipts related to the sale or transmission of 107959
electricity through the use of an intermediary regional 107960
transmission organization approved by the federal energy 107961
regulatory commission shall be excluded from taxable gross 107962
receipts under division (C)(1) of this section if all other 107963
requirements of that division are met, even if the receipts are 107964
from and to the same member of the group. 107965

(D) To make the election to be a consolidated elected 107966

taxpayer, a group of persons shall notify the tax commissioner of 107967
the election in the manner prescribed by the commissioner and pay 107968
the commissioner a registration fee equal to the lesser of two 107969
hundred dollars or twenty dollars for each person in the group. No 107970
additional fee shall be imposed for the addition of new members to 107971
the group once the group has remitted a fee in the amount of two 107972
hundred dollars. The election shall be made and the fee paid 107973
before ~~the later of~~ the beginning of the first calendar quarter to 107974
which the election applies ~~or November 15, 2005~~. The fee shall be 107975
collected and used in the same manner as provided in section 107976
5751.04 of the Revised Code. 107977

The election shall be made on a form prescribed by the tax 107978
commissioner for that purpose and shall be signed by one or more 107979
individuals with authority, separately or together, to make a 107980
binding election on behalf of all persons in the group. 107981

Any person acquired or formed after the filing of the 107982
registration shall be included in the group if the person meets 107983
the requirements of division (A)(1) of this section, and the group 107984
shall notify the tax commissioner of any additions to the group 107985
with the next tax return it files with the commissioner. 107986

~~(E) Each member of a consolidated elected taxpayer is jointly 107987
and severally liable for the tax imposed by this chapter and any 107988
penalties or interest thereon. The tax commissioner may require 107989
one person in the group to be the taxpayer for purposes of 107990
registration and remittance of the tax, but all members of the 107991
group are subject to assessment under section 5751.09 of the 107992
Revised Code. 107993~~

Sec. 5751.012. (A) All persons, other than persons enumerated 107994
in divisions (E)(2) to (10) of section 5751.01 of the Revised 107995
Code, having more than fifty per cent of the value of their 107996
ownership interest owned or controlled, directly or constructively 107997

through related interests, by common owners during all or any 107998
portion of the tax period, together with the common owners, shall 107999
be members of a combined taxpayer if those persons are not members 108000
of a consolidated elected taxpayer pursuant to an election under 108001
section 5751.011 of the Revised Code. 108002

(B) A combined taxpayer shall register, file returns, and pay 108003
taxes under this chapter as a single taxpayer. 108004

(C) A combined taxpayer shall neither exclude taxable gross 108005
receipts between its members nor from others that are not members. 108006

(D) A combined taxpayer shall pay to the tax commissioner a 108007
registration fee equal to the lesser of two hundred dollars or 108008
twenty dollars for each person in the group. No additional fee 108009
shall be imposed for the addition of new members to the group once 108010
the group has remitted a fee in the amount of two hundred dollars. 108011
The fee shall be timely paid before the later of the beginning of 108012
the first calendar quarter or November 15, 2005. The fee shall be 108013
collected and used in the same manner as provided in section 108014
5751.04 of the Revised Code. 108015

Any person acquired or formed after the filing of the 108016
registration shall be included in the group if the person meets 108017
the requirements of division (A) of this section, and the group 108018
must notify the tax commissioner of any additions with the next 108019
quarterly tax return it files with the commissioner. 108020

~~(E) Each member of a combined taxpayer is jointly and 108021
severally liable for the tax imposed by this chapter and any 108022
penalties or interest thereon. The tax commissioner may require 108023
one person in the group to be the taxpayer for purposes of 108024
registration and remittance of the tax, but all members of the 108025
group are subject to assessment under section 5751.09 of the 108026
Revised Code. 108027~~

Sec. 5751.013. (A) Except as provided in division (B) of this section: 108028
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(1) A person shall include as taxable gross receipts the value of property the person transfers into this state for the person's own use within one year after the person receives the property outside this state; and 108030
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(2) In the case of ~~an elected~~ a consolidated elected taxpayer group or a combined taxpayer group, the taxpayer shall include as taxable gross receipts the value of property that any of the taxpayer's members transferred into this state for the use of any of the taxpayer's members within one year after the taxpayer receives the property outside this state. 108034
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(B) Property brought into this state within one year after it is received outside this state by a person or group described in division (A)(1) or (2) of this section shall not be included as taxable gross receipts as required under those divisions if the tax commissioner ascertains that the property's receipt outside this state by the person or group followed by its transfer into this state within one year was not intended in whole or in part to avoid in whole or in part the tax imposed under this chapter. 108040
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(C) The tax commissioner may adopt rules necessary to administer this section. 108048
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Sec. 5751.014. All members of a consolidated elected taxpayer or combined taxpayer group during the tax period or periods for which additional tax, penalty, or interest is owed are jointly and severally liable for the tax imposed by this chapter. Although the reporting person will be assessed for the liability, such amounts due may be pursued against any member when a liability is certified to the attorney general under section 131.02 of the Revised Code. 108050
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Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 108058
of this section and in sections 5751.031 and 5751.032 of the 108059
Revised Code, the tax levied under this section for each tax 108060
period shall be the product of two and six-tenths mills per dollar 108061
times the remainder of the taxpayer's taxable gross receipts for 108062
the tax period after subtracting the exclusion amount provided for 108063
in division (C) of this section. 108064

(B) Notwithstanding division (C) of this section, the tax on 108065
the first one million dollars in taxable gross receipts each 108066
calendar year shall be one hundred fifty dollars. For calendar 108067
year 2006, the tax imposed under this division shall be paid not 108068
later than May 10, 2006, by both calendar year taxpayers and 108069
calendar quarter taxpayers. For calendar ~~year~~ years 2007 ~~and~~ 108070
~~thereafter, 2008, and 2009~~, the tax imposed under this division 108071
shall be paid with the fourth-quarter tax return or annual tax 108072
return for the prior calendar year by both calendar year taxpayers 108073
and calendar quarter taxpayers. For calendar years 2010 and 108074
thereafter, the tax imposed under this division shall be paid not 108075
later than the tenth day of May of each year along with the first 108076
quarter or annual tax return, as applicable. 108077

(C)(1) Each calendar quarter taxpayer may exclude the first 108078
two hundred fifty thousand dollars of taxable gross receipts for a 108079
calendar quarter and may carry forward and apply any unused 108080
exclusion amount to the three subsequent calendar quarters. Each 108081
calendar year taxpayer may exclude the first one million dollars 108082
of taxable gross receipts for a calendar year. 108083

(2) A taxpayer switching from a calendar year tax period to a 108084
calendar quarter tax period may, for the first quarter of the 108085
change, apply the prior calendar quarter exclusion amounts to the 108086
first calendar quarter return the taxpayer files that calendar 108087
year. The tax rate shall be based on the rate imposed that 108088

calendar quarter when the taxpayer switches from a calendar year 108089
to a calendar quarter tax period. 108090

(D) There is hereby allowed a credit against the tax imposed 108091
under this chapter for each of the following calendar years if a 108092
transfer was made in the preceding calendar year from the general 108093
revenue fund to the commercial activity tax refund fund under 108094
division (D) of section 5751.032 of the Revised Code: calendar 108095
years 2008, 2010, and 2012. The credit is allowed for taxpayers 108096
that paid in full the tax imposed under this chapter for the 108097
calendar year in which the transfer was made. The amount of a 108098
taxpayer's credit equals the amount computed under division (D) of 108099
section 5751.032 of the Revised Code. 108100

Sec. 5751.04. (A) As used in this section, "person" includes 108101
a reporting person. 108102

(B) Not later than ~~the later of November 15, 2005, or~~ thirty 108103
days after a person first has more than one hundred fifty thousand 108104
dollars in taxable gross receipts in a calendar year, each person 108105
subject to this chapter shall register with the tax commissioner 108106
on the form prescribed by the commissioner. The form shall include 108107
the following: 108108

(1) The person's name; 108109

(2) If applicable, the name of the state or country under the 108110
laws of which the person is incorporated; 108111

(3) If applicable, the location of a person's principal 108112
office and the name and address of the officer or agent of the 108113
corporation in charge of the business; 108114

(4) If applicable, the names of the person's president, 108115
secretary, treasurer, and statutory agent designated pursuant to 108116
section 1703.041 of the Revised Code, with the post office address 108117
of each; 108118

(5) The kind of business in which the person is engaged, 108119
including applicable business or industry codes; 108120

(6) If required by the tax commissioner, the date of the 108121
beginning of the person's annual accounting period that includes 108122
the first day of January of the taxable calendar year; 108123

(7) If the person is not a corporation or a sole proprietor, 108124
the names of the person's owners and officers, if required by the 108125
tax commissioner; 108126

(8) The person's federal employer identification number or 108127
numbers or, if those are not applicable, the person's social 108128
security number or equivalent; 108129

(9) All other information that the commissioner requires to 108130
administer and enforce this chapter. 108131

~~(B)~~(C) Except as otherwise provided in this division, each 108132
person registering with the tax commissioner as required by 108133
division ~~(A)~~(B) of this section shall pay a registration fee. The 108134
fee shall be in the amount of fifteen dollars if a person 108135
registers electronically and twenty dollars if a person does not 108136
register electronically. The registration fee shall be paid in the 108137
manner prescribed by the tax commissioner at the same time the 108138
registration is due if a person is subject to the tax imposed 108139
under this chapter before January 1, 2006. If a person first 108140
becomes subject to the tax after that date, the registration fee 108141
is payable with the first tax period return the person is required 108142
to file as prescribed by section 5751.051 of the Revised Code. If 108143
a ~~registration fee is not paid when due~~ person does not register 108144
within the time prescribed by this section, an additional fee is 108145
imposed in the amount of one hundred dollars per month or part 108146
thereof that the fee is outstanding, not to exceed one thousand 108147
dollars. The tax commissioner may abate the additional fee. The 108148
fee imposed under this division may be assessed in the same manner 108149

as the tax imposed under this chapter. Proceeds from the fee shall 108150
be credited to the commercial activity tax administrative fund, 108151
which is hereby created in the state treasury for the commissioner 108152
to use in implementing and administering the tax imposed under 108153
this chapter. 108154

~~No registration fee is payable by a person for a calendar 108155
year if the person first begins business operations in this state 108156
after the thirtieth day of November of that calendar year or if 108157
the person's taxable gross receipts for the calendar year exceed 108158
one hundred fifty thousand dollars but do not exceed one hundred 108159
fifty thousand dollars as of the first day of December of the 108160
calendar year. 108161~~

Registration fees paid under this section, excluding any 108162
additional fee imposed for ~~late payment of the registration fee a~~ 108163
person's failure to timely register, shall be credited against the 108164
first payment of tax payable under section 5751.03 of the Revised 108165
Code ~~after the registration fee is paid.~~ 108166

~~(C)~~(D) If a person that has registered under this section is 108167
no longer a taxpayer subject to this chapter, including no longer 108168
being a taxpayer because of the application of division (E)(1) of 108169
section 5751.01 of the Revised Code, the person shall notify the 108170
commissioner that the person's registration should be cancelled. 108171

(E) With respect to registrations received by the 108172
commissioner before the effective date of the amendment of this 108173
section by the main operating appropriations act of the 128th 108174
general assembly, the taxpayer listed as the primary taxpayer on 108175
the registration shall be the reporting person until the taxpayer 108176
notifies the commissioner otherwise. 108177

Sec. 5751.05. (A) If a person subject to this chapter 108178
anticipates that the person's taxable gross receipts will be more 108179
than one million dollars ~~or less~~ in a calendar year ~~2006~~, the 108180

person may elect to be a calendar year taxpayer. If a person is 108181
not required to be registered under this section for calendar year 108182
2006 and anticipates that the person's taxable gross receipts will 108183
be one million dollars or less in the first calendar year the 108184
person is required to register under this section, the person may 108185
elect to be a calendar year taxpayer shall notify the tax 108186
commissioner on the person's initial registration form and file on 108187
a quarterly basis as a calendar quarter taxpayer. Any taxpayer 108188
with taxable gross receipts of less than one million dollars shall 108189
register as a calendar year taxpayer and shall file annually. 108190

(B) Any person that is a calendar year taxpayer ~~pursuant to~~ 108192
~~an election~~ under division (A) of this section shall become a 108193
calendar quarter taxpayer in the subsequent calendar year if the 108194
person's taxable gross receipts for the prior calendar year are 108195
more than one million dollars, and shall remain a calendar quarter 108196
taxpayer until the person notifies the tax commissioner, and 108197
receives approval in writing from the tax commissioner, to switch 108198
back to being a calendar year taxpayer. Nothing in this division 108199
prohibits a person that has elected to be a calendar year taxpayer 108200
from notifying the tax commissioner, using the procedures 108201
prescribed by the commissioner, that it is switching back to being 108202
a calendar quarter taxpayer. 108203

(C) Any taxpayer that is not a calendar ~~year~~ quarter taxpayer 108204
pursuant to this section is a calendar ~~quarter~~ year taxpayer. The 108205
~~tax~~ commissioner may grant written approval for a calendar quarter 108206
taxpayer to use an alternative reporting schedule or estimate the 108207
amount of tax due for a calendar quarter if the taxpayer 108208
demonstrates to the commissioner the need for such a deviation. 108209
The commissioner may adopt a rule to apply division (C) of this 108210
section to a group of taxpayers without the taxpayers having to 108211
receive written approval from the commissioner. 108212

Sec. 5751.051. (A)(1) Not later than ~~forty days~~ the tenth day 108213
of the second month after the end of each calendar quarter, every 108214
taxpayer other than a calendar year taxpayer shall file with the 108215
tax commissioner a tax return in such form as the commissioner 108216
prescribes. The return shall include, but is not limited to, the 108217
amount of the taxpayer's taxable gross receipts for the calendar 108218
quarter and shall indicate the amount of tax due under section 108219
5751.03 of the Revised Code for the calendar quarter. 108220

(2)(a) Subject to division (C) of section 5751.05 of the 108221
Revised Code, a calendar quarter taxpayer shall report the taxable 108222
gross receipts for that calendar quarter. 108223

(b) With respect to taxable gross receipts incorrectly 108224
reported in a calendar quarter that has a lower tax rate, the tax 108225
shall be computed at the tax rate in effect for the quarterly 108226
return in which such receipts should have been reported. Nothing 108227
in division (A)(2)(b) of this section prohibits a taxpayer from 108228
filing an application for refund under section 5751.08 of the 108229
Revised Code with regard to the incorrect reporting of taxable 108230
gross receipts discovered after filing the annual return described 108231
in division (A)(3) of this section. 108232

A tax return shall not be deemed to be an incorrect reporting 108233
of taxable gross receipts for the purposes of division (A)(2)(b) 108234
of this section if the return reflects between ninety-five and one 108235
hundred five per cent of the actual taxable gross receipts for the 108236
calendar quarter. 108237

(3) ~~The~~ For the purposes of division (A)(2)(b) of this 108238
section, the tax return filed for the fourth calendar quarter of a 108239
calendar year is the annual return for the privilege tax imposed 108240
by this chapter. Such return shall report any additional taxable 108241
gross receipts not previously reported in the calendar year and 108242
shall adjust for any over-reported taxable gross receipts in the 108243

calendar year. If the taxpayer ceases to be a taxpayer before the 108244
end of the calendar year, the last return the taxpayer is required 108245
to file shall be the annual return for the taxpayer and the 108246
taxpayer shall report any additional taxable gross receipts not 108247
previously reported in the calendar year and shall adjust for any 108248
over-reported taxable gross receipts in the calendar year. 108249

(4) Because the tax imposed by this chapter is a privilege 108250
tax, the tax rate with respect to taxable gross receipts for a 108251
calendar quarter is not fixed until the end of the measurement 108252
period for each calendar quarter. Subject to division (A)(2)(b) of 108253
this section, the total amount of taxable gross receipts reported 108254
for a given calendar quarter shall be subject to the tax rate in 108255
effect in that quarter. 108256

(5) Not later than ~~forty days after~~ the tenth day of May 108257
following the end of each calendar year, every calendar year 108258
taxpayer shall file with the tax commissioner a tax return in such 108259
form as the commissioner prescribes. The return shall include, but 108260
is not limited to, the amount of the taxpayer's taxable gross 108261
receipts for the calendar year and shall indicate the amount of 108262
tax due under section 5751.03 of the Revised Code for the calendar 108263
year. 108264

(B)(1) A person that first becomes subject to the tax imposed 108265
under this chapter shall pay the minimum tax imposed under 108266
division (B) of section 5751.03 of the Revised Code along with the 108267
registration fee imposed under this section, if applicable, on or 108268
before the day the return is required to be filed for that quarter 108269
under division (A)(1) of this section, regardless of whether the 108270
person elects to be a calendar year taxpayer under section 5751.05 108271
of the Revised Code. 108272

(2) The amount of the minimum tax for a person subject to 108273
division (B)(1) of this section shall be reduced to seventy-five 108274
dollars if the registration is timely filed after the first day of 108275

May and before the first day of January of the following calendar 108276
year. 108277

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 108278
pay the full amount of the tax due within the period prescribed 108279
therefor under this chapter shall pay a penalty in an amount not 108280
exceeding the greater of fifty dollars or ten per cent of the tax 108281
required to be paid for the tax period. 108282

(B)(1) If any additional tax is found to be due, the tax 108283
commissioner may impose an additional penalty of up to fifteen per 108284
cent on the additional tax found to be due. 108285

(2) Any delinquent payments of the tax made after a taxpayer 108286
is notified of an audit or a tax discrepancy by the commissioner 108287
is subject to the penalty imposed by division (B) of this section. 108288
If an assessment is issued under section ~~5751.10~~ 5751.09 of the 108289
Revised Code in connection with such delinquent payments, the 108290
payments shall be credited to the assessment. 108291

(C) After calendar year 2008, the tax commissioner may impose 108292
an additional penalty against a taxpayer that fails to switch to 108293
being a calendar quarter taxpayer at the time it had over two 108294
million in taxable gross receipts in the calendar year, as 108295
required under section 5751.04 of the Revised Code. The penalty 108296
may be imposed in an amount not to exceed ten per cent of the tax 108297
due above two million dollars in taxable gross receipts for the 108298
calendar year. Any penalty imposed under this division is in 108299
addition to any other penalties imposed under this section. 108300

(D) If the tax commissioner notifies a person required to 108301
register under section 5751.05 of the Revised Code of such 108302
requirement and of the requirement to remit the tax due under this 108303
chapter, and the person fails to so register and remit the tax 108304
within sixty days after such notice, the tax commissioner may 108305
impose an additional penalty of up to thirty-five per cent of the 108306

tax due. The penalty imposed under this division is in addition to 108307
any other penalties imposed under this section. 108308

(E) The tax commissioner may collect any penalty or interest 108309
imposed by this section in the same manner as the tax imposed 108310
under this chapter. Penalties and interest so collected shall be 108311
considered as revenue arising from the tax imposed under this 108312
chapter. 108313

(F) The tax commissioner may abate all or a portion of any 108314
penalties imposed under this section and may adopt rules governing 108315
such abatements. 108316

(G) If any tax due is not timely paid in accordance with this 108317
chapter, the taxpayer shall pay interest, calculated at the rate 108318
per annum prescribed by section 5703.47 of the Revised Code, from 108319
the date the tax payment was due to the date of payment or to the 108320
date an assessment was issued, whichever occurs first. 108321

(H) The tax commissioner may impose a penalty of up to ten 108322
per cent for any additional tax that is due under division 108323
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 108324
incorrectly reporting its taxable gross receipts. 108325

Sec. 5751.08. (A) An application for refund to the taxpayer 108326
of the amount of taxes imposed under this chapter that are 108327
overpaid, paid illegally or erroneously, or paid on any illegal or 108328
erroneous assessment shall be filed by the reporting person with 108329
the tax commissioner, on the form prescribed by the commissioner, 108330
within four years after the date of the illegal or erroneous 108331
payment of the tax. The applicant shall provide the amount of the 108332
requested refund along with the claimed reasons for, and 108333
documentation to support, the issuance of a refund. 108334

(B) On the filing of the refund application, the tax 108335
commissioner shall determine the amount of refund to which the 108336

applicant is entitled. If the amount is not less than that 108337
claimed, the commissioner shall certify the amount to the director 108338
of budget and management and treasurer of state for payment from 108339
the tax refund fund created under section 5703.052 of the Revised 108340
Code. If the amount is less than that claimed, the commissioner 108341
shall proceed in accordance with section 5703.70 of the Revised 108342
Code. 108343

(C) Interest on a refund applied for under this section, 108344
computed at the rate provided for in section 5703.47 of the 108345
Revised Code, shall be allowed from the later of the date the tax 108346
was paid or when the tax payment was due. 108347

(D) A calendar quarter taxpayer with more than one million 108348
dollars in taxable gross receipts in a calendar year other than 108349
calendar year 2005 and that is not able to exclude one million 108350
dollars in taxable gross receipts because of the operation of the 108351
taxpayer's business in that calendar year may file for a refund 108352
under this section to obtain the full exclusion of one million 108353
dollars in taxable gross receipts for that calendar year. 108354

(E) No person with an active registration as a taxpayer under 108355
this chapter may claim a refund under this section for the tax 108356
imposed under division (B) of section 5751.03 of the Revised Code 108357
unless the person cancelled the registration before the tenth day 108358
of ~~February~~ May of the current calendar year pursuant to division 108359
~~(C)~~ (D) of section 5751.04 of the Revised Code. 108360

(F) Except as provided in section 5751.091 of the Revised 108361
Code, the tax commissioner may, with the consent of the taxpayer, 108362
provide for the crediting against tax due for a tax year the 108363
amount of any refund due the taxpayer under this chapter for a 108364
preceding tax year. 108365

Sec. 5751.09. (A) The tax commissioner may make an 108366
assessment, based on any information in the commissioner's 108367

possession, against any person that fails to file a return or pay 108368
any tax as required by this chapter. The commissioner shall give 108369
the person assessed written notice of the assessment as provided 108370
in section 5703.37 of the Revised Code. With the notice, the 108371
commissioner shall provide instructions on the manner in which to 108372
petition for reassessment and request a hearing with respect to 108373
the petition. The commissioner shall send any assessments against 108374
consolidated elected taxpayer and combined taxpayer groups under 108375
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 108376
"reporting person" as defined under division (R) of section 108377
5751.01 of the Revised Code. The reporting person shall notify all 108378
members of the group of the assessment and all outstanding taxes, 108379
interest, and penalties for which the assessment is issued. 108380

(B) Unless the person assessed, within sixty days after 108381
service of the notice of assessment, files with the tax 108382
commissioner, either personally or by certified mail, a written 108383
petition signed by the person or the person's authorized agent 108384
having knowledge of the facts, the assessment becomes final, and 108385
the amount of the assessment is due and payable from the person 108386
assessed to the treasurer of state. The petition shall indicate 108387
the objections of the person assessed, but additional objections 108388
may be raised in writing if received by the commissioner prior to 108389
the date shown on the final determination. 108390

If a petition for reassessment has been properly filed, the 108391
commissioner shall proceed under section 5703.60 of the Revised 108392
Code. 108393

(C)(1) After an assessment becomes final, if any portion of 108394
the assessment, including accrued interest, remains unpaid, a 108395
certified copy of the tax commissioner's entry making the 108396
assessment final may be filed in the office of the clerk of the 108397
court of common pleas in the county in which the person resides or 108398

has its principal place of business in this state, or in the 108399
office of the clerk of court of common pleas of Franklin county. 108400

(2) Immediately upon the filing of the entry, the clerk shall 108401
enter judgment for the state against the person assessed in the 108402
amount shown on the entry. The judgment may be filed by the clerk 108403
in a loose-leaf book entitled, "special judgments for the 108404
commercial activity tax" and shall have the same effect as other 108405
judgments. Execution shall issue upon the judgment at the request 108406
of the tax commissioner, and all laws applicable to sales on 108407
execution shall apply to sales made under the judgment. 108408

(3) The portion of the assessment not paid within sixty days 108409
after the day the assessment was issued shall bear interest at the 108410
rate per annum prescribed by section 5703.47 of the Revised Code 108411
from the day the tax commissioner issues the assessment until it 108412
is paid. Interest shall be paid in the same manner as the tax and 108413
may be collected by the issuance of an assessment under this 108414
section. 108415

(D) If the tax commissioner believes that collection of the 108416
tax will be jeopardized unless proceedings to collect or secure 108417
collection of the tax are instituted without delay, the 108418
commissioner may issue a jeopardy assessment against the person 108419
liable for the tax. Immediately upon the issuance of the jeopardy 108420
assessment, the commissioner shall file an entry with the clerk of 108421
the court of common pleas in the manner prescribed by division (C) 108422
of this section. Notice of the jeopardy assessment shall be served 108423
on the person assessed or the person's authorized agent in the 108424
manner provided in section 5703.37 of the Revised Code within five 108425
days of the filing of the entry with the clerk. The total amount 108426
assessed is immediately due and payable, unless the person 108427
assessed files a petition for reassessment in accordance with 108428
division (B) of this section and provides security in a form 108429
satisfactory to the commissioner and in an amount sufficient to 108430

satisfy the unpaid balance of the assessment. Full or partial 108431
payment of the assessment does not prejudice the commissioner's 108432
consideration of the petition for reassessment. 108433

(E) The tax commissioner shall immediately forward to the 108434
treasurer of state all amounts the commissioner receives under 108435
this section, and such amounts shall be considered as revenue 108436
arising from the tax imposed under this chapter. 108437

(F) Except as otherwise provided in this division, no 108438
assessment shall be made or issued against a taxpayer for the tax 108439
imposed under this chapter more than four years after the due date 108440
for the filing of the return for the tax period for which the tax 108441
was reported, or more than four years after the return for the tax 108442
period was filed, whichever is later. Nothing in this division 108443
bars an assessment against a taxpayer that fails to file a return 108444
required by this chapter or that files a fraudulent return. 108445

(G) If the tax commissioner possesses information that 108446
indicates that the amount of tax a taxpayer is required to pay 108447
under this chapter exceeds the amount the taxpayer paid, the tax 108448
commissioner may audit a sample of the taxpayer's gross receipts 108449
over a representative period of time to ascertain the amount of 108450
tax due, and may issue an assessment based on the audit. The tax 108451
commissioner shall make a good faith effort to reach agreement 108452
with the taxpayer in selecting a representative sample. The tax 108453
commissioner may apply a sampling method only if the commissioner 108454
has prescribed the method by rule. 108455

(H) If the whereabouts of a person subject to this chapter is 108456
not known to the tax commissioner, the ~~secretary of state is~~ 108457
~~hereby deemed to be that person's agent for purposes of service of~~ 108458
~~process of notice of any assessment, action, or proceedings~~ 108459
~~instituted in this state against the person under this chapter.~~ 108460
~~Such process or notice shall be served on such person by the~~ 108461
~~commissioner or by one of the commissioner's agents by leaving at~~ 108462

~~the office of the secretary of state, at least fifteen days before~~ 108463
~~the return day of such process or notice, a true and attested copy~~ 108464
~~of the notice, and by sending to such person by ordinary mail,~~ 108465
~~with an endorsement thereon of the service upon the secretary of~~ 108466
~~state, addressed to such person at the person's last known address~~ 108467
commissioner shall follow the procedures under section 5703.37 of 108468
the Revised Code. 108469

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 108470
the Revised Code: 108471

(1) "School district," "joint vocational school district," 108472
"local taxing unit," "recognized valuation," "fixed-rate levy," 108473
and "fixed-sum levy" have the same meanings as used in section 108474
5727.84 of the Revised Code. 108475

(2) "State education aid" for a school district means the 108476
following: 108477

(a) For fiscal years prior to fiscal year 2010, the sum of 108478
state aid amounts computed for the district under division (A) of 108479
section 3317.022 of the Revised Code, including the amounts 108480
calculated under sections 3317.029 and 3317.0217 of the Revised 108481
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 108482
3317.022; divisions (B), (C), and (D) of section 3317.023; 108483
divisions (L) and (N) of section 3317.024; section 3317.0216; and 108484
any unit payments for gifted student services paid under sections 108485
3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 108486
for fiscal years 2008 and 2009, the amount computed for the 108487
district under Section 269.20.80 of H.B. 119 of the 127th general 108488
assembly and as that section subsequently may be amended shall be 108489
substituted for the amount computed under division (D) of section 108490
3317.022 of the Revised Code, and the amount computed under 108491
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 108492
that section subsequently may be amended shall be included. 108493

- (b) For fiscal year 2010 and for each fiscal year thereafter, 108494
the sum of the amounts computed under sections 3306.052, 3306.12, 108495
3306.13, 3306.19, and 3306.192 of the Revised Code. 108496
- (3) "State education aid" for a joint vocational school 108497
district means the following: 108498
- (a) For fiscal years prior to fiscal year 2010, the sum of 108499
the state aid computed for the district under division (N) of 108500
section 3317.024 and section 3317.16 of the Revised Code, except 108501
that, for fiscal years 2008 and 2009, the amount computed under 108502
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 108503
that section subsequently may be amended shall be included. 108504
- (b) For fiscal years 2010 and 2011, the amount paid in 108505
accordance with the section of this act entitled "FUNDING FOR 108506
JOINT VOCATIONAL SCHOOL DISTRICTS." 108507
- (4) "State education aid offset" means the amount determined 108508
for each school district or joint vocational school district under 108509
division (A)(1) of section 5751.21 of the Revised Code. 108510
- (5) "Machinery and equipment property tax value loss" means 108511
the amount determined under division (C)(1) of this section. 108512
- (6) "Inventory property tax value loss" means the amount 108513
determined under division (C)(2) of this section. 108514
- (7) "Furniture and fixtures property tax value loss" means 108515
the amount determined under division (C)(3) of this section. 108516
- (8) "Machinery and equipment fixed-rate levy loss" means the 108517
amount determined under division (D)(1) of this section. 108518
- (9) "Inventory fixed-rate levy loss" means the amount 108519
determined under division (D)(2) of this section. 108520
- (10) "Furniture and fixtures fixed-rate levy loss" means the 108521
amount determined under division (D)(3) of this section. 108522
- (11) "Total fixed-rate levy loss" means the sum of the 108523

machinery and equipment fixed-rate levy loss, the inventory 108524
fixed-rate levy loss, the furniture and fixtures fixed-rate levy 108525
loss, and the telephone company fixed-rate levy loss. 108526

(12) "Fixed-sum levy loss" means the amount determined under 108527
division (E) of this section. 108528

(13) "Machinery and equipment" means personal property 108529
subject to the assessment rate specified in division (F) of 108530
section 5711.22 of the Revised Code. 108531

(14) "Inventory" means personal property subject to the 108532
assessment rate specified in division (E) of section 5711.22 of 108533
the Revised Code. 108534

(15) "Furniture and fixtures" means personal property subject 108535
to the assessment rate specified in division (G) of section 108536
5711.22 of the Revised Code. 108537

(16) "Qualifying levies" are levies in effect for tax year 108538
2004 or applicable to tax year 2005 or approved at an election 108539
conducted before September 1, 2005. For the purpose of determining 108540
the rate of a qualifying levy authorized by section 5705.212 or 108541
5705.213 of the Revised Code, the rate shall be the rate that 108542
would be in effect for tax year 2010. 108543

(17) "Telephone property" means tangible personal property of 108544
a telephone, telegraph, or interexchange telecommunications 108545
company subject to an assessment rate specified in section 108546
5727.111 of the Revised Code in tax year 2004. 108547

(18) "Telephone property tax value loss" means the amount 108548
determined under division (C)(4) of this section. 108549

(19) "Telephone property fixed-rate levy loss" means the 108550
amount determined under division (D)(4) of this section. 108551

(B) The commercial activities tax receipts fund is hereby 108552
created in the state treasury and shall consist of money arising 108553

from the tax imposed under this chapter. ~~All money in that~~ 108554
Eighty-five one-hundredths of one per cent of the money credited 108555
to that fund shall be credited to the tax reform system 108556
implementation fund, which is hereby created in the state 108557
treasury, and shall be used to defray the costs incurred by the 108558
department of taxation in administering the tax imposed by this 108559
chapter and in implementing tax reform measures. The remainder in 108560
the commercial activities tax receipts fund shall be credited for 108561
each fiscal year in the following percentages to the general 108562
revenue fund, to the school district tangible property tax 108563
replacement fund, which is hereby created in the state treasury 108564
for the purpose of making the payments described in section 108565
5751.21 of the Revised Code, and to the local government tangible 108566
property tax replacement fund, which is hereby created in the 108567
state treasury for the purpose of making the payments described in 108568
section 5751.22 of the Revised Code, in the following percentages: 108569

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	108572
2007	0%	70.0%	30.0%	108573
2008	0%	70.0%	30.0%	108574
2009	0%	70.0%	30.0%	108575
2010	0%	70.0%	30.0%	108576
2011	0%	70.0%	30.0%	108577
2012	5.3%	70.0%	24.7%	108578
2013	10.6%	70.0%	19.4%	108579
2014	14.1%	70.0%	15.9%	108580
2015	17.6%	70.0%	12.4%	108581
2016	21.1%	70.0%	8.9%	108582
2017	24.6%	70.0%	5.4%	108583

2018	28.1%	70.0%	1.9%	108584
2019 and thereafter	30%	70%	0%	108585

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, thirty-three and eight-tenths per cent;

(b) For tax year 2007, sixty-one and three-tenths per cent;

(c) For tax year 2008, eighty-three per cent;

(d) For tax year 2009 and thereafter, one hundred per cent.

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:

(a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;

(b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;

(c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;

(d) For tax year 2009 and thereafter a fraction, the

numerator of which is seventeen and the denominator of which is 108613
twenty-three. 108614

(3) Furniture and fixtures property tax value loss is the 108615
taxable value of furniture and fixture property as reported by 108616
taxpayers for tax year 2004 multiplied by: 108617

(a) For tax year 2006, twenty-five per cent; 108618

(b) For tax year 2007, fifty per cent; 108619

(c) For tax year 2008, seventy-five per cent; 108620

(d) For tax year 2009 and thereafter, one hundred per cent. 108621

The taxable value of property reported by taxpayers used in 108622
divisions (C)(1), (2), and (3) of this section shall be such 108623
values as determined to be final by the tax commissioner as of 108624
August 31, 2005. Such determinations shall be final except for any 108625
correction of a clerical error that was made prior to August 31, 108626
2005, by the tax commissioner. 108627

(4) Telephone property tax value loss is the taxable value of 108628
telephone property as taxpayers would have reported that property 108629
for tax year 2004 if the assessment rate for all telephone 108630
property for that year were twenty-five per cent, multiplied by: 108631

(a) For tax year 2006, zero per cent; 108632

(b) For tax year 2007, zero per cent; 108633

(c) For tax year 2008, zero per cent; 108634

(d) For tax year 2009, sixty per cent; 108635

(e) For tax year 2010, eighty per cent; 108636

(f) For tax year 2011 and thereafter, one hundred per cent. 108637

(5) Division (C)(5) of this section applies to any school 108638
district, joint vocational school district, or local taxing unit 108639
in a county in which is located a facility currently or formerly 108640
devoted to the enrichment or commercialization of uranium or 108641

uranium products, and for which the total taxable value of 108642
property listed on the general tax list of personal property for 108643
any tax year from tax year 2001 to tax year 2004 was fifty per 108644
cent or less of the taxable value of such property listed on the 108645
general tax list of personal property for the next preceding tax 108646
year. 108647

In computing the fixed-rate levy losses under divisions 108648
(D)(1), (2), and (3) of this section for any school district, 108649
joint vocational school district, or local taxing unit to which 108650
division (C)(5) of this section applies, the taxable value of such 108651
property as listed on the general tax list of personal property 108652
for tax year 2000 shall be substituted for the taxable value of 108653
such property as reported by taxpayers for tax year 2004, in the 108654
taxing district containing the uranium facility, if the taxable 108655
value listed for tax year 2000 is greater than the taxable value 108656
reported by taxpayers for tax year 2004. For the purpose of making 108657
the computations under divisions (D)(1), (2), and (3) of this 108658
section, the tax year 2000 valuation is to be allocated to 108659
machinery and equipment, inventory, and furniture and fixtures 108660
property in the same proportions as the tax year 2004 values. For 108661
the purpose of the calculations in division (A) of section 5751.21 108662
of the Revised Code, the tax year 2004 taxable values shall be 108663
used. 108664

To facilitate the calculations required under division (C) of 108665
this section, the county auditor, upon request from the tax 108666
commissioner, shall provide by August 1, 2005, the values of 108667
machinery and equipment, inventory, and furniture and fixtures for 108668
all single-county personal property taxpayers for tax year 2004. 108669

(D) Not later than September 15, 2005, the tax commissioner 108670
shall determine for each tax year from 2006 through 2009 for each 108671
school district, joint vocational school district, and local 108672
taxing unit its machinery and equipment, inventory, and furniture 108673

and fixtures fixed-rate levy losses, and for each tax year from 108674
2006 through 2011 its telephone property fixed-rate levy loss, 108675
~~which. Except as provided in division (F) of this section, such~~ 108676
losses are the applicable amounts described in divisions (D)(1), 108677
(2), (3), and (4) of this section: 108678

(1) The machinery and equipment fixed-rate levy loss is the 108679
machinery and equipment property tax value loss multiplied by the 108680
sum of the tax rates of fixed-rate qualifying levies. 108681

(2) The inventory fixed-rate loss is the inventory property 108682
tax value loss multiplied by the sum of the tax rates of 108683
fixed-rate qualifying levies. 108684

(3) The furniture and fixtures fixed-rate levy loss is the 108685
furniture and fixture property tax value loss multiplied by the 108686
sum of the tax rates of fixed-rate qualifying levies. 108687

(4) The telephone property fixed-rate levy loss is the 108688
telephone property tax value loss multiplied by the sum of the tax 108689
rates of fixed-rate qualifying levies. 108690

(E) Not later than September 15, 2005, the tax commissioner 108691
shall determine for each school district, joint vocational school 108692
district, and local taxing unit its fixed-sum levy loss. The 108693
fixed-sum levy loss is the amount obtained by subtracting the 108694
amount described in division (E)(2) of this section from the 108695
amount described in division (E)(1) of this section: 108696

(1) The sum of the machinery and equipment property tax value 108697
loss, the inventory property tax value loss, and the furniture and 108698
fixtures property tax value loss, and, for 2008 through 2017 the 108699
telephone property tax value loss of the district or unit 108700
multiplied by the sum of the fixed-sum tax rates of qualifying 108701
levies. For 2006 through 2010, this computation shall include all 108702
qualifying levies remaining in effect for the current tax year and 108703
any school district levies imposed under section 5705.194 or 108704

5705.213 of the Revised Code that are qualifying levies not 108705
remaining in effect for the current year. For 2011 through 2017 in 108706
the case of qualifying school district levies imposed under 108707
section 5705.194 or 5705.213 of the Revised Code and for all years 108708
after 2010 in the case of other fixed-sum levies, this computation 108709
shall include only qualifying levies remaining in effect for the 108710
current year. For purposes of this computation, a qualifying 108711
school district levy imposed under section 5705.194 or 5705.213 of 108712
the Revised Code remains in effect in a year after 2010 only if, 108713
for that year, the board of education levies a school district 108714
levy imposed under section 5705.194 ~~or~~, 5705.199, 5705.213, or 108715
5705.219 of the Revised Code for an annual sum at least equal to 108716
the annual sum levied by the board in tax year 2004 less the 108717
amount of the payment certified under this division for 2006. 108718
108719

(2) The total taxable value in tax year 2004 less the sum of 108720
the machinery and equipment, inventory, furniture and fixtures, 108721
and telephone property tax value losses in each school district, 108722
joint vocational school district, and local taxing unit multiplied 108723
by one-half of one mill per dollar. 108724

(3) For the calculations in divisions (E)(1) and (2) of this 108725
section, the tax value losses are those that would be calculated 108726
for tax year 2009 under divisions (C)(1), (2), and (3) of this 108727
section and for tax year 2011 under division (C)(4) of this 108728
section. 108729

(4) To facilitate the calculation under divisions (D) and (E) 108730
of this section, not later than September 1, 2005, any school 108731
district, joint vocational school district, or local taxing unit 108732
that has a qualifying levy that was approved at an election 108733
conducted during 2005 before September 1, 2005, shall certify to 108734
the tax commissioner a copy of the county auditor's certificate of 108735
estimated property tax millage for such levy as required under 108736

division (B) of section 5705.03 of the Revised Code, which is the 108737
rate that shall be used in the calculations under such divisions. 108738

If the amount determined under division (E) of this section 108739
for any school district, joint vocational school district, or 108740
local taxing unit is greater than zero, that amount shall equal 108741
the reimbursement to be paid pursuant to division (E) of section 108742
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 108743
and the one-half of one mill that is subtracted under division 108744
(E)(2) of this section shall be apportioned among all contributing 108745
fixed-sum levies in the proportion that each levy bears to the sum 108746
of all fixed-sum levies within each school district, joint 108747
vocational school district, or local taxing unit. 108748

(F) If a school district levies a tax under section 5705.219 108749
of the Revised Code, the fixed-rate levy loss for qualifying 108750
levies, to the extent repealed under that section, shall equal the 108751
sum of the following amounts in lieu of the amounts computed for 108752
such levies under division (D) of this section: 108753

(1) The sum of the rates of qualifying levies to the extent 108754
so repealed multiplied by the sum of the machinery and equipment, 108755
inventory, and furniture and fixtures tax value losses for 2009 as 108756
determined under that division; 108757

(2) The sum of the rates of qualifying levies to the extent 108758
so repealed multiplied by the telephone property tax value loss 108759
for 2011 as determined under that division. 108760

The fixed-rate levy losses for qualifying levies to the 108761
extent not repealed under section 5705.219 of the Revised Code 108762
shall be as determined under division (D) of this section. The 108763
revised fixed-rate levy losses determined under this division and 108764
division (D) of this section first apply in the year following the 108765
first year the district levies the tax under section 5705.219 of 108766
the Revised Code. 108767

(G) Not later than October 1, 2005, the tax commissioner 108768
shall certify to the department of education for every school 108769
district and joint vocational school district the machinery and 108770
equipment, inventory, furniture and fixtures, and telephone 108771
property tax value losses determined under division (C) of this 108772
section, the machinery and equipment, inventory, furniture and 108773
fixtures, and telephone fixed-rate levy losses determined under 108774
division (D) of this section, and the fixed-sum levy losses 108775
calculated under division (E) of this section. The calculations 108776
under divisions (D) and (E) of this section shall separately 108777
display the levy loss for each levy eligible for reimbursement. 108778

~~(G)~~(H) Not later than October 1, 2005, the tax commissioner 108779
shall certify the amount of the fixed-sum levy losses to the 108780
county auditor of each county in which a school district, joint 108781
vocational school district, or local taxing unit with a fixed-sum 108782
levy loss reimbursement has territory. 108783

(I) Not later than the twenty-eighth day of February each 108784
year beginning in 2011 and ending in 2014, the tax commissioner 108785
shall certify to the department of education for each school 108786
district first levying a tax under section 5705.219 of the Revised 108787
Code in the preceding year the revised fixed-rate levy losses 108788
determined under divisions (D) and (F) of this section. 108789

Sec. 5751.21. (A) Not later than the thirtieth day of July of 108790
2007 through 2017, the department of education shall consult with 108791
the director of budget and management and determine the following 108792
for each school district and each joint vocational school district 108793
eligible for payment under division (B) of this section: 108794
108795

(1) The state education aid offset, which is the difference 108796
obtained by subtracting the amount described in division (A)(1)(b) 108797
of this section from the amount described in division (A)(1)(a) of 108798

this section: 108799

(a) The state education aid computed for the school district 108800
or joint vocational school district for the current fiscal year as 108801
of the thirtieth day of July; 108802

(b) The state education aid that would be computed for the 108803
school district or joint vocational school district for the 108804
current fiscal year as of the thirtieth day of July if the 108805
recognized valuation included the machinery and equipment, 108806
inventory, furniture and fixtures, and telephone property tax 108807
value losses for the school district or joint vocational school 108808
district for the second preceding tax year, and if taxes charged 108809
and payable associated with the tax value losses are accounted for 108810
in any state education aid computation dependent on taxes charged 108811
and payable. 108812

(2) The greater of zero or the difference obtained by 108813
subtracting the state education aid offset determined under 108814
division (A)(1) of this section from the sum of the machinery and 108815
equipment fixed-rate levy loss, the inventory fixed-rate levy 108816
loss, furniture and fixtures fixed-rate levy loss, and telephone 108817
property fixed-rate levy loss certified under ~~division (F)~~ 108818
divisions (G) and (I) of section 5751.20 of the Revised Code for 108819
all taxing districts in each school district and joint vocational 108820
school district for the second preceding tax year. 108821

By the thirtieth day of July of each such year, the 108822
department of education and the director of budget and management 108823
shall agree upon the amount to be determined under division (A)(1) 108824
of this section. 108825

(B) On or before the thirty-first day of August of each year 108826
beginning in 2008, the department of education shall recalculate 108827
the offset described under division (A) of this section for the 108828
previous fiscal year and recalculate the payments made under 108829

division (C) of this section in the preceding fiscal year using 108830
the offset calculated under this division. If the payments 108831
calculated under this division differ from the payments made under 108832
division (C) of this section in the preceding fiscal year, the 108833
difference shall either be paid to a school district or recaptured 108834
from a school district through an adjustment at the same times 108835
during the current fiscal year that the payments under division 108836
(C) of this section are made. In August and October of the current 108837
fiscal year, the amount of each adjustment shall be three-sevenths 108838
of the amount calculated under this division. In May of the 108839
current fiscal year, the adjustment shall be one-seventh of the 108840
amount calculated under this division. 108841

(C) The department of education shall pay from the school 108842
district tangible property tax replacement fund to each school 108843
district and joint vocational school district all of the following 108844
for fixed-rate levy losses certified under ~~division (F)~~ divisions 108845
(G) and (I) of section 5751.20 of the Revised Code: 108846

(1) On or before May 31, 2006, one-seventh of the total 108847
fixed-rate levy loss for tax year 2006; 108848

(2) On or before August 31, 2006, and October 31, 2006, 108849
one-half of six-sevenths of the total fixed-rate levy loss for tax 108850
year 2006; 108851

(3) On or before May 31, 2007, one-seventh of the total 108852
fixed-rate levy loss for tax year 2007; 108853

(4) On or before August 31, 2007, and October 31, 2007, 108854
forty-three per cent of the amount determined under division 108855
(A)(2) of this section for fiscal year 2008, but not less than 108856
zero, plus one-half of six-sevenths of the difference between the 108857
total fixed-rate levy loss for tax year 2007 and the total 108858
fixed-rate levy loss for tax year 2006. 108859

(5) On or before May 31, 2008, fourteen per cent of the 108860

amount determined under division (A)(2) of this section for fiscal 108861
year 2008, but not less than zero, plus one-seventh of the 108862
difference between the total fixed-rate levy loss for tax year 108863
2008 and the total fixed-rate levy loss for tax year 2006. 108864

(6) On or before August 31, 2008, and October 31, 2008, 108865
forty-three per cent of the amount determined under division 108866
(A)(2) of this section for fiscal year 2009, but not less than 108867
zero, plus one-half of six-sevenths of the difference between the 108868
total fixed-rate levy loss in tax year 2008 and the total 108869
fixed-rate levy loss in tax year 2007. 108870

(7) On or before May 31, 2009, fourteen per cent of the 108871
amount determined under division (A)(2) of this section for fiscal 108872
year 2009, but not less than zero, plus one-seventh of the 108873
difference between the total fixed-rate levy loss for tax year 108874
2009 and the total fixed-rate levy loss for tax year 2007. 108875

(8) On or before August 31, 2009, and October 31, 2009, 108876
forty-three per cent of the amount determined under division 108877
(A)(2) of this section for fiscal year 2010, but not less than 108878
zero, plus one-half of six-sevenths of the difference between the 108879
total fixed-rate levy loss in tax year 2009 and the total 108880
fixed-rate levy loss in tax year 2008. 108881

(9) On or before May 31, 2010, fourteen per cent of the 108882
amount determined under division (A)(2) of this section for fiscal 108883
year 2010, but not less than zero, plus one-seventh of the 108884
difference between the total fixed-rate levy loss in tax year 2010 108885
and the total fixed-rate levy loss in tax year 2008. 108886

(10) On or before August 31, 2010, and October 31, 2010, 108887
forty-three per cent of the amount determined under division 108888
(A)(2) of this section for fiscal year 2011, but not less than 108889
zero, plus one-half of six-sevenths of the difference between the 108890
telephone property fixed-rate levy loss for tax year 2010 and the 108891

telephone property fixed-rate levy loss for tax year 2009. 108892

(11) On or before May 31, 2011, fourteen per cent of the 108893
amount determined under division (A)(2) of this section for fiscal 108894
year 2011, but not less than zero, plus one-seventh of the 108895
difference between the telephone property fixed-rate levy loss for 108896
tax year 2011 and the telephone property fixed-rate levy loss for 108897
tax year 2009. 108898

(12) On or before August 31, 2011, and October 31, 2011, the 108899
amount determined under division (A)(2) of this section multiplied 108900
by a fraction, the numerator of which is fourteen and the 108901
denominator of which is seventeen, but not less than zero, 108902
multiplied by forty-three per cent, plus one-half of six-sevenths 108903
of the difference between the telephone property fixed-rate levy 108904
loss for tax year 2011 and the telephone property fixed-rate levy 108905
loss for tax year 2010. 108906

(13) On or before May 31, 2012, fourteen per cent of the 108907
amount determined under division (A)(2) of this section for fiscal 108908
year 2012, multiplied by a fraction, the numerator of which is 108909
fourteen and the denominator of which is seventeen, plus 108910
one-seventh of the difference between the telephone property 108911
fixed-rate levy loss for tax year 2011 and the telephone property 108912
fixed-rate levy loss for tax year 2010. 108913

(14) On or before August 31, 2012, October 31, 2012, and May 108914
31, 2013, the amount determined under division (A)(2) of this 108915
section multiplied by a fraction, the numerator of which is eleven 108916
and the denominator of which is seventeen, but not less than zero, 108917
multiplied by one-third. 108918

(15) On or before August 31, 2013, October 31, 2013, and May 108919
31, 2014, the amount determined under division (A)(2) of this 108920
section multiplied by a fraction, the numerator of which is nine 108921
and the denominator of which is seventeen, but not less than zero, 108922

multiplied by one-third. 108923

(16) On or before August 31, 2014, October 31, 2014, and May 31, 2015, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is seven and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 108924
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(17) On or before August 31, 2015, October 31, 2015, and May 31, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 108929
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(18) On or before August 31, 2016, October 31, 2016, and May 31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 108934
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(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 108939
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The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under ~~division~~ (F) divisions (G) and (I) of section 5751.20 of the Revised Code. 108944
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Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable. 108949
108950
108951

(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one 108952
108953

hundred per cent of the loss computed as if the tax were a 108954
fixed-rate levy, but those payments shall extend from fiscal year 108955
2006 through fiscal year 2018, as long as the qualifying levy 108956
continues to be used for debt purposes. If the purpose of such a 108957
qualifying levy is changed, that levy becomes subject to the 108958
payments determined in division (C) of this section. 108959

(E)(1) Not later than January 1, 2006, for each fixed-sum 108960
levy of each school district or joint vocational school district 108961
and for each year for which a determination is made under division 108962
~~(F)~~(E) of section 5751.20 of the Revised Code that a fixed-sum 108963
levy loss is to be reimbursed, the tax commissioner shall certify 108964
to the department of education the fixed-sum levy loss determined 108965
under that division. The certification shall cover a time period 108966
sufficient to include all fixed-sum levies for which the 108967
commissioner made such a determination. The department shall pay 108968
from the school district property tax replacement fund to the 108969
school district or joint vocational school district one-third of 108970
the fixed-sum levy loss so certified for each year, plus one-third 108971
of the amount certified under division (I) of section 5751.20 of 108972
the Revised Code, on or before the last day of May, August, and 108973
October of the current year. Payments under this division of the 108974
amounts certified under division (I) of section 5751.20 of the 108975
Revised Code shall continue through the earlier of calendar year 108976
2017 or until the levy adopted under section 5705.219 of the 108977
Revised Code expires. 108978

(2) Beginning in 2006, by the first day of January of each 108979
year, the tax commissioner shall review the certification 108980
originally made under division (E)(1) of this section. If the 108981
commissioner determines that a debt levy that had been scheduled 108982
to be reimbursed in the current year has expired, a revised 108983
certification for that and all subsequent years shall be made to 108984
the department of education. 108985

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

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

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

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

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

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

(G) For each of the fiscal years 2006 through 2018, if the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference

between the total amount to be paid and the amount in the school 109017
district tangible property tax replacement fund. For each fiscal 109018
year after 2018, at the time payments under division (E) of this 109019
section are to be made, the director of budget and management 109020
shall transfer from the general revenue fund to the school 109021
district property tax replacement fund the amount necessary to 109022
make such payments. 109023

(H)(1) On the fifteenth day of June of 2006 through 2011, the 109024
director of budget and management may transfer any balance in the 109025
school district tangible property tax replacement fund to the 109026
general revenue fund. At the end of fiscal years 2012 through 109027
2018, any balance in the school district tangible property tax 109028
replacement fund shall remain in the fund to be used in future 109029
fiscal years for school purposes. 109030

(2) In each fiscal year beginning with fiscal year 2019, all 109031
amounts credited to the school district tangible personal property 109032
tax replacement fund shall be appropriated for school purposes. 109033

(I) If all of the territory of a school district or joint 109034
vocational school district is merged with another district, or if 109035
a part of the territory of a school district or joint vocational 109036
school district is transferred to an existing or newly created 109037
district, the department of education, in consultation with the 109038
tax commissioner, shall adjust the payments made under this 109039
section as follows: 109040

(1) For a merger of two or more districts, the machinery and 109041
equipment, inventory, furniture and fixtures, and telephone 109042
property fixed-rate levy losses and the fixed-sum levy losses of 109043
the successor district shall be equal to the sum of the machinery 109044
and equipment, inventory, furniture and fixtures, and telephone 109045
property fixed-rate levy losses and debt levy losses as determined 109046
in section 5751.20 of the Revised Code, for each of the districts 109047
involved in the merger. 109048

(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses and fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property on the land being transferred in the most recent year for which data are available, and the denominator of which is the total value of business tangible personal property in the district from which the land is being transferred in the most recent year for which data are available. For each of the first five years after the property is transferred, but not after fiscal year 2012, if the tax rate in the recipient district is less than the tax rate of the district from which the land was transferred, one-half of the payments arising from the amount of fixed-rate levy losses so transferred to the recipient district shall be paid to the recipient district and one-half of the payments arising from the fixed-rate levy losses so transferred shall be paid to the district from which the land was transferred. Fixed-rate levy losses so transferred shall be computed on the basis of the sum of the rates of fixed-rate qualifying levies of the district from which the land was transferred, notwithstanding division (E) of this section.

(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property

fixed-rate levy losses. 109082

(4) If the recipient district under division (I)(2) of this 109083
section or the newly created district under divisions (I)(3) of 109084
this section is assuming debt from one or more of the districts 109085
from which the property was transferred and any of the districts 109086
losing the property had fixed-sum levy losses, the department of 109087
education, in consultation with the tax commissioner, shall make 109088
an equitable division of the fixed-sum levy loss reimbursements. 109089

Sec. 5911.10. If any armory erected or purchased by the state 109090
becomes vacant because of the deactivation of the organizations 109091
quartered in that armory, the governor and the adjutant general 109092
may lease that armory for periods not to exceed one year; or, when 109093
authorized by an act of the general assembly, may sell that armory 109094
or lease it for a period of years. ~~The~~ 109095

The proceeds from the sale or lease of such an armory, or 109096
from the sale or lease of other facilities and land owned by the 109097
adjutant general, shall be credited to the armory improvements 109098
fund, which is hereby created in the state treasury. ~~The moneys in~~ 109099
the fund shall be used to support Ohio army national guard 109100
facility and maintenance expenses as the adjutant general directs. 109101
Any fund expenditure related to the construction, acquisition, 109102
lease, or financing of a capital asset is subject to approval by 109103
the controlling board. Investment earnings of the fund shall be 109104
credited to the general revenue fund. 109105

Sec. 5911.11. There is hereby created in the state treasury 109106
the community match armories fund. The fund shall consist of all 109107
amounts received as revenue from contributions from local entities 109108
for construction and maintenance of Ohio army national guard 109109
readiness and community centers and facilities. The moneys in the 109110
fund shall be used to support the acquisition and maintenance 109111

costs of centers and facilities representing the local entity's 109112
share of costs, including the local entity's share of utility 109113
costs. Investment earnings of the fund shall be credited to the 109114
fund. 109115

Sec. 5913.051. ~~To supplement the military staff of the~~ 109116
~~governor, the~~ (A) The adjutant general may appoint an assistant to 109117
~~the state area commander for readiness and training for adjutant~~ 109118
general - army. This assistant shall be a brigadier general and 109119
shall aid the adjutant general by performing duties that the 109120
adjutant general assigns ~~in~~ that include the areas of readiness, 109121
~~training, and~~ mobilization, and homeland defense preparedness. 109122
This assistant shall not be a full-time state employee or a member 109123
of the governor's military staff, but shall serve in that capacity 109124
only during federally recognized training, special duty periods, 109125
~~or~~ mobilization periods, or state active duty, and shall at the 109126
time of appointment be in the rank of colonel or above but 109127
otherwise meet the qualifications established ~~in section 5913.021~~ 109128
~~of the Revised Code~~ by the department of defense/army for general 109129
officer qualification. 109130

(B) The adjutant general may appoint an assistant adjutant 109131
general - airforce. This assistant shall be a brigadier general 109132
and shall aid the adjutant general by performing duties that the 109133
adjutant general assigns that include the areas of readiness, 109134
mobilization, and homeland defense preparedness. This assistant 109135
shall not be a full-time state employee or a member of the 109136
governor's military staff, but shall serve in that capacity only 109137
during federally recognized training, special duty periods, 109138
mobilization periods, or state active duty, and shall at the time 109139
of appointment be in the rank of colonel or above but otherwise 109140
meet the qualifications established by the department of 109141
defense/air force for general officer qualification. 109142

Sec. 5913.09. (A) The adjutant general is the custodian of 109143
all military and other adjutant general's department property, 109144
both real and personal, belonging to the state. 109145

(B) The adjutant general may make changes and improvements to 109146
military and other adjutant general's department property as the 109147
needs of the state and federal government and the exigencies of 109148
the service require. All improvements made upon that property 109149
belonging to the state, from moneys received either all or in part 109150
from the state or federal government, or both, become the property 109151
of the state, except as may be provided in an agreement and 109152
corresponding regulations by which the United States contributes 109153
to the cost of an improvement. 109154

(C)(1) In accordance with applicable state and federal law 109155
and regulations, the adjutant general, with the approval of the 109156
governor, may acquire by purchase lease, license, or otherwise, 109157
real and personal property necessary for the purposes of the 109158
department. 109159

(2) In accordance with applicable state and federal law and 109160
regulations, the adjutant general, with the approval of the 109161
attorney general, may enter into contracts for the construction, 109162
repair, renovation, maintenance, and operation of military or 109163
other adjutant general's department property. 109164

(3) In accordance with applicable state and federal law and 109165
regulations, the adjutant general, with the approval of the 109166
governor, may lease or exchange all or part of any military or 109167
other adjutant general's department property or grant easements or 109168
licenses, if the lease, exchange, easement, or license is 109169
advantageous to the state. 109170

(4) All real property of the adjutant general's department 109171
shall be sold in accordance with section 5911.10 of the Revised 109172
Code. 109173

(D)(1) Except as otherwise provided in this section, all 109174
income from any military or other adjutant general's department 109175
property of the state, not made a portion of the company, troop, 109176
battery, detachment, squadron, or other organization funds by 109177
regulations, shall be credited to the funds for the operation and 109178
maintenance of the Ohio organized militia, as the adjutant general 109179
directs, in accordance with applicable state and federal law and 109180
regulations and the agreements by which the United States 109181
contributes to the cost of operation and maintenance of the Ohio 109182
national guard. 109183

(2) There is hereby created in the state treasury the camp 109184
Perry/buckeye inn operations fund. The fund shall consist of all 109185
amounts received as revenue from the rental of facilities located 109186
at the camp Perry training site in Ottawa county and the buckeye 109187
inn at Rickenbacker air national guard base in Franklin county, 109188
and all amounts received from the use of the camp Perry training 109189
site and its facilities, including shooting ranges. The moneys in 109190
the fund shall be used to support the facility operations of the 109191
camp Perry clubhouse and the buckeye inn. Investment earnings of 109192
the fund shall be credited to the general revenue fund. 109193

Sec. 5919.20. There is hereby created in the state treasury 109194
the national guard service medal fund. The fund shall consist of 109195
all amounts received from the purchase of Ohio national guard 109196
service medals for eligible national guard service members as 109197
authorized by the general assembly. The moneys in the fund shall 109198
be used to purchase additional medals. Investment earnings of the 109199
fund shall be credited to the fund. 109200

Sec. 5919.36. There is hereby created in the state treasury 109201
the Ohio national guard facility maintenance fund. The fund shall 109202
consist of all amounts received from revenue from leases of sites, 109203
including towers and wells, and other revenue received from 109204

reimbursements for services related to Ohio national guard 109205
programs. The moneys in the fund shall be used for service, 109206
maintenance, and repair expenses, and for equipment purchases for 109207
programs and facilities of the adjutant general. Investment 109208
earnings of the fund shall be credited to the general revenue 109209
fund. 109210

Sec. 6103.01. As used in this chapter: 109211

(A) "Public water supply facilities," "water supply 109212
facilities," "water supply improvement," or "improvement" means, 109213
without limiting the generality of those terms, water wells and 109214
well fields, springs, lakes, rivers, streams, or other sources of 109215
water supply, intakes, pumping stations and equipment, treatment, 109216
filtration, or purification plants, force and distribution lines 109217
or mains, cisterns, reservoirs, storage facilities, necessary 109218
equipment for fire protection, other related structures, 109219
equipment, and furnishings, and real estate and interests in real 109220
estate, necessary or useful in the proper development of a water 109221
supply for domestic or other purposes and its proper distribution. 109222

(B) "Current operating expenses," "debt charges," "permanent 109223
improvement," "public obligations," and "subdivision" have the 109224
same meanings as in section 133.01 of the Revised Code. 109225

(C) "Construct," "construction," or "constructing" means 109226
construction, reconstruction, enlargement, extension, improvement, 109227
renovation, repair, and replacement of water supply facilities, 109228
but does not include repairs, replacements, or similar actions 109229
that do not constitute and qualify as permanent improvements. 109230

(D) "Maintain," "maintaining," or "maintenance" means 109231
repairs, replacements, and similar actions that constitute and are 109232
payable as current operating expenses and that are required to 109233
restore water supply facilities to, or to continue water supply 109234

facilities in, good order and working condition, but does not
include construction of permanent improvements.

(E) "Public agency" means a state and any agency or
subdivision of a state, including a county, a municipal
corporation, or other subdivision.

(F) "County sanitary engineer" means either of the following:

(1) The registered professional engineer employed or
appointed by the board of county commissioners to be the county
sanitary engineer as provided in section 6117.01 of the Revised
Code;

(2) The county engineer, if, for as long as and to the extent
that engineer by agreement entered into under section 315.14 of
the Revised Code is retained to discharge the duties of a county
sanitary engineer under this chapter.

(G) "Homestead exemption" means the reduction of taxes
allowed under division (A) of section 323.152 of the Revised Code.

(H) "Low- and moderate-income persons" has the same meaning
as in section 175.01 of the Revised Code.

Sec. 6103.02. (A) For the purpose of preserving and promoting
the public health and welfare, a board of county commissioners may
acquire, construct, maintain, and operate any public water supply
facilities within its county for one or more sewer districts and
may provide for their protection and prevent their pollution and
unnecessary waste. The board may negotiate and enter into a
contract with any public agency or any person for the management,
maintenance, operation, and repair of the facilities on behalf of
the county, upon the terms and conditions as may be agreed upon
with the agency or person and as may be determined by the board to
be in the interests of the county. By contract with any public
agency or any person operating public water supply facilities

within or without its county, the board also may provide a supply 109265
of water to a sewer district from the facilities of the public 109266
agency or person. 109267

(B) The county sanitary engineer or sanitary engineering 109268
department, in addition to other assigned duties, shall assist the 109269
board in the performance of its duties under this chapter and 109270
shall be charged with other duties and services in relation to the 109271
board's duties as the board prescribes. 109272

(C) The board may adopt, publish, administer, and enforce 109273
rules for the construction, maintenance, protection, and use of 109274
county-owned or county-operated public water supply facilities 109275
outside municipal corporations and of public water supply 109276
facilities within municipal corporations that are owned or 109277
operated by the county or that are supplied with water from water 109278
supply facilities owned or operated by the county, including, but 109279
not limited to, rules for the establishment and use of any 109280
connections, the termination in accordance with reasonable 109281
procedures of water service for nonpayment of county water rates 109282
and charges, and the establishment and use of security deposits to 109283
the extent considered necessary to ensure the payment of county 109284
water rates and charges. The rules shall not be inconsistent with 109285
the laws of the state or any applicable rules of the director of 109286
environmental protection. 109287

(D) No public water supply facilities shall be constructed in 109288
any county outside municipal corporations by any person, except 109289
for the purpose of supplying water to those municipal 109290
corporations, until the plans and specifications for the 109291
facilities have been approved by the board. Construction shall be 109292
done under the supervision of the county sanitary engineer. Any 109293
person constructing public water supply facilities shall pay to 109294
the county all expenses incurred by the board in connection with 109295

the construction. 109296

(E) The county sanitary engineer or the county sanitary 109297
engineer's authorized assistants or agents, when properly 109298
identified in writing or otherwise and after written notice is 109299
delivered to the owner at least five days in advance or mailed at 109300
least five days in advance by first class or certified mail to the 109301
owner's tax mailing address, may enter upon any public or private 109302
property for the purpose of making, and may make, surveys or 109303
inspections necessary for the design or evaluation of county 109304
public water supply facilities. This entry is not a trespass and 109305
is not to be considered an entry in connection with any 109306
appropriation of property proceedings under sections 163.01 to 109307
163.22 of the Revised Code that may be pending. No person or 109308
public agency shall forbid the county sanitary engineer or the 109309
county sanitary engineer's authorized assistants or agents to 109310
enter, or interfere with their entry, upon the property for the 109311
purpose of making the surveys or inspections. If actual damage is 109312
done to property by the making of the surveys or inspections, the 109313
board shall pay the reasonable value of the damage to the property 109314
owner, and the cost shall be included in the cost of the 109315
facilities and may be included in any special assessments levied 109316
and collected to pay that cost. 109317

(F) The board shall fix reasonable rates, including penalties 109318
for late payments, for water supplied to public agencies and 109319
persons when the source of supply or the facilities for its 109320
distribution are owned or operated by the county and may change 109321
the rates from time to time as it considers advisable. When the 109322
source of the water supply to be used by the county is owned by 109323
another public agency or person, the schedule of rates to be 109324
charged by the public agency or person shall be approved by the 109325
board at the time it enters into a contract for the use of water 109326
from the public agency or person. ~~When~~ 109327

When the distribution facilities are owned by the county, the board also may fix reasonable charges to be collected for the privilege of connecting to the distribution facilities and may require that, prior to the connection, the charges be paid in full or, if determined by the board to be equitable in a resolution relating to the payment of the charges, may require their payment in installments, as considered adequate by the board, at the times, in the amounts, and with the security, carrying charges, and penalties as may be determined by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to connect to those facilities until the charges have been paid in full or provision for their payment in installments has been made. If the connection charges are to be paid in installments, the board shall certify, to the county auditor, information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the charges to be paid in installments, the amount of each installment, and the total number of installments to be paid. The county auditor shall record and maintain the information so supplied in the waterworks record provided for in section 6103.16 of the Revised Code until the connection charges are paid in full. The board may include amounts attributable to connection charges being paid in installments in its billings of rates and other charges for water supplied. In addition, the board may consider payments made to a school district under section 6103.25 of the Revised Code when the board establishes rates and other charges for water supplied.

A board may establish discounted rates or charges or may establish another mechanism for providing a reduction in rates or charges for persons who are sixty-five years of age or older. The board shall establish eligibility requirements for such discounted or reduced rates or charges, including a requirement that a person be eligible for the homestead exemption or qualify as a low- and

moderate-income person. 109361

(G) When any rates or charges are not paid when due, the 109362
board may do any or all of the following: 109363

(1) Certify the unpaid rates or charges, together with any 109364
penalties, to the county auditor. The county auditor shall place 109365
the certified amount upon the real property tax list and duplicate 109366
against the property served by the connection. The certified 109367
amount shall be a lien on the property from the date placed on the 109368
real property tax list and duplicate and shall be collected in the 109369
same manner as taxes, except that, notwithstanding section 323.15 109370
of the Revised Code, a county treasurer shall accept a payment in 109371
that amount when separately tendered as payment for the full 109372
amount of the unpaid rates or charges and associated penalties. 109373
The lien shall be released immediately upon payment in full of the 109374
certified amount. 109375

(2) Collect the unpaid rates or charges, together with any 109376
penalties, by actions at law in the name of the county from an 109377
owner, tenant, or other person or public agency that is liable for 109378
the payment of the rates or charges; 109379

(3) Terminate, in accordance with established rules, the 109380
water service to the particular property unless and until the 109381
unpaid rates or charges, together with any penalties, are paid in 109382
full; 109383

(4) Apply, to the extent required, any security deposit made 109384
in accordance with established rules to the payment of the unpaid 109385
rates and charges, together with any penalties, for water service 109386
to the particular property. 109387

All moneys collected as rates, charges, or penalties fixed or 109388
established in accordance with division (F) of this section for 109389
water supply purposes in or for any sewer district shall be paid 109390
to the county treasurer and kept in a separate and distinct water 109391

fund established by the board to the credit of the district. 109392

Each board that fixes water rates or charges may render 109393
estimated bills periodically, provided that at least quarterly it 109394
shall schedule an actual reading of each customer's meter so as to 109395
render a bill for the actual amount shown by the meter reading to 109396
be due, with credit for prior payments of any estimated bills 109397
submitted for any part of the billing period, except that 109398
estimated bills may be rendered if a customer's meter is not 109399
accessible for a timely reading or if the circumstances preclude a 109400
scheduled reading. Each board also shall establish procedures 109401
providing a fair and reasonable opportunity for the resolution of 109402
billing disputes. 109403

When property to which water service is provided is about to 109404
be sold, any party to the sale or an agent of a party may request 109405
the board to have the meter at that property read and to render, 109406
within ten days following the date on which the request is made, a 109407
final bill for all outstanding rates and charges for water 109408
service. The request shall be made at least fourteen days prior to 109409
the transfer of the title of the property. 109410

At any time prior to a certification under division (G)(1) of 109411
this section, the board shall accept any partial payment of unpaid 109412
water rates or charges in the amount of ten dollars or more. 109413

Except as otherwise provided in any proceedings authorizing 109414
or providing for the security for and payment of any public 109415
obligations, or in any indenture or trust or other agreement 109416
securing public obligations, moneys in the water fund shall be 109417
applied first to the payment of the cost of the management, 109418
maintenance, and operation of the water supply facilities of, or 109419
used or operated for, the sewer district, which cost may include 109420
the county's share of management, maintenance, and operation costs 109421
under cooperative contracts for the acquisition, construction, or 109422
use of water supply facilities and, in accordance with a cost 109423

allocation plan adopted under division (H) of this section, 109424
payment of all allowable direct and indirect costs of the 109425
district, the county sanitary engineer or sanitary engineering 109426
department, or a federal or state grant program, incurred for the 109427
purposes of this chapter, and shall be applied second to the 109428
payment of debt charges payable on any outstanding public 109429
obligations issued or incurred for the acquisition or construction 109430
of water supply facilities for or serving the district, or for the 109431
funding of a bond retirement or other fund established for the 109432
payment of or security for the obligations. Any surplus remaining 109433
may be applied to the acquisition or construction of those 109434
facilities or for the payment of contributions to be made, or 109435
costs incurred, for the acquisition or construction of those 109436
facilities under cooperative contracts. Moneys in the water fund 109437
shall not be expended other than for the use and benefit of the 109438
district. 109439

(H) A board of county commissioners may adopt a cost 109440
allocation plan that identifies, accumulates, and distributes 109441
allowable direct and indirect costs that may be paid from the 109442
water fund of the sewer district created pursuant to division (G) 109443
of this section, and that prescribes methods for allocating those 109444
costs. The plan shall authorize payment from the fund of only 109445
those costs incurred by the district, the county sanitary engineer 109446
or sanitary engineering department, or a federal or state grant 109447
program, and those costs incurred by the general and other funds 109448
of the county for a common or joint purpose, that are necessary 109449
and reasonable for the proper and efficient administration of the 109450
district under this chapter. The plan shall not authorize payment 109451
from the fund of any general government expense required to carry 109452
out the overall governmental responsibilities of a county. The 109453
plan shall conform to United States office of management and 109454
budget Circular A-87, "Cost Principles for State, Local, and 109455
Indian Tribal Governments," published May 17, 1995. 109456

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 109457
of this section, on and after January 1, 1994, no person shall 109458
operate or maintain a public water system in this state without a 109459
license issued by the director of environmental protection. A 109460
person who operates or maintains a public water system on January 109461
1, 1994, shall obtain an initial license under this section in 109462
accordance with the following schedule: 109463

(1) If the public water system is a community water system, 109464
not later than January 31, 1994; 109465

(2) If the public water system is not a community water 109466
system and serves a nontransient population, not later than 109467
January 31, 1994; 109468

(3) If the public water system is not a community water 109469
system and serves a transient population, not later than January 109470
31, 1995. 109471

A person proposing to operate or maintain a new public water 109472
system after January 1, 1994, in addition to complying with 109473
section 6109.07 of the Revised Code and rules adopted under it, 109474
shall submit an application for an initial license under this 109475
section to the director prior to commencing operation of the 109476
system. 109477

A license or license renewal issued under this section shall 109478
be renewed annually. Such a license or license renewal shall 109479
expire on the thirtieth day of January in the year following its 109480
issuance. A license holder that proposes to continue operating the 109481
public water system for which the license or license renewal was 109482
issued shall apply for a license renewal at least thirty days 109483
prior to that expiration date. 109484

The director shall adopt, and may amend and rescind, rules in 109485
accordance with Chapter 119. of the Revised Code establishing 109486

procedures governing and information to be included on 109487
applications for licenses and license renewals under this section. 109488
Through June 30, ~~2010~~ 2012, each application shall be accompanied 109489
by the appropriate fee established under division (M) of section 109490
3745.11 of the Revised Code, provided that an applicant for an 109491
initial license who is proposing to operate or maintain a new 109492
public water system after January 1, 1994, shall submit a fee that 109493
equals a prorated amount of the appropriate fee established under 109494
that division for the remainder of the licensing year. 109495

(B) Not later than thirty days after receiving a completed 109496
application and the appropriate license fee for an initial license 109497
under division (A) of this section, the director shall issue the 109498
license for the public water system. Not later than thirty days 109499
after receiving a completed application and the appropriate 109500
license fee for a license renewal under division (A) of this 109501
section, the director shall do one of the following: 109502

(1) Issue the license renewal for the public water system; 109503

(2) Issue the license renewal subject to terms and conditions 109504
that the director determines are necessary to ensure compliance 109505
with this chapter and rules adopted under it; 109506

(3) Deny the license renewal if the director finds that the 109507
public water system was not operated in substantial compliance 109508
with this chapter and rules adopted under it. 109509

(C) The director may suspend or revoke a license or license 109510
renewal issued under this section if the director finds that the 109511
public water system was not operated in substantial compliance 109512
with this chapter and rules adopted under it. The director shall 109513
adopt, and may amend and rescind, rules in accordance with Chapter 109514
119. of the Revised Code governing such suspensions and 109515
revocations. 109516

(D)(1) As used in division (D) of this section, "church" 109517

means a fellowship of believers, congregation, society, 109518
corporation, convention, or association that is formed primarily 109519
or exclusively for religious purposes and that is not formed or 109520
operated for the private profit of any person. 109521

(2) This section does not apply to a church that operates or 109522
maintains a public water system solely to provide water for that 109523
church or for a campground that is owned by the church and 109524
operated primarily or exclusively for members of the church and 109525
their families. A church that, on or before March 5, 1996, has 109526
obtained a license under this section for such a public water 109527
system need not obtain a license renewal under this section. 109528

(E) This section does not apply to any public or nonpublic 109529
school that meets minimum standards of the state board of 109530
education that operates or maintains a public water system solely 109531
to provide water for that school. 109532

(F) The environmental protection agency shall collect well 109533
log filing fees on behalf of the division of soil and water 109534
resources in the department of natural resources in accordance 109535
with section 1521.05 of the Revised Code and rules adopted under 109536
it. The fees shall be submitted to the division quarterly as 109537
provided in those rules. 109538

Sec. 6111.044. Upon receipt of an application for an 109539
injection well drilling permit, an injection well operating 109540
permit, a renewal of an injection well operating permit, or a 109541
modification of an injection well drilling permit, operating 109542
permit, or renewal of an operating permit, the director of 109543
environmental protection shall determine whether the application 109544
is complete and demonstrates that the activities for which the 109545
permit, renewal permit, or modification is requested will comply 109546
with the Federal Water Pollution Control Act and regulations 109547
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 109548

(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 109549
under it; and this chapter and the rules adopted under it. If the 109550
application demonstrates that the proposed activities will not 109551
comply or will pose an unreasonable risk of inducing seismic 109552
activity, inducing geologic fracturing, or contamination of an 109553
underground source of drinking water, the director shall deny the 109554
application. If the application does not make the required 109555
demonstrations, the director shall return it to the applicant with 109556
an indication of those matters about which a required 109557
demonstration was not made. If the director determines that the 109558
application makes the required demonstrations, the director shall 109559
transmit copies of the application and all of the accompanying 109560
maps, data, samples, and information to the chief of the division 109561
of mineral resources management, the chief of the division of 109562
geological survey, and the chief of the division of soil and water 109563
resources in the department of natural resources. 109564

The chief of the division of geological survey shall comment 109565
upon the application if the chief determines that the proposed 109566
well or injection will present an unreasonable risk of loss or 109567
damage to valuable mineral resources. If the chief submits 109568
comments on the application, those comments shall be accompanied 109569
by an evaluation of the geological factors upon which the comments 109570
are based, including fractures, faults, earthquake potential, and 109571
the porosity and permeability of the injection zone and confining 109572
zone, and by the documentation supporting the evaluation. The 109573
director shall take into consideration the chief's comments, and 109574
the accompanying evaluation of geologic factors and supporting 109575
documentation, when considering the application. The director 109576
shall provide written notice to the chief of the director's 109577
decision on the application and, if the chief's comments are not 109578
included in the permit, renewal permit, or modification, of the 109579
director's rationale for not including them. 109580

The chief of the division of mineral resources management 109581
shall comment upon the application if the chief determines that 109582
the proposed well or injection will present an unreasonable risk 109583
that waste or contamination of recoverable oil or gas in the earth 109584
will occur. If the chief submits comments on the application, 109585
those comments shall be accompanied by an evaluation of the oil or 109586
gas reserves that, in the best professional judgment of the chief, 109587
are recoverable and will be adversely affected by the proposed 109588
well or injection, and by the documentation supporting the 109589
evaluation. The director shall take into consideration the chief's 109590
comments, and the accompanying evaluation and supporting 109591
documentation, when considering the application. The director 109592
shall provide written notice to the chief of the director's 109593
decision on the application and, if the chief's comments are not 109594
included in the permit, renewal permit, or modification, of the 109595
director's rationale for not including them. 109596

The chief of the division of soil and water resources shall 109597
assist the director in determining whether all underground sources 109598
of drinking water in the area of review of the proposed well or 109599
injection have been identified and correctly delineated in the 109600
application. If the application fails to identify or correctly 109601
delineate an underground source of drinking water, the chief shall 109602
provide written notice of that fact to the director. 109603

The chief of the division of mineral resources management 109604
also shall review the application as follows: 109605

If the application concerns the drilling or conversion of a 109606
well or the injection into a well that is not or is not to be 109607
located within five thousand feet of the excavation and workings 109608
of a mine, the chief of the division of mineral resources 109609
management shall note upon the application that it has been 109610
examined by the division of mineral resources management, retain a 109611
copy of the application and map, and immediately return a copy of 109612

the application to the director. 109613

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet, but more than five hundred feet from the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. The chief of the division of mineral resources management shall note on the application that the notice has been sent to the owner or lessee of the mine, retain a copy of the application and map, and immediately return a copy of the application to the director with the chief's notation on it.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. If the owner or lessee objects to the application, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons, within six days after the receipt of the notice. If the chief of the division of mineral resources management receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief of the division of mineral resources management the objections offered by the owner or lessee are not sufficiently ~~well-founded~~ well founded, the

chief shall retain a copy of the application and map and return a 109645
copy of the application to the director with any applicable notes 109646
concerning it. 109647

If the chief of the division of mineral resources management 109648
receives an objection from the owner or lessee of the mine as to 109649
the application, within ten days after receipt of the notice by 109650
the owner or lessee, and if in the opinion of the chief the 109651
objection is ~~well-founded~~ well founded, the chief shall disapprove 109652
the application and immediately return it to the director together 109653
with the chief's reasons for the disapproval. The director 109654
promptly shall notify the applicant for the permit, renewal 109655
permit, or modification of the disapproval. The applicant may 109656
appeal the disapproval of the application by the chief of the 109657
division of mineral resources management to the reclamation 109658
commission created under section 1513.05 of the Revised Code, and 109659
the commission shall hear the appeal in accordance with section 109660
1513.13 of the Revised Code. The appeal shall be filed within 109661
thirty days from the date the applicant receives notice of the 109662
disapproval. No comments concerning or disapproval of an 109663
application shall be delayed by the chief of the division of 109664
mineral resources management for more than fifteen days from the 109665
date of sending of notice to the mine owner or lessee as required 109666
by this section. 109667

The director shall not approve an application for an 109668
injection well drilling permit, an injection well operating 109669
permit, a renewal of an injection well operating permit, or a 109670
modification of an injection well drilling permit, operating 109671
permit, or renewal of an operating permit for a well that is or is 109672
to be located within three hundred feet of any opening of any mine 109673
used as a means of ingress, egress, or ventilation for persons 109674
employed in the mine, nor within one hundred feet of any building 109675
or flammable structure connected with the mine and actually used 109676

as a part of the operating equipment of the mine, unless the chief 109677
of the division of mineral resources management determines that 109678
life or property will not be endangered by drilling and operating 109679
the well in that location. 109680

Upon review by the chief of the division of mineral resources 109681
management, the chief of the division of geological survey, and 109682
the chief of the division of soil and water resources, and if the 109683
chief of the division of mineral resources management has not 109684
disapproved the application, the director shall issue a permit, 109685
renewal permit, or modification with any terms and conditions that 109686
may be necessary to comply with the Federal Water Pollution 109687
Control Act and regulations adopted under it; the "Safe Drinking 109688
Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as amended, 109689
and regulations adopted under it; and this chapter and the rules 109690
adopted under it. The director shall not issue a permit, renewal 109691
permit, or modification to an applicant if the applicant or 109692
persons associated with the applicant have engaged in or are 109693
engaging in a substantial violation of this chapter that is 109694
endangering or may endanger human health or the environment or if, 109695
in the case of an applicant for an injection well drilling permit, 109696
the applicant, at the time of applying for the permit, did not 109697
hold an injection well operating permit or renewal of an injection 109698
well drilling permit and failed to demonstrate sufficient 109699
expertise and competency to operate the well in compliance with 109700
the applicable provisions of this chapter. 109701

If the director receives a disapproval from the chief of the 109702
division of mineral resources management regarding an application 109703
for an injection well drilling or operating permit, renewal 109704
permit, or modification, if required, the director shall issue an 109705
order denying the application. 109706

The director need not issue a proposed action under section 109707
3745.07 of the Revised Code or hold an adjudication hearing under 109708

that section and Chapter 119. of the Revised Code before issuing 109709
or denying a permit, renewal permit, or modification of a permit 109710
or renewal permit. Before issuing or renewing a permit to drill or 109711
operate a class I injection well or a modification of it, the 109712
director shall propose the permit, renewal permit, or modification 109713
in draft form and shall hold a public hearing to receive public 109714
comment on the draft permit, renewal permit, or modification. At 109715
least fifteen days before the public hearing on a draft permit, 109716
renewal permit, or modification, the director shall publish notice 109717
of the date, time, and location of the public hearing in at least 109718
one newspaper of general circulation serving the area where the 109719
well is or is to be located. The proposing of such a draft permit, 109720
renewal permit, or modification does not constitute the issuance 109721
of a proposed action under section 3745.07 of the Revised Code, 109722
and the holding of the public hearing on such a draft permit, 109723
renewal permit, or modification does not constitute the holding of 109724
an adjudication hearing under that section and Chapter 119. of the 109725
Revised Code. Appeals of orders other than orders of the chief of 109726
the division of mineral resources management shall be taken under 109727
sections 3745.04 to 3745.08 of the Revised Code. 109728

The director may order that an injection well drilling permit 109729
or an injection well operating permit or renewal permit be 109730
suspended and that activities under it cease after determining 109731
that those activities are occurring in violation of law, rule, 109732
order, or term or condition of the permit. Upon service of a copy 109733
of the order upon the permit holder or the permit holder's 109734
authorized agent or assignee, the permit and activities under it 109735
shall be suspended immediately without prior hearing and shall 109736
remain suspended until the violation is corrected and the order of 109737
suspension is lifted. If a violation is the second within a 109738
one-year period, the director, after a hearing, may revoke the 109739
permit. 109740

The director may order that an injection well drilling permit 109741
or an injection well operating permit or renewal permit be 109742
suspended and that activities under it cease if the director has 109743
reasonable cause to believe that the permit would not have been 109744
issued if the information available at the time of suspension had 109745
been available at the time a determination was made by one of the 109746
agencies acting under authority of this section. Upon service of a 109747
copy of the order upon the permit holder or the permit holder's 109748
authorized agent or assignee, the permit and activities under it 109749
shall be suspended immediately without prior hearing, but a permit 109750
may not be suspended for that reason without prior hearing unless 109751
immediate suspension is necessary to prevent waste or 109752
contamination of oil or gas, comply with the Federal Water 109753
Pollution Control Act and regulations adopted under it; the "Safe 109754
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 109755
amended, and regulations adopted under it; and this chapter and 109756
the rules adopted under it, or prevent damage to valuable mineral 109757
resources, prevent contamination of an underground source of 109758
drinking water, or prevent danger to human life or health. If 109759
after a hearing the director determines that the permit would not 109760
have been issued if the information available at the time of the 109761
hearing had been available at the time a determination was made by 109762
one of the agencies acting under authority of this section, the 109763
director shall revoke the permit. 109764

When a permit has been revoked, the permit holder or other 109765
person responsible for it immediately shall plug the well in the 109766
manner required by the director. 109767

The director may issue orders to prevent or require cessation 109768
of violations of this section, section 6111.043, 6111.045, 109769
6111.046, or 6111.047 of the Revised Code, rules adopted under any 109770
of those sections, and terms or conditions of permits issued under 109771
any of them. The orders may require the elimination of conditions 109772

caused by the violation. 109773

Sec. 6117.01. (A) As used in this chapter: 109774

(1) "Sanitary facilities" means sanitary sewers, force mains, lift or pumping stations, and facilities for the treatment, disposal, impoundment, or storage of wastes; equipment and furnishings; and all required appurtenances and necessary real estate and interests in real estate. 109775
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(2) "Drainage" or "waters" means flows from rainfall or otherwise produced by, or resulting from, the elements, storm water discharges and releases or migrations of waters from properties, accumulations, flows, and overflows of water, including accelerated flows and runoffs, flooding and threats of flooding of properties and structures, and other surface and subsurface drainage. 109780
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(3) "Drainage facilities" means storm sewers, force mains, pumping stations, and facilities for the treatment, disposal, impoundment, retention, control, or storage of waters; improvements of or for any channel, ditch, drain, floodway, or watercourse, including location, construction, reconstruction, reconditioning, widening, deepening, cleaning, removal of obstructions, straightening, boxing, culverting, tiling, filling, walling, arching, or change in course, location, or terminus; improvements of or for a river, creek, or run, including reinforcement of banks, enclosing, deepening, widening, straightening, removal of obstructions, or change in course, location, or terminus; facilities for the protection of lands from the overflow of water, including a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, retention or holding basin, control gate, or breakwater; facilities for controlled drainage, regulation of stream flow, and protection of an outlet; the vacation of a ditch or drain; equipment and furnishings; and 109787
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all required appurtenances and necessary real estate and interests 109804
in real estate. 109805

(4) "County sanitary engineer" means either of the following: 109806

(a) The registered professional engineer employed or 109807
appointed by the board of county commissioners to be the county 109808
sanitary engineer as provided in this section3; 109809

(b) The county engineer, if, for as long as and to the extent 109810
that engineer by agreement entered into under section 315.14 of 109811
the Revised Code is retained to discharge duties of a county 109812
sanitary engineer under this chapter. 109813

(5) "Current operating expenses," "debt charges," "permanent 109814
improvement," "public obligations," and "subdivision" have the 109815
same meanings as in section 133.01 of the Revised Code. 109816

(6) "Construct," "construction," or "constructing" means 109817
construction, reconstruction, enlargement, extension, improvement, 109818
renovation, repair, and replacement of sanitary or drainage 109819
facilities or of prevention or replacement facilities, but does 109820
not include any repairs, replacements, or similar actions that do 109821
not constitute and qualify as permanent improvements. 109822

(7) "Maintain," "maintaining," or "maintenance" means 109823
repairs, replacements, and similar actions that constitute and are 109824
payable as current operating expenses and that are required to 109825
restore sanitary or drainage facilities or prevention or 109826
replacement facilities to, or to continue sanitary or drainage 109827
facilities or prevention or replacement facilities in, good order 109828
and working condition, but does not include construction of 109829
permanent improvements. 109830

(8) "Public agency" means a state and any agency or 109831
subdivision of a state, including a county, a municipal 109832
corporation, or other subdivision. 109833

(9) "Combined sewer" means a sewer system that is designed to collect and convey sewage, including domestic, commercial, and industrial wastewater, and storm water through a single-pipe system to a treatment works or combined sewer overflow outfall approved by the director of environmental protection.

(10) "Prevention or replacement facilities" means vegetated swales or median strips, permeable pavement, trees and tree boxes, rain barrels and cisterns, rain gardens and filtration planters, vegetated roofs, wetlands, riparian buffers, and practices and structures that use or mimic natural processes to filter or reuse storm water.

(11) "Homestead exemption" means the reduction of taxes allowed under division (A) of section 323.152 of the Revised Code.

(12) "Low- and moderate-income person" has the same meaning as in section 175.01 of the Revised Code.

(B)(1) For the purpose of preserving and promoting the public health and welfare, a board of county commissioners may lay out, establish, consolidate, or otherwise modify the boundaries of, and maintain, one or more sewer districts within the county and outside municipal corporations and may have a registered professional engineer make the surveys necessary for the determination of the proper boundaries of each district, which shall be designated by an appropriate name or number. The board may acquire, construct, maintain, and operate within any district sanitary or drainage facilities that it determines to be necessary or appropriate for the collection of sewage and other wastes originating in or entering the district, to comply with the provisions of a contract entered into for the purposes described in sections 6117.41 to 6117.44 of the Revised Code and pursuant to those sections or other applicable provisions of law, or for the collection, control, or abatement of waters originating or accumulating in, or flowing in, into, or through, the district,

and other sanitary or drainage facilities, within or outside of 109866
the district, that it determines to be necessary or appropriate to 109867
conduct the wastes and waters to a proper outlet and to provide 109868
for their proper treatment, disposal, and disposition. The board 109869
may provide for the protection of the sanitary and drainage 109870
facilities and may negotiate and enter into a contract with any 109871
public agency or person for the management, maintenance, 109872
operation, and repair of any of the facilities on behalf of the 109873
county upon the terms and conditions that may be agreed upon with 109874
the agency or person and that may be determined by the board to be 109875
in the best interests of the county. By contract with any public 109876
agency or person operating sanitary or drainage facilities within 109877
or outside of the county, the board may provide a proper outlet 109878
for any of the wastes and waters and for their proper treatment, 109879
disposal, and disposition. 109880

(2) For purposes of preventing storm water from entering a 109881
combined sewer and causing an overflow or an inflow to a sanitary 109882
sewer, the board may acquire, design, construct, operate, repair, 109883
maintain, and provide for a project or program that separates 109884
storm water from a combined sewer or for a prevention or 109885
replacement facility that prevents or minimizes storm water from 109886
entering a combined sewer or a sanitary sewer. 109887

(C) The board of county commissioners may employ a registered 109888
professional engineer to be the county sanitary engineer for the 109889
time and on the terms it considers best and may authorize the 109890
county sanitary engineer to employ necessary assistants upon the 109891
terms fixed by the board. Prior to the initial assignment of 109892
drainage facilities duties to the county sanitary engineer, if the 109893
county sanitary engineer is not the county engineer, the board 109894
first shall offer to enter into an agreement with the county 109895
engineer pursuant to section 315.14 of the Revised Code for 109896
assistance in the performance of those duties of the board 109897

pertaining to drainage facilities, and the county engineer shall 109898
accept or reject the offer within thirty days after the date the 109899
offer is made. 109900

The board may create and maintain a sanitary engineering 109901
department, which shall be under its supervision and which shall 109902
be headed by the county sanitary engineer, for the purpose of 109903
aiding it in the performance of its duties under this chapter and 109904
Chapter 6103. of the Revised Code or its other duties regarding 109905
sanitation, drainage, and water supply provided by law. The board 109906
shall provide suitable facilities for the use of the department 109907
and shall provide for and pay the compensation of the county 109908
sanitary engineer and all authorized necessary expenses of the 109909
county sanitary engineer and the sanitary engineering department. 109910
The county sanitary engineer, with the approval of the board, may 109911
appoint necessary assistants and clerks, and the compensation of 109912
those assistants and clerks shall be provided for and paid by the 109913
board. 109914

(D) The board of county commissioners may adopt, publish, 109915
administer, and enforce rules for the construction, maintenance, 109916
protection, and use of county-owned or county-operated sanitary 109917
and drainage facilities and prevention or replacement facilities 109918
outside municipal corporations, and of sanitary and drainage 109919
facilities and prevention or replacement facilities within 109920
municipal corporations that are owned or operated by the county or 109921
that discharge into sanitary or drainage facilities or prevention 109922
or replacement facilities owned or operated by the county, 109923
including, but not limited to, rules for the establishment and use 109924
of any connections, the termination in accordance with reasonable 109925
procedures of sanitary service for the nonpayment of county 109926
sanitary rates and charges and, if so determined, the concurrent 109927
termination of any county water service for the nonpayment of 109928
those rates and charges, the termination in accordance with 109929

reasonable procedures of drainage service for the nonpayment of 109930
county drainage rates and charges, and the establishment and use 109931
of security deposits to the extent considered necessary to ensure 109932
the payment of county sanitary or drainage rates and charges. The 109933
rules shall not be inconsistent with the laws of this state or any 109934
applicable rules of the director of environmental protection. 109935

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(E) No sanitary or drainage facilities or prevention or 109937
replacement facilities shall be constructed in any county outside 109938
municipal corporations by any person until the plans and 109939
specifications have been approved by the board of county 109940
commissioners, and any construction shall be done under the 109941
supervision of the county sanitary engineer. Not less than thirty 109942
days before the date drainage plans are submitted to the board for 109943
its approval, the plans shall be submitted to the county engineer. 109944
If the county engineer is of the opinion after review that the 109945
facilities will have a significant adverse effect on roads, 109946
culverts, bridges, or existing maintenance within the county, the 109947
county engineer may submit a written opinion to the board not 109948
later than thirty days after the date the plans are submitted to 109949
the county engineer. The board may take action relative to the 109950
drainage plans only after the earliest of receiving the written 109951
opinion of the county engineer, receiving a written waiver of 109952
submission of an opinion from the county engineer, or passage of 109953
thirty days from the date the plans are submitted to the county 109954
engineer. Any person constructing the facilities shall pay to the 109955
county all expenses incurred by the board in connection with the 109956
construction. 109957

(F) The county sanitary engineer or the county sanitary 109958
engineer's authorized assistants or agents, when properly 109959
identified in writing or otherwise and after written notice is 109960
delivered to the owner at least five days in advance or is mailed 109961

at least five days in advance by first class or certified mail to 109962
the owner's tax mailing address, may enter upon any public or 109963
private property for the purpose of making, and may make, surveys 109964
or inspections necessary for the laying out of sewer districts or 109965
the design or evaluation of county sanitary or drainage facilities 109966
or prevention or replacement facilities. This entry is not a 109967
trespass and is not to be considered an entry in connection with 109968
any appropriation of property proceedings under sections 163.01 to 109969
163.22 of the Revised Code that may be pending. No person or 109970
public agency shall forbid the county sanitary engineer or the 109971
county sanitary engineer's authorized assistants or agents to 109972
enter, or interfere with their entry, upon the property for that 109973
purpose or forbid or interfere with their making of surveys or 109974
inspections. If actual damage is done to property by the making of 109975
the surveys and inspections, the board shall pay the reasonable 109976
value of the damage to the property owner, and the cost shall be 109977
included in the cost of the facilities and may be included in any 109978
special assessments to be levied and collected to pay that cost. 109979

Sec. 6117.02. (A) The board of county commissioners shall fix 109980
reasonable rates, including penalties for late payments, for the 109981
use, or the availability for use, of the sanitary facilities of a 109982
sewer district to be paid by every person and public agency whose 109983
premises are served, or capable of being served, by a connection 109984
directly or indirectly to those facilities when those facilities 109985
are owned or operated by the county and may change the rates from 109986
time to time as it considers advisable. When the sanitary 109987
facilities to be used by the county are owned by another public 109988
agency or person, the schedule of rates to be charged by the 109989
public agency or person for the use of the facilities by the 109990
county, or the formula or other procedure for their determination, 109991
shall be approved by the board at the time it enters into a 109992
contract for that use. 109993

(B) The board also shall establish reasonable charges to be collected for the privilege of connecting to the sanitary facilities of the district, with the requirement that, prior to the connection, the charges shall be paid in full, or, if determined by the board to be equitable in a resolution relating to the payment of the charges, provision considered adequate by the board shall be made for their payment in installments at the times, in the amounts, and with the security, carrying charges, and penalties as may be found by the board in that resolution to be fair and appropriate. No public agency or person shall be permitted to connect to those facilities until the charges have been paid in full or provision for their payment in installments has been made. If the connection charges are to be paid in installments, the board shall certify to the county auditor information sufficient to identify each parcel of property served by a connection and, with respect to each parcel, the total of the charges to be paid in installments, the amount of each installment, and the total number of installments to be paid. The auditor shall record and maintain the information supplied in the sewer improvement record provided for in section 6117.33 of the Revised Code until the connection charges are paid in full. The board may include amounts attributable to connection charges being paid in installments in its billings of rates and charges for the use of sanitary facilities.

(C) When any of the sanitary rates or charges are not paid when due, the board may do any or all of the following as it considers appropriate:

(1) Certify the unpaid rates or charges, together with any penalties, to the county auditor, who shall place them upon the real property tax list and duplicate against the property served by the connection. The certified amount shall be a lien on the property from the date placed on the real property tax list and

duplicate and shall be collected in the same manner as taxes, 110026
except that, notwithstanding section 323.15 of the Revised Code, a 110027
county treasurer shall accept a payment in that amount when 110028
separately tendered as payment for the full amount of the unpaid 110029
sanitary rates or charges and associated penalties. The lien shall 110030
be released immediately upon payment in full of the certified 110031
amount. 110032

(2) Collect the unpaid rates or charges, together with any 110033
penalties, by actions at law in the name of the county from an 110034
owner, tenant, or other person or public agency that is liable for 110035
the payment of the rates or charges; 110036

(3) Terminate, in accordance with established rules, the 110037
sanitary service to the particular property and, if so determined, 110038
any county water service to that property, unless and until the 110039
unpaid sanitary rates or charges, together with any penalties, are 110040
paid in full; 110041

(4) Apply, to the extent required, any security deposit made 110042
in accordance with established rules to the payment of sanitary 110043
rates and charges for service to the particular property. 110044

All moneys collected as sanitary rates, charges, or penalties 110045
fixed or established in accordance with divisions (A) and (B) of 110046
this section for any sewer district shall be paid to the county 110047
treasurer and kept in a separate and distinct sanitary fund 110048
established by the board to the credit of the district. Except as 110049
otherwise provided in any proceedings authorizing or providing for 110050
the security for and payment of any public obligations, or in any 110051
indenture or trust or other agreement securing public obligations, 110052
moneys in the sanitary fund shall be applied first to the payment 110053
of the cost of the management, maintenance, and operation of the 110054
sanitary facilities of, or used or operated for, the district, 110055
which cost may include the county's share of management, 110056
maintenance, and operation costs under cooperative contracts for 110057

the acquisition, construction, or use of sanitary facilities and, 110058
in accordance with a cost allocation plan adopted under division 110059
(E) of this section, payment of all allowable direct and indirect 110060
costs of the district, the county sanitary engineer or sanitary 110061
engineering department, or a federal or state grant program, 110062
incurred for sanitary purposes under this chapter, and shall be 110063
applied second to the payment of debt charges payable on any 110064
outstanding public obligations issued or incurred for the 110065
acquisition or construction of sanitary facilities for or serving 110066
the district, or for the funding of a bond retirement or other 110067
fund established for the payment of or security for the 110068
obligations. Any surplus remaining may be applied to the 110069
acquisition or construction of those facilities or for the payment 110070
of contributions to be made, or costs incurred, for the 110071
acquisition or construction of those facilities under cooperative 110072
contracts. Moneys in the sanitary fund shall not be expended other 110073
than for the use and benefit of the district. 110074

(D) The board may fix reasonable rates and charges, including 110075
connection charges and penalties for late payments, to be paid by 110076
any person or public agency owning or having possession or control 110077
of any properties that are connected with, capable of being served 110078
by, or otherwise served directly or indirectly by, drainage 110079
facilities owned or operated by or under the jurisdiction of the 110080
county, including, but not limited to, properties requiring, or 110081
lying within an area of the district requiring, in the judgment of 110082
the board, the collection, control, or abatement of waters 110083
originating or accumulating in, or flowing in, into, or through, 110084
the district, and may change those rates and charges from time to 110085
time as it considers advisable. In addition, the board may fix the 110086
rates and charges in order to pay the costs of complying with the 110087
requirements of phase II of the storm water program of the 110088
national pollutant discharge elimination system established in 40 110089
C.F.R. part 122. 110090

The rates and charges shall be payable periodically as 110091
determined by the board, except that any connection charges shall 110092
be paid in full in one payment, or, if determined by the board to 110093
be equitable in a resolution relating to the payment of those 110094
charges, provision considered adequate by the board shall be made 110095
for their payment in installments at the times, in the amounts, 110096
and with the security, carrying charges, and penalties as may be 110097
found by the board in that resolution to be fair and appropriate. 110098
The board may include amounts attributable to connection charges 110099
being paid in installments in its billings of rates and charges 110100
for the services provided by the drainage facilities. In the case 110101
of rates and charges that are fixed in order to pay the costs of 110102
complying with the requirements of phase II of the storm water 110103
program of the national pollutant discharge elimination system 110104
established in 40 C.F.R. part 122, the rates and charges may be 110105
paid annually or semiannually with real property taxes, provided 110106
that the board certifies to the county auditor information that is 110107
sufficient for the auditor to identify each parcel of property for 110108
which a rate or charge is levied and the amount of the rate or 110109
charge. 110110

When any of the drainage rates or charges are not paid when 110111
due, the board may do any or all of the following as it considers 110112
appropriate: 110113

(1) Certify the unpaid rates or charges, together with any 110114
penalties, to the county auditor, who shall place them upon the 110115
real property tax list and duplicate against the property to which 110116
the rates or charges apply. The certified amount shall be a lien 110117
on the property from the date placed on the real property tax list 110118
and duplicate and shall be collected in the same manner as taxes, 110119
except that notwithstanding section 323.15 of the Revised Code, a 110120
county treasurer shall accept a payment in that amount when 110121
separately tendered as payment for the full amount of the unpaid 110122

drainage rates or charges and associated penalties. The lien shall 110123
be released immediately upon payment in full of the certified 110124
amount. 110125

(2) Collect the unpaid rates or charges, together with any 110126
penalties, by actions at law in the name of the county from an 110127
owner, tenant, or other person or public agency that is liable for 110128
the payment of the rates or charges; 110129

(3) Terminate, in accordance with established rules, the 110130
drainage service for the particular property until the unpaid 110131
rates or charges, together with any penalties, are paid in full; 110132

(4) Apply, to the extent required, any security deposit made 110133
in accordance with established rules to the payment of drainage 110134
rates and charges applicable to the particular property. 110135

All moneys collected as drainage rates, charges, or penalties 110136
in or for any sewer district shall be paid to the county treasurer 110137
and kept in a separate and distinct drainage fund established by 110138
the board to the credit of the district. Except as otherwise 110139
provided in any proceedings authorizing or providing for the 110140
security for and payment of any public obligations, or in any 110141
indenture or trust or other agreement securing public obligations, 110142
moneys in the drainage fund shall be applied first to the payment 110143
of the cost of the management, maintenance, and operation of the 110144
drainage facilities of, or used or operated for, the district, 110145
which cost may include the county's share of management, 110146
maintenance, and operation costs under cooperative contracts for 110147
the acquisition, construction, or use of drainage facilities and, 110148
in accordance with a cost allocation plan adopted under division 110149
(E) of this section, payment of all allowable direct and indirect 110150
costs of the district, the county sanitary engineer or sanitary 110151
engineering department, or a federal or state grant program, 110152
incurred for drainage purposes under this chapter, and shall be 110153
applied second to the payment of debt charges payable on any 110154

outstanding public obligations issued or incurred for the 110155
acquisition or construction of drainage facilities for or serving 110156
the district, or for the funding of a bond retirement or other 110157
fund established for the payment of or security for the 110158
obligations. Any surplus remaining may be applied to the 110159
acquisition or construction of those facilities or for the payment 110160
of contributions to be made, or costs incurred, for the 110161
acquisition or construction of those facilities under cooperative 110162
contracts. Moneys in the drainage fund shall not be expended other 110163
than for the use and benefit of the district. 110164

(E) A board of county commissioners may adopt a cost 110165
allocation plan that identifies, accumulates, and distributes 110166
allowable direct and indirect costs that may be paid from each of 110167
the funds of the district created pursuant to divisions (C) and 110168
(D) of this section, and that prescribes methods for allocating 110169
those costs. The plan shall authorize payment from each of those 110170
funds of only those costs incurred by the district, the county 110171
sanitary engineer or sanitary engineering department, or a federal 110172
or state grant program, and those costs incurred by the general 110173
and other funds of the county for a common or joint purpose, that 110174
are necessary and reasonable for the proper and efficient 110175
administration of the district under this chapter and properly 110176
attributable to the particular fund of the district. The plan 110177
shall not authorize payment from either of the funds of any 110178
general government expense required to carry out the overall 110179
governmental responsibilities of a county. The plan shall conform 110180
to United States office of management and budget Circular A-87, 110181
"Cost Principles for State, Local, and Indian Tribal Governments," 110182
published May 17, 1995. 110183

(F) A board of county commissioners may establish discounted 110184
rates or charges or may establish another mechanism for providing 110185
a reduction in rates or charges for persons who are sixty-five 110186

years of age or older. The board shall establish eligibility requirements for such discounted or reduced rates or charges, including a requirement that a person be eligible for the homestead exemption or qualify as a low- and moderate-income person.

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Sec. 6119.011. As used in ~~Chapter 6119. of the Revised Code~~
this chapter:

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(A) "Court of common pleas" or "court" means, unless the context indicates a different meaning or intent, the court of common pleas in which the petition for the organization of a regional water and sewer district is filed.

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(B) "Political subdivision" includes departments, divisions, authorities, or other units of state governments, watershed districts, soil and water conservation districts, park districts, municipal corporations, counties, townships, and other political subdivisions, special water districts, including county and regional water and sewer districts, conservancy districts, sanitary districts, sewer districts or any other public corporation or agency having the authority to acquire, construct, or operate waste water or water management facilities, and all other governmental agencies now or hereafter granted the power of levying taxes or special assessments, the United States or any agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

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(C) "Person" means any natural person, firm, partnership, association, or corporation other than a political subdivision.

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(D) "Beneficial use" means a use of water, including the method of diversion, storage, transportation, treatment, and application, that is reasonable and consistent with the public interest in the proper utilization of water resources, including, but not limited to, domestic, agricultural, industrial, power,

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municipal, navigational, fish and wildlife, and recreational uses. 110218

(E) "Waters of the state" ~~mean~~ means all streams, lakes, 110219
ponds, marshes, watercourses, waterways, wells, springs, 110220
irrigation systems, drainage systems, and all other bodies or 110221
accumulations of water, surface and underground, natural or 110222
artificial, ~~which~~ that are situated wholly or partly within, or 110223
border upon, this state, or are within its jurisdiction, except 110224
those private waters ~~which~~ that do not combine or effect a 110225
junction with natural surface or underground waters. 110226

(F) "Water resources" means all waters of the state occurring 110227
on the surface in natural or artificial channels, lakes, 110228
reservoirs, or impoundments, and in subsurface aquifers, ~~which~~ 110229
that are available or may be made available to agricultural, 110230
commercial, recreational, public, and domestic users. 110231

(G) "Project" or "water resource project" means any waste 110232
water facility or water management facility acquired, constructed, 110233
or operated by or leased to a regional water and sewer district or 110234
to be acquired, constructed, or operated by or leased to a 110235
regional water and sewer district under ~~Chapter 6119. of the~~ 110236
~~Revised Code~~ this chapter, or acquired or constructed or to be 110237
acquired or constructed by a political subdivision with a portion 110238
of the cost thereof being paid from a loan or grant from the 110239
district under ~~Chapter 6119. of the Revised Code~~ this chapter, 110240
including all buildings and facilities ~~which~~ that the district 110241
considers necessary for the operation of the project, together 110242
with all property, rights, easements, and interest ~~which~~ that may 110243
be required for the operation of the project. Any water resource 110244
project shall be determined by the board of trustees of the 110245
district to be consistent with any applicable comprehensive plan 110246
of water management approved by the director of natural resources 110247
~~of the state~~ or in the process of preparation by ~~such~~ the director 110248
and to be not inconsistent with the standards set for the waters 110249

of the state affected thereby by the ~~water pollution control board~~ 110250
~~of the state~~ environmental protection agency. Any resolution of 110251
the board of trustees of the district providing for acquiring, 110252
operating, leasing, or constructing such projects or for making a 110253
loan or grant for such projects shall include a finding by the 110254
board of trustees of the district that ~~such~~ those determinations 110255
have been made. 110256

(H) "Pollution" means the placing of any noxious or 110257
deleterious substances in any waters of the state or affecting the 110258
properties of any waters of the state in a manner ~~which~~ that 110259
renders ~~such~~ those waters harmful or inimical to the public 110260
health, or to animal or aquatic life, or to the use of ~~such~~ the 110261
waters for domestic water supply, industrial or agricultural 110262
purposes, or recreation. 110263

(I) "Sewage" means any substance that contains any of the 110264
waste products or excrementitious or other discharge from the 110265
bodies of human beings or animals, ~~which~~ that pollutes the waters 110266
of the state. 110267

(J) "Industrial waste" means any liquid, gaseous, or solid 110268
waste substance resulting from any process of industry, 110269
manufacture, trade, or business, or from the development, 110270
processing, or recovery of any natural resource, together with 110271
such sewage as is present, ~~which~~ that pollutes the waters of the 110272
state. 110273

(K) "Waste water" means any storm water and any water 110274
containing sewage or industrial waste or other pollutants or 110275
contaminants derived from the prior use of ~~such~~ the water. 110276

(L) "Waste water facilities" means facilities for the purpose 110277
of treating, neutralizing, disposing of, stabilizing, cooling, 110278
segregating, or holding waste water, including, without limiting 110279
the generality of the foregoing, facilities for the treatment and 110280

disposal of sewage or industrial waste and the residue thereof, 110281
facilities for the temporary or permanent impoundment of waste 110282
water, both surface and underground, and storm and sanitary sewers 110283
and other systems, whether on the surface or underground, designed 110284
to transport waste water, together with the equipment and 110285
furnishings thereof and their appurtenances and systems, whether 110286
on the surface or underground, including force mains and pumping 110287
facilities therefor when necessary. 110288

(M) "Water management facilities" means facilities for the 110289
purpose of the development, use, and protection of water 110290
resources, including, without limiting the generality of the 110291
foregoing, facilities for water supply, facilities for stream flow 110292
improvement, dams, reservoirs, and other impoundments, water 110293
transmission lines, water wells and well fields, pumping stations 110294
and works for underground water recharge, stream monitoring 110295
systems, facilities for the stabilization of stream and river 110296
banks, and facilities for the treatment of streams and rivers, 110297
including, without limiting the generality of the foregoing, 110298
facilities for the removal of oil, debris, and other solid waste 110299
from the waters of the state and stream and river aeration 110300
facilities. 110301

(N) "Cost" as applied to water resource projects means the 110302
cost of acquisition and construction, the cost of acquisition of 110303
all land, rights-of-way, property rights, easements, franchise 110304
rights, and interests required by the district for such 110305
acquisition and construction, the cost of demolishing or removing 110306
any buildings or structures on land so acquired, including the 110307
cost of acquiring any lands to which such buildings or structures 110308
may be moved, the cost of acquiring or constructing and equipping 110309
a principal office and sub-offices of the district, the cost of 110310
diverting highways, interchange of highways, and access roads to 110311
private property, including the cost of land or easements 110312

therefor, the cost of all machinery, furnishings, and equipment, 110313
financing charges, interest prior to and during construction and 110314
for no more than eighteen months after completion of ~~acquisition~~ 110315
acquisition or construction, engineering, expenses of research and 110316
development with respect to waste water or water management 110317
facilities, legal expenses, plans, specifications, surveys, 110318
estimates of cost and revenues, working capital, other expenses 110319
necessary or incident to determining the feasibility or 110320
practicability of acquiring or constructing any such project, 110321
administrative expense, and such other expense as may be necessary 110322
or incident to the acquisition or construction of the project, the 110323
financing of ~~such the~~ acquisition or construction, including the 110324
amount authorized in the resolution of the district providing for 110325
the issuance of water resource revenue bonds to be paid into any 110326
special funds from the proceeds of ~~such those~~ bonds and the 110327
financing of the placing of any such project in operation. Any 110328
obligation or expense incurred by any political subdivision, and 110329
approved by the district, for surveys, borings, preparation of 110330
plans and specifications, and other engineering services in 110331
connection with the acquisition or construction of a project shall 110332
be regarded as a part of the cost of ~~such the~~ project and may be 110333
reimbursed by the district. 110334

(O) "Owner" includes all individuals, partnerships, 110335
associations, corporations, or political subdivisions having any 110336
title or interest in any property rights, easements, and interests 110337
authorized to be acquired by ~~Chapter 6119. of the Revised Code~~ 110338
this chapter. 110339

(P) "Revenues" means all rentals and other charges received 110340
by a district for the use or services of any project, all special 110341
assessments levied by the district pursuant to ~~Chapter 6119. of~~ 110342
~~the Revised Code~~ this chapter, any gift or grant received with 110343
respect thereto, and moneys received in repayment of and for 110344

interest on any loan made by the district to a political 110345
subdivision, whether from the United States or a department, 110346
administration, or agency thereof, or otherwise. 110347

(Q) "Public roads" includes all public highways, roads, and 110348
streets in the state, whether maintained by the state, county, 110349
city, township, or other political subdivision. 110350

(R) "Public utility facilities" includes tracks, pipes, 110351
mains, conduits, cables, wires, towers, poles, and other equipment 110352
and appliances of any public utility. 110353

(S) "Construction," unless the context indicates a different 110354
meaning or intent, includes reconstruction, enlargement, 110355
improvement, or providing furnishings or equipment. 110356

(T) "Water resources bonds," unless the context indicates a 110357
different meaning or intent, includes water resource notes and 110358
water resource refunding bonds. 110359

(U) "Regional water and sewer district" means a district 110360
organized or operating for one or both of the purposes described 110361
in section 6119.01 of the Revised Code and, if organized or 110362
operating for only one of ~~such~~ those purposes, may be designated 110363
either a regional water district or a regional sewer district, as 110364
the case may be. 110365

(V) "Homestead exemption" means the reduction of taxes 110366
allowed under division (A) of section 323.152 of the Revised Code. 110367

(W) "Low- and moderate-income person" has the same meaning as 110368
in section 175.01 of the Revised Code. 110369

Sec. 6119.091. When fixing rentals or other charges under 110370
section 6119.09 of the Revised Code, a board of trustees of a 110371
regional water and sewer district may establish discounted rentals 110372
or charges or may establish another mechanism for providing a 110373
reduction in rentals or charges for persons who are sixty-five 110374

years of age or older. The board shall establish eligibility 110375
requirements for such discounted or reduced rentals or charges, 110376
including a requirement that a person be eligible for the 110377
homestead exemption or qualify as a low- and moderate-income 110378
person. 110379

Section 101.02. That existing sections 9.06, 9.314, 107.21, 110380
109.572, 109.73, 109.742, 109.744, 109.751, 109.761, 109.77, 110381
109.802, 109.803, 118.05, 120.04, 120.08, 120.52, 120.53, 121.04, 110382
121.07, 121.08, 121.083, 121.084, 121.13, 121.31, 121.37, 121.40, 110383
121.401, 121.402, 122.05, 122.051, 122.075, 122.151, 122.17, 110384
122.171, 122.40, 122.603, 122.71, 122.751, 122.76, 122.89, 123.01, 110385
123.152, 124.03, 124.04, 124.07, 124.11, 124.134, 124.14, 124.15, 110386
124.152, 124.18, 124.181, 124.183, 124.22, 124.23, 124.27, 110387
124.321, 124.324, 124.325, 124.34, 124.381, 124.382, 124.385, 110388
124.386, 124.392, 124.81, 125.081, 125.22, 125.831, 126.05, 110389
126.21, 126.35, 127.16, 131.33, 133.06, 135.03, 135.06, 135.08, 110390
135.32, 141.04, 145.012, 145.298, 148.02, 148.04, 149.43, 150.01, 110391
150.02, 150.03, 150.04, 150.05, 150.07, 152.09, 152.10, 152.12, 110392
152.15, 152.33, 156.01, 156.02, 156.03, 156.04, 166.07, 169.08, 110393
173.08, 173.35, 173.392, 173.40, 173.401, 173.42, 173.43, 173.50, 110394
173.99, 174.02, 174.03, 174.06, 176.05, 307.626, 307.629, 307.79, 110395
311.17, 319.301, 319.302, 319.54, 321.24, 323.156, 323.78, 329.03, 110396
329.042, 329.06, 340.033, 343.01, 504.21, 718.04, 721.15, 901.20, 110397
901.32, 901.43, 903.082, 903.11, 903.25, 905.32, 905.33, 905.331, 110398
905.36, 905.50, 905.51, 905.52, 905.56, 907.13, 907.14, 907.30, 110399
907.31, 915.24, 918.08, 918.28, 921.02, 921.06, 921.09, 921.11, 110400
921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 923.46, 927.51, 110401
927.52, 927.53, 927.56, 927.69, 927.70, 927.701, 927.71, 942.01, 110402
942.02, 942.06, 942.13, 943.01, 943.02, 943.04, 943.05, 943.06, 110403
943.07, 943.13, 943.14, 943.16, 953.21, 953.22, 953.23, 955.201, 110404
1321.20, 1321.51, 1321.52, 1321.53, 1321.54, 1321.55, 1321.551, 110405

1321.57, 1321.59, 1321.60, 1321.99, 1322.01, 1322.02, 1322.03, 110406
1322.031, 1322.04, 1322.041, 1322.05, 1322.051, 1322.052, 1322.06, 110407
1322.061, 1322.062, 1322.063, 1322.064, 1322.07, 1322.071, 110408
1322.072, 1322.074, 1322.075, 1322.08, 1322.081, 1322.09, 1322.10, 110409
1322.11, 1327.46, 1327.50, 1327.51, 1327.511, 1327.52, 1327.54, 110410
1327.57, 1327.58, 1327.60, 1327.62, 1327.70, 1327.99, 1332.24, 110411
1332.25, 1343.011, 1345.01, 1345.05, 1345.09, 1347.08, 1349.31, 110412
1349.43, 1501.01, 1501.05, 1501.07, 1501.30, 1502.12, 1506.01, 110413
1507.01, 1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 110414
1511.05, 1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 110415
1515.08, 1515.14, 1515.183, 1517.02, 1517.10, 1517.11, 1517.14, 110416
1517.16, 1517.17, 1517.18, 1519.03, 1520.02, 1520.03, 1521.03, 110417
1521.031, 1521.04, 1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 110418
1521.064, 1521.07, 1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 110419
1521.15, 1521.16, 1521.18, 1521.19, 1523.01, 1523.02, 1523.03, 110420
1523.04, 1523.05, 1523.06, 1523.07, 1523.08, 1523.09, 1523.10, 110421
1523.11, 1523.12, 1523.13, 1523.14, 1523.15, 1523.16, 1523.17, 110422
1523.18, 1523.19, 1523.20, 1531.01, 1533.10, 1533.11, 1541.03, 110423
1547.01, 1547.51, 1547.52, 1547.531, 1547.54, 1547.542, 1547.73, 110424
1547.99, 1548.10, 1707.17, 1707.18, 1707.37, 1710.01, 1710.02, 110425
1710.03, 1710.04, 1710.06, 1710.10, 1710.13, 1724.04, 1739.05, 110426
1751.03, 1751.04, 1751.05, 1751.14, 1751.15, 1751.16, 1751.19, 110427
1751.32, 1751.321, 1751.34, 1751.35, 1751.36, 1751.45, 1751.46, 110428
1751.48, 1751.831, 1751.84, 1751.85, 1753.09, 1901.26, 1901.31, 110429
1907.24, 2101.01, 2151.011, 2301.02, 2301.03, 2303.201, 2317.422, 110430
2503.17, 2903.13, 2903.21, 2903.211, 2903.22, 2903.33, 2911.21, 110431
2913.46, 2921.13, 2937.22, 2949.091, 2949.111, 2949.17, 2981.13, 110432
3105.87, 3119.01, 3121.037, 3121.0311, 3121.19, 3121.20, 3121.898, 110433
3123.952, 3125.25, 3301.07, 3301.073, 3301.079, 3301.0710, 110434
3301.0711, 3301.0714, 3301.0715, 3301.0716, 3301.12, 3301.16, 110435
3301.42, 3301.55, 3301.68, 3302.01, 3302.02, 3302.021, 3302.03, 110436
3302.031, 3302.05, 3302.07, 3304.231, 3307.31, 3307.64, 3309.41, 110437

3309.48, 3309.51, 3310.03, 3310.08, 3310.09, 3310.11, 3310.14, 110438
3310.41, 3311.06, 3311.19, 3311.21, 3311.29, 3311.52, 3311.76, 110439
3313.174, 3313.41, 3313.48, 3313.481, 3313.482, 3313.483, 3313.53, 110440
3313.532, 3313.533, 3313.536, 3313.55, 3313.60, 3313.603, 110441
3313.605, 3313.607, 3313.608, 3313.61, 3313.611, 3313.612, 110442
3313.614, 3313.615, 3313.62, 3313.64, 3313.642, 3313.6410, 110443
3313.65, 3313.671, 3313.673, 3313.68, 3313.713, 3313.843, 110444
3313.976, 3313.978, 3313.98, 3313.981, 3314.012, 3314.015, 110445
3314.016, 3314.02, 3314.021, 3314.024, 3314.03, 3314.051, 3314.08, 110446
3314.083, 3314.084, 3314.087, 3314.091, 3314.10, 3314.19, 3314.21, 110447
3314.25, 3314.26, 3314.35, 3314.36, 3315.17, 3315.37, 3316.041, 110448
3316.06, 3316.20, 3317.01, 3317.011, 3317.02, 3317.021, 3317.022, 110449
3317.023, 3317.024, 3317.025, 3317.0210, 3317.0211, 3317.0216, 110450
3317.03, 3317.031, 3317.04, 3317.05, 3317.051, 3317.053, 3317.061, 110451
3317.063, 3317.08, 3317.081, 3317.082, 3317.12, 3317.16, 3317.18, 110452
3317.20, 3317.201, 3318.011, 3318.051, 3318.061, 3318.08, 3318.36, 110453
3318.38, 3318.44, 3319.073, 3319.08, 3319.081, 3319.088, 3319.11, 110454
3319.151, 3319.16, 3319.17, 3319.172, 3319.22, 3319.221, 3319.233, 110455
3319.234, 3319.235, 3319.24, 3319.25, 3319.26, 3319.261, 3319.28, 110456
3319.291, 3319.303, 3319.36, 3319.41, 3319.51, 3319.56, 3319.57, 110457
3319.60, 3319.61, 3319.63, 3321.01, 3321.05, 3323.05, 3323.091, 110458
3323.14, 3323.142, 3324.05, 3325.08, 3326.11, 3326.14, 3326.21, 110459
3326.23, 3326.31, 3326.32, 3326.33, 3326.34, 3326.36, 3326.37, 110460
3326.38, 3326.51, 3327.02, 3327.04, 3327.05, 3329.16, 3333.04, 110461
3333.122, 3333.123, 3333.16, 3333.28, 3333.35, 3333.38, 3333.61, 110462
3333.62, 3333.66, 3333.73, 3333.83, 3334.01, 3334.02, 3334.03, 110463
3334.04, 3334.06, 3334.07, 3334.08, 3334.09, 3334.10, 3334.11, 110464
3334.12, 3334.16, 3334.17, 3334.18, 3334.19, 3334.20, 3334.21, 110465
3345.011, 3345.12, 3345.32, 3345.61, 3345.62, 3345.63, 3345.64, 110466
3345.65, 3345.66, 3349.242, 3365.01, 3365.04, 3365.041, 3365.07, 110467
3365.08, 3365.09, 3365.10, 3501.17, 3701.024, 3701.045, 3701.07, 110468
3701.344, 3701.71, 3701.72, 3701.78, 3701.84, 3702.51, 3702.52, 110469

3702.524, 3702.525, 3702.53, 3702.532, 3702.54, 3702.544, 3702.55, 110470
3702.57, 3702.59, 3702.60, 3702.61, 3702.87, 3702.89, 3702.90, 110471
3702.91, 3702.92, 3702.93, 3702.94, 3703.01, 3703.03, 3703.04, 110472
3703.05, 3703.06, 3703.07, 3703.08, 3703.10, 3703.21, 3703.99, 110473
3704.14, 3704.144, 3705.24, 3706.04, 3706.25, 3709.09, 3710.01, 110474
3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 3710.12, 110475
3710.13, 3712.01, 3712.03, 3713.01, 3713.02, 3713.03, 3713.04, 110476
3713.05, 3713.06, 3713.07, 3713.08, 3713.09, 3713.10, 3714.07, 110477
3714.073, 3717.07, 3717.23, 3717.25, 3717.43, 3717.45, 3718.03, 110478
3718.06, 3721.01, 3721.02, 3721.071, 3721.23, 3721.50, 3721.51, 110479
3721.53, 3721.55, 3721.56, 3722.01, 3722.011, 3722.02, 3722.021, 110480
3722.04, 3722.041, 3722.05, 3722.06, 3722.08, 3722.09, 3722.10, 110481
3722.13, 3722.14, 3722.15, 3722.16, 3722.17, 3722.18, 3722.99, 110482
3727.02, 3727.04, 3727.05, 3729.07, 3733.02, 3733.04, 3733.25, 110483
3733.43, 3734.05, 3734.28, 3734.281, 3734.53, 3734.57, 3734.573, 110484
3734.82, 3734.901, 3734.9010, 3737.71, 3743.04, 3743.25, 3745.015, 110485
3745.11, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3749.04, 110486
3770.05, 3773.35, 3773.36, 3773.43, 3773.45, 3773.53, 3781.03, 110487
3781.10, 3781.102, 3781.11, 3781.12, 3781.19, 3783.05, 3791.02, 110488
3791.04, 3791.05, 3791.07, 3793.02, 3793.04, 3901.38, 3901.383, 110489
3901.3812, 3901.3814, 3923.021, 3923.022, 3923.122, 3923.24, 110490
3923.57, 3923.58, 3923.581, 3923.66, 3923.67, 3923.68, 3923.75, 110491
3923.76, 3923.77, 3924.01, 3924.06, 3924.09, 3924.10, 3929.43, 110492
3929.67, 3953.23, 3953.231, 4104.01, 4104.02, 4104.06, 4104.07, 110493
4104.08, 4104.09, 4104.10, 4104.101, 4104.12, 4104.15, 4104.16, 110494
4104.17, 4104.18, 4104.19, 4104.21, 4104.33, 4104.42, 4104.43, 110495
4104.44, 4104.48, 4105.01, 4105.02, 4105.03, 4105.04, 4105.05, 110496
4105.06, 4105.09, 4105.11, 4105.12, 4105.13, 4105.15, 4105.16, 110497
4105.17, 4105.191, 4105.20, 4105.21, 4112.01, 4112.04, 4112.051, 110498
4112.052, 4117.01, 4117.02, 4117.07, 4117.12, 4117.24, 4121.125, 110499
4123.442, 4141.08, 4141.11, 4141.162, 4169.02, 4169.03, 4169.04, 110500
4171.04, 4301.333, 4301.334, 4301.351, 4301.354, 4301.355, 110501

4301.356, 4301.361, 4301.364, 4301.365, 4301.366, 4301.43, 110502
4303.182, 4303.331, 4501.06, 4501.24, 4503.068, 4503.10, 4503.103, 110503
4503.19, 4503.191, 4503.235, 4503.40, 4503.42, 4503.44, 4505.01, 110504
4505.06, 4505.062, 4505.09, 4505.111, 4505.181, 4505.20, 4507.03, 110505
4507.24, 4507.45, 4509.101, 4510.22, 4511.191, 4511.81, 4513.021, 110506
4513.03, 4513.04, 4513.05, 4513.06, 4513.07, 4513.071, 4513.09, 110507
4513.11, 4513.111, 4513.12, 4513.13, 4513.14, 4513.15, 4513.16, 110508
4513.17, 4513.171, 4513.18, 4513.19, 4513.21, 4513.22, 4513.23, 110509
4513.24, 4513.242, 4513.28, 4513.60, 4513.65, 4513.99, 4517.01, 110510
4517.02, 4517.03, 4517.30, 4517.33, 4517.43, 4519.02, 4519.03, 110511
4519.04, 4519.44, 4519.59, 4549.10, 4549.12, 4705.09, 4705.10, 110512
4709.12, 4713.28, 4713.32, 4713.63, 4713.64, 4731.10, 4731.26, 110513
4731.38, 4733.10, 4734.25, 4735.06, 4735.09, 4735.12, 4735.13, 110514
4735.15, 4740.03, 4740.11, 4740.14, 4741.41, 4741.44, 4741.45, 110515
4741.46, 4755.06, 4755.12, 4757.10, 4757.31, 4757.36, 4763.01, 110516
4763.03, 4763.04, 4763.05, 4763.07, 4763.09, 4763.11, 4763.13, 110517
4763.14, 4763.17, 4766.09, 4767.05, 4767.07, 4767.08, 4781.01, 110518
4781.02, 4781.04, 4781.05, 4781.06, 4781.07, 4905.06, 4919.79, 110519
4923.12, 4923.20, 4928.01, 5101.11, 5101.16, 5101.162, 5101.26, 110520
5101.33, 5101.34, 5101.47, 5101.50, 5101.5110, 5101.5212, 5101.54, 110521
5101.541, 5101.544, 5101.571, 5101.573, 5101.60, 5101.61, 5101.83, 110522
5101.84, 5104.01, 5104.041, 5104.051, 5104.30, 5104.32, 5104.341, 110523
5104.35, 5104.38, 5104.39, 5104.42, 5107.05, 5107.16, 5107.17, 110524
5107.58, 5111.01, 5111.015, 5111.019, 5111.028, 5111.032, 110525
5111.033, 5111.034, 5111.06, 5111.176, 5111.222, 5111.231, 110526
5111.232, 5111.24, 5111.25, 5111.261, 5111.65, 5111.651, 5111.688, 110527
5111.705, 5111.85, 5111.851, 5111.874, 5111.875, 5111.89, 110528
5111.891, 5111.894, 5111.971, 5112.30, 5112.31, 5112.37, 5112.371, 110529
5115.03, 5119.16, 5119.61, 5120.032, 5120.033, 5120.09, 5120.135, 110530
5122.31, 5123.049, 5123.0412, 5123.0413, 5126.044, 5126.05, 110531
5126.054, 5126.055, 5126.0512, 5126.19, 5126.24, 5139.43, 5501.04, 110532
5502.01, 5502.12, 5502.14, 5502.15, 5505.15, 5701.11, 5703.05, 110533

5703.37, 5703.80, 5705.214, 5705.29, 5705.341, 5705.37, 5709.62, 110534
5709.63, 5709.632, 5711.33, 5715.02, 5715.251, 5715.26, 5717.03, 110535
5717.04, 5725.18, 5725.98, 5727.84, 5728.12, 5729.03, 5729.98, 110536
5733.01, 5733.04, 5733.98, 5735.142, 5739.01, 5739.02, 5739.03, 110537
5739.033, 5739.09, 5739.131, 5743.15, 5743.61, 5747.01, 5747.113, 110538
5747.13, 5747.16, 5747.98, 5748.02, 5748.03, 5749.02, 5749.12, 110539
5751.01, 5751.011, 5751.012, 5751.013, 5751.03, 5751.04, 5751.05, 110540
5751.051, 5751.06, 5751.08, 5751.09, 5751.20, 5751.21, 5911.10, 110541
5913.051, 5913.09, 6103.01, 6103.02, 6109.21, 6111.044, 6117.01, 110542
6117.02, and 6119.011 of the Revised Code are hereby repealed. 110543

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That existing Section 269.60.60 of Am. Sub. H.B. 119 of the 110552
127th General Assembly is hereby repealed. 110553

That existing Section 6 of H.B. 364 of the 124th General 110554
Assembly is hereby repealed. 110555

Section 105.01. Sections 173.71, 173.72, 173.721, 173.722, 110556
173.723, 173.724, 173.73, 173.731, 173.732, 173.74, 173.741, 110557
173.742, 173.75, 173.751, 173.752, 173.753, 173.76, 173.77, 110558
173.771, 173.772, 173.773, 173.78, 173.79, 173.791, 173.80, 110559
173.801, 173.802, 173.803, 173.81, 173.811, 173.812, 173.813, 110560
173.814, 173.815, 173.82, 173.83, 173.831, 173.832, 173.833, 110561
173.84, 173.85, 173.86, 173.861, 173.87, 173.871, 173.872, 110562
173.873, 173.874, 173.875, 173.876, 173.88, 173.89, 173.891, 110563
173.892, 173.90, 173.91, 905.38, 905.381, 905.66, 907.16, 927.74, 110564

1504.01, 1504.02, 1504.03, 1504.04, 1517.15, 1521.02, 1711.58, 110565
3301.0712, 3301.0718, 3301.43, 3302.032, 3314.026, 3314.085, 110566
3314.13, 3317.10, 3319.0810, 3319.222, 3319.23, 3319.302, 110567
3319.304, 3333.27, 3701.73, 3701.77, 3701.771, 3701.772, 3702.511, 110568
3702.523, 3702.527, 3702.528, 3702.529, 3702.542, 3704.143, 110569
3724.01, 3724.02, 3724.021, 3724.03, 3724.04, 3724.05, 3724.06, 110570
3724.07, 3724.08, 3724.09, 3724.10, 3724.11, 3724.12, 3724.13, 110571
3724.99, 4517.052, 4517.27, 4735.22, 4735.23, 5101.072, 5111.083, 110572
5111.178. 5145.32, and 5923.141 of the Revised Code are hereby 110573
repealed. 110574

Section 105.10. Sections 1751.53 and 3923.38 of the Revised 110575
Code as they result from Section 120.10 of H.B. 2 of the 128th 110576
General Assembly are hereby repealed. This repeal enables the 110577
continued existence of those sections as they result from Section 110578
101.01 of H.B. 2 of the 128th General Assembly. 110579

Section 110.10. That the version of section 2949.111 of the 110580
Revised Code that is scheduled to take effect January 1, 2010, be 110581
amended to read as follows: 110582

Sec. 2949.111. (A) As used in this section: 110583

(1) "Court costs" means any assessment that the court 110584
requires an offender to pay to defray the costs of operating the 110585
court. 110586

(2) "State fines or costs" means any costs imposed or 110587
forfeited bail collected by the court under section 2743.70 of the 110588
Revised Code for deposit into the reparations fund or under 110589
section 2949.091 of the Revised Code for deposit into the ~~general~~ 110590
revenue indigent defense support fund established under section 110591
120.08 of the Revised Code and all fines, penalties, and forfeited 110592
bail collected by the court and paid to a law library association 110593

under section 307.515 of the Revised Code. 110594

(3) "Reimbursement" means any reimbursement for the costs of 110595
confinement that the court orders an offender to pay pursuant to 110596
section 2929.28 of the Revised Code, any supervision fee, any fee 110597
for the costs of house arrest with electronic monitoring that an 110598
offender agrees to pay, any reimbursement for the costs of an 110599
investigation or prosecution that the court orders an offender to 110600
pay pursuant to section 2929.71 of the Revised Code, or any other 110601
costs that the court orders an offender to pay. 110602

(4) "Supervision fees" means any fees that a court, pursuant 110603
to sections 2929.18, 2929.28, and 2951.021 of the Revised Code, 110604
requires an offender who is under a community control sanction to 110605
pay for supervision services. 110606

(5) "Community control sanction" has the same meaning as in 110607
section 2929.01 of the Revised Code. 110608

(B) Unless the court, in accordance with division (C) of this 110609
section, enters in the record of the case a different method of 110610
assigning payments, if a person who is charged with a misdemeanor 110611
is convicted of or pleads guilty to the offense, if the court 110612
orders the offender to pay any combination of court costs, state 110613
fines or costs, restitution, a conventional fine, or any 110614
reimbursement, and if the offender makes any payment of any of 110615
them to a clerk of court, the clerk shall assign the offender's 110616
payment in the following manner: 110617

(1) If the court ordered the offender to pay any court costs, 110618
the offender's payment shall be assigned toward the satisfaction 110619
of those court costs until they have been entirely paid. 110620

(2) If the court ordered the offender to pay any state fines 110621
or costs and if all of the court costs that the court ordered the 110622
offender to pay have been paid, the remainder of the offender's 110623
payment shall be assigned on a pro rata basis toward the 110624

satisfaction of the state fines or costs until they have been 110625
entirely paid. 110626

(3) If the court ordered the offender to pay any restitution 110627
and if all of the court costs and state fines or costs that the 110628
court ordered the offender to pay have been paid, the remainder of 110629
the offender's payment shall be assigned toward the satisfaction 110630
of the restitution until it has been entirely paid. 110631

(4) If the court ordered the offender to pay any fine and if 110632
all of the court costs, state fines or costs, and restitution that 110633
the court ordered the offender to pay have been paid, the 110634
remainder of the offender's payment shall be assigned toward the 110635
satisfaction of the fine until it has been entirely paid. 110636

(5) If the court ordered the offender to pay any 110637
reimbursement and if all of the court costs, state fines or costs, 110638
restitution, and fines that the court ordered the offender to pay 110639
have been paid, the remainder of the offender's payment shall be 110640
assigned toward the satisfaction of the reimbursements until they 110641
have been entirely paid. 110642

(C) If a person who is charged with a misdemeanor is 110643
convicted of or pleads guilty to the offense and if the court 110644
orders the offender to pay any combination of court costs, state 110645
fines or costs, restitution, fines, or reimbursements, the court, 110646
at the time it orders the offender to make those payments, may 110647
prescribe an order of payments that differs from the order set 110648
forth in division (B) of this section by entering in the record of 110649
the case the order so prescribed. If a different order is entered 110650
in the record, on receipt of any payment, the clerk of the court 110651
shall assign the payment in the manner prescribed by the court. 110652

Section 110.11. That the existing version of section 2949.111 110653
of the Revised Code that is scheduled to take effect January 1, 110654
2010, is hereby repealed. 110655

Section 110.12. Sections 110.10 and 110.11 of this act take effect January 1, 2010.

Section 110.20. That the version of section 5739.033 of the Revised Code that is scheduled to take effect January 1, 2010, be amended to read as follows:

Sec. 5739.033. (A) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section or, if applicable, under division (C) of section 5739.031 or section 5739.034 of the Revised Code. This section applies only to a vendor's or seller's obligation to collect and remit sales taxes under section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code. Division (A) of this section does not apply in determining the jurisdiction for which sellers are required to collect the use tax under section 5741.05 of the Revised Code. This section does not affect the obligation of a consumer to remit use taxes on the storage, use, or other consumption of tangible personal property or on the benefit realized of any service provided, to the jurisdiction of that storage, use, or consumption, or benefit realized.

(B)(1) Beginning January 1, 2010, retail sales, excluding the lease or rental, of tangible personal property or digital goods shall be sourced to the location where the vendor receives an order for the sale of such property or goods if:

(a) The vendor receives the order in this state and the consumer receives the property or goods in this state;

(b) The location where the consumer receives the property or goods is determined under division (C)(2), (3), or (4) of this

section; and 110686

(c) The record-keeping system used by the vendor to calculate 110687
the tax imposed captures the location where the order is received 110688
at the time the order is received. 110689

(2) A consumer has no additional liability to this state 110690
under this chapter or Chapter 5741. of the Revised Code for tax, 110691
penalty, or interest on a sale for which the consumer remits tax 110692
to the vendor in the amount invoiced by the vendor if the invoice 110693
amount is calculated at either the rate applicable to the location 110694
where the consumer receives the property or digital good or at the 110695
rate applicable to the location where the order is received by the 110696
vendor. A consumer may rely on a written representation by the 110697
vendor as to the location where the order for the sale was 110698
received by the vendor. If the consumer does not have a written 110699
representation by the vendor as to the location where the order 110700
was received by the vendor, the consumer may use a location 110701
indicated by a business address for the vendor that is available 110702
from records that are maintained in the ordinary course of the 110703
consumer's business to determine the rate applicable to the 110704
location where the order was received. 110705

(3) For the purposes of division (B) of this section, the 110706
location where an order is received by or on behalf of a vendor 110707
means the physical location of the vendor or a third party such as 110708
an established outlet, office location, or automated order receipt 110709
system operated by or on behalf of the vendor, where an order is 110710
initially received by or on behalf of the vendor, and not where 110711
the order may be subsequently accepted, completed, or fulfilled. 110712
An order is received when all necessary information to determine 110713
whether the order can be accepted has been received by or on 110714
behalf of the vendor. The location from which the property or 110715
digital good is shipped shall not be used to determine the 110716
location where the order is received by the vendor. 110717

(4) For the purposes of division (B) of this section, if services subject to taxation under this chapter or Chapter 5741. of the Revised Code are sold with tangible personal property or digital goods pursuant to a single contract or in the same transaction, the services are billed on the same billing statement or invoice, and, because of the application of division (B) of this section, the transaction would be sourced to more than one jurisdiction, the situs of the transaction shall be the location where the order is received by or on behalf of the vendor.

(C) Except for sales, other than leases, of titled motor vehicles, titled watercraft, or titled outboard motors as provided in section 5741.05 of the Revised Code, or as otherwise provided in this section and section 5739.034 of the Revised Code, all sales shall be sourced as follows:

(1) If the consumer or a donee designated by the consumer receives tangible personal property or a service at a vendor's place of business, the sale shall be sourced to that place of business.

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

(4) If divisions (C)(1), (2), and (3) of this section do not

apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code, that purchases a digital good, computer software, except computer software received in person by a business consumer at a vendor's place of business, or a service, and that knows at the time of purchase that such digital good, software, or service will be concurrently available for use in more than one taxing jurisdiction shall deliver to the vendor in conjunction with its purchase an exemption certificate claiming multiple points of use, or shall meet the requirements of division (D)(2) of this section. On receipt of the exemption certificate claiming multiple points of use, the vendor is relieved of its obligation to collect, pay, or remit the tax due, and the business consumer must pay the tax directly to the state.

(b) A business consumer that delivers the exemption

certificate claiming multiple points of use to a vendor may use 110781
any reasonable, consistent, and uniform method of apportioning the 110782
tax due on the digital good, computer software, or service that is 110783
supported by the consumer's business records as they existed at 110784
the time of the sale. The business consumer shall report and pay 110785
the appropriate tax to each jurisdiction where concurrent use 110786
occurs. The tax due shall be calculated as if the apportioned 110787
amount of the digital good, computer software, or service had been 110788
delivered to each jurisdiction to which the sale is apportioned 110789
under this division. 110790

(c) The exemption certificate claiming multiple points of use 110791
shall remain in effect for all future sales by the vendor to the 110792
business consumer until it is revoked in writing by the business 110793
consumer, except as to the business consumer's specific 110794
apportionment of a subsequent sale under division (D)(1)(b) of 110795
this section and the facts existing at the time of the sale. 110796

(2) When the vendor knows that a digital good, computer 110797
software, or service sold will be concurrently available for use 110798
by the business consumer in more than one jurisdiction, but the 110799
business consumer does not provide an exemption certificate 110800
claiming multiple points of use as required by division (D)(1) of 110801
this section, the vendor may work with the business consumer to 110802
produce the correct apportionment. Governed by the principles of 110803
division (D)(1)(b) of this section, the vendor and business 110804
consumer may use any reasonable, but consistent and uniform, 110805
method of apportionment that is supported by the vendor's and 110806
business consumer's books and records as they exist at the time 110807
the sale is reported for purposes of the taxes levied under this 110808
chapter. If the business consumer certifies to the accuracy of the 110809
apportionment and the vendor accepts the certification, the vendor 110810
shall collect and remit the tax accordingly. In the absence of bad 110811
faith, the vendor is relieved of any further obligation to collect 110812

tax on any transaction where the vendor has collected tax pursuant 110813
to the information certified by the business consumer. 110814

(3) When the vendor knows that the digital good, computer 110815
software, or service will be concurrently available for use in 110816
more than one jurisdiction, and the business consumer does not 110817
have a direct pay permit and does not provide to the vendor an 110818
exemption certificate claiming multiple points of use as required 110819
in division (D)(1) of this section, or certification pursuant to 110820
division (D)(2) of this section, the vendor shall collect and 110821
remit the tax based on division (C) of this section. 110822

(4) Nothing in this section shall limit a person's obligation 110823
for sales or use tax to any state in which a digital good, 110824
computer software, or service is concurrently available for use, 110825
nor limit a person's ability under local, state, or federal law, 110826
to claim a credit for sales or use taxes legally due and paid to 110827
other jurisdictions. 110828

(E) A person who holds a direct payment permit issued under 110829
section 5739.031 of the Revised Code is not required to deliver an 110830
exemption certificate claiming multiple points of use to a vendor. 110831
But such permit holder shall comply with division (D)(2) of this 110832
section in apportioning the tax due on a digital good, computer 110833
software, or a service for use in business that will be 110834
concurrently available for use in more than one taxing 110835
jurisdiction. 110836

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 110837
section, the consumer of direct mail that is not a holder of a 110838
direct payment permit shall provide to the vendor in conjunction 110839
with the sale either an exemption certificate claiming direct mail 110840
prescribed by the tax commissioner, or information to show the 110841
jurisdictions to which the direct mail is delivered to recipients. 110842

(2) Upon receipt of such exemption certificate, the vendor is 110843

relieved of all obligations to collect, pay, or remit the 110844
applicable tax and the consumer is obligated to pay that tax on a 110845
direct pay basis. An exemption certificate claiming direct mail 110846
shall remain in effect for all future sales of direct mail by the 110847
vendor to the consumer until it is revoked in writing. 110848

(3) Upon receipt of information from the consumer showing the 110849
jurisdictions to which the direct mail is delivered to recipients, 110850
the vendor shall collect the tax according to the delivery 110851
information provided by the consumer. In the absence of bad faith, 110852
the vendor is relieved of any further obligation to collect tax on 110853
any transaction where the vendor has collected tax pursuant to the 110854
delivery information provided by the consumer. 110855

(4) If the consumer of direct mail does not have a direct 110856
payment permit and does not provide the vendor with either an 110857
exemption certificate claiming direct mail or delivery information 110858
as required by division (F)(1) of this section, the vendor shall 110859
collect the tax according to division (C)(5) of this section. 110860
Nothing in division (F)(4) of this section shall limit a 110861
consumer's obligation to pay sales or use tax to any state to 110862
which the direct mail is delivered. 110863

(5) If a consumer of direct mail provides the vendor with 110864
documentation of direct payment authority, the consumer shall not 110865
be required to provide an exemption certificate claiming direct 110866
mail or delivery information to the vendor. 110867

(G) If the vendor provides lodging to transient guests as 110868
specified in division (B)(2) of section 5739.01 of the Revised 110869
Code, the sale shall be sourced to the location where the lodging 110870
is located. 110871

(H)(1) As used in this division and division (I) of this 110872
section, "transportation equipment" means any of the following: 110873

(a) Locomotives and railcars that are utilized for the 110874

carriage of persons or property in interstate commerce.	110875
(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.	110876 110877 110878 110879 110880 110881 110882 110883
(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.	110884 110885 110886 110887
(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.	110888 110889 110890
(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.	110891 110892
(I)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (C) of this section.	110893 110894 110895
(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows:	110896 110897
(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced as follows:	110898 110899 110900 110901
(i) An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code shall be sourced to the primary property location at the time the	110902 110903 110904

lease or rental is consummated. Any subsequent taxable charges on 110905
the lease or rental shall be sourced to the primary property 110906
location for the period in which the charges are incurred. 110907

(ii) For a lease or rental taxed pursuant to division (A)(3) 110908
of section 5739.02 of the Revised Code, each lease or rental 110909
installment shall be sourced to the primary property location for 110910
the period covered by the installment. 110911

(b) In the case of a lease or rental of all other tangible 110912
personal property, other than transportation equipment, such lease 110913
or rental shall be sourced as follows: 110914

(i) An accelerated tax payment on a lease or rental that is 110915
taxed pursuant to division (A)(2) of section 5739.02 of the 110916
Revised Code shall be sourced pursuant to division (C) of this 110917
section at the time the lease or rental is consummated. Any 110918
subsequent taxable charges on the lease or rental shall be sourced 110919
to the primary property location for the period in which the 110920
charges are incurred. 110921

(ii) For a lease or rental that is taxed pursuant to division 110922
(A)(3) of section 5739.02 of the Revised Code, the initial lease 110923
or rental installment shall be sourced pursuant to division (C) of 110924
this section. Each subsequent installment shall be sourced to the 110925
primary property location for the period covered by the 110926
installment. 110927

(3) As used in division (I) of this section, "primary 110928
property location" means an address for tangible personal property 110929
provided by the lessee or renter that is available to the lessor 110930
or owner from its records maintained in the ordinary course of 110931
business, when use of that address does not constitute bad faith. 110932

(J) If the vendor provides a service specified in division 110933
(B)(11) of section 5739.01 of the Revised Code, the situs of the 110934
sale is the location of the enrollee for whom a medicaid health 110935

insurance corporation receives managed care premiums. Such sales 110936
shall be sourced to the locations of the enrollees in the same 110937
proportion as the managed care premiums received by the medicaid 110938
health insuring corporation on behalf of enrollees located in a 110939
particular taxing jurisdiction in Ohio as compared to all managed 110940
care premiums received by the medicaid health insuring 110941
corporation. 110942

Section 110.21. That the existing version of section 5739.033 110943
of the Revised Code that is scheduled to take effect January 1, 110944
2010, is hereby repealed. 110945

Section 110.22. Sections 110.20 and 110.21 of this act take 110946
effect January 1, 2010. 110947

Section 115.10. That sections 5104.01 and 5104.38 of the 110948
Revised Code be amended to read as follows: 110949

Sec. 5104.01. As used in this chapter: 110950

(A) "Administrator" means the person responsible for the 110951
daily operation of a center or type A home. The administrator and 110952
the owner may be the same person. 110953

(B) "Approved child day camp" means a child day camp approved 110954
pursuant to section 5104.22 of the Revised Code. 110955

(C) "Authorized provider" means a person authorized by a 110956
county director of job and family services to operate a certified 110957
type B family day-care home. 110958

(D) "Border state child care provider" means a child care 110959
provider that is located in a state bordering Ohio and that is 110960
licensed, certified, or otherwise approved by that state to 110961
provide child care. 110962

(E) "Caretaker parent" means the father or mother of a child 110963

whose presence in the home is needed as the caretaker of the 110964
child, a person who has legal custody of a child and whose 110965
presence in the home is needed as the caretaker of the child, a 110966
guardian of a child whose presence in the home is needed as the 110967
caretaker of the child, and any other person who stands in loco 110968
parentis with respect to the child and whose presence in the home 110969
is needed as the caretaker of the child. 110970

(F) "Certified type B family day-care home" and "certified 110971
type B home" mean a type B family day-care home that is certified 110972
by the director of the county department of job and family 110973
services pursuant to section 5104.11 of the Revised Code to 110974
receive public funds for providing child care pursuant to this 110975
chapter and any rules adopted under it. 110976

(G) "Chartered nonpublic school" means a school that meets 110977
standards for nonpublic schools prescribed by the state board of 110978
education for nonpublic schools pursuant to section 3301.07 of the 110979
Revised Code. 110980

(H) "Child" includes an infant, toddler, preschool child, or 110981
school child. 110982

(I) "Child care block grant act" means the "Child Care and 110983
Development Block Grant Act of 1990," established in section 5082 110984
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 110985
1388-236 (1990), 42 U.S.C. 9858, as amended. 110986

(J) "Child day camp" means a program in which only school 110987
children attend or participate, that operates for no more than 110988
seven hours per day, that operates only during one or more public 110989
school district's regular vacation periods or for no more than 110990
fifteen weeks during the summer, and that operates outdoor 110991
activities for each child who attends or participates in the 110992
program for a minimum of fifty per cent of each day that children 110993
attend or participate in the program, except for any day when 110994

hazardous weather conditions prevent the program from operating 110995
outdoor activities for a minimum of fifty per cent of that day. 110996
For purposes of this division, the maximum seven hours of 110997
operation time does not include transportation time from a child's 110998
home to a child day camp and from a child day camp to a child's 110999
home. 111000

(K) "Child care" means administering to the needs of infants, 111001
toddlers, preschool children, and school children outside of 111002
school hours by persons other than their parents or guardians, 111003
custodians, or relatives by blood, marriage, or adoption for any 111004
part of the twenty-four-hour day in a place or residence other 111005
than a child's own home. 111006

(L) "Child day-care center" and "center" mean any place in 111007
which child care or publicly funded child care is provided for 111008
thirteen or more children at one time or any place that is not the 111009
permanent residence of the licensee or administrator in which 111010
child care or publicly funded child care is provided for seven to 111011
twelve children at one time. In counting children for the purposes 111012
of this division, any children under six years of age who are 111013
related to a licensee, administrator, or employee and who are on 111014
the premises of the center shall be counted. "Child day-care 111015
center" and "center" do not include any of the following: 111016

(1) A place located in and operated by a hospital, as defined 111017
in section 3727.01 of the Revised Code, in which the needs of 111018
children are administered to, if all the children whose needs are 111019
being administered to are monitored under the on-site supervision 111020
of a physician licensed under Chapter 4731. of the Revised Code or 111021
a registered nurse licensed under Chapter 4723. of the Revised 111022
Code, and the services are provided only for children who, in the 111023
opinion of the child's parent, guardian, or custodian, are 111024
exhibiting symptoms of a communicable disease or other illness or 111025
are injured; 111026

(2) A child day camp;	111027
(3) A place that provides child care, but not publicly funded child care, if all of the following apply:	111028 111029
(a) An organized religious body provides the child care;	111030
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	111031 111032 111033
(c) The child care is not provided for more than thirty days a year;	111034 111035
(d) The child care is provided only for preschool and school children.	111036 111037
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	111038 111039 111040
(N) "Child care resource and referral services" means all of the following services:	111041 111042
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	111043 111044 111045
(2) Provision of individualized consumer education to families seeking child care;	111046 111047
(3) Provision of timely referrals of available child care providers to families seeking child care;	111048 111049
(4) Recruitment of child care providers;	111050
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	111051 111052 111053 111054
(6) Collection and analysis of data on the supply of and	111055

demand for child care in the community;	111056
(7) Technical assistance concerning locally, state, and	111057
federally funded child care and early childhood education	111058
programs;	111059
(8) Stimulation of employer involvement in making child care	111060
more affordable, more available, safer, and of higher quality for	111061
their employees and for the community;	111062
(9) Provision of written educational materials to caretaker	111063
parents and informational resources to child care providers;	111064
(10) Coordination of services among child care resource and	111065
referral service organizations to assist in developing and	111066
maintaining a statewide system of child care resource and referral	111067
services if required by the department of job and family services;	111068
(11) Cooperation with the county department of job and family	111069
services in encouraging the establishment of parent cooperative	111070
child care centers and parent cooperative type A family day-care	111071
homes.	111072
(O) "Child-care staff member" means an employee of a child	111073
day-care center or type A family day-care home who is primarily	111074
responsible for the care and supervision of children. The	111075
administrator may be a part-time child-care staff member when not	111076
involved in other duties.	111077
(P) "Drop-in child day-care center," "drop-in center,"	111078
"drop-in type A family day-care home," and "drop-in type A home"	111079
mean a center or type A home that provides child care or publicly	111080
funded child care for children on a temporary, irregular basis.	111081
(Q) "Employee" means a person who either:	111082
(1) Receives compensation for duties performed in a child	111083
day-care center or type A family day-care home;	111084
(2) Is assigned specific working hours or duties in a child	111085

day-care center or type A family day-care home. 111086

(R) "Employer" means a person, firm, institution, 111087
organization, or agency that operates a child day-care center or 111088
type A family day-care home subject to licensure under this 111089
chapter. 111090

(S) "Federal poverty line" means the official poverty 111091
guideline as revised annually in accordance with section 673(2) of 111092
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 111093
U.S.C. 9902, as amended, for a family size equal to the size of 111094
the family of the person whose income is being determined. 111095

~~(T) "Full time week" means at least thirty two and one half 111096
hours and not more than sixty hours of care in a week for licensed 111097
child care centers and licensed type A homes and at least 111098
thirty two and one half hours and not more than fifty hours of 111099
care in a week for certified type B providers. 111100~~

~~(U)~~ "Head start program" means a comprehensive child 111101
development program that receives funds distributed under the 111102
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 111103
amended, and is licensed as a child day-care center. 111104

~~(V)~~(U) "Income" means gross income, as defined in section 111105
5107.10 of the Revised Code, less any amounts required by federal 111106
statutes or regulations to be disregarded. 111107

~~(W)~~(V) "Indicator checklist" means an inspection tool, used 111108
in conjunction with an instrument-based program monitoring 111109
information system, that contains selected licensing requirements 111110
that are statistically reliable indicators or predictors of a 111111
child day-care center or type A family day-care home's compliance 111112
with licensing requirements. 111113

~~(X)~~(W) "Infant" means a child who is less than eighteen 111114
months of age. 111115

~~(Y)~~(X) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

~~(Z)~~(Y) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers and type A family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

~~(AA)~~(Z) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center or type A family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, number of available child-care staff members, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

~~(BB)~~(AA) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code.

~~(CC)~~(BB) "Licensee" means the owner of a child day-care center or type A family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

~~(DD)~~(CC) "Operate a child day camp" means to operate,

establish, manage, conduct, or maintain a child day camp. 111147

~~(EE)~~(DD) "Owner" includes a person, as defined in section 111148
1.59 of the Revised Code, or government entity. 111149

~~(FF)~~(EE) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation. 111150
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~~(GG)~~(FF) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for no more than four hours a day for any child. 111163
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~~(HH)~~(GG) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities. 111168
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~~(II)~~(HH) "Preschool child" means a child who is three years old or older but is not a school child. 111172
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~~(JJ)~~(II) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom either of the following applies: 111174
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(1) A case plan prepared and maintained for the child 111177

pursuant to section 2151.412 of the Revised Code indicates a need 111178
for protective care and the child resides with a parent, 111179
stepparent, guardian, or another person who stands in loco 111180
parentis as defined in rules adopted under section 5104.38 of the 111181
Revised Code; 111182

(2) The child and the child's caretaker either temporarily 111183
reside in a facility providing emergency shelter for homeless 111184
families or are determined by the county department of job and 111185
family services to be homeless, and are otherwise ineligible for 111186
publicly funded child care. 111187

~~(KK)~~(JJ) "Publicly funded child care" means administering to 111188
the needs of infants, toddlers, preschool children, and school 111189
children under age thirteen during any part of the 111190
twenty-four-hour day by persons other than their caretaker parents 111191
for remuneration wholly or in part with federal or state funds, 111192
including funds available under the child care block grant act, 111193
Title IV-A, and Title XX, distributed by the department of job and 111194
family services. 111195

~~(LL)~~(KK) "Religious activities" means any of the following: 111196
worship or other religious services; religious instruction; Sunday 111197
school classes or other religious classes conducted during or 111198
prior to worship or other religious services; youth or adult 111199
fellowship activities; choir or other musical group practices or 111200
programs; meals; festivals; or meetings conducted by an organized 111201
religious group. 111202

~~(MM)~~(LL) "School child" means a child who is enrolled in or 111203
is eligible to be enrolled in a grade of kindergarten or above but 111204
is less than fifteen years old. 111205

~~(NN)~~(MM) "School child day-care center," "school child 111206
center," "school child type A family day-care home," and "school 111207
child type A family home" mean a center or type A home that 111208

provides child care for school children only and that does either 111209
or both of the following: 111210

(1) Operates only during that part of the day that 111211
immediately precedes or follows the public school day of the 111212
school district in which the center or type A home is located; 111213

(2) Operates only when the public schools in the school 111214
district in which the center or type A home is located are not 111215
open for instruction with pupils in attendance. 111216

~~(OO)~~(NN) "State median income" means the state median income 111217
calculated by the department of development pursuant to division 111218
(A)(1)(g) of section 5709.61 of the Revised Code. 111219

~~(PP)~~(OO) "Title IV-A" means Title IV-A of the "Social 111220
Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 111221

~~(QQ)~~(PP) "Title XX" means Title XX of the "Social Security 111222
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 111223

~~(RR)~~(OO) "Toddler" means a child who is at least eighteen 111224
months of age but less than three years of age. 111225

~~(SS)~~(RR) "Type A family day-care home" and "type A home" mean 111226
a permanent residence of the administrator in which child care or 111227
publicly funded child care is provided for seven to twelve 111228
children at one time or a permanent residence of the administrator 111229
in which child care is provided for four to twelve children at one 111230
time if four or more children at one time are under two years of 111231
age. In counting children for the purposes of this division, any 111232
children under six years of age who are related to a licensee, 111233
administrator, or employee and who are on the premises of the type 111234
A home shall be counted. "Type A family day-care home" and "type A 111235
home" do not include any child day camp. 111236

~~(TT)~~(SS) "Type B family day-care home" and "type B home" mean 111237
a permanent residence of the provider in which child care is 111238

provided for one to six children at one time and in which no more 111239
than three children are under two years of age at one time. In 111240
counting children for the purposes of this division, any children 111241
under six years of age who are related to the provider and who are 111242
on the premises of the type B home shall be counted. "Type B 111243
family day-care home" and "type B home" do not include any child 111244
day camp. 111245

Sec. 5104.38. In addition to any other rules adopted under 111246
this chapter, the director of job and family services shall adopt 111247
rules in accordance with Chapter 119. of the Revised Code 111248
governing financial and administrative requirements for publicly 111249
funded child care and establishing all of the following: 111250

(A) Procedures and criteria to be used in making 111251
determinations of eligibility for publicly funded child care that 111252
give priority to children of families with lower incomes and 111253
procedures and criteria for eligibility for publicly funded 111254
protective child care. The rules shall specify the maximum amount 111255
of income a family may have for initial and continued eligibility. 111256
The maximum amount shall not exceed two hundred per cent of the 111257
federal poverty line. 111258

(B) Procedures under which a county department of job and 111259
family services may, if the department, under division (A) of this 111260
section, specifies a maximum amount of income a family may have 111261
for eligibility for publicly funded child care that is less than 111262
the maximum amount specified in that division, specify a maximum 111263
amount of income a family residing in the county the county 111264
department serves may have for initial and continued eligibility 111265
for publicly funded child care that is higher than the amount 111266
specified by the department but does not exceed the maximum amount 111267
specified in division (A) of this section; 111268

(C) A schedule of fees requiring all eligible caretaker 111269

parents to pay a fee for publicly funded child care according to 111270
income and family size, which shall be uniform for all types of 111271
publicly funded child care, except as authorized by rule, and, to 111272
the extent permitted by federal law, shall permit the use of state 111273
and federal funds to pay the customary deposits and other advance 111274
payments that a provider charges all children who receive child 111275
care from that provider. The schedule of fees may not provide for 111276
a caretaker parent to pay a fee that exceeds ten per cent of the 111277
parent's family income. 111278

(D) A formula based upon a percentage of the county's total 111279
expenditures for publicly funded child care for determining the 111280
maximum amount of state and federal funds appropriated for 111281
publicly funded child care that a county department may use for 111282
administrative purposes; 111283

(E) Procedures to be followed by the department and county 111284
departments in recruiting individuals and groups to become 111285
providers of child care; 111286

(F) Procedures to be followed in establishing state or local 111287
programs designed to assist individuals who are eligible for 111288
publicly funded child care in identifying the resources available 111289
to them and to refer the individuals to appropriate sources to 111290
obtain child care; 111291

(G) Procedures to deal with fraud and abuse committed by 111292
either recipients or providers of publicly funded child care; 111293

(H) Procedures for establishing a child care grant or loan 111294
program in accordance with the child care block grant act; 111295

(I) Standards and procedures for applicants to apply for 111296
grants and loans, and for the department to make grants and loans; 111297

(J) A definition of "person who stands in loco parentis" for 111298
the purposes of division ~~(JJ)~~(II)(1) of section 5104.01 of the 111299
Revised Code; 111300

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) Any other rules necessary to carry out sections 5104.30 to 5104.39 of the Revised Code.

Section 115.11. That existing sections 5104.01 and 5104.38 of the Revised Code are hereby repealed.

Section 115.12. Sections 115.10 and 115.11 take effect July 1, 2011.

Section 125.10. Sections 5112.40, 5112.41, 5112.42, 5112.43, 5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the Revised Code are hereby repealed, effective October 1, 2011.

Section 201.01. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in this act, the amounts in the first column are for fiscal year 2010 and the amounts in the second column are for fiscal year 2011.

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO

General Services Fund Group

4J80	889601	CPA Education	\$	325,000	\$	325,000	
		Assistance					
4K90	889609	Operating Expenses	\$	1,117,000	\$	1,117,000	
TOTAL GSF General Services Fund							

Group			\$	1,442,000	\$	1,442,000	111327
TOTAL ALL BUDGET FUND GROUPS			\$	1,442,000	\$	1,442,000	111328
Section 205.10. ADJ ADJUTANT GENERAL							111330
General Revenue Fund							111331
GRF	745401	Ohio Military Reserve	\$	13,675	\$	13,675	111332
GRF	745404	Air National Guard	\$	2,010,606	\$	2,010,606	111333
GRF	745407	National Guard	\$	500,000	\$	500,000	111334
Benefits							
GRF	745409	Central	\$	3,105,784	\$	3,105,784	111335
Administration							
GRF	745499	Army National Guard	\$	6,008,551	\$	6,008,551	111336
TOTAL GRF General Revenue Fund			\$	11,638,616	\$	11,638,616	111337
General Services Fund Group							111338
5340	745612	Property	\$	1,000,000	\$	1,000,000	111339
Operations/Management							
5360	745605	Marksmanship	\$	128,600	\$	128,600	111340
Activities							
5360	745620	Camp Perry/Buckeye	\$	1,502,970	\$	1,502,970	111341
Inn Operations							
5370	745604	Ohio National Guard	\$	269,826	\$	269,826	111342
Facility Maintenance							
TOTAL GSF General Services Fund			\$	2,901,396	\$	2,901,396	111343
Group							
Federal Special Revenue Fund Group							111344
3410	745615	Air National Guard	\$	2,777,692	\$	2,777,692	111345
Base Security							
3420	745616	Army National Guard	\$	10,970,050	\$	10,970,050	111346
Agreement							
3E80	745628	Air National Guard	\$	16,048,595	\$	16,048,595	111347
Agreement							
3R80	745603	Counter Drug	\$	25,000	\$	25,000	111348

General, shall transfer the cash balance in the Marksmanship 111375
 Activities Fund (Fund 5280) to the Camp Perry/Buckeye Inn 111376
 Operations Fund (Fund 5360). The Director shall cancel any 111377
 existing encumbrances against appropriation item 745645, 111378
 Marksmanship Activities, and re-establish them against 111379
 appropriation item 745620, Camp Perry/Buckeye Inn Operations. The 111380
 re-established encumbrance amounts are hereby appropriated. Upon 111381
 completion of the transfer, Fund 5280 is abolished. 111382

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 111383

General Revenue Fund 111384

GRF 100403 School Employees \$ 1,128,600 \$ 1,128,600 111385

Health Care Board

GRF 100405 Agency Audit Expenses \$ 312,075 \$ 312,075 111386

GRF 100415 OAKS Rental Payments \$ 18,607,000 \$ 21,728,000 111387

GRF 100416 STARS Lease Rental \$ 4,977,600 \$ 7,638,500 111388

Payments

GRF 100417 EEO Project Tracking \$ 0 \$ 100,000 111389

Software-Federal

GRF 100418 Web Sites and Business \$ 3,843,074 \$ 3,143,076 111390

Gateway

GRF 100419 IT Security \$ 1,211,250 \$ 1,211,250 111391

Infrastructure

GRF 100421 OAKS Project \$ 202,500 \$ 202,500 111392

Implementation

GRF 100422 Croson Disparity Study \$ 500,000 \$ 500,000 111393

GRF 100433 State of Ohio Computer \$ 6,736,752 \$ 6,736,752 111394

Center

GRF 100439 Equal Opportunity \$ 712,724 \$ 712,724 111395

Certification Programs

GRF 100447 OBA - Building Rent \$ 102,635,400 \$ 97,712,600 111396

Payments

GRF	100448	OBA - Building Operating Payments	\$	25,603,000	\$	25,603,000	111397
GRF	100449	DAS - Building Operating Payments	\$	3,271,384	\$	3,271,384	111398
GRF	100451	Minority Affairs	\$	50,016	\$	50,016	111399
GRF	100734	Major Maintenance - State Buildings	\$	37,800	\$	37,800	111400
GRF	102321	Construction Compliance	\$	1,108,744	\$	1,108,744	111401
GRF	130321	State Agency Support Services	\$	4,039,578	\$	4,039,578	111402
TOTAL GRF		General Revenue Fund	\$	174,977,497	\$	175,236,599	111403
		General Services Fund Group					111404
1120	100616	DAS Administration	\$	5,299,427	\$	5,299,427	111405
1150	100632	Central Service Agency	\$	928,403	\$	928,403	111406
1170	100644	General Services Division - Operating	\$	14,384,751	\$	14,574,622	111407
1220	100637	Fleet Management	\$	2,032,968	\$	2,032,968	111408
1250	100622	Human Resources Division - Operating	\$	27,162,320	\$	27,998,410	111409
1280	100620	Collective Bargaining	\$	3,662,534	\$	3,662,534	111410
1300	100606	Risk Management Reserve	\$	5,568,548	\$	5,568,548	111411
1310	100639	State Architect's Office	\$	8,292,759	\$	8,331,498	111412
1320	100631	DAS Building Management	\$	10,166,228	\$	10,166,228	111413
1330	100607	IT Services Delivery	\$	78,582,948	\$	77,067,948	111414
1880	100649	Equal Opportunity Division - Operating	\$	1,384,650	\$	1,384,650	111415
2100	100612	State Printing	\$	17,224,494	\$	17,263,080	111416
2290	100630	IT Governance	\$	15,431,411	\$	15,743,306	111417
2290	100640	Leveraged Enterprise	\$	10,000,000	\$	10,000,000	111418

		Purchases				
4270	100602	Investment Recovery	\$	5,683,564	\$	5,683,564 111419
4N60	100617	Major IT Purchases	\$	8,460,134	\$	1,950,000 111420
4P30	100603	DAS Information	\$	4,958,218	\$	4,958,218 111421
		Services				
5C20	100605	MARCS Administration	\$	15,852,314	\$	16,363,179 111422
5C30	100608	Skilled Trades	\$	934,982	\$	934,982 111423
5DQ0	100638	Administrative	\$	200,000	\$	200,000 111424
		Hearings				
5EB0	100635	OAKS Support	\$	16,726,421	\$	18,384,412 111425
		Organization				
5L70	100610	Professional	\$	3,900,000	\$	3,900,000 111426
		Development				
5V60	100619	Employee Educational	\$	936,129	\$	936,129 111427
		Development				
5X30	100634	Centralized Gateway	\$	3,676,956	\$	2,052,308 111428
		Enhancement				
TOTAL	GSF	General Services Fund				111429
Group			\$	261,450,159	\$	255,384,414 111430
TOTAL	ALL	BUDGET FUND GROUPS	\$	436,427,656	\$	430,621,013 111431

Section 207.10.05. SCHOOL EMPLOYEES HEALTH CARE BOARD 111433

The foregoing appropriation item 100403, School Employees 111434
Health Care Board, shall be used by the School Employees Health 111435
Care Board to hire staff to provide administrative support to the 111436
Board as the Board carries out its duties under section 9.901 of 111437
the Revised Code. 111438

Section 207.10.10. AGENCY AUDIT EXPENSES 111439

The foregoing appropriation item 100405, Agency Audit 111440
Expenses, shall be used for auditing expenses designated in 111441
division (A)(1) of section 117.13 of the Revised Code for those 111442
state agencies audited on a biennial basis. 111443

Section 207.10.20. OAKS RENTAL PAYMENTS 111444

The foregoing appropriation item 100415, OAKS Rental 111445
Payments, shall be used for payments for the period from July 1, 111446
2009, through June 30, 2011, pursuant to leases and agreements 111447
entered into under Chapter 125. of the Revised Code, as 111448
supplemented by Section 503.10 of Am. Sub. H.B. 496 and Section 111449
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly with 111450
respect to financing the costs associated with the acquisition, 111451
development, installation, and implementation of the Ohio 111452
Administrative Knowledge System. If it is determined that 111453
additional appropriations are necessary for this purpose, the 111454
amounts are hereby appropriated. 111455

Section 207.10.30. STATE TAXATION ACCOUNTING AND REVENUE 111456
SYSTEM 111457

The Office of Information Technology, in conjunction with the 111458
Department of Taxation, may acquire the State Taxation Accounting 111459
and Revenue System (STARS) pursuant to Chapter 125. of the Revised 111460
Code, including, but not limited to, the application software and 111461
installation and implementation thereof, for the use of the 111462
Department of Taxation. STARS is an integrated tax collection and 111463
audit system that will replace all of the state's existing 111464
separate tax software and administration systems for the various 111465
taxes collected by the state. Any lease-purchase arrangement used 111466
under Chapter 125. of the Revised Code to acquire STARS, including 111467
any fractionalized interests therein as defined in division (N) of 111468
section 133.01 of the Revised Code, shall provide that at the end 111469
of the lease period, STARS becomes the property of the state. 111470
111471

Section 207.10.40. STARS LEASE RENTAL PAYMENTS 111472

The foregoing appropriation item 100416, STARS Lease Rental 111473

Payments, shall be used for payments for the period from July 1, 111474
2009, through June 30, 2011, pursuant to leases and agreements 111475
entered into under Chapter 125. of the Revised Code, as 111476
supplemented by Section 757.10 of Am. Sub. H.B. 119 of the 127th 111477
General Assembly, with respect to financing the cost associated 111478
with the acquisition, development, installation, and 111479
implementation of the State Taxation Accounting and Revenue System 111480
(STARS). If it is determined that additional appropriations are 111481
necessary for this purpose, the amounts are appropriated. 111482

Section 207.10.45. WEB SITES AND BUSINESS GATEWAY 111483

Of the foregoing appropriation item 100418, Web Sites and 111484
Business Gateway, \$900,000 in fiscal year 2010 and \$200,000 in 111485
fiscal year 2011 shall be used by the Department of Administrative 111486
Services to develop and maintain the web site required under 111487
section 125.20 of the Revised Code. 111488

Section 207.10.50. BUILDING RENT PAYMENTS 111489

The foregoing appropriation item 100447, OBA - Building Rent 111490
Payments, shall be used to meet all payments at the times they are 111491
required to be made during the period from July 1, 2009, to June 111492
30, 2011, by the Department of Administrative Services to the Ohio 111493
Building Authority pursuant to leases and agreements under Chapter 111494
152. of the Revised Code. These appropriations are the source of 111495
funds pledged for bond service charges on obligations issued 111496
pursuant to Chapter 152. of the Revised Code. 111497

The foregoing appropriation item 100448, OBA - Building 111498
Operating Payments, shall be used to meet all payments at the 111499
times that they are required to be made during the period from 111500
July 1, 2009, to June 30, 2011, by the Department of 111501
Administrative Services to the Ohio Building Authority pursuant to 111502
leases and agreements under Chapter 152. of the Revised Code, but 111503

limited to the aggregate amount of \$51,206,000. 111504

The payments to the Ohio Building Authority are for paying 111505
the expenses of agencies that occupy space in various state 111506
facilities. The Department of Administrative Services may enter 111507
into leases and agreements with the Ohio Building Authority 111508
providing for the payment of these expenses. The Ohio Building 111509
Authority shall report to the Department of Administrative 111510
Services and the Office of Budget and Management not later than 111511
five months after the start of each fiscal year the actual 111512
expenses incurred by the Ohio Building Authority in operating the 111513
facilities and any balances remaining from payments and rentals 111514
received in the prior fiscal year. The Department of 111515
Administrative Services shall reduce subsequent payments by the 111516
amount of the balance reported to it by the Ohio Building 111517
Authority. 111518

Section 207.10.60. DAS - BUILDING OPERATING PAYMENTS 111519

The foregoing appropriation item 100449, DAS - Building 111520
Operating Payments, shall be used to pay the rent expenses of 111521
veterans organizations pursuant to section 123.024 of the Revised 111522
Code in fiscal years 2010 and 2011. 111523

The foregoing appropriation item, 100449, DAS - Building 111524
Operating Payments, also may be used to provide funding for the 111525
cost of property appraisals or building studies that the 111526
Department of Administrative Services may be required to obtain 111527
for property that is being sold by the state or property under 111528
consideration to be renovated or purchased by the state. 111529

Notwithstanding section 125.28 of the Revised Code, the 111530
remaining portion of the appropriation may be used to pay the 111531
operating expenses of state facilities maintained by the 111532
Department of Administrative Services that are not billed to 111533
building tenants. These expenses may include, but are not limited 111534

to, the costs for vacant space and space undergoing renovation, 111535
and the rent expenses of tenants that are relocated because of 111536
building renovations. These payments shall be processed by the 111537
Department of Administrative Services through intrastate transfer 111538
vouchers and placed in the Building Management Fund (Fund 1320). 111539

Notwithstanding division (A)(1) of section 125.28 of the 111540
Revised Code, the Department of Administrative Services may use 111541
the Building Management Fund (Fund 1320) to support utility costs 111542
at the State of Ohio Computer Center that exceed the available 111543
appropriation in appropriation item 100433, State of Ohio Computer 111544
Center. 111545

Section 207.10.70. CENTRAL SERVICE AGENCY FUND 111546

The appropriation item 100632, Central Service Agency, shall 111547
be used to purchase the equipment, products, and services that are 111548
needed to maintain automated applications for the professional 111549
licensing boards and to support board licensing functions in 111550
fiscal years 2010 and 2011. The Department of Administrative 111551
Services shall establish charges for recovering the costs of 111552
carrying out these functions. The charges shall be billed to the 111553
professional licensing boards and deposited via intrastate 111554
transfer vouchers to the credit of the Central Service Agency Fund 111555
(Fund 1150). Total Department of Administrative Services charges 111556
for the maintenance and support of the licensing system shall not 111557
exceed \$363,678 in each fiscal year of the biennium. 111558

Section 207.10.80. CENTRAL SERVICE AGENCY CONSOLIDATION 111559
INITIATIVE 111560

Of the foregoing appropriation item 130321, State Agency 111561
Support Services, \$308,230 in fiscal year 2010 and \$235,230 in 111562
fiscal year 2011 shall be used by the Department of Administrative 111563
Services for the Central Service Agency Consolidation initiative. 111564

Section 207.10.90. EXPANDED FUNCTIONS OF THE CENTRAL SERVICE 111565
AGENCY 111566

Notwithstanding any contrary provision of law, on July 1, 111567
2009, or as soon as possible thereafter, the Central Service 111568
Agency shall review the services the Agency performs on behalf of 111569
the boards and commissions named in division (A) of section 125.22 111570
of the Revised Code and the fiscal condition of those boards and 111571
commissions with those boards and commissions. The Agency, in 111572
consultation with the boards and commissions, shall thereafter 111573
provide recommendations to the Director of Budget and Management 111574
regarding consolidation of human resources, fiscal, and 111575
information technology functions to achieve administrative cost 111576
savings and efficiency. The Agency shall develop and enter into 111577
service level agreements and agency specific addendums thereto 111578
with the boards and commissions named in division (A) of section 111579
125.22 of the Revised Code. The Agency and the boards and 111580
commissions shall develop a resolution process for settling any 111581
disagreements. The resolution process shall be included in the 111582
service level agreements. The service level agreements, and any 111583
board and commission specific addendums thereto, shall be signed 111584
by a representative of the board or commission and the Agency. An 111585
agreement or addendum may require the transfer of the board's or 111586
commission's employees and assets and may require the boards and 111587
commissions to enter into agreements to share office equipment, 111588
office space, or other assets to the extent such an agreement 111589
would create efficiencies or savings in human resources, fiscal, 111590
or information technology expenses. 111591

This section shall not be interpreted as a grant of authority 111592
to the Agency to supersede or replace the boards or commissions in 111593
the performance of their respective statutory duties, but shall be 111594
interpreted to focus on functions that are not evident to the 111595
licensees of the boards and commissions, registrants, or customers 111596

and so as not to interfere with the protection of the public. 111597
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The Director of Budget and Management shall take budget 111599
actions necessary to implement the service level agreements and 111600
addendums thereto signed by the respective boards and commissions 111601
and the Agency. The Director of Administrative Services shall 111602
ensure that the service level agreements and addendums thereto are 111603
properly implemented. 111604

Section 207.20.10. GENERAL SERVICE CHARGES 111605

The Department of Administrative Services, with the approval 111606
of the Director of Budget and Management, shall establish charges 111607
for recovering the costs of administering the programs funded by 111608
the General Services Fund (Fund 1170) and the State Printing Fund 111609
(Fund 2100). Such charges within Fund 1170 may be used to recover 111610
the cost of paying a vendor to establish reduced pricing for 111611
contracted supplies or services. 111612

If the Director of Administrative Services determines that 111613
additional amounts are necessary to pay for consulting and 111614
administrative costs related to securing lower pricing, the 111615
Director of Administrative Services may request that the Director 111616
of Budget and Management approve additional expenditures. Such 111617
approved additional amounts are appropriated to appropriation item 111618
100644, General Services Division-Operating. 111619

Section 207.20.20. COLLECTIVE BARGAINING ARBITRATION EXPENSES 111620

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With approval of the Director of Budget and Management, the 111622
Department of Administrative Services may seek reimbursement from 111623
state agencies for the actual costs and expenses the Department 111624
incurs in the collective bargaining arbitration process. The 111625
reimbursements shall be processed through intrastate transfer 111626

vouchers and credited to the Collective Bargaining Fund (Fund 111627
1280). 111628

Section 207.20.30. BROADBAND OHIO 111629

Any unencumbered, unexpended amounts of the foregoing 111630
appropriation item 100607, IT Services Delivery, that were 111631
allocated for implementation of the NextGen Network in fiscal 111632
years 2008 and 2009 are hereby reappropriated for the same purpose 111633
in fiscal years 2010 and 2011. 111634

Section 207.20.40. EQUAL OPPORTUNITY PROGRAM 111635

The Department of Administrative Services, with the approval 111636
of the Director of Budget and Management, shall establish charges 111637
for recovering the costs of administering the activities supported 111638
by the State EEO Fund (Fund 1880). These charges shall be 111639
deposited to the credit of the State EEO Fund (Fund 1880) upon 111640
payment made by state agencies, state-supported or state-assisted 111641
institutions of higher education, and tax-supported agencies, 111642
municipal corporations, and other political subdivisions of the 111643
state, for services rendered. 111644

Section 207.20.50. MERCHANDISE RESALE FUND ABOLISHMENT 111645

On July 1, 2009, or as soon as possible thereafter, the 111646
Director of Budget and Management shall transfer the cash balance, 111647
functions, assets, and liabilities of the Merchandise Resale Fund 111648
(Fund 2010) to the State Printing Fund (Fund 2100). The Director 111649
of Budget and Management shall cancel any existing encumbrances 111650
against appropriation item 100653, General Services Resale 111651
Merchandise, and re-establish them against appropriation item 111652
100612, State Printing. The re-established encumbrances are 111653
appropriated. Upon completion of the transfer, Fund 2010 is 111654
abolished. 111655

The State Printing Fund is thereupon and thereafter successor 111656
to, assumes the obligations of, and otherwise constitutes the 111657
continuation of the Merchandise Resale Fund. Any business 111658
commenced but not completed pertaining to the Merchandise for 111659
Resale Fund by July 1, 2009, shall be completed within the State 111660
Printing Fund in the same manner and with the same effect as if it 111661
were completed within the Merchandise for Resale Fund. All of the 111662
rules, orders, and determinations associated with the Merchandise 111663
for Resale Fund continue in effect as rules, orders, and 111664
determinations associated with the State Printing Fund until 111665
modified or rescinded by the Director of Administrative Services. 111666
If necessary to ensure the integrity of the Administrative Code, 111667
the Director of the Legislative Service Commission shall renumber 111668
the rules relating to the Merchandise for Resale Fund to reflect 111669
its transfer to the State Printing Fund. 111670

On and after July 1, 2009, when the Merchandise for Resale 111671
Fund is referred to in any statute, rule, contract, grant or other 111672
document, the reference is hereby deemed to refer to the State 111673
Printing Fund. 111674

Section 207.20.60. LEVERAGED ENTERPRISE PURCHASE PROGRAM 111675
FUNDING 111676

The foregoing appropriation item 100640, Leveraged Enterprise 111677
Purchases, may be used by the Director of Administrative Services 111678
to operate a Leveraged Enterprise Purchases Program to make 111679
enterprise-wide information technology purchases. The Director of 111680
Administrative Services may recover the cost of operating such a 111681
program from all participating government entities through 111682
intrastate transfer voucher billings for each applicable 111683
procurement, or the Director may use any pass-through billing 111684
method agreed to by the Director of Administrative Services, the 111685
Director of Budget and Management, and the participating 111686

government entities that will receive the applicable procurement. 111687
If the Director of Administrative Services chooses to recover the 111688
costs through intrastate transfer voucher billings, the 111689
participating government entities shall process the intrastate 111690
transfer vouchers to pay for the cost. 111691

Amounts received under this section for the Leveraged 111692
Enterprise Purchases Program shall be deposited to the credit of 111693
the IT Governance Fund (Fund 2290). 111694

Section 207.20.70. INFORMATION TECHNOLOGY ASSESSMENT 111695

The Director of Administrative Services, with the approval of 111696
the Director of Budget and Management, may establish an 111697
information technology assessment for the purpose of recovering 111698
the cost of selected infrastructure and statewide programs. The 111699
information technology assessment shall be charged to all 111700
organized bodies, offices, or agencies established by the laws of 111701
the state for the exercise of any function of state government 111702
except for the General Assembly, any legislative agency, the 111703
Supreme Court, the other courts of record in Ohio, or any judicial 111704
agency, the Adjutant General, the Bureau of Workers' Compensation, 111705
and institutions administered by a board of trustees. Any 111706
state-entity exempted by this section may use the infrastructure 111707
or statewide program by participating in the information 111708
technology assessment. All charges for the information technology 111709
assessment shall be deposited to the credit of the IT Governance 111710
Fund (Fund 2290). 111711

Section 207.20.80. INVESTMENT RECOVERY FUND 111712

Notwithstanding division (B) of section 125.14 of the Revised 111713
Code, cash balances in the Investment Recovery Fund (Fund 4270) 111714
may be used to support the operating expenses of the Federal 111715
Surplus Operating Program created in sections 125.84 to 125.90 of 111716

the Revised Code. 111717

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund may be used to support the operating expenses of the Asset Management Services Program, including, but not limited to, the cost of establishing and maintaining procedures for inventory records for state property as described in section 125.16 of the Revised Code. 111718
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Of the foregoing appropriation item 100602, Investment Recovery, up to \$2,093,564 in fiscal year 2010 and up to \$2,107,388 in fiscal year 2011 shall be used to pay the operating expenses of the State Surplus Property Program, the Surplus Federal Property Program, and the Asset Management Services Program under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 111724
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Of the foregoing appropriation item 100602, Investment Recovery, \$3,590,000 in fiscal year 2010 and \$3,576,176 in fiscal year 2011 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to authorize additional amounts. Such authorized additional amounts are hereby appropriated. 111734
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Section 207.20.90. DAS INFORMATION SERVICES 111745

There is hereby established in the State Treasury the DAS Information Services Fund. The foregoing appropriation item 111746
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100603, DAS Information Services, shall be used to pay the costs 111748
of providing information systems and services in the Department of 111749
Administrative Services. Any state agency, board, or commission 111750
may use DAS Information Services by paying for the services 111751
rendered. 111752

The Department of Administrative Services shall establish 111753
user charges for all information systems and services that are 111754
allowable in the statewide indirect cost allocation plan submitted 111755
annually to the United States Department of Health and Human 111756
Services. These charges shall comply with federal regulations and 111757
shall be deposited to the credit of the DAS Information Services 111758
Fund (Fund 4P30). 111759

Section 207.30.10. ADMINISTRATIVE HEARINGS 111760

There is hereby created in the State Treasury the 111761
Administrative Hearings Fund (Fund 5DQ0). The fund shall be under 111762
the supervision of the Department of Administrative Services and 111763
shall be used to pay the costs of operating shared, centralized 111764
administrative-adjudicatory services in the Department of 111765
Administrative Services. Money collected from charges to state 111766
agencies for adjudicatory services provided by the Department of 111767
Administrative Services shall be credited to the fund. The 111768
foregoing appropriation item 100638, Administrative Hearings, 111769
shall be used to make payments from the fund. 111770

With the approval of the Director of Budget and Management, 111771
the Department of Administrative Services shall establish user 111772
charges to recover the costs of providing adjudicatory services in 111773
fiscal years 2010 and 2011. The charges shall be established at 111774
amounts sufficient to pay the costs of providing services and an 111775
amount to provide operating cash flow for the fund. The charges 111776
shall be billed to state agencies that receive 111777
administrative-adjudicatory services and deposited via intrastate 111778

transfer vouchers to the credit of the Administrative Hearings 111779
Fund (Fund 5DQ0). 111780

The Director of Administrative Services shall submit a 111781
spending plan to the Director of Budget and Management to justify 111782
operating transfers to Fund 5DQ0 from the operating funds of state 111783
agencies that receive administrative-adjudicatory services. The 111784
spending plan shall identify the state agencies participating in 111785
the initial receipt of administrative-adjudicatory services, the 111786
proportion of services to be received by each agency, and the 111787
funding source from which the operating transfer shall be made. 111788
Upon approval of the plan, the Director of Budget and Management 111789
may transfer an amount in cash, not to exceed a total of \$200,000, 111790
from the funds identified in the plan to Fund 5DQ0. The amounts 111791
shall support the establishment of an Office of Administrative 111792
Hearings. 111793

The Director of Administrative Services shall prepare a plan 111794
for the return of cash balances transferred from the operating 111795
funds of state agencies that receive administrative-adjudicatory 111796
services under this section. This plan shall be submitted to the 111797
Director of Budget and Management when the Department of 111798
Administrative Services files with the Director of Budget and 111799
Management its estimate of proposed expenditures for the biennium 111800
beginning July 1, 2011. Upon approval of the plan, the Director of 111801
Budget and Management shall make the cash transfers specified in 111802
the plan. 111803

Section 207.30.30. CASH TRANSFER TO OAKS SUPPORT ORGANIZATION 111804
FUND 111805

The Director of Budget and Management may transfer 111806
\$1,317,922.16 in cash from the IT Services Delivery Fund (Fund 111807
1330) to the OAKS Support Organization Fund (5EB0) to correct an 111808
intrastate transfer voucher from the Department of Administrative 111809

Services that was deposited in the IT Services Delivery Fund. 111810

Section 207.30.40. PROFESSIONAL DEVELOPMENT FUND 111811

The foregoing appropriation item 100610, Professional 111812
Development, shall be used to make payments from the Professional 111813
Development Fund (Fund 5L70) under section 124.182 of the Revised 111814
Code. 111815

Section 207.30.50. EMPLOYEE EDUCATIONAL DEVELOPMENT 111816

The foregoing appropriation item 100619, Employee Educational 111817
Development, shall be used to make payments from the Employee 111818
Educational Development Fund (Fund 5V60) under section 124.86 of 111819
the Revised Code. The fund shall be used to pay the costs of 111820
administering educational programs under existing collective 111821
bargaining agreements with District 1199, the Health Care and 111822
Social Service Union; State Council of Professional Educators; 111823
Ohio Education Association and National Education Association; the 111824
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 111825
State Troopers Association, Units 1 and 15. 111826

If it is determined by the Director of Administrative 111827
Services that additional amounts are necessary, the Director of 111828
Administrative Services may request that the Director of Budget 111829
and Management approve additional amounts. Such approved 111830
additional amounts are hereby appropriated. 111831

Section 207.30.60. CENTRALIZED GATEWAY ENHANCEMENT FUND 111832

(A) As used in this section, "Ohio Business Gateway" refers 111833
to the internet-based system operated by the Department of 111834
Administrative Services with the advice of the Ohio Business 111835
Gateway Steering Committee established under section 5703.57 of 111836
the Revised Code. The Ohio Business Gateway is established to 111837
provide businesses a central web site where various filings and 111838

payments are submitted on-line to government. The information is 111839
then distributed to the various government entities that interact 111840
with the business community. 111841

(B) As used in this section: 111842

(1) "State Portal" refers to the official web site of the 111843
state, operated by the Department of Administrative Services. 111844

(2) "Shared Hosting Environment" refers to the computerized 111845
system operated by the Department of Administrative Services for 111846
the purpose of providing capability for state agencies to host web 111847
sites. 111848

(C) There is hereby created in the state treasury the 111849
Centralized Gateway Enhancement Fund (Fund 5X30). The foregoing 111850
appropriation item 100634, Centralized Gateway Enhancement, shall 111851
be used by the Department of Administrative Services to pay the 111852
costs of enhancing, expanding, and operating the infrastructure of 111853
the Ohio Business Gateway, State Portal, and Shared Hosting 111854
Environment. The Director of Administrative Services shall submit 111855
spending plans to the Director of Budget and Management to justify 111856
operating transfers to the fund from the General Revenue Fund. 111857
Upon approval, the Director of Budget and Management shall 111858
transfer approved amounts to the fund, not to exceed the amount of 111859
the annual appropriation in each fiscal year. The spending plans 111860
may be based on the recommendations of the Ohio Business Gateway 111861
Steering Committee or its successor. 111862

Section 207.30.70. MAJOR IT PURCHASES AND CONTRACTS 111863

The Director of Administrative Services shall compute the 111864
amount of revenue attributable to the amortization of all 111865
equipment purchases and capitalized systems from appropriation 111866
item 100607, IT Services Delivery; appropriation item 100617, 111867
Major IT Purchases; and appropriation item C10014, Major Computer 111868

Purchases, which is recovered by the Department of Administrative Services as part of the rates charged by the IT Service Delivery Fund (Fund 1330) created in section 125.15 of the Revised Code. The Director of Budget and Management may transfer cash in an amount not to exceed the amount of amortization computed from the IT Service Delivery Fund (Fund 1330) to the Major IT Purchases Fund (Fund 4N60).

Section 207.30.80. CASH TRANSFERS FROM THE MAJOR IT PURCHASES FUND

Upon request of the Director of Administrative Services, the Director of Budget and Management may make the following transfers from the Major IT Purchases Fund (Fund 4N60):

(1) Up to \$2,800,000 in each fiscal year of the biennium to the State Architect's Fund (Fund 1310) to support the OAKS Capital Improvements Module and other costs of the State Architect's Office that are not directly related to capital projects managed by the State Architect;

(2) Up to \$457,467 in fiscal year 2010 and up to \$471,630 in fiscal year 2011 to the Director's Office Fund (Fund 1120) to support operating expenses of the Accountability and Results Initiative;

(3) Up to \$4,000,000 in fiscal year 2010 and up to \$1,000,000 in fiscal year 2011 to the OAKS Support Organization Fund (Fund 5EB0) to support OAKS operating costs not billed to the Office of Budget and Management's Accounting and Budgeting Fund (Fund 1050), to the Department of Administrative Services' Human Resources Services Fund (Fund 1250), or paid from other funds of the Department of Administrative Services; and

(4) Up to \$639,945 in each fiscal year of the biennium to the General Revenue Fund.

Upon approval of the Director of Budget and Management, the 111899
transferred amounts to non-GRF funds are appropriated in the 111900
designated fiscal years to the following appropriation items: 111901
100639, State Architect's Office (Fund 1310) in each fiscal year 111902
2010 and fiscal year 2011; 100616, DAS Administration (Fund 1120) 111903
in both fiscal year 2010 and fiscal year 2011; and 100635, OAKS 111904
Support Organization (Fund 5EB0) in fiscal year 2010 only. 111905

Section 207.30.90. CORRECTIVE CASH TRANSFER TO INFORMATION 111906
TECHNOLOGY FUND 111907

On July 1, 2009, or as soon as possible thereafter, the 111908
Director of Budget and Management shall transfer \$7,768.37 in cash 111909
from the Unemployment Compensation Fund (Fund 1130) to the 111910
Information Technology Fund (Fund 1330). This transfer corrects a 111911
deposit of revenue that was made to Fund 1130. Upon completion of 111912
the transfer, Fund 1130 is abolished. 111913

Section 207.40.10. MULTI-AGENCY RADIO COMMUNICATION SYSTEM 111914
DEBT SERVICE PAYMENTS 111915

The Director of Administrative Services, in consultation with 111916
the Multi-Agency Radio Communication System (MARCS) Steering 111917
Committee and the Director of Budget and Management, shall 111918
determine the share of debt service payments attributable to 111919
spending for MARCS components that are not specific to any one 111920
agency and that shall be charged to agencies supported by the 111921
motor fuel tax. Such share of debt service payments shall be 111922
calculated for MARCS capital disbursements made beginning July 1, 111923
1997. Within thirty days of any payment made from appropriation 111924
item 100447, OBA - Building Rent Payments, the Director of 111925
Administrative Services shall certify to the Director of Budget 111926
and Management the amount of this share. The Director of Budget 111927
and Management shall transfer such amounts to the General Revenue 111928

Fund from the State Highway Safety Fund (Fund 7036) established in 111929
section 4501.06 of the Revised Code. 111930

The Director of Administrative Services shall consider 111931
renting or leasing existing tower sites at reasonable or current 111932
market rates, so long as these existing sites are equipped with 111933
the technical capabilities to support the MARCS project. 111934

Section 207.40.20. ACCOUNTABILITY AND RESULTS FUND 111935

There is hereby created in the state treasury the 111936
Accountability and Results Fund (Fund 5GD0) for use by the 111937
Department of Administrative Services. The Accountability and 111938
Results Fund shall consist of gifts, grants, devises, bequests, 111939
and other financial contributions made to the Department of 111940
Administrative Services for the purchase of services, supplies, or 111941
equipment for the Accountability and Results Initiative. All 111942
investment earnings of the fund shall be credited to the fund. 111943

Section 207.40.30. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 111944

Whenever the Director of Administrative Services declares a 111945
"public exigency," as provided in division (C) of section 123.15 111946
of the Revised Code, the Director shall also notify the members of 111947
the Controlling Board. 111948

Section 207.40.40. GRF TRANSFER TO STATE EQUAL EMPLOYMENT 111949
OPPORTUNITY FUND 111950

On July 1 of each fiscal year, or as soon as possible 111951
thereafter, the Director of Budget and Management shall transfer 111952
\$500,000 cash from the General Revenue Fund to the State Equal 111953
Employment Opportunity Fund (Fund 1880) used by the Department of 111954
Administrative Services. 111955

Section 209.10. AGE DEPARTMENT OF AGING 111956

General Revenue Fund				111957
GRF	490321	Operating Expenses	\$ 2,109,817 \$ 2,109,817	111958
GRF	490409	AmeriCorps Operations	\$ 147,034 \$ 147,034	111959
GRF	490410	Long-Term Care	\$ 535,857 \$ 535,857	111960
Ombudsman				
GRF	490411	Senior Community	\$ 8,434,134 \$ 8,434,134	111961
Services				
GRF	490412	Residential State	\$ 7,325,417 \$ 7,325,417	111962
Supplement				
GRF	490414	Alzheimer's Respite	\$ 3,644,277 \$ 3,685,593	111963
GRF	490416	JCFS Community	\$ 240,000 \$ 240,000	111964
Options				
GRF	490423	Long Term Care Budget	\$ 113,116,967 \$ 149,517,603	111965
- State				
GRF	490506	National Senior	\$ 268,237 \$ 268,237	111966
Service Corps				
GRF	490625	Alzheimer's Respite -	\$ 512,318 \$ 471,002	111967
Federal Stimulus				
TOTAL GRF	General Revenue Fund		\$ 136,334,058 \$ 172,734,694	111968
General Services Fund Group				111969
4800	490606	Senior Community	\$ 372,677 \$ 372,677	111970
Outreach and				
Education				
TOTAL GSF	General Services Fund			111971
Group			\$ 372,677 \$ 372,677	111972
Federal Special Revenue Fund Group				111973
3220	490618	Federal Aging Grants	\$ 10,200,000 \$ 10,200,000	111974
3C40	490623	Long Term Care Budget	\$ 350,162,957 \$ 340,193,418	111975
3M40	490612	Federal Independence	\$ 63,655,080 \$ 63,655,080	111976
Services				
3R70	490617	AmeriCorps Programs	\$ 8,870,000 \$ 8,870,000	111977
TOTAL FED	Federal Special Revenue			111978

Fund Group		\$	432,888,037	\$	422,918,498	111979
State Special Revenue Fund Group						111980
4C40 490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	111981
4J40 490610	PASSPORT/Residential State Supplement	\$	33,263,984	\$	33,263,984	111982
4U90 490602	PASSPORT Fund	\$	4,424,969	\$	4,424,969	111983
5AA0 490673	Ohio's Best Rx Administration	\$	910,801	\$	0	111984
5BA0 490620	Ombudsman Support	\$	600,000	\$	600,000	111985
5K90 490613	Long Term Care Consumers Guide	\$	820,400	\$	820,400	111986
5W10 490616	Resident Services Coordinator Program	\$	330,000	\$	330,000	111987
6240 490604	OCSC Community Support	\$	470,000	\$	470,000	111988
TOTAL SSR State Special Revenue						111989
Fund Group		\$	41,755,154	\$	40,844,353	111990
TOTAL ALL BUDGET FUND GROUPS		\$	611,349,926	\$	636,870,222	111991

Section 209.20. LONG-TERM CARE 111993

Pursuant to an interagency agreement, the Department of Job 111994
and Family Services shall designate the Department of Aging to 111995
perform assessments under section 5111.204 of the Revised Code. 111996
The Department of Aging shall provide long-term care consultations 111997
under section 173.42 of the Revised Code to assist individuals in 111998
planning for their long-term health care needs. The foregoing 111999
appropriation items 490423, Long Term Care Budget - State, and 112000
490623, Long Term Care Budget, may be used to provide the 112001
preadmission screening and resident review (PASRR), which includes 112002
screening, assessments, and determinations made under sections 112003
5111.02, 5111.204, 5119.061, and 5123.021 of the Revised Code. 112004

The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may be used to assess and provide long-term care consultations to clients regardless of Medicaid eligibility.

The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility. The foregoing appropriation item 490423, Long Term Care Budget - State, may be used by the Department of Aging to provide nonwaiver funded PASSPORT services to persons the Department has determined to be eligible to participate in the nonwaiver funded PASSPORT Program, including those persons not yet determined to be financially eligible to participate in the Medicaid waiver component of the PASSPORT Program by a county department of job and family services.

The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490423, Long Term Care Budget - State, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program, the Choices Program, the Assisted Living Program, and the PACE Program. The foregoing appropriation items 490423, Long Term Care Budget - State, and 490623, Long Term Care Budget, may also be used to support the Department of Aging's administrative costs associated with operating the PASSPORT, Choices, Assisted Living, and PACE programs.

The foregoing appropriation item 490623, Long Term Care Budget, shall be used to provide the federal matching share for all program costs determined by the Department of Job and Family Services to be eligible for Medicaid reimbursement.

Of the foregoing appropriation item 490423, Long Term Care

Budget - State, \$200,000 in each fiscal year shall be allocated to 112037
the Visiting Nurse Association Health Care Partners of Ohio for 112038
the Chronic Disease Management Home Health Aide Workforce Training 112039
Program. 112040

HOME FIRST PROGRAM 112041

(A) As used in this section, "Long Term Care Budget Services" 112042
includes the following existing programs: PASSPORT, Assisted 112043
Living, Residential State Supplement, and PACE. 112044

(B) On a quarterly basis, on receipt of the certified 112045
expenditures related to sections 173.401, 173.351, and 5111.894 of 112046
the Revised Code, the Director of Budget and Management may do all 112047
of the following for fiscal years 2010 and 2011: 112048

(1) Transfer cash from the Nursing Facility Stabilization 112049
Fund (Fund 5R20), used by the Department of Job and Family 112050
Services, to the PASSPORT/Residential State Supplement Fund (Fund 112051
4J40), used by the Department of Aging. 112052

The transferred cash is hereby appropriated to appropriation 112053
item 490610, PASSPORT/Residential State Supplement. 112054

(2) If receipts credited to the PASSPORT Fund (Fund 3C40) 112055
exceed the amounts appropriated from the fund, the Director of 112056
Aging may request the Director of Budget and Management to 112057
authorize expenditures from the fund in excess of the amounts 112058
appropriated. Upon the approval of the Director of Budget and 112059
Management, the additional amounts are hereby appropriated. 112060

(3) If receipts credited to the Interagency Reimbursement 112061
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 112062
the Director of Job and Family Services may request the Director 112063
of Budget and Management to authorize expenditures from the fund 112064
in excess of the amounts appropriated. Upon the approval of the 112065
Director of Budget and Management, the additional amounts are 112066
hereby appropriated. 112067

(C) The individuals placed in Long Term Care Budget Services 112068
pursuant to this section shall be in addition to the individuals 112069
placed in Long Term Care Budget Services during fiscal years 2010 112070
and 2011 before any transfers to appropriation item 490423, Long 112071
Term Care Budget-State, are made under this section. 112072

ALLOCATION OF PACE SLOTS 112073

In order to effectively administer and manage growth within 112074
the PACE Program, the Director of Aging may, as the director deems 112075
appropriate and to the extent funding is available, expand the 112076
PACE Program to regions of Ohio beyond those currently served by 112077
the PACE Program between the PACE sites in Cleveland and 112078
Cincinnati. 112079

Section 209.30. OHIO COMMUNITY SERVICE COUNCIL 112080

The foregoing appropriation items 490409, AmeriCorps 112081
Operations, and 490617, AmeriCorps Programs, shall be used in 112082
accordance with section 121.40 of the Revised Code. 112083

LONG-TERM CARE OMBUDSMAN 112084

The foregoing appropriation item 490410, Long-Term Care 112085
Ombudsman, shall be used for a program to fund ombudsman program 112086
activities as authorized in sections 173.14 to 173.27 and section 112087
173.99 of the Revised Code. 112088

SENIOR COMMUNITY SERVICES 112089

The foregoing appropriation item 490411, Senior Community 112090
Services, shall be used for services designated by the Department 112091
of Aging, including, but not limited to, home-delivered and 112092
congregate meals, transportation services, personal care services, 112093
respite services, adult day services, home repair, care 112094
coordination, and decision support systems. Service priority shall 112095
be given to low income, frail, and cognitively impaired persons 60 112096
years of age and over. The department shall promote cost sharing 112097

by service recipients for those services funded with senior 112098
community services funds, including, when possible, sliding-fee 112099
scale payment systems based on the income of service recipients. 112100
112101

RESIDENTIAL STATE SUPPLEMENT 112102

Under the Residential State Supplement Program, the amount 112103
used to determine whether a resident is eligible for payment and 112104
for determining the amount per month the eligible resident will 112105
receive shall be as follows: 112106

(A) \$927 for a residential care facility, as defined in 112107
section 3721.01 of the Revised Code; 112108

(B) \$927 for an adult group home, as defined in Chapter 3722. 112109
of the Revised Code; 112110

(C) \$824 for an adult foster home, as defined in Chapter 173. 112111
of the Revised Code; 112112

(D) \$824 for an adult family home, as defined in Chapter 112113
3722. of the Revised Code; 112114

(E) \$824 for an adult residential facility, as defined in 112115
Chapter 5119. of the Revised Code; 112116

(F) \$618 for adult community mental health housing services, 112117
as defined in division (B)(5) of section 173.35 of the Revised 112118
Code. 112119

The Departments of Aging and Job and Family Services shall 112120
reflect these amounts in any applicable rules the departments 112121
adopt under section 173.35 of the Revised Code. 112122

TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS 112123

The foregoing appropriation items 490412, Residential State 112124
Supplement, and 490610, PASSPORT/Residential State Supplement, may 112125
be used by the Director of Aging to transfer cash to the Home and 112126
Community Based Services for the Aged Fund (Fund 4J50), which is 112127

used by the Department of Job and Family Services and the 112128
Residential State Supplement Fund (Fund 5CH0), used by the 112129
Department of Mental Health. The transferred cash shall be used to 112130
make benefit payments to residential state supplement recipients. 112131
The transfer shall be made using an intrastate transfer voucher. 112132
112133

ALZHEIMER'S RESPITE 112134

The foregoing appropriation item 490414, Alzheimer's Respite, 112135
shall be used to fund only Alzheimer's disease services under 112136
section 173.04 of the Revised Code. 112137

JCFCS COMMUNITY OPTIONS 112138

Of the foregoing appropriation item 490416, JCFCS Community 112139
Options, \$80,000 in each fiscal year shall be allocated to the 112140
Cleveland Jewish Community Center, \$70,000 in each fiscal year 112141
shall be allocated to the Cincinnati Jewish Vocational Services, 112142
\$70,000 in each fiscal year shall be allocated to the Wexner 112143
Heritage Village, and \$20,000 in each fiscal year shall be 112144
allocated to the Columbus Jewish Community Center. 112145

ALZHEIMER'S RESPITE - FEDERAL STIMULUS 112146

The foregoing appropriation item 490625, Alzheimer's Respite 112147
- Federal Stimulus, shall be used to fund only Alzheimer's disease 112148
services under section 173.04 of the Revised Code. 112149

EDUCATION AND TRAINING 112150

The foregoing appropriation item 490606, Senior Community 112151
Outreach and Education, may be used to provide training to workers 112152
in the field of aging pursuant to division (G) of section 173.02 112153
of the Revised Code. 112154

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 112155

The foregoing appropriation item 490609, Regional Long-Term 112156
Care Ombudsman, shall be used to pay the costs of operating the 112157

regional long-term care ombudsman programs designated by the	112158
Long-Term Care Ombudsman.	112159
PASSPORT/RESIDENTIAL STATE SUPPLEMENT	112160
The foregoing appropriation item 490610, PASSPORT/Residential	112161
State Supplement, may be used to fund the Residential State	112162
Supplement Program. The remaining available funds shall be used to	112163
fund the PASSPORT program.	112164
TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES	112165
AND FEDERAL AGING GRANTS	112166
At the request of the Director of Aging, the Director of	112167
Budget and Management may transfer appropriation between	112168
appropriation items 490612, Federal Independence Services, and	112169
490618, Federal Aging Grants. The amounts transferred shall not	112170
exceed 30 per cent of the appropriation from which the transfer is	112171
made. Any transfers shall be reported by the Department of Aging	112172
to the Controlling Board at the next scheduled meeting of the	112173
board.	112174
TRANSFER OF RESIDENT PROTECTION FUNDS	112175
In each fiscal year, the Director of Budget and Management	112176
may transfer \$600,000 cash from the Resident Protection Fund (Fund	112177
4E30), which is used by the Department of Job and Family Services,	112178
to the Ombudsman Support Fund (Fund 5BA0), which is used by the	112179
Department of Aging.	112180
Section 209.40. UNIFIED LONG-TERM CARE BUDGET WORKGROUP	112181
(A) There is hereby created the Unified Long-Term Care Budget	112182
Workgroup. The Workgroup shall consist of the following members:	112183
(1) The Director of Aging;	112184
(2) Consumer advocates, representatives of the provider	112185
community, and state policy makers, appointed by the Governor;	112186

(3) Two members of the House of Representatives, one member	112187
from the majority party and one member from the minority party,	112188
appointed by the Speaker of the House of Representatives;	112189
(4) Two members of the Senate, one member from the majority	112190
party and one member from the minority party, appointed by the	112191
President of the Senate.	112192
The Director of Aging shall serve as the chairperson of the	112193
Workgroup.	112194
The Workgroup shall be staffed by the departments of Aging	112195
and Job and Family Services.	112196
(B) The Workgroup shall develop a unified long-term care	112197
budget that facilitates the following:	112198
(1) Providing a consumer a choice of services that meet the	112199
consumer's health care needs and improve the consumer's quality of	112200
life;	112201
(2) Providing a continuum of services that meet the needs of	112202
a consumer throughout life;	112203
(3) Consolidating policymaking authority and the associated	112204
budgets in a single entity to simplify the consumer's decision	112205
making and maximize the state's flexibility in meeting the	112206
consumer's needs;	112207
(4) Assuring the state has a system that is cost effective	112208
and links disparate services across agencies and jurisdictions.	112209
(C) On an annual basis, the Directors of Aging, Job and	112210
Family Services, and Budget and Management shall submit a written	112211
report to the Speaker of the House of Representatives, the	112212
Minority Leader of the House of Representatives, the President of	112213
the Senate, the Minority Leader of the Senate, and the members of	112214
the Joint Legislative Committee on Medicaid Technology and Reform	112215
describing the progress towards establishing, or if already	112216

established, the effectiveness of the unified long-term care 112217
budget. 112218

(D) In support of the Workgroup's proposal, the Director of 112219
Budget and Management may seek Controlling Board approval to 112220
transfer cash from the Nursing Facility Stabilization Fund (Fund 112221
5R20), used by the Department of Job and Family Services, to the 112222
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 112223
the Department of Aging. 112224

Any transfers of cash approved by the Controlling Board under 112225
this section are hereby appropriated to appropriation item 490610, 112226
PASSPORT/Residential State Supplement. 112227

Section 209.50. OHIO'S BEST RX PROGRAM 112228

OHIO'S BEST RX ADMINISTRATION 112229

On and after July 1, 2009, the Director of Aging may take any 112230
actions necessary to conclude the operation of the Ohio's Best Rx 112231
Program and settle all accounts with drug manufacturers and 112232
terminal distributors of dangerous drugs that had program 112233
agreements in effect on June 30, 2009. As appropriate, the 112234
Director's actions shall be taken in accordance with the 112235
provisions of former sections 173.71 to 173.91 of the Revised 112236
Code, as those sections existed on June 30, 2009. The Director 112237
shall make every effort to conclude the program by July 31, 2009, 112238
but any program accounts with drug manufacturers and terminal 112239
distributors that remain open after that date may be settled until 112240
October 1, 2009. 112241

On August 1, 2009, or as soon as possible thereafter, the 112242
Director of Budget and Management shall transfer the cash balance 112243
in the Ohio's Best Rx Administration Fund (Fund 5AA0) to the 112244
General Revenue Fund. Fund 5AA0 shall remain open after the 112245
transfer to allow program accounts to be settled with drug 112246

manufacturers and terminal distributors pursuant to this section. 112247
 On October 1, 2009, or as soon as possible thereafter, the 112248
 Director of Budget and Management shall complete the final 112249
 transfer of any cash balance in Fund 5AA0 to the General Revenue 112250
 Fund. Upon completion of the transfer, Fund 5AA0 is abolished. The 112251
 Director shall cancel any existing encumbrances against 112252
 appropriation item 490673, Ohio's Best Rx Administration. 112253

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 112254

General Revenue Fund 112255

GRF 700401	Animal Disease Control	\$	3,617,777	\$	3,617,777	112256
GRF 700403	Dairy Division	\$	1,110,277	\$	1,110,277	112257
GRF 700404	Ohio Proud	\$	246,895	\$	246,895	112258
GRF 700406	Consumer Analytical Lab	\$	1,256,469	\$	1,274,854	112259
GRF 700407	Food Safety	\$	875,043	\$	875,043	112260
GRF 700409	Farmland Preservation	\$	200,000	\$	200,000	112261
GRF 700411	International Trade and Market Development	\$	531,440	\$	531,440	112262
GRF 700412	Weights and Measures	\$	200,000	\$	200,000	112263
GRF 700415	Poultry Inspection	\$	375,401	\$	375,401	112264
GRF 700418	Livestock Regulation Program	\$	1,322,784	\$	1,353,676	112265
GRF 700424	Livestock Testing and Inspections	\$	120,906	\$	120,906	112266
GRF 700499	Meat Inspection Program - State Share	\$	4,920,926	\$	4,960,926	112267
GRF 700501	County Agricultural Societies	\$	334,903	\$	334,903	112268
GRF 700503	Livestock Exhibition Fund	\$	62,500	\$	62,500	112269
GRF 700654	Agriculture Operating	\$	1,107,035	\$	1,017,758	112270

- Federal Stimulus

TOTAL GRF General Revenue Fund	\$	16,282,356	\$	16,282,356	112271
General Services Fund Group					112272
5DA0 700644 Laboratory Administration Support	\$	1,100,000	\$	1,100,000	112273
5GH0 700655 Central Support Indirect Cost	\$	5,713,404	\$	5,713,404	112274
TOTAL GSF General Services Fund Group	\$	6,813,404	\$	6,813,404	112275
Federal Special Revenue Fund Group					112276
3260 700618 Meat Inspection Program - Federal Share	\$	4,950,000	\$	4,950,000	112277
3360 700617 Ohio Farm Loan Revolving Fund	\$	1,000,000	\$	1,000,000	112278
3820 700601 Cooperative Contracts	\$	2,000,000	\$	2,000,000	112279
3AB0 700641 Agricultural Easement	\$	1,000,000	\$	1,000,000	112280
3J40 700607 Indirect Cost	\$	600,000	\$	600,000	112281
3R20 700614 Federal Plant Industry	\$	1,000,000	\$	1,000,000	112282
TOTAL FED Federal Special Revenue Fund Group	\$	10,550,000	\$	10,550,000	112283
State Special Revenue Fund Group					112285
4900 700651 License Plates - Sustainable Agriculture	\$	20,000	\$	20,000	112286
4940 700612 Agricultural Commodity Marketing Program	\$	250,000	\$	250,000	112287
4960 700626 Ohio Grape Industries	\$	849,999	\$	849,999	112288
4970 700627 Commodity Handlers	\$	496,000	\$	496,000	112289

		Regulatory Program				
4C90	700605	Commercial Feed and Seed	\$	2,200,000	\$	2,200,000 112290
4D20	700609	Auction Education	\$	41,000	\$	41,000 112291
4E40	700606	Utility Radiological Safety	\$	134,631	\$	134,631 112292
4P70	700610	Food Safety Inspection	\$	1,099,396	\$	1,099,396 112293
4R00	700636	Ohio Proud Marketing	\$	10,500	\$	10,500 112294
4R20	700637	Dairy Industry Inspection	\$	1,800,000	\$	1,800,000 112295
4T60	700611	Poultry and Meat Inspection	\$	153,339	\$	153,339 112296
4T70	700613	Ohio Proud International and Domestic Market Development	\$	15,000	\$	15,000 112297
5780	700620	Ride Inspection Fees	\$	1,000,001	\$	1,000,001 112298
5B80	700629	Auctioneers	\$	365,390	\$	365,390 112299
5CP0	700652	License Plate Scholarships	\$	20,000	\$	20,000 112300
5FB0	700647	Fuel Quality Testing	\$	25,000	\$	25,000 112301
5FC0	700648	Plant Pest Program	\$	1,000,000	\$	1,000,000 112302
5H20	700608	Metrology Lab and Scale Certification	\$	1,454,006	\$	1,454,006 112303
5L80	700604	Livestock Management Program	\$	256,286	\$	256,286 112304
6520	700634	Animal and Consumer Analytical Laboratory	\$	4,400,000	\$	4,400,000 112305
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	3,470,000	\$	3,470,000 112306
TOTAL SSR		State Special Revenue				112307

Fund Group	\$	19,060,548	\$	19,060,548	112308
Clean Ohio Conservation Fund Group					112309
7057 700632 Clean Ohio	\$	149,000	\$	149,000	112310
Agricultural Easement					
TOTAL CLF Clean Ohio Conservation	\$	149,000	\$	149,000	112311
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	52,855,308	\$	52,855,308	112312
TOLEDO GROWS					112313
Of the foregoing appropriation item 700404, Operating					112314
Expenses, \$50,000 in each fiscal year shall be used for the Toledo					112315
Botanical Garden to fund the urban agriculture initiative known as					112316
Toledo Grows.					112317
OHIO - ISRAEL AGRICULTURAL INITIATIVE					112318
Of the foregoing appropriation item 700411, International					112319
Trade and Market Development, \$100,000 in each fiscal year shall					112320
be used for the Ohio - Israel Agricultural Initiative.					112321
Section 211.20. COUNTY AGRICULTURAL SOCIETIES					112322
The foregoing appropriation item 700501, County Agricultural					112323
Societies, shall be used to reimburse county and independent					112324
agricultural societies for expenses related to Junior Fair					112325
activities.					112326
FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS					112327
The foregoing appropriation item 700654, Agriculture					112328
Operating - Federal Stimulus, shall be used to support government					112329
services consistent with funds received from the federal					112330
government for fiscal stabilization and recovery purposes.					112331
Section 211.30. COMMERCIAL FEED AND SEED FUND TRANSFER					112332
On July 1, 2009, or as soon as possible thereafter, the					112333
Director of Budget and Management shall transfer thirty-two per					112334

cent of the cash balance in the Commercial Feed and Seed Fund 112335
(Fund 4C90) as of June 30, 2009, to the Pesticide, Fertilizer, and 112336
Lime Inspection Program Fund (Fund 6690). The Director shall 112337
cancel existing encumbrances against appropriation item 700605, 112338
Commercial Feed and Seed, and re-establish them against 112339
appropriation item 700635, Pesticide, Fertilizer, and Lime 112340
Inspection Program. The re-established encumbrance amounts are 112341
hereby appropriated. 112342

PESTICIDE, FERTILIZER, AND LIME INSPECTION FUND TRANSFER 112343

On July, 1, 2009, or as soon as possible thereafter, the 112344
Director of Budget and Management shall transfer \$600,000 in cash 112345
from the Pesticide, Fertilizer, and Lime Inspection Fund (Fund 112346
6690) to the Plant Pest Program Fund (Fund 5FC0). 112347

CLEAN OHIO AGRICULTURAL EASEMENT 112348

The foregoing appropriation item 700632, Clean Ohio 112349
Agricultural Easement, shall be used by the Department of 112350
Agriculture in administering sections 901.21, 901.22, and 5301.67 112351
to 5301.70 of the Revised Code. 112352

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 112353

General Revenue Fund 112354

GRF 898402	Coal Development	\$	424,146	\$	424,146	112355
	Office					

GRF 898901	Coal Research and	\$	9,968,400	\$	10,947,000	112356
	Development General					
	Obligation Debt					
	Service					

TOTAL GRF	General Revenue Fund	\$	10,392,546	\$	11,371,146	112357
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General Services Fund Group 112358

5EG0 898608	Energy Strategy	\$	307,000	\$	307,000	112359
	Development					

TOTAL GSF General Services Fund	\$	307,000	\$	307,000	112360
Agency Fund Group					112361
4Z90 898602 Small Business	\$	294,290	\$	294,290	112362
Ombudsman					
5700 898601 Operating Expenses	\$	264,000	\$	264,000	112363
5A00 898603 Small Business	\$	71,087	\$	71,087	112364
Assistance					
TOTAL AGY Agency Fund Group	\$	629,377	\$	629,377	112365
Coal Research/Development Fund					112366
7046 898604 Coal Research and	\$	66,000,000	\$	10,000,000	112367
Development Fund					
TOTAL 046 Coal Research and	\$	66,000,000	\$	10,000,000	112368
Development Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	77,328,923	\$	22,307,523	112369
COAL DEVELOPMENT OFFICE					112370
The foregoing appropriation item 898402, Coal Development					112371
Office, shall be used for the administrative costs of the Coal					112372
Development Office.					112373
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE					112374
The foregoing appropriation item GRF 898901, Coal Research					112375
and Development General Obligation Debt Service, shall be used to					112376
pay all debt service and related financing costs at the times they					112377
are required to be made during the period from July 1, 2009, to					112378
June 30, 2011, for obligations issued under sections 151.01 and					112379
151.07 of the Revised Code.					112380
Section 213.20. TRANSFER TO ENERGY STRATEGY DEVELOPMENT FUND					112381
On July 1 of each fiscal year, or as soon as possible					112382
thereafter, the Director of Budget and Management may transfer					112383
cash from the funds specified below, in the amount specified					112384
below, to the Energy Strategy Development Fund (Fund 5EG0), which					112385

is used by the Air Quality Development Authority. Fund 5EG0 may 112386
 accept contributions and transfers made to the fund. The moneys in 112387
 Fund 5EG0 shall be used to develop energy initiatives, projects, 112388
 and policy. 112389

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Office Services Fund (Fund 1170)	Department of Administrative Services	\$ 35,000	\$ 35,000	112391
Central Support Indirect Cost Fund (Fund 5GH0)	Department of Agriculture	\$ 35,000	\$ 35,000	112392
Support Services Fund (Fund 1350)	Department of Development	\$ 35,000	\$ 35,000	112393
Central Support Indirect Cost Fund (Fund 2190)	Environmental Protection Agency	\$ 35,000	\$ 35,000	112394
Central Support Indirect Chargeback Fund (Fund 1570)	Department of Natural Resources	\$ 35,000	\$ 35,000	112395
Highway Operating Fund (Fund 7002)	Department of Transportation	\$ 50,000	\$ 50,000	112396

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 112397
AUTHORITY TRUST ACCOUNT 112398

Notwithstanding any other provision of law to the contrary, 112399
 the Air Quality Development Authority may reimburse the Air 112400
 Quality Development Authority trust account established under 112401
 section 3706.10 of the Revised Code from all operating funds of 112402
 the agency for expenses pertaining to the administration and 112403
 shared costs incurred by the Air Quality Development Authority in 112404
 the execution of responsibilities as prescribed in Chapter 3706. 112405
 of the Revised Code. Reimbursement shall be made by voucher and 112406
 completed in accordance with the administrative indirect costs 112407

allocation plan approved by the Office of Budget and Management. 112408

Section 215.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 112409
SERVICES 112410

General Revenue Fund 112411

GRF 038401 Treatment Services \$ 37,241,513 \$ 35,588,058 112412

GRF 038404 Prevention Services \$ 1,241,702 \$ 1,241,702 112413

GRF 038626 Local Alcohol and \$ 0 \$ 2,954,598 112414

Other Drug Subsidy -
Federal Stimulus

TOTAL GRF General Revenue Fund \$ 38,483,215 \$ 39,784,358 112415

General Services Fund 112416

5T90 038616 Problem Gambling \$ 335,000 \$ 335,000 112417

Services

TOTAL GSF General Services Fund \$ 335,000 \$ 335,000 112418

Group

Federal Special Revenue Fund Group 112419

3G30 038603 Drug Free Schools \$ 2,260,000 \$ 2,260,000 112420

3G40 038614 Substance Abuse Block \$ 71,500,000 \$ 71,500,000 112421

Grant

3H80 038609 Demonstration Grants \$ 7,093,075 \$ 7,093,075 112422

3J80 038610 Medicaid \$ 62,772,342 \$ 60,817,910 112423

3N80 038611 Administrative \$ 500,000 \$ 500,000 112424

Reimbursement

TOTAL FED Federal Special Revenue 112425

Fund Group \$ 144,125,417 \$ 142,170,985 112426

State Special Revenue Fund Group 112427

4750 038621 Statewide Treatment \$ 18,000,000 \$ 18,000,000 112428

and Prevention

5DH0 038620 Fetal Alcohol \$ 327,500 \$ 327,500 112429

Spectrum Disorder

6890 038604	Education and Conferences	\$	350,000	\$	350,000	112430
TOTAL SSR State Special Revenue						112431
Fund Group		\$	18,677,500	\$	18,677,500	112432
TOTAL ALL BUDGET FUND GROUPS						112433
 Section 215.20. TREATMENT SERVICES						112435
Of the foregoing appropriation item 038401, Treatment						112436
Services, \$115,919 in fiscal year 2010 and \$230,464 in fiscal year						112437
2011 shall be provided to alcohol, drug addiction, and mental						112438
health services boards and alcohol and drug addiction services						112439
boards to pay the nonfederal share of the one-half of one per cent						112440
increase in the Medicaid reimbursement rate ceilings for						112441
Medicaid-covered alcohol and drug addiction treatment services						112442
provided for under the section of this act titled "INCREASE IN						112443
MEDICAID RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES."						112444
 Section 217.10. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS						112445
General Services Fund Group						112446
4K90 891609	Operating Expenses	\$	522,055	\$	550,718	112447
TOTAL GSF General Services Fund						112448
Group		\$	522,055	\$	550,718	112449
TOTAL ALL BUDGET FUND GROUPS						112450
 Section 219.10. ART OHIO ARTS COUNCIL						112452
General Revenue Fund						112453
GRF 370321	Operating Expenses	\$	2,072,545	\$	2,072,545	112454
GRF 370502	State Program	\$	9,097,868	\$	8,847,869	112455
Subsidies						
TOTAL GRF General Revenue Fund						112456
General Services Fund Group						112457
4600 370602	Management Expenses	\$	285,000	\$	285,000	112458

		and Donations				
4B70	370603	Percent for Art	\$	500,000	\$	500,000 112459
		Acquisitions				
TOTAL GSF		General Services Fund	\$	785,000	\$	785,000 112460
Group						
Federal Special Revenue Fund Group						112461
3140	370601	Federal Support	\$	1,000,000	\$	1,000,000 112462
TOTAL FED		Federal Special Revenue	\$	1,000,000	\$	1,000,000 112463
Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	12,955,413	\$	12,705,414 112464
PROGRAM SUBSIDIES						112465
A museum is not eligible to receive funds from appropriation						112466
item 370502, State Program Subsidies, if \$8,000,000 or more in						112467
capital appropriations were appropriated by the state for the						112468
museum between January 1, 1986, and December 31, 2002.						112469
Section 221.10. ATH ATHLETIC COMMISSION						112470
General Services Fund Group						112471
4K90	175609	Operating Expenses	\$	255,850	\$	255,850 112472
TOTAL GSF		General Services Fund	\$	255,850	\$	255,850 112473
Group						
TOTAL ALL BUDGET FUND GROUPS			\$	255,850	\$	255,850 112474
Section 223.10. AGO ATTORNEY GENERAL						112476
General Revenue Fund						112477
GRF	055321	Operating Expenses	\$	46,399,699	\$	46,399,699 112478
GRF	055405	Law-Related Education	\$	100,000	\$	100,000 112479
GRF	055411	County Sheriffs' Pay	\$	757,921	\$	757,921 112480
Supplement						
GRF	055415	County Prosecutors'	\$	831,499	\$	831,499 112481
Pay Supplement						
TOTAL GRF		General Revenue Fund	\$	48,089,119	\$	48,089,119 112482

General Services Fund Group				112483
1060	055612	General Reimbursement	\$ 38,750,000 \$	38,750,000 112484
1950	055660	Workers' Compensation	\$ 8,415,504 \$	8,415,504 112485
Section				
4180	055615	Charitable	\$ 7,286,000 \$	7,286,000 112486
Foundations				
4200	055603	Attorney General	\$ 1,750,000 \$	1,750,000 112487
Antitrust				
4210	055617	Police Officers'	\$ 2,000,000 \$	2,000,000 112488
Training Academy Fee				
4Z20	055609	BCI Asset Forfeiture	\$ 1,000,000 \$	1,000,000 112489
and Cost				
Reimbursement				
5900	055633	Peace Officer Private	\$ 98,370 \$	98,370 112490
Security Fund				
5A90	055618	Telemarketing Fraud	\$ 7,500 \$	7,500 112491
Enforcement				
5L50	055619	Law Enforcement	\$ 1,457,852 \$	0 112492
Assistance Program				
6290	055636	Corrupt Activity	\$ 15,000 \$	15,000 112493
Investigation and				
Prosecution				
6310	055637	Consumer Protection	\$ 3,500,000 \$	3,500,000 112494
Enforcement				
TOTAL GSF General Services Fund				112495
Group				\$ 64,280,226 \$ 62,822,374 112496
Federal Special Revenue Fund Group				112497
3060	055620	Medicaid Fraud	\$ 3,879,672 \$	3,879,672 112498
Control				
3810	055611	Civil Rights Legal	\$ 402,540 \$	402,540 112499
Service				
3830	055634	Crime Victims	\$ 16,000,000 \$	16,000,000 112500

		Assistance				
3E50	055638	Attorney General	\$	3,030,000	\$	3,030,000 112501
		Pass-Through Funds				
3R60	055613	Attorney General	\$	5,115,000	\$	5,115,000 112502
		Federal Funds				
TOTAL FED		Federal Special Revenue				112503
Fund Group			\$	28,427,212	\$	28,427,212 112504
		State Special Revenue Fund Group				112505
4020	055616	Victims of Crime	\$	29,000,000	\$	28,000,000 112506
4190	055623	Claims Section	\$	36,875,000	\$	36,875,000 112507
4L60	055606	DARE Programs	\$	3,927,962	\$	3,927,962 112508
4Y70	055608	Title Defect	\$	600,000	\$	600,000 112509
		Rescission				
6590	055641	Solid and Hazardous	\$	621,159	\$	621,159 112510
		Waste Background				
		Investigations				
TOTAL SSR		State Special Revenue				112511
Fund Group			\$	71,024,121	\$	70,024,121 112512
		Holding Account Redistribution Fund Group				112513
R004	055631	General Holding	\$	1,000,000	\$	1,000,000 112514
		Account				
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000 112515
R018	055630	Consumer Frauds	\$	750,000	\$	750,000 112516
R042	055601	Organized Crime	\$	25,025	\$	25,025 112517
		Commission				
		Distributions				
R054	055650	Collection Outside	\$	4,500,000	\$	4,500,000 112518
		Counsel Payments				
TOTAL 090		Holding Account				112519
Redistribution		Fund Group	\$	6,276,025	\$	6,276,025 112520
		Tobacco Master Settlement Agreement Fund Group				112521
J087	055635	Law Enforcement	\$	1,987,073	\$	0 112522

	Technology, Training, and Facility Enhancements				
U087 055402	Tobacco Settlement	\$	2,478,850	\$	2,478,850 112523
	Oversight, Administration, and Enforcement				
TOTAL TSF Tobacco Master Settlement Agreement Fund Group		\$	4,465,923	\$	2,478,850 112524
TOTAL ALL BUDGET FUND GROUPS		\$	222,562,626	\$	218,117,701 112525
	LAW-RELATED EDUCATION				112526
	The foregoing appropriation item 055405, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purpose of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs.				112527 112528 112529 112530 112531 112532 112533
	COUNTY SHERIFFS' PAY SUPPLEMENT				112534
	The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.				112535 112536 112537 112538
	At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.				112539 112540 112541 112542 112543 112544 112545
	COUNTY PROSECUTORS' PAY SUPPLEMENT				112546

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

WORKERS' COMPENSATION SECTION

The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment.

In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit.

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission.

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION

The foregoing appropriation item 055636, Corrupt Activity Investigation and Prosecution, shall be used as provided by division (D)(2) of section 2923.35 of the Revised Code to dispose of the proceeds, fines, and penalties credited to the Corrupt Activity Investigation and Prosecution Fund, which is created in

division (D)(1)(b) of section 2923.35 of the Revised Code. If it 112578
is determined that additional amounts are necessary for this 112579
purpose, the amounts are hereby appropriated. 112580

GENERAL HOLDING ACCOUNT 112581

The foregoing appropriation item 055631, General Holding 112582
Account, shall be used to distribute moneys under the terms of 112583
relevant court orders or other settlements received in a variety 112584
of cases involving the Office of the Attorney General. If it is 112585
determined that additional amounts are necessary for this purpose, 112586
the amounts are hereby appropriated. 112587

ATTORNEY GENERAL PASS-THROUGH FUNDS 112588

The foregoing appropriation item 055638, Attorney General 112589
Pass-Through Funds, shall be used to receive federal grant funds 112590
provided to the Attorney General by other state agencies, 112591
including, but not limited to, the Department of Youth Services 112592
and the Department of Public Safety. 112593

ANTITRUST SETTLEMENTS 112594

The foregoing appropriation item 055632, Antitrust 112595
Settlements, shall be used to distribute moneys under the terms of 112596
relevant court orders or other out of court settlements in 112597
antitrust cases or antitrust matters involving the Office of the 112598
Attorney General. If it is determined that additional amounts are 112599
necessary for this purpose, the amounts are hereby appropriated. 112600

CONSUMER FRAUDS 112601

The foregoing appropriation item 055630, Consumer Frauds, 112602
shall be used for distribution of moneys from court-ordered 112603
judgments against sellers in actions brought by the Office of 112604
Attorney General under sections 1334.08 and 4549.48 and division 112605
(B) of section 1345.07 of the Revised Code. These moneys shall be 112606
used to provide restitution to consumers victimized by the fraud 112607

that generated the court-ordered judgments. If it is determined 112608
that additional amounts are necessary for this purpose, the 112609
amounts are hereby appropriated. 112610

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 112611

The foregoing appropriation item 055601, Organized Crime 112612
Commission Distributions, shall be used by the Organized Crime 112613
Investigations Commission, as provided by section 177.011 of the 112614
Revised Code, to reimburse political subdivisions for the expenses 112615
the political subdivisions incur when their law enforcement 112616
officers participate in an organized crime task force. If it is 112617
determined that additional amounts are necessary for this purpose, 112618
the amounts are hereby appropriated. 112619

FUND ABOLISHMENTS 112620

Effective July 1, 2009, or as soon as possible thereafter, 112621
the Director of Budget and Management shall transfer the cash 112622
balance in the Asbestos Abatement Distribution Fund (Fund 6740) to 112623
the General Revenue Fund. Upon completion of the transfer, Fund 112624
6740 is abolished. 112625

Effective July 1, 2009, the Bingo License Refunds Fund (Fund 112626
R003) is abolished. 112627

Section 225.10. AUD AUDITOR OF STATE 112628

General Revenue Fund 112629

GRF	070321	Operating Expenses	\$	30,029,775	\$	30,029,775	112630
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GRF	070403	Fiscal	\$	570,000	\$	570,000	112631
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Watch/Emergency

Technical Assistance

TOTAL GRF	General Revenue Fund	\$	30,599,775	\$	30,599,775	112632
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Auditor of State Fund Group 112633

1090	070601	Public Audit Expense	\$	11,000,000	\$	11,000,000	112634
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- Intra-State

4220 070602	Public Audit Expense	\$	30,828,000	\$	31,053,000	112635
	- Local Government					
5840 070603	Training Program	\$	181,250	\$	181,250	112636
6750 070605	Uniform Accounting	\$	3,317,336	\$	3,317,336	112637
	Network					
TOTAL AUD Auditor of State Fund						112638
Group		\$	45,326,586	\$	45,551,586	112639
TOTAL ALL BUDGET FUND GROUPS						112640
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE						112641
The foregoing appropriation item 070403, Fiscal						112642
Watch/Emergency Technical Assistance, shall be used for expenses						112643
incurred by the Office of the Auditor of State in its role						112644
relating to fiscal watch or fiscal emergency activities under						112645
Chapters 118. and 3316. of the Revised Code. Expenses include, but						112646
are not limited to, the following: duties related to the						112647
determination or termination of fiscal watch or fiscal emergency						112648
of municipal corporations, counties, townships, or school						112649
districts; development of preliminary accounting reports;						112650
performance of annual forecasts; provision of performance audits;						112651
and supervisory, accounting, or auditing services for the						112652
municipal corporations, counties, townships, or school districts.						112653
An amount equal to the unexpended, unencumbered portion of						112654
appropriation item 070403, Fiscal Watch/Emergency Technical						112655
Assistance, at the end of fiscal year 2010 is hereby						112656
reappropriated for the same purpose in fiscal year 2011.						112657
Section 227.10. BRB BOARD OF BARBER EXAMINERS						112658
General Services Fund Group						112659
4K90 877609	Operating Expenses	\$	628,264	\$	628,264	112660
TOTAL GSF General Services Fund						112661
Group		\$	628,264	\$	628,264	112662
TOTAL ALL BUDGET FUND GROUPS						112663

ED JEFFERS BARBER MUSEUM					112664
Beginning October 1, 2009, or as soon as possible thereafter,					112665
the Director of Budget and Management and the Executive Director					112666
of the Barber Board shall develop a plan to distribute the amounts					112667
collected under division (C) of section 4709.12 of the Revised					112668
Code to the Ed Jeffers Barber Museum.					112669
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT					112670
General Revenue Fund					112671
GRF 042321 Budget Development	\$	2,412,346	\$	2,350,805	112672
and Implementation					
GRF 042410 National Association	\$	30,448	\$	31,361	112673
Dues					
GRF 042412 Audit of Auditor of	\$	44,528	\$	46,309	112674
State					
GRF 042413 Payment Issuance	\$	446,968	\$	457,545	112675
GRF 042416 Medicaid Agency	\$	571,028	\$	369,298	112676
Transition					
GRF 042435 Gubernatorial	\$	0	\$	250,000	112677
Transition					
TOTAL GRF General Revenue Fund	\$	3,505,318	\$	3,505,318	112678
General Services Fund Group					112679
1050 042603 State Accounting and	\$	37,031,976	\$	41,206,060	112680
Budgeting					
5N40 042602 OAKS Project	\$	2,100,000	\$	2,100,000	112681
Implementation					
5Z80 042608 Executive Medicaid	\$	57,751	\$	0	112682
Administration					
TOTAL GSF General Services Fund	\$	39,189,727	\$	43,306,060	112683
Group					
Federal Special Revenue Fund Group					112684

3CM0 042606 Medicaid Transition -	\$	734,979	\$	747,098	112685
Federal					
TOTAL FED Federal Special Revenue	\$	734,979	\$	747,098	112686
Fund Group					
Agency Fund Group					112687
5EH0 042604 Forgery Recovery	\$	50,000	\$	50,000	112688
TOTAL AGY Agency Fund Group	\$	50,000	\$	50,000	112689
TOTAL ALL BUDGET FUND GROUPS	\$	43,480,024	\$	47,608,476	112690

AUDIT COSTS 112691

Of the foregoing appropriation item 042603, State Accounting 112692
and Budgeting, not more than \$456,000 in fiscal year 2010 and not 112693
more than \$467,000 in fiscal year 2011 shall be used to pay for 112694
centralized audit costs associated with either Single Audit 112695
Schedules or financial statements prepared in conformance with 112696
generally accepted accounting principles for the state. 112697

SHARED SERVICES CENTER 112698

The Director of Budget and Management shall use the OAKS 112699
Project Implementation Fund (Fund 5N40) and the Accounting and 112700
Budgeting Fund (Fund 1050) to implement a Shared Services Center 112701
within the Office of Budget and Management for the purpose of 112702
consolidating statewide finance functions and common transactional 112703
processes. The Director of Budget and Management shall transfer 112704
the unobligated cash balance remaining in Fund 5N40 to the General 112705
Revenue Fund before the end of fiscal year 2011. 112706

Effective July 1, 2009, the Director of Budget and Management 112707
shall include the recovery of costs to operate the Shared Services 112708
Center in the accounting and budgeting services payroll rate and 112709
through a direct charge using intrastate transfer vouchers to 112710
agencies for services rendered. The Director of Budget and 112711
Management shall determine the cost recovery methodology. Such 112712
cost recovery revenues shall be deposited to the credit of Fund 112713

1050.						112714
	INTERNAL CONTROL AND AUDIT OVERSIGHT					112715
	Effective July 1, 2009, the Director of Budget and Management					112716
	shall include the recovery of costs to operate the Internal					112717
	Control and Audit Oversight Program in the accounting and					112718
	budgeting services payroll rate and through a direct charge using					112719
	intrastate transfer vouchers to agencies reviewed by the program.					112720
	The Director of Budget and Management, with advice from the					112721
	Internal Audit Advisory Council, shall determine the cost recovery					112722
	methodology. Such cost recovery revenues shall be deposited to the					112723
	credit of the Accounting and Budgeting Fund (Fund 1050).					112724
	FORGERY RECOVERY					112725
	The foregoing appropriation item 042604, Forgery Recovery,					112726
	shall be used to reissue warrants that have been certified as					112727
	forgeries by the rightful recipient as determined by the Bureau of					112728
	Criminal Identification and Investigation and the Treasurer of					112729
	State. Upon receipt of funds to cover the reissuance of the					112730
	warrant, the Director of Budget and Management shall reissue a					112731
	state warrant of the same amount.					112732
	Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD					112733
	General Revenue Fund					112734
GRF	874100 Personal Services	\$	1,873,368	\$	1,873,368	112735
GRF	874320 Maintenance and	\$	752,591	\$	752,590	112736
	Equipment					
TOTAL GRF	General Revenue Fund	\$	2,625,959	\$	2,625,958	112737
	General Services Fund Group					112738
4G50	874603 Capitol Square	\$	15,000	\$	15,000	112739
	Education Center and					
	Arts					
4S70	874602 Statehouse Gift	\$	799,995	\$	794,651	112740

Shop/Events				
TOTAL GSF General Services				112741
Fund Group	\$	814,995	\$	809,651 112742
Underground Parking Garage				112743
2080 874601 Underground Parking	\$	2,923,224	\$	2,979,615 112744
Garage Operations				
TOTAL UPG Underground Parking				112745
Garage	\$	2,923,224	\$	2,979,615 112746
TOTAL ALL BUDGET FUND GROUPS	\$	6,364,178	\$	6,415,224 112747
WAREHOUSE PAYMENTS				112748
Of the foregoing appropriation item 874601, Underground				112749
Parking Garage Operations, \$48,000 in each fiscal year shall be				112750
used to meet all payments at the times they are required to be				112751
made during the period from July 1, 2009, to June 30, 2011, to the				112752
Ohio Building Authority for bond service charges relating to the				112753
purchase and improvement of a warehouse acquired pursuant to				112754
section 105.41 of the Revised Code, in which to store items of the				112755
Capitol Collection Trust and, whenever necessary, equipment or				112756
other property of the Board.				112757
Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND				112758
SCHOOLS				112759
General Services Fund Group				112760
4K90 233601 Operating Expenses	\$	572,700	\$	572,700 112761
TOTAL GSF General Services Fund	\$	572,700	\$	572,700 112762
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	572,700	\$	572,700 112763
Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD				112765
General Services Fund Group				112766
4K90 930609 Operating Expenses	\$	551,146	\$	551,146 112767
TOTAL GSF General Services Fund	\$	551,146	\$	551,146 112768

Group

TOTAL ALL BUDGET FUND GROUPS \$ 551,146 \$ 551,146 112769

Section 237.10. CHR STATE CHIROPRACTIC BOARD 112771

General Services Fund Group 112772

4K90 878609 Operating Expenses \$ 621,621 \$ 621,621 112773

TOTAL GSF General Services Fund \$ 621,621 \$ 621,621 112774

Group

TOTAL ALL BUDGET FUND GROUPS \$ 621,621 \$ 621,621 112775

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 112777

General Revenue Fund 112778

GRF 876321 Operating Expenses \$ 6,391,317 \$ 6,391,317 112779

TOTAL GRF General Revenue Fund \$ 6,391,317 \$ 6,391,317 112780

General Services Fund Group 112781

2170 876604 Operations Support \$ 8,000 \$ 8,000 112782

TOTAL GSF General Services 112783

Fund Group \$ 8,000 \$ 8,000 112784

Federal Special Revenue Fund Group 112785

3340 876601 Federal Programs \$ 3,876,500 \$ 3,281,500 112786

TOTAL FED Federal Special Revenue 112787

Fund Group \$ 3,876,500 \$ 3,281,500 112788

TOTAL ALL BUDGET FUND GROUPS \$ 10,275,817 \$ 9,680,817 112789

Section 241.10. COM DEPARTMENT OF COMMERCE 112791

General Revenue Fund 112792

GRF 800410 Labor and Worker \$ 2,132,396 \$ 2,132,396 112793

Safety

Total GRF General Revenue Fund \$ 2,132,396 \$ 2,132,396 112794

General Services Fund Group 112795

1630 800620 Division of \$ 7,420,049 \$ 7,561,286 112796

		Administration				
1630	800637	Information	\$	6,219,734	\$	6,137,122 112797
		Technology				
5430	800602	Unclaimed	\$	9,948,085	\$	9,948,085 112798
		Funds-Operating				
5430	800625	Unclaimed	\$	75,000,000	\$	75,000,000 112799
		Funds-Claims				
5F10	800635	Small Government Fire	\$	300,000	\$	300,000 112800
		Departments				
TOTAL	GSF	General Services Fund				112801
Group			\$	98,887,868	\$	98,946,493 112802
		Federal Special Revenue Fund Group				112803
3480	800622	Underground Storage	\$	586,128	\$	585,782 112804
		Tanks				
3480	800624	Leaking Underground	\$	1,477,606	\$	1,489,717 112805
		Storage Tanks				
TOTAL	FED	Federal Special Revenue				112806
Fund Group			\$	2,063,734	\$	2,075,499 112807
		State Special Revenue Fund Group				112808
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000 112809
		Recovery				
4H90	800608	Cemeteries	\$	273,465	\$	273,465 112810
4X20	800619	Financial Institutions	\$	2,233,031	\$	2,221,395 112811
5440	800612	Banks	\$	6,703,253	\$	6,753,254 112812
5450	800613	Savings Institutions	\$	2,286,615	\$	2,307,019 112813
5460	800610	Fire Marshal	\$	15,118,673	\$	15,191,721 112814
5460	800639	Fire Department Grants	\$	1,695,198	\$	1,698,802 112815
5470	800603	Real Estate	\$	250,000	\$	250,000 112816
		Education/Research				
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000 112817
5490	800614	Real Estate	\$	3,456,405	\$	3,451,694 112818
5500	800617	Securities	\$	4,761,545	\$	4,411,545 112819

5520 800604	Credit Union	\$	3,627,390	\$	3,627,390	112820
5530 800607	Consumer Finance	\$	5,367,260	\$	5,148,702	112821
5560 800615	Industrial Compliance	\$	25,753,662	\$	26,713,417	112822
5GK0 800609	Securities Investor	\$	485,000	\$	485,000	112823
	Education/Enforcement					
5K70 800621	Penalty Enforcement	\$	150,000	\$	150,000	112824
5X60 800623	Video Service	\$	34,476	\$	34,476	112825
6530 800629	UST	\$	1,433,189	\$	1,431,831	112826
	Registration/Permit					
	Fee					
6A40 800630	Real Estate	\$	664,006	\$	664,006	112827
	Appraiser-Operating					
TOTAL SSR State Special Revenue						112828
Fund Group		\$	74,378,168	\$	74,898,717	112829
Liquor Control Fund Group						112830
7043 800601	Merchandising	\$	472,492,696	\$	488,434,277	112831
7043 800627	Liquor Control	\$	13,776,430	\$	14,313,346	112832
	Operating					
7043 800633	Development Assistance	\$	40,565,100	\$	52,412,800	112833
	Debt Service					
7043 800636	Revitalization Debt	\$	15,632,800	\$	20,359,000	112834
	Service					
TOTAL LCF Liquor Control						112835
Fund Group		\$	542,467,026	\$	575,519,423	112836
Volunteer Firefighters' Dependents Fund Group						112837
7085 800985	Volunteer	\$	300,000	\$	300,000	112838
	Firefighters'					
	Dependents Fund					
TOTAL 085 Volunteer Firefighters'						112839
Dependents Fund Group						
Revenue Distribution Fund Group						112840
7066 800966	Undivided Liquor	\$	14,100,000	\$	14,100,000	112841

Permits

TOTAL RDF Revenue Distribution Fund \$ 14,100,000 \$ 14,100,000 112842
Group

TOTAL ALL BUDGET FUND GROUPS \$ 734,329,192 \$ 767,972,528 112843

SMALL GOVERNMENT FIRE DEPARTMENTS 112844

Notwithstanding section 3737.17 of the Revised Code, the 112845
foregoing appropriation item 800635, Small Government Fire 112846
Departments, may be used to provide loans to private fire 112847
departments. 112848

UNCLAIMED FUNDS PAYMENTS 112849

The foregoing appropriation item 800625, Unclaimed 112850
Funds-Claims, shall be used to pay claims under section 169.08 of 112851
the Revised Code. If it is determined that additional amounts are 112852
necessary, the amounts are appropriated. 112853

UNCLAIMED FUNDS TRANSFERS 112854

Notwithstanding division (A) of section 169.05 of the Revised 112855
Code, on or after December 1, 2009, the Director of Budget and 112856
Management shall request the Director of Commerce to transfer to 112857
the General Revenue Fund up to \$250,000,000 of unclaimed funds 112858
that have been reported by holders of unclaimed funds under 112859
section 169.05 of the Revised Code, irrespective of the allocation 112860
of the unclaimed funds under that section. After such request has 112861
been made, the Director of Commerce shall transfer the funds prior 112862
to June 30, 2010. 112863

Notwithstanding division (A) of section 169.05 of the Revised 112864
Code, on or after December 1, 2010, the Director of Budget and 112865
Management shall request the Director of Commerce to transfer to 112866
the General Revenue Fund up to \$135,000,000 of unclaimed funds 112867
that have been reported by holders of unclaimed funds under 112868
section 169.05 of the Revised Code, irrespective of the allocation 112869
of the unclaimed funds under that section. After such request has 112870

been made, the Director of Commerce shall transfer the funds prior 112871
to June 30, 2011. 112872

FIRE DEPARTMENT GRANTS 112873

Of the foregoing appropriation item 800639, Fire Department 112874
Grants, up to \$1,647,140 in each fiscal year shall be used to make 112875
annual grants to volunteer fire departments, fire departments that 112876
serve one or more small municipalities or small townships, joint 112877
fire districts comprised of fire departments that primarily serve 112878
small municipalities or small townships, local units of government 112879
responsible for such fire departments, and local units of 112880
government responsible for the provision of fire protection 112881
services for small municipalities or small townships. 112882

The grants shall be used by recipients to purchase 112883
firefighting or rescue equipment or gear or similar items, to 112884
provide full or partial reimbursement for the documented costs of 112885
firefighter training, or, at the discretion of the State Fire 112886
Marshal, to cover fire department costs for providing fire 112887
protection services in that grant recipient's jurisdiction. 112888

Grant awards for firefighting or rescue equipment or gear or 112889
for fire department costs of providing fire protection services 112890
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 112891
fiscal year if an eligible entity serves a jurisdiction in which 112892
the Governor declared a natural disaster during the preceding or 112893
current fiscal year in which the grant was awarded. In addition to 112894
any grant funds awarded for rescue equipment or gear, or for fire 112895
department costs associated with the provision of fire protection 112896
services, an eligible entity may receive a grant for up to \$15,000 112897
per fiscal year for full or partial reimbursement of the 112898
documented costs of firefighter training. For each fiscal year, 112899
the State Fire Marshal shall determine the total amounts to be 112900
allocated for each eligible purpose. 112901

The grant program shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

DIVISION OF SECURITIES TECHNOLOGY UPGRADES 112915

Of the foregoing appropriation item 800617, Securities, such sums as are necessary may be used over the biennium to support the development and implementation of information technology solutions designed to enable the Division of Securities to better protect the interests of investors, the public, and the securities industry. Implementation of these solutions shall, among other things, enhance the Division's ability to monitor complaints about and actions against persons engaged in any practice prohibited by Chapter 1707. of the Revised Code or defined as fraudulent in that chapter or any other deceptive scheme or practice in connection with the sale of securities. The Director of Commerce may seek assistance from the Department of Administrative Services in relation to the development and implementation of the solutions.

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 112930
EDUCATION AND ENFORCEMENT EXPENSE FUND 112931

The Director of Budget and Management, upon the request of the Director of Commerce, shall transfer up to \$485,000 in cash in

each fiscal year from the Division of Securities Fund (Fund 5500) 112934
to the Division of Securities Investor Education and Enforcement 112935
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 112936
Code. 112937

CASH TRANSFERS TO THE REAL ESTATE OPERATING FUND 112938

The Director of Budget and Management, upon request of the 112939
Director of Commerce, shall transfer \$1,300,000 in cash over the 112940
FY 2010-FY 2011 biennium from the Real Estate Education and 112941
Research Fund (Fund 5470) to the Real Estate Operating Fund (Fund 112942
5490). 112943

The Director of Budget and Management, upon request of the 112944
Director of Commerce, shall transfer \$600,000 in cash over the FY 112945
2010-FY 2011 biennium from the Real Estate Recovery Fund (Fund 112946
5480) to the Real Estate Operating Fund (Fund 5490). 112947

INCREASED APPROPRIATION - MERCHANDISING 112948

The foregoing appropriation item 800601, Merchandising, shall 112949
be used under section 4301.12 of the Revised Code. If it is 112950
determined that additional expenditures are necessary, the amounts 112951
are appropriated. 112952

DEVELOPMENT ASSISTANCE DEBT SERVICE 112953

The foregoing appropriation item 800633, Development 112954
Assistance Debt Service, shall be used to pay debt service and 112955
related financing costs at the times they are required to be made 112956
during the period from July 1, 2009, to June 30, 2011, for bond 112957
service charges on obligations issued under Chapter 166. of the 112958
Revised Code. If it is determined that additional appropriations 112959
are necessary for this purpose, such amounts are appropriated, 112960
subject to the limitations set forth in section 166.11 of the 112961
Revised Code. An appropriation for this purpose is not required, 112962
but is made in this form and in this act for record purposes only. 112963
112964

REVITALIZATION DEBT SERVICE 112965

The foregoing appropriation item 800636, Revitalization Debt 112966
Service, shall be used to pay debt service and related financing 112967
costs under sections 151.01 and 151.40 of the Revised Code during 112968
the period from July 1, 2009, to June 30, 2011. If it is 112969
determined that additional appropriations are necessary for this 112970
purpose, such amounts are hereby appropriated. The General 112971
Assembly acknowledges the priority of the pledge of a portion of 112972
receipts from that source to obligations issued and to be issued 112973
under Chapter 166. of the Revised Code. 112974

ADMINISTRATIVE ASSESSMENTS 112975

Notwithstanding any other provision of law to the contrary, 112976
the Division of Administration Fund (Fund 1630) is entitled to 112977
receive assessments from all operating funds of the Department in 112978
accordance with procedures prescribed by the Director of Commerce 112979
and approved by the Director of Budget and Management. 112980

Section 241.20. ABOLISHMENT OF THE DIVISION OF LABOR AND 112981
WORKER SAFETY AND THE DIVISION OF INDUSTRIAL COMPLIANCE IN THE 112982
DEPARTMENT OF COMMERCE 112983

The Division of Labor and Worker Safety in the Department of 112984
Commerce and the Division of Industrial Compliance in the 112985
Department of Commerce are hereby abolished on the effective date 112986
of section 121.04 of the Revised Code, as amended by this act. The 112987
Division of Labor shall supersede the Division of Labor and Worker 112988
Safety and Division of Industrial Compliance, and the 112989
Superintendent of Labor shall supersede the Superintendent of 112990
Labor and Worker Safety and the Superintendent of Industrial 112991
Compliance. The Superintendent of Labor or Division of Labor, as 112992
applicable, shall succeed to and have and perform all the duties, 112993
powers, and obligations pertaining to the duties, powers, and 112994
obligations of the Superintendent and Division of Labor and Worker 112995

Safety and the Superintendent and Division of Industrial 112996
Compliance. For the purpose of the institution, conduct, and 112997
completion of matters relating to its succession, the 112998
Superintendent of Labor or the Division of Labor, as applicable, 112999
is deemed to be the continuation of and successor under law to the 113000
Superintendent and Division of Labor and Worker Safety or the 113001
Superintendent and Division of Industrial Compliance, as 113002
applicable. All rules, actions, determinations, commitments, 113003
resolutions, decisions, and agreements pertaining to those duties, 113004
powers, obligations, functions, and rights in force or in effect 113005
on the effective date of section 121.04 of the Revised Code, as 113006
amended by this act, shall continue in force and effect subject to 113007
any further lawful action thereon by the Superintendent or 113008
Division of Labor. Wherever the Superintendent of Labor and Worker 113009
Safety, Division of Labor and Worker Safety, Superintendent of 113010
Industrial Compliance, or Division of Industrial Compliance are 113011
referred to in any provision of law, or in any agreement or 113012
document that pertains to those duties, powers, obligations, 113013
functions, and rights, the reference is to the Superintendent of 113014
Labor or Division of Labor, as appropriate. 113015

All authorized obligations and supplements thereto of the 113016
Superintendent and Division of Labor and Worker Safety and the 113017
Superintendent and Division of Industrial Compliance pertaining to 113018
the duties, powers, and obligations transferred are binding on the 113019
Superintendent or Division of Labor, as applicable, and nothing in 113020
this act impairs the obligations or rights thereunder or under any 113021
contract. The abolition of the Division of Labor and Worker Safety 113022
and the Division of Industrial Compliance and the transfer of the 113023
duties, powers, and obligations of the Superintendent and Division 113024
of Labor and Worker Safety and the Superintendent and Division of 113025
Industrial Compliance do not affect the validity of agreements or 113026
obligations made by those superintendents or divisions pursuant to 113027
Chapters 121., 3703., 3781., 3791., 4104., 4105., and 4740. of the 113028

Revised Code or any other provisions of law. 113029

In connection with the transfer of duties, powers, 113030
obligations, functions, and rights and abolition of the Division 113031
of Labor and Worker Safety and the Division of Industrial 113032
Compliance, all real property and interest therein, documents, 113033
books, money, papers, records, machinery, furnishings, office 113034
equipment, furniture, and all other property over which the 113035
Superintendent and Division of Labor and Worker Safety or the 113036
Superintendent and Division of Industrial Compliance has control 113037
pertaining to the duties, powers, and obligations transferred and 113038
the rights of the Superintendent and Division of Labor and Worker 113039
Safety and the Superintendent and Division of Industrial 113040
Compliance to enforce or receive any of the aforesaid is 113041
automatically transferred to the Superintendent and Division of 113042
Labor without necessity for further action on the part of the 113043
Superintendent, Division of Labor, or the Director of Commerce. 113044
Additionally, all appropriations or reappropriations made to the 113045
Superintendent and Division of Labor and Worker Safety and the 113046
Superintendent and Division of Industrial Compliance for the 113047
purposes of the performance of their duties, powers, and 113048
obligations, are transferred to the Superintendent and Division of 113049
Labor to the extent of the remaining unexpended or unencumbered 113050
balance thereof, whether allocated or unallocated, and whether 113051
obligated or unobligated. 113052

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 113053

General Services Fund Group 113054

5F50 053601 Operating Expenses \$ 9,543,196 \$ 9,377,610 113055

TOTAL GSF General Services Fund \$ 9,543,196 \$ 9,377,610 113056

Group

TOTAL ALL BUDGET FUND GROUPS \$ 9,543,196 \$ 9,377,610 113057

Section 245.10. CEB CONTROLLING BOARD				113059
General Revenue Fund				113060
GRF	911401	Emergency	\$ 4,000,000 \$ 4,000,000	113061
Purposes/Contingencies				
GRF	911404	Mandate Assistance	\$ 545,417 \$ 545,417	113062
GRF	911441	Ballot Advertising	\$ 487,600 \$ 487,600	113063
Costs				
TOTAL GRF	General Revenue Fund		\$ 5,033,017 \$ 5,033,017	113064
TOTAL ALL BUDGET FUND GROUPS			\$ 5,033,017 \$ 5,033,017	113065
DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY				113066
PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM				113067
The Controlling Board may, at the request of any state agency				113068
or the Director of Budget and Management, transfer all or part of				113069
the appropriation in appropriation item 911401, Emergency				113070
Purposes/Contingencies, for the purpose of providing disaster and				113071
emergency situation aid to state agencies and political				113072
subdivisions in the event of disasters and emergency situations or				113073
for the other purposes noted in this section, including, but not				113074
limited to, costs related to the disturbance that occurred on				113075
April 11, 1993, at the Southern Ohio Correctional Facility in				113076
Lucasville, Ohio.				113077
FEDERAL SHARE				113078
In transferring appropriations to or from appropriation items				113079
that have federal shares identified in this act, the Controlling				113080
Board shall add or subtract corresponding amounts of federal				113081
matching funds at the percentages indicated by the state and				113082
federal division of the appropriations in this act. Such changes				113083
are hereby appropriated.				113084
DISASTER ASSISTANCE				113085
Pursuant to requests submitted by the Department of Public				113086

Safety, the Controlling Board may approve transfers from 113087
appropriation item 911401, Emergency Purposes/Contingencies, to 113088
appropriation items used by the Department of Public Safety to 113089
provide funding for assistance to political subdivisions and 113090
individuals made necessary by natural disasters or emergencies. 113091
Such transfers may be requested and approved prior to or following 113092
the occurrence of any specific natural disasters or emergencies in 113093
order to facilitate the provision of timely assistance. 113094

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DISASTER SERVICES

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Pursuant to requests submitted by the Department of Public 113097
Safety, the Controlling Board may approve transfers from the 113098
Disaster Services Fund (5E20) to a fund and appropriation item 113099
used by the Department of Public Safety to provide for assistance 113100
to political subdivisions made necessary by natural disasters or 113101
emergencies. These transfers may be requested and approved prior 113102
to the occurrence of any specific natural disasters or emergencies 113103
in order to facilitate the provision of timely assistance. The 113104
Emergency Management Agency of the Department of Public Safety 113105
shall use the funding to fund the State Disaster Relief Program 113106
for disasters that have been declared by the Governor, and the 113107
State Individual Assistance Program for disasters that have been 113108
declared by the Governor and the federal Small Business 113109
Administration. The Ohio Emergency Management Agency shall publish 113110
and make available application packets outlining procedures for 113111
the State Disaster Relief Program and the State Individual 113112
Assistance Program. 113113

Fund 5E20 shall be used by the Controlling Board, pursuant to 113114
requests submitted by state agencies, to transfer cash and 113115
appropriations to any fund and appropriation item for the payment 113116
of state agency disaster relief program expenses for disasters 113117
declared by the Governor, if the Director of Budget and Management 113118

determines that sufficient funds exist.	113119
SOUTHERN OHIO CORRECTIONAL FACILITY COST	113120
The Division of Criminal Justice Services in the Department	113121
of Public Safety and the Public Defender Commission may each	113122
request, upon approval of the Director of Budget and Management,	113123
additional funds from appropriation item 911401, Emergency	113124
Purposes/Contingencies, for costs related to the disturbance that	113125
occurred on April 11, 1993, at the Southern Ohio Correctional	113126
Facility in Lucasville, Ohio.	113127
MANDATE ASSISTANCE	113128
(A) The foregoing appropriation item 911404, Mandate	113129
Assistance, shall be used to provide financial assistance to local	113130
units of government and school districts for the cost of the	113131
following two state mandates:	113132
(1) The cost to county prosecutors for prosecuting certain	113133
felonies that occur on the grounds of state institutions operated	113134
by the Department of Rehabilitation and Correction and the	113135
Department of Youth Services;	113136
(2) The cost to school districts of in-service training for	113137
child abuse detection.	113138
(B) The Division of Criminal Justice Services in the	113139
Department of Public Safety and the Department of Education may	113140
prepare and submit to the Controlling Board one or more requests	113141
to transfer appropriations from appropriation item 911404, Mandate	113142
Assistance. The state agencies charged with this administrative	113143
responsibility are listed below, as well as the estimated annual	113144
amounts that may be used for each program of state financial	113145
assistance.	113146
	ESTIMATED 113147
ADMINISTERING	ANNUAL 113148

PROGRAM	AGENCY	AMOUNT	
Prosecution Costs	Division of Criminal Justice Services	\$125,446	113149 113150 113151
Child Abuse Detection Training Costs	Department of Education	\$419,971	113152

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911404, Mandate Assistance, the Division of Criminal Justice Services and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

- (1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of 113180
Criminal Justice Services to cover local prosecution costs for 113181
aggravated murder, murder, felonies of the first degree, and 113182
felonies of the second degree that occur on the grounds of 113183
institutions operated by the Department of Rehabilitation and 113184
Correction and the Department of Youth Services. 113185

(b) Upon a delinquency filing in juvenile court or the return 113186
of an indictment for aggravated murder, murder, or any felony of 113187
the first or second degree that was committed at a Department of 113188
Youth Services or a Department of Rehabilitation and Correction 113189
institution, the affected county may, in accordance with rules 113190
that the Division of Criminal Justice Services shall adopt, apply 113191
to the Division of Criminal Justice Services for a grant to cover 113192
all documented costs that are incurred by the county prosecutor's 113193
office. 113194

(c) Twice each year, the Division of Criminal Justice 113195
Services shall designate counties to receive grants from those 113196
counties that have submitted one or more applications in 113197
compliance with the rules that have been adopted by the Division 113198
of Criminal Justice Services for the receipt of such grants. In 113199
each year's first round of grant awards, if sufficient 113200
appropriations have been made, up to a total of \$100,000 may be 113201
awarded. In each year's second round of grant awards, the 113202
remaining appropriations available for this purpose may be 113203
awarded. 113204

(d) If for a given round of grants there are insufficient 113205
appropriations to make grant awards to all the eligible counties, 113206
the first priority shall be given to counties with cases involving 113207
aggravated murder and murder; second priority shall be given to 113208
counties with cases involving a felony of the first degree; and 113209
third priority shall be given to counties with cases involving a 113210
felony of the second degree. Within these priorities, the grant 113211

awards shall be based on the order in which the applications were 113212
received, except that applications for cases involving a felony of 113213
the first or second degree shall not be considered in more than 113214
two consecutive rounds of grant awards. 113215

(2) CHILD ABUSE DETECTION TRAINING COSTS 113216

Appropriations may be transferred to the Department of 113217
Education for payment to local school districts as full or partial 113218
reimbursement for the cost of providing in-service training for 113219
child abuse detection. In accordance with rules that the 113220
Department shall adopt, a local school district may apply to the 113221
Department for a grant to cover all documented costs that are 113222
incurred to provide in-service training for child abuse detection. 113223
The department shall make grants within the limits of the funding 113224
provided. 113225

(G) Any moneys allocated within appropriation item 911404, 113226
Mandate Assistance, not fully utilized may, upon application of 113227
the Ohio Public Defender Commission, and with the approval of the 113228
Controlling Board, be paid to boards of county commissioners to 113229
provide additional reimbursement for the costs incurred by 113230
counties in providing defense to indigent defendants pursuant to 113231
Chapter 120. of the Revised Code. Application for the unutilized 113232
funds shall be made by the Ohio Public Defender Commission at the 113233
first June meeting of the Controlling Board. 113234

The amount to be paid to each county shall be allocated 113235
proportionately on the basis of the total amount of reimbursement 113236
paid to each county as a percentage of the amount of reimbursement 113237
paid to all of the counties during the most recent state fiscal 113238
year for which data is available and as calculated by the Ohio 113239
Public Defender Commission. 113240

BALLOT ADVERTISING COSTS 113241

Pursuant to section 3501.17 of the Revised Code, and upon 113242

requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

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Section 247.10. COS STATE BOARD OF COSMETOLOGY

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General Services Fund Group
4K90 879609 Operating Expenses \$ 3,533,679 \$ 3,533,679
TOTAL GSF General Services Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 3,533,679 \$ 3,533,679

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Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

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General Services Fund Group
4K90 899609 Operating Expenses \$ 1,179,774 \$ 1,179,774
TOTAL GSF General Services Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,179,774 \$ 1,179,774

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Section 251.10. CLA COURT OF CLAIMS

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General Revenue Fund
GRF 015321 Operating Expenses \$ 2,699,369 \$ 2,780,350
TOTAL GRF General Revenue Fund
State Special Revenue Fund Group
5K20 015603 CLA Victims of Crime \$ 1,582,684 \$ 1,582,684
TOTAL SSR State Special Revenue Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 4,282,053 \$ 4,363,034

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Section 253.10. AFC OHIO CULTURAL FACILITIES COMMISSION				113274
General Revenue Fund				113275
GRF	371321	Operating Expenses	\$ 140,909 \$ 140,909	113276
GRF	371401	Lease Rental Payments	\$ 26,454,900 \$ 28,301,600	113277
TOTAL GRF General Revenue Fund				113278
State Special Revenue Fund Group				113279
4T80	371601	Riffe Theatre	\$ 81,000 \$ 81,000	113280
Equipment Maintenance				
4T80	371603	Project	\$ 1,302,866 \$ 1,302,866	113281
Administration				
Services				
TOTAL SSR State Special Revenue				113282
Group				
TOTAL ALL BUDGET FUND GROUPS				113283
LEASE RENTAL PAYMENTS				113284
The foregoing appropriation item 371401, Lease Rental				113285
Payments, shall be used to meet all payments from the Ohio				113286
Cultural Facilities Commission to the Treasurer of State during				113287
the period from July 1, 2009, to June 30, 2011, under the primary				113288
leases and agreements for those arts and sports facilities made				113289
under Chapters 152. and 154. of the Revised Code. This				113290
appropriation is the source of funds pledged for bond service				113291
charges on related obligations issued under Chapters 152. and 154.				113292
of the Revised Code.				113293
OPERATING EXPENSES				113294
The foregoing appropriation item 371321, Operating Expenses,				113295
shall be used by the Ohio Cultural Facilities Commission to carry				113296
out its responsibilities under this section and Chapter 3383. of				113297
the Revised Code.				113298
By the tenth day following each calendar quarter in each				113299

fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall determine the amount of cash from interest earnings to be transferred from the Cultural and Sports Facilities Building Fund (Fund 7030) to the Cultural Facilities Commission Administration Fund (Fund 4T80).

As soon as possible after each bond issuance made on behalf of the Cultural Facilities Commission, the Director of Budget and Management shall determine the amount of cash from any premium paid on each issuance that is available to be transferred after all issuance costs have been paid from the Cultural and Sports Facilities Building Fund (Fund 7030) to the Cultural Facilities Commission Administration Fund (Fund 4T80).

CAPITAL DONATIONS FUND CERTIFICATIONS AND APPROPRIATIONS

The Executive Director of the Cultural Facilities Commission shall certify to the Director of Budget and Management the amount of cash receipts and related investment income, irrevocable letters of credit from a bank, or certification of the availability of funds that have been received from a county or a municipal corporation for deposit into the Capital Donations Fund (Fund 5A10) and that are related to an anticipated project. These amounts are hereby appropriated to appropriation item C37146, Capital Donations. Prior to certifying these amounts to the Director, the Executive Director shall make a written agreement with the participating entity on the necessary cash flows required for the anticipated construction or equipment acquisition project.

Section 255.10. DEN STATE DENTAL BOARD

General Services Fund Group					113326
4K90 880609 Operating Expenses	\$	1,528,749	\$	1,528,749	113327
TOTAL GSF General Services Fund Group	\$	1,528,749	\$	1,528,749	113329

TOTAL ALL BUDGET FUND GROUPS		\$	1,528,749	\$	1,528,749	113330
Section 257.10. BDP BOARD OF DEPOSIT						113332
General Services Fund Group						113333
4M20 974601 Board of Deposit		\$	1,876,000	\$	1,876,000	113334
TOTAL GSF General Services Fund						113335
Group						113336
		\$	1,876,000	\$	1,876,000	113337
TOTAL ALL BUDGET FUND GROUPS						113338
BOARD OF DEPOSIT EXPENSE FUND						113338
Upon receiving certification of expenses from the Treasurer						113339
of State, the Director of Budget and Management shall transfer						113340
cash from the Investment Earnings Redistribution Fund (Fund 6080)						113341
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund						113342
shall be used pursuant to section 135.02 of the Revised Code to						113343
pay for any and all necessary expenses of the Board of Deposit or						113344
for banking charges and fees required for the operation of the						113345
State of Ohio Regular Account.						113346
Section 259.10. DEV DEPARTMENT OF DEVELOPMENT						113347
General Revenue Fund						113348
GRF 195401 Thomas Edison Program		\$	15,946,751	\$	15,946,751	113349
GRF 195404 Small Business		\$	1,565,770	\$	1,565,770	113350
Development						
GRF 195405 Minority Business		\$	1,238,528	\$	1,238,528	113351
Enterprise Division						
GRF 195407 Travel and Tourism		\$	1,399,410	\$	1,399,410	113352
GRF 195410 Defense Conversion		\$	3,000,000	\$	1,000,000	113353
Assistance						
GRF 195412 Rapid Outreach Grants		\$	11,000,000	\$	11,000,000	113354
GRF 195415 Strategic Business		\$	5,882,129	\$	5,882,129	113355
Investment Division						
and Regional Offices						

GRF	195416	Governor's Office of Appalachia	\$	4,508,741	\$	4,508,741	113356
GRF	195422	Technology Action	\$	3,500,000	\$	3,500,000	113357
GRF	195426	Clean Ohio Implementation	\$	168,365	\$	168,365	113358
GRF	195432	Global Markets	\$	3,889,566	\$	3,889,566	113359
GRF	195434	Industrial Training Grants	\$	11,334,893	\$	11,334,893	113360
GRF	195436	Labor/Management Cooperation	\$	752,603	\$	752,603	113361
GRF	195497	CDBG Operating Match	\$	1,056,075	\$	1,056,075	113362
GRF	195498	State Match Energy	\$	246,820	\$	246,820	113363
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	391,482	113364
GRF	195502	Appalachian Regional Commission Dues	\$	221,924	\$	221,924	113365
GRF	195507	Travel and Tourism Grants	\$	2,005,000	\$	2,005,000	113366
GRF	195520	Ohio Main Street Program	\$	575,000	\$	75,000	113367
GRF	195521	Discover Ohio!	\$	6,800,903	\$	6,800,903	113368
GRF	195522	Targeted Industry Training Grants	\$	3,800,000	\$	3,800,000	113369
GRF	195523	Workforce Retention & Attraction	\$	500,000	\$	500,000	113370
GRF	195524	EfficientGovNow Match	\$	1,000,000	\$	0	113371
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	20,948,300	\$	29,011,600	113372
GRF	195912	Job Ready Site Development General	\$	5,685,400	\$	10,601,900	113373

		Obligation Debt				
		Service				
TOTAL GRF	General Revenue Fund		\$ 107,417,660	\$ 116,897,460		113374
	General Services Fund Group					113375
1350 195684	Supportive Services		\$ 12,162,444	\$ 12,184,444		113376
4W10 195646	Minority Business		\$ 2,580,597	\$ 2,580,597		113377
	Enterprise Loan					
5AD0 195677	Economic Development		\$ 4,000,000	\$ 4,000,000		113378
	Contingency					
5DU0 195689	Energy Projects		\$ 840,000	\$ 840,000		113379
5W50 195690	Travel and Tourism		\$ 350,000	\$ 350,000		113380
	Cooperative Projects					
6850 195636	Direct Cost Recovery		\$ 1,000,000	\$ 1,000,000		113381
	Expenditures					
TOTAL GSF	General Services Fund					113382
Group			\$ 20,933,041	\$ 20,955,041		113383
	Federal Special Revenue Fund Group					113384
3080 195602	Appalachian Regional		\$ 475,000	\$ 475,000		113385
	Commission					
3080 195603	Housing and Urban		\$ 6,000,000	\$ 6,000,000		113386
	Development					
3080 195605	Federal Projects		\$ 27,000,000	\$ 27,000,000		113387
3080 195609	Small Business		\$ 5,011,381	\$ 5,011,381		113388
	Administration					
3080 195618	Energy Federal Grants		\$ 3,400,000	\$ 3,400,000		113389
3350 195610	Energy Conservation		\$ 1,800,000	\$ 1,100,000		113390
	and Emerging					
	Technology					
3AE0 195643	Workforce Development		\$ 17,000,000	\$ 16,500,000		113391
	Initiatives					
3K80 195613	Community Development		\$ 65,000,000	\$ 65,000,000		113392
	Block Grant					

3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	113393
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	113394
3L00	195612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	113395
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	113396
TOTAL FED		Federal Special Revenue Fund Group	\$	328,664,989	\$	327,464,989	113397
		State Special Revenue Fund Group					113398
4440	195607	Water and Sewer Commission Loans	\$	500,000	\$	500,000	113399
4500	195624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	113400
4510	195625	Economic Development Financing Operating	\$	3,433,311	\$	3,433,311	113401
4F20	195639	State Special Projects	\$	400,000	\$	400,000	113402
4F20	195676	Marketing Initiatives	\$	6,100,000	\$	6,100,000	113403
4F20	195699	Utility Provided Funds	\$	500,000	\$	500,000	113404
4S00	195630	Tax Incentive Programs	\$	650,800	\$	650,800	113405
5CG0	195679	Alternative Fuel Transportation	\$	1,000,000	\$	1,000,000	113406
5M40	195659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	113407
5M50	195660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	113408
5W60	195691	International Trade Cooperative Projects	\$	25,000	\$	0	113409

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

5X10	195651	Exempt Facility Inspection	\$	8,000	\$	0	113411
6110	195631	Water and Sewer Administration	\$	10,000	\$	10,000	113412
6170	195654	Volume Cap Administration	\$	200,000	\$	200,000	113413
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	113414
TOTAL SSR State Special Revenue							113415
Fund Group			\$	327,881,078	\$	327,848,078	113416
Facilities Establishment Fund Group							113417
4Z60	195647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	113418
5D20	195650	Urban Redevelopment Loans	\$	5,000,000	\$	5,000,000	113419
5S80	195627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	113420
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	113421
7008	195698	Logistics & Distribution Infrastructure	\$	50,000,000	\$	0	113422
7009	195664	Innovation Ohio	\$	20,000,000	\$	20,000,000	113423
7010	195665	Research and Development	\$	35,000,000	\$	35,000,000	113424
7037	195615	Facilities Establishment	\$	65,000,000	\$	65,000,000	113425
TOTAL 037 Facilities							113426
Establishment Fund Group			\$	184,000,000	\$	134,000,000	113427
Clean Ohio Revitalization Fund							113428
7003	195663	Clean Ohio Operating	\$	964,200	\$	953,300	113429

TOTAL 7003 Clean Ohio	\$	964,200	\$	953,300	113430
Revitalization Fund					
Third Frontier Research & Development Fund Group					113431
7011 195687 Third Frontier	\$	55,000,000	\$	55,000,000	113432
Research & Development Projects					
7014 195692 Research &	\$	6,000,000	\$	6,000,000	113433
Development Taxable Bond Projects					
TOTAL 011 Third Frontier Research &	\$	61,000,000	\$	61,000,000	113434
Development Fund Group					
Job Ready Site Development Fund Group					113435
7012 195688 Job Ready Site	\$	1,246,155	\$	1,246,155	113436
Operating					
TOTAL 012 Job Ready Site	\$	1,246,155	\$	1,246,155	113437
Development Fund Group					
Tobacco Master Settlement Agreement Fund Group					113438
5Z30 195694 Jobs Fund Bioproducts	\$	40,000,000	\$	10,000,000	113439
5Z30 195695 Jobs Fund Biomedical	\$	80,000,000	\$	20,000,000	113440
M087 195435 Biomedical Research	\$	1,257,363	\$	1,259,563	113441
and Technology Transfer					
TOTAL TSF Tobacco Master Settlement	\$	121,257,363	\$	31,259,563	113442
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,153,364,486	\$	1,021,624,586	113443

Section 259.10.10. THOMAS EDISON PROGRAM 113445

The foregoing appropriation item 195401, Thomas Edison 113446
Program, shall be used for the purposes of sections 122.28 to 113447
122.38 of the Revised Code. Of the foregoing appropriation item 113448
195401, Thomas Edison Program, not more than ten per cent in each 113449
fiscal year shall be used for operating expenditures in 113450

administering the programs of the Technology and Innovation 113451
Division. 113452

Notwithstanding any provision of law to the contrary, of the 113453
foregoing appropriation item 195401, Thomas Edison Program, 113454
\$75,000 in each fiscal year shall be used for the City of 113455
Cleveland and \$75,000 in each fiscal year shall be used for the 113456
City of Toledo to develop the Toledo-Cleveland Energy Corridor. 113457
These funds shall not be released unless the Department of 113458
Development first secures a commitment of matching funds from each 113459
recipient. 113460

Notwithstanding any provision of law to the contrary, of the 113461
foregoing appropriation item 195401, Thomas Edison Program, 113462
\$160,000 in fiscal year 2010 shall be used for an in-depth 113463
workforce needs assessment for the advanced and renewable energy 113464
industry and affiliated suppliers in Northwest Ohio. The 113465
assessment shall identify the skill sets required for workers 113466
needed by the industry. Any unexpended and unencumbered portion of 113467
the moneys appropriated for this purpose in fiscal year 2010 shall 113468
be reappropriated for the same purpose in fiscal year 2011. 113469

Section 259.10.20. SMALL BUSINESS DEVELOPMENT 113470

The foregoing appropriation item 195404, Small Business 113471
Development, shall be used as matching funds for grants from the 113472
United States Small Business Administration and other federal 113473
agencies, pursuant to Pub. L. No. 96-302 (1980) as amended by Pub. 113474
L. No. 98-395 (1984), and regulations and policy guidelines for 113475
the programs pursuant thereto. This appropriation item also may be 113476
used to provide grants to local organizations to support the 113477
operation of small business development centers and other local 113478
economic development activities that promote small business 113479
development and entrepreneurship. 113480

Section 259.10.25. DEFENSE CONVERSION ASSISTANCE 113481

The foregoing appropriation item 195410, Defense Conversion Assistance, shall be used by Development Projects, Inc., for the creation of new jobs to leverage and support mission gains at Wright-Patterson Air Force Base in defense intelligence, aerospace research, and related areas from successful base realignment and closure efforts. Moneys shall not be disbursed for any project under this section without the approval of the Director of Development. 113482
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Section 259.10.30. RAPID OUTREACH GRANTS 113490

The foregoing appropriation item 195412, Rapid Outreach Grants, shall be used as an incentive for attracting, expanding, and retaining business opportunities for the state. Projects offering substantial opportunities for new, expanding, or retained business operations in Ohio, are eligible for grant funding. The projects must create or retain a significant number of jobs for Ohioans. An award of grant funds is reserved for only those instances in which Ohio's ability to attract, retain, or assist with an expansion of a project depends on an award of funds from appropriation item 195412, Rapid Outreach Grants. 113491
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The department's primary goal shall be to award funds directly to business entities considering Ohio for their expansion or new site location opportunities. Rapid Outreach grants shall be used by recipients to purchase equipment, make infrastructure improvements, make real property improvements, or fund other fixed assets. To meet the particular needs of economic development in a region, the department may elect to award funds directly to a political subdivision to assist with making on- or off-site infrastructure improvements to water and sewage treatment facilities, electric or gas service connections, fiber optic 113501
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access, rail facilities, site preparation, and parking facilities. 113511
The Director of Development may recommend that the funds be used 113512
for alternative purposes when considered appropriate to satisfy an 113513
economic development opportunity or need deemed extraordinary in 113514
nature by the Director. 113515

The foregoing appropriation item 195412, Rapid Outreach 113516
Grants, may be expended only after the submission of a request to 113517
the Controlling Board by the Department of Development outlining 113518
the planned use of the funds, and the subsequent approval of the 113519
request by the Controlling Board. 113520

The foregoing appropriation item 195412, Rapid Outreach 113521
Grants, may be used for, but is not limited to, construction, 113522
rehabilitation, and acquisition projects for rail freight 113523
assistance as requested by the Department of Transportation. The 113524
Director of Transportation shall submit the proposed projects to 113525
the Director of Development for an evaluation of potential 113526
economic benefit. 113527

Section 259.10.40. STRATEGIC BUSINESS INVESTMENT DIVISION AND 113528
REGIONAL OFFICES 113529

The foregoing appropriation item 195415, Strategic Business 113530
Investment Division and Regional Offices, shall be used for the 113531
operating expenses of the Strategic Business Investment Division 113532
and the regional economic development offices and for grants for 113533
cooperative economic development ventures. 113534

Section 259.10.50. GOVERNOR'S OFFICE OF APPALACHIA 113535

The foregoing appropriation item 195416, Governor's Office of 113536
Appalachia, may be used for the administrative costs of planning 113537
and liaison activities for the Governor's Office of Appalachia, to 113538
provide financial assistance to projects in Ohio's Appalachian 113539
counties, and to match federal funds from the Appalachian Regional 113540

Commission. 113541

Section 259.10.60. TECHNOLOGY ACTION 113542

The foregoing appropriation item 195422, Technology Action, 113543
shall be used for operating expenses the Department of Development 113544
incurs for administering sections 184.10 to 184.20 of the Revised 113545
Code. If the appropriation is insufficient to cover the operating 113546
expenses, the Department may request Controlling Board approval to 113547
appropriate the additional amount needed in appropriation item 113548
195686, Third Frontier Operating. The Department shall not request 113549
an amount in excess of the amount needed. 113550

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Section 259.10.70. CLEAN OHIO IMPLEMENTATION 113552

The foregoing appropriation item 195426, Clean Ohio 113553
Implementation, shall be used to fund the costs of administering 113554
the Clean Ohio Revitalization program and other urban 113555
revitalization programs that may be implemented by the Department 113556
of Development. 113557

Section 259.10.80. GLOBAL MARKETS 113558

The foregoing appropriation item 195432, Global Markets, 113559
shall be used to administer Ohio's foreign trade and investment 113560
programs, including operation and maintenance of Ohio's 113561
out-of-state trade and investment offices. This appropriation item 113562
also shall be used to fund the Global Markets Division and to 113563
assist Ohio manufacturers, agricultural producers, and service 113564
providers in exporting to foreign countries and to assist in the 113565
attraction of foreign direct investment. 113566

Section 259.10.90. OHIO WORKFORCE GUARANTEE PROGRAM 113567

The foregoing appropriation item 195434, Industrial Training 113568

Grants, may be used for the Ohio Workforce Guarantee Program to 113569
promote training through grants to businesses and, in the case of 113570
a business consortium, training and education providers for the 113571
reimbursement of eligible training expenses. 113572

Of the foregoing appropriation item 195643, Workforce 113573
Development Initiatives, \$5,400,000 in each fiscal year shall be 113574
used to support the Ohio Workforce Guarantee Grant Program. 113575

Of the foregoing appropriation item 195643, Workforce 113576
Development Initiatives, \$50,000 in each fiscal year shall be used 113577
for the NewLife Technical Institute in support of the Bridges from 113578
Poverty to IT Jobs pilot program. 113579

Section 259.15.10. STATE MATCH ENERGY 113580

Of the foregoing appropriation item 195498, State Match 113581
Energy, \$150,000 in each fiscal year shall be used to support the 113582
Ross County Auditor in conducting a study of renewable energy 113583
sources for schools. The study shall investigate the feasibility 113584
of implementing bio-fuel energy sources for school heating 113585
systems. 113586

Section 259.20.10. OHIO FILM OFFICE 113587

The Ohio Film Office shall promote media productions in the 113588
state and help the industry optimize its production experience in 113589
the state by enhancing local economies through increased 113590
employment and tax revenues and ensuring an accurate portrayal of 113591
Ohio. The Office shall serve as an informational clearinghouse and 113592
provide technical assistance to the media production industry and 113593
business entities engaged in media production in the state. The 113594
Office shall promote Ohio as the ideal site for media production 113595
and help those in the industry benefit from their experience in 113596
the state. 113597

The primary objective of the Office shall be to encourage 113598

development of a strong capital base for electronic media 113599
production in order to achieve an independent, self-supporting 113600
industry in Ohio. Other objectives shall include: 113601

(A) Attracting private investment for the electronic media 113602
production industry; 113603

(B) Developing a tax infrastructure that encourages private 113604
investment; and 113605

(C) Encouraging increased employment opportunities within 113606
this sector and increased competition with other states. 113607

Section 259.20.15. TRAVEL AND TOURISM GRANTS 113608

Of the foregoing appropriation item 195507, Travel and 113609
Tourism Grants, \$550,000 in each fiscal year shall be used to 113610
support operating expenses at the National Underground Railroad 113611
Freedom Center. 113612

Of the foregoing appropriation item 195507, Travel and 113613
Tourism Grants, \$400,000 in each fiscal year shall be used for the 113614
Great Lakes Science Center. 113615

Of the foregoing appropriation item 195507, Travel and 113616
Tourism Grants, \$250,000 in each fiscal year shall be used for the 113617
Cleveland Zoo. 113618

Of the foregoing appropriation item 195507, Travel and 113619
Tourism Grants, \$50,000 in each fiscal year shall be used for the 113620
Greater Cleveland Sports Commission, and \$50,000 in each fiscal 113621
year shall be used for the Greater Columbus Sports Commission. 113622

Of the foregoing appropriation item 195507, Travel and 113623
Tourism Grants, \$50,000 in each fiscal year shall be used for the 113624
Montgomery County Youth Sports Initiative to attract Amateur 113625
Athletic Union tournaments. 113626

Of the foregoing appropriation item 195507, Travel and 113627

Tourism Grants, \$80,000 in each fiscal year shall be used for the 113628
outdoor dramas *Tecumseh!* and *Trumpet in the Land*. 113629

Of the foregoing appropriation item 195507, Travel and 113630
Tourism Grants, \$500,000 in each fiscal year shall be used for the 113631
International Center for the Preservation of Wild Animals. 113632

Of the foregoing appropriation item 195507, Travel and 113633
Tourism Grants, \$25,000 in each fiscal year shall be used for 113634
Ohio's Appalachian Country to support tourism activities in 113635
Appalachian counties. 113636

Of the foregoing appropriation item 195507, Travel and 113637
Tourism Grants, \$50,000 in each fiscal year shall be used for the 113638
Columbus Film Commission. 113639

Section 259.20.20. DISCOVER OHIO! 113640

The foregoing appropriation item 195521, Discover Ohio!, 113641
shall be used by the Ohio Tourism Division in the Department of 113642
Development for marketing and promoting Ohio as a tourism 113643
destination and for costs associated with operating such programs. 113644
113645

Section 259.20.25. EFFICIENTGOVNOW MATCH 113646

Of the foregoing appropriation item 195524, EfficientGovNow 113647
Match, up to \$150,000 in fiscal year 2010 shall be used to match 113648
grants awarded by EfficientGovNow in Northeast Ohio. The state 113649
shall match up to three grants, and no state matching grant shall 113650
exceed \$50,000. 113651

Of the foregoing appropriation item 195524, EfficientGovNow 113652
Match, up to \$850,000 in fiscal year 2010 shall be used to match 113653
grants awarded by EfficientGovNow if EfficientGovNow expands 113654
statewide. 113655

Any unexpended and unencumbered portion of the foregoing 113656

appropriation item 195524, EfficientGovNow Match, at the end of 113657
fiscal year 2010 is hereby appropriated for the same purpose in 113658
fiscal year 2011. 113659

Section 259.20.30. THIRD FRONTIER RESEARCH & DEVELOPMENT 113660
GENERAL OBLIGATION DEBT SERVICE 113661

The foregoing appropriation item 195905, Third Frontier 113662
Research & Development General Obligation Debt Service, shall be 113663
used to pay all debt service and related financing costs during 113664
the period from July 1, 2009, to June 30, 2011, on obligations 113665
issued for research and development purposes under sections 151.01 113666
and 151.10 of the Revised Code. 113667

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE 113668

The foregoing appropriation item 195912, Job Ready Site 113669
Development General Obligation Debt Service, shall be used to pay 113670
all debt service and related financing costs during the period 113671
from July 1, 2009, to June 30, 2011, on obligations issued for job 113672
ready site development purposes under sections 151.01 and 151.11 113673
of the Revised Code. 113674

Section 259.20.40. SUPPORTIVE SERVICES 113675

The Director of Development may assess divisions of the 113676
department for the cost of central service operations. An 113677
assessment shall contain the characteristics of administrative 113678
ease and uniform application. A division's payments shall be 113679
credited to the Supportive Services Fund (Fund 1350) using an 113680
intrastate transfer voucher. 113681

ECONOMIC DEVELOPMENT CONTINGENCY 113682

The foregoing appropriation item 195677, Economic Development 113683
Contingency, may be used to award funds directly to either (1) 113684
business entities considering Ohio for expansion or new site 113685

location opportunities or (2) political subdivisions to assist 113686
with necessary costs involved in attracting a business entity. In 113687
addition, the Director of Development may award funds for 113688
alternative purposes when appropriate to satisfy an economic 113689
development opportunity or need deemed extraordinary in nature by 113690
the Director. 113691

DIRECT COST RECOVERY EXPENDITURES 113692

The foregoing appropriation item 195636, Direct Cost Recovery 113693
Expenditures, shall be used for reimbursable costs. Revenues to 113694
the General Reimbursement Fund (Fund 6850) shall consist of moneys 113695
charged for administrative costs that are not central service 113696
costs. 113697

Section 259.20.50. HEAP WEATHERIZATION 113698

Up to fifteen per cent of the federal funds deposited to the 113699
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 113700
may be expended from appropriation item 195614, HEAP 113701
Weatherization, to provide home weatherization services in the 113702
state as determined by the Director of Development. Any transfers 113703
or increases in appropriation for the foregoing appropriation 113704
items 195614, HEAP Weatherization, or 195611, Home Energy 113705
Assistance Block Grant, shall be subject to approval by the 113706
Controlling Board. 113707

STATE SPECIAL PROJECTS 113708

The State Special Projects Fund (Fund 4F20), may be used for 113709
the deposit of private-sector funds from utility companies and for 113710
the deposit of other miscellaneous state funds. State moneys so 113711
deposited shall be used to match federal housing grants for the 113712
homeless and to market economic development opportunities in the 113713
state. Private-sector moneys shall be deposited for use in 113714
appropriation item 195699, Utility Provided Funds, and shall be 113715

used to (1) pay the expenses of verifying the income-eligibility 113716
of HEAP applicants, (2) leverage additional federal funds, (3) 113717
fund special projects to assist homeless individuals, (4) fund 113718
special projects to assist with the energy efficiency of 113719
households eligible to participate in the Percentage of Income 113720
Payment Plan, and (5) assist with training programs for agencies 113721
that administer low-income customer assistance programs. 113722

Section 259.20.60. TAX INCENTIVE PROGRAMS OPERATING 113723

The foregoing appropriation item 195630, Tax Incentive 113724
Programs, shall be used for the operating costs of the Office of 113725
Grants and Tax Incentives. 113726

Section 259.20.70. MINORITY BUSINESS ENTERPRISE LOAN 113727

All repayments from the Minority Development Financing 113728
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 113729
Program shall be deposited in the State Treasury to the credit of 113730
the Minority Business Enterprise Loan Fund (Fund 4W10). All 113731
operating costs of administering the Minority Business Enterprise 113732
Loan Fund shall be paid from the Minority Business Enterprise Loan 113733
Fund (Fund 4W10). 113734

MINORITY BUSINESS BONDING FUND 113735

Notwithstanding Chapters 122., 169., and 175. of the Revised 113736
Code, the Director of Development may, upon the recommendation of 113737
the Minority Development Financing Advisory Board, pledge up to 113738
\$10,000,000 in the fiscal year 2010-fiscal year 2011 biennium of 113739
unclaimed funds administered by the Director of Commerce and 113740
allocated to the Minority Business Bonding Program under section 113741
169.05 of the Revised Code. The transfer of any cash by the 113742
Director of Budget and Management from the Department of 113743
Commerce's Unclaimed Funds Fund (Fund 5430) to the Department of 113744
Development's Minority Business Bonding Fund (Fund 4490) shall 113745

occur, if requested by the Director of Development, only if such 113746
funds are needed for payment of losses arising from the Minority 113747
Business Bonding Program, and only after proceeds of the initial 113748
transfer of \$2,700,000 by the Controlling Board to the Minority 113749
Business Bonding Program has been used for that purpose. Moneys 113750
transferred by the Director of Budget and Management from the 113751
Department of Commerce for this purpose may be moneys in custodial 113752
funds held by the Treasurer of State. If expenditures are required 113753
for payment of losses arising from the Minority Business Bonding 113754
Program, such expenditures shall be made from appropriation item 113755
195623, Minority Business Bonding Contingency in the Minority 113756
Business Bonding Fund, and such amounts are hereby appropriated. 113757

Section 259.20.80. ALTERNATIVE FUEL TRANSPORTATION 113758

Of the foregoing appropriation item 195679, Alternative Fuel 113759
Transportation, not more than ten per cent shall be used by the 113760
Director of Development for administrative costs associated with 113761
the program under section 122.075 of the Revised Code. 113762

ADVANCED ENERGY FUND 113763

The foregoing appropriation item 195660, Advanced Energy 113764
Programs, shall be used to provide financial assistance to 113765
customers for eligible advanced energy projects for residential, 113766
commercial, and industrial business, local government, educational 113767
institution, nonprofit, and agriculture customers, and to pay for 113768
the program's administrative costs as provided in sections 4928.61 113769
to 4928.63 of the Revised Code and rules adopted by the Director 113770
of Development. 113771

OHIO ENERGY RESOURCE CENTER 113772

There is hereby created the Ohio Energy Resource Center at 113773
the Voinovich School of Leadership and Public Affairs at Ohio 113774
University. 113775

The center shall do all of the following: 113776

(A) Act as a knowledge hub for clean energy, advanced energy, 113777
and energy efficiency projects throughout the state; 113778

(B) Maintain a database of research and development projects 113779
in the fields of clean energy, advanced energy, and energy 113780
efficiency undertaken by public institutions of higher education; 113781

(C) Act as a clearinghouse for information and promote 113782
collaboration among public and private entities on federal, state, 113783
and private sources of financial and technical assistance for 113784
advanced energy, clean energy, and energy efficiency projects 113785
including, but not limited to, Edison Technology Centers, Edison 113786
Incubators, and programs under the Third Frontier Commission; and 113787

(D) Provide technical assistance to state government and 113788
local governments, other political subdivisions, mercantile 113789
customers as defined in section 4928.01 of the Revised Code, and 113790
businesses located in an Appalachian county as defined in section 113791
107.21 of the Revised Code on clean energy, advanced energy, and 113792
energy efficiency projects. 113793

Of the foregoing appropriation item 195660, Advanced Energy 113794
Programs, up to \$75,000 in each fiscal year shall be used for the 113795
activities of the Center. 113796

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS 113797

All payments received by the state pursuant to a series of 113798
settlements with ten brokerage firms reached with the United 113799
States Securities and Exchange Commission, the National 113800
Association of Securities Dealers, the New York Stock Exchange, 113801
the New York Attorney General, and other state regulators 113802
(henceforth referred to as the "Global Analysts Settlement 113803
Agreements"), shall be deposited into the state treasury to the 113804
credit of the Economic Development Contingency Fund (Fund 5Y60). 113805
The fund shall be used by the Director of Development to support 113806

economic development projects. Moneys shall be awarded to either 113807
(1) business entities considering Ohio for expansion or new site 113808
location opportunities or (2) political subdivisions to assist 113809
with necessary costs involved in attracting a business entity. In 113810
addition, the Director of Development may award funds for 113811
alternative purposes when appropriate to satisfy an economic 113812
development opportunity or need deemed extraordinary by the 113813
Director. Grant funds may be expended only after the submission of 113814
a request to the Controlling Board by the Department outlining the 113815
planned use of the funds and the subsequent approval of the 113816
Controlling Board. 113817

VOLUME CAP ADMINISTRATION 113818

The foregoing appropriation item 195654, Volume Cap 113819
Administration, shall be used for expenses related to the 113820
administration of the Volume Cap Program. Revenues received by the 113821
Volume Cap Administration Fund (Fund 6170) shall consist of 113822
application fees, forfeited deposits, and interest earned from the 113823
custodial account held by the Treasurer of State. 113824

OHIO HOUSING TRUST FUND 113825

Notwithstanding any provision of law to the contrary, of the 113826
foregoing appropriation item 195638, Low- and Moderate-Income 113827
Housing Trust Fund, at least \$500,000 in each fiscal year shall be 113828
used for activities that provide outreach, organizational 113829
assistance, and information to tenants and residents of 113830
manufactured homes. 113831

INNOVATION OHIO LOAN FUND 113832

The foregoing appropriation item 195664, Innovation Ohio, 113833
shall be used to provide for innovation Ohio purposes, including 113834
loan guarantees and loans under Chapter 166. and particularly 113835
sections 166.12 to 166.16 of the Revised Code. 113836

RESEARCH AND DEVELOPMENT 113837

The foregoing appropriation item 195665, Research and Development, shall be used to provide for research and development purposes, including loans, under Chapter 166. and particularly sections 166.17 to 166.21 of the Revised Code.

Section 259.20.90. LOGISTICS AND DISTRIBUTION INFRASTRUCTURE

The foregoing appropriation item 195698, Logistics and Distribution Infrastructure, shall be used for eligible logistics and distribution infrastructure projects as defined in section 166.01 of the Revised Code. Any unexpended and unencumbered portion of the appropriation item at the end of fiscal year 2009 is hereby reappropriated for the same purpose in fiscal year 2010, and any unexpended and unencumbered portion of the appropriation item at the end of fiscal year 2010 is hereby reappropriated for the same purpose in fiscal year 2011.

FACILITIES ESTABLISHMENT FUND

The foregoing appropriation item 195615, Facilities Establishment (Fund 7037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$2,000,000 in cash each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Economic Development Financing Operating Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$5,000,000 in cash each fiscal year may be transferred during the biennium from the Facilities Establishment Fund (Fund 7037) to the Urban Redevelopment Loans Fund (Fund 5D20) for the purpose of removing barriers to urban core redevelopment.

The Director of Development shall develop program guidelines for 113868
the transfer and release of funds, including, but not limited to, 113869
the completion of all appropriate environmental assessments before 113870
state assistance is committed to a project. The transfers shall be 113871
subject to approval by the Controlling Board upon the submission 113872
of a request by the Department of Development. 113873

Notwithstanding Chapter 166. of the Revised Code, an amount 113874
not to exceed \$3,000,000 in cash each fiscal year may be 113875
transferred from the Facilities Establishment Fund (Fund 7037) to 113876
the Rural Industrial Park Loan Fund (Fund 4Z60). The transfer is 113877
subject to Controlling Board approval under section 166.03 of the 113878
Revised Code. 113879

Notwithstanding Chapter 166. of the Revised Code, on the 113880
first day of July of each year of the biennium, or as soon as 113881
possible thereafter, the Director of Budget and Management, at the 113882
request of the Director of Development, shall transfer \$6,102,500 113883
in cash from the Facilities Establishment Fund (Fund 7037) to the 113884
General Revenue Fund. The amount transferred is hereby 113885
appropriated for each fiscal year in appropriation item 195412, 113886
Rapid Outreach Grants. 113887

Notwithstanding Chapter 166. of the Revised Code, on the 113888
first day of July of each year of the biennium, or as soon as 113889
possible thereafter, the Director of Budget and Management, at the 113890
request of the Director of Development, shall transfer \$4,275,000 113891
cash from the Facilities Establishment Fund (Fund 7037) to the Job 113892
Development Initiatives Fund (Fund 5AD0). The amount transferred 113893
is hereby appropriated in each fiscal year in appropriation item 113894
195677, Economic Development Contingency. 113895

Notwithstanding Chapter 166. of the Revised Code, of the 113896
foregoing appropriation item 195615, Facilities Establishment, 113897
\$100,000 in each fiscal year shall be used for the Ohio Means Jobs 113898
web site. 113899

Of the foregoing appropriation item 195615, Facilities Establishment, \$1,000,000 in each fiscal year shall be used to provide loans under the Micro-Lending Program established in division (C) of section 166.07 of the Revised Code.

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash in fiscal year 2010 and \$500,000 in cash in fiscal year 2011 shall be transferred from moneys in the Facilities Establishment Fund (Fund 7037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG0) in the Department of Development.

RURAL DEVELOPMENT INITIATIVE FUND

(A)(1) The Rural Development Initiative Fund (Fund 5S80) is entitled to receive moneys from the Facilities Establishment Fund (Fund 7037). The Director of Development may make grants from the Rural Development Initiative Fund as specified in division (A)(2) of this section to eligible applicants in Appalachian counties and in rural counties in the state that are designated as distressed under section 122.25 of the Revised Code. Preference shall be given to eligible applicants located in Appalachian counties designated as distressed by the federal Appalachian Regional Commission.

(2) The Director of Development shall make grants from the Rural Development Initiative Fund (Fund 5S80) only to eligible applicants who also qualify for and receive funding under the Rural Industrial Park Loan Program as specified in sections 122.23 to 122.27 of the Revised Code. Eligible applicants shall use the grants for the purposes specified in section 122.24 of the Revised Code. All projects supported by grants from the fund are subject to Chapter 4115. of the Revised Code as specified in division (E) of section 166.02 of the Revised Code. The Director shall develop

program guidelines for the transfer and release of funds. The 113931
release of grant moneys to an eligible applicant is subject to 113932
Controlling Board approval. 113933

(B) Notwithstanding Chapter 166. of the Revised Code, the 113934
Director of Budget and Management may transfer an amount not to 113935
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 113936
at the request of the Director of Development from the Facilities 113937
Establishment Fund (Fund 7037) to the Rural Development Initiative 113938
Fund (Fund 5S80). The transfer is subject to Controlling Board 113939
approval under section 166.03 of the Revised Code. 113940

CAPITAL ACCESS LOAN PROGRAM 113941

The foregoing appropriation item 195628, Capital Access Loan 113942
Program, shall be used for operating, program, and administrative 113943
expenses of the program. Funds of the Capital Access Loan Program 113944
shall be used to assist participating financial institutions in 113945
making program loans to eligible businesses that face barriers in 113946
accessing working capital and obtaining fixed-asset financing. 113947

Notwithstanding Chapter 166. of the Revised Code, the 113948
Director of Budget and Management may transfer an amount not to 113949
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 113950
at the request of the Director of Development from the Facilities 113951
Establishment Fund (Fund 7037) to the Capital Access Loan Program 113952
Fund (Fund 5S90). The transfer is subject to Controlling Board 113953
approval under section 166.03 of the Revised Code. 113954

Section 259.30.10. CLEAN OHIO OPERATING EXPENSES 113955

The foregoing appropriation item 195663, Clean Ohio 113956
Operating, shall be used by the Department of Development in 113957
administering sections 122.65 to 122.658 of the Revised Code. 113958

Section 259.30.20. THIRD FRONTIER RESEARCH AND DEVELOPMENT 113959
PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS 113960

The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used by the Department of Development to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research and Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission. The transfers are subject to approval by the Controlling Board.

On or before June 30, 2010, any unexpended and unencumbered portions of the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2010 are hereby reappropriated to the Department of Development for the same purposes for fiscal year 2011.

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS

The Ohio Public Facilities Commission, upon request of the Department of Development, is hereby authorized to issue and sell, in accordance with Section 2p of Article VIII, Ohio Constitution, and particularly sections 151.01 and 151.10 of the Revised Code, original obligations of the State of Ohio in an aggregate amount not to exceed \$100,000,000 in addition to the original issuance of obligations authorized by prior acts of the General Assembly. The authorized obligations shall be issued and sold from time to time

and in amounts necessary to ensure sufficient moneys to the credit 113992
of the Third Frontier Research and Development Fund (Fund 7011) to 113993
pay costs of research and development projects. 113994

Section 259.30.30. JOB READY SITE OPERATING 113995

The foregoing appropriation item 195688, Job Ready Site 113996
Operating, shall be used for operating expenses incurred by the 113997
Department of Development in administering the Job Ready Sites 113998
Program authorized under sections 122.085 to 122.0820 of the 113999
Revised Code. Operating expenses include, but are not limited to, 114000
certain expenses of the District Public Works Integrating 114001
Committees, as applicable, engineering review of submitted 114002
applications by the State Architect or a third party engineering 114003
firm, audit and accountability activities, and costs associated 114004
with formal certifications verifying that site infrastructure is 114005
in place and is functional. 114006

Section 259.30.40. THIRD FRONTIER BIOMEDICAL RESEARCH AND 114007
COMMERCIALIZATION PROGRAM 114008

The General Assembly and the Governor recognize the role that 114009
the biomedical industry has in job creation, innovation, and 114010
economic development throughout Ohio. It is the intent of the 114011
General Assembly, the Governor, the Director of Development, and 114012
the Director of Budget and Management to work together in 114013
continuing to provide comprehensive state support for the 114014
biomedical industry as a whole through the Third Frontier 114015
Biomedical Research and Commercialization Program. 114016

Section 259.30.50. JOBS FUND BIOPRODUCTS AND BIOMEDICAL 114017

The foregoing appropriation item 195694, Jobs Fund 114018
Bioproducts, shall be used for the Ohio Bioproducts Development 114019
Program established in section 184.25 of the Revised Code. Of the 114020

foregoing appropriation item 195694, Jobs Fund Bioproducts, not 114021
more than five per cent in each fiscal year shall be used for 114022
operating expenditures in administering the program. 114023

The foregoing appropriation item 195695, Jobs Fund 114024
Biomedical, shall be used for the Ohio Biomedical Development 114025
Program established in section 184.26 of the Revised Code. Of the 114026
foregoing appropriation item 195695, Jobs Fund Biomedical, not 114027
more than five per cent in each fiscal year shall be used for 114028
operating expenditures in administering the program. 114029

Section 259.30.60. JOBS FUND CASH TRANSFER 114030

On June 30, 2011, or as soon as possible thereafter, the 114031
Director of Budget and Management shall transfer the unexpended 114032
and unencumbered cash balance in the Jobs Fund (Fund 5Z30) to the 114033
General Revenue Fund. Upon completion of the transfer, the Jobs 114034
Fund is abolished. 114035

Section 259.30.70. UNCLAIMED FUNDS TRANSFER 114036

(A) Notwithstanding division (A) of section 169.05 of the 114037
Revised Code, upon the request of the Director of Budget and 114038
Management, the Director of Commerce, before June 30, 2010, shall 114039
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 114040
amount not to exceed \$4,000,000 in cash of the unclaimed funds 114041
that have been reported by the holders of unclaimed funds under 114042
section 169.05 of the Revised Code, regardless of the allocation 114043
of the unclaimed funds described under that section. 114044

Notwithstanding division (A) of section 169.05 of the Revised 114045
Code, upon the request of the Director of Budget and Management, 114046
the Director of Commerce, before June 30, 2011, shall transfer to 114047
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 114048
exceed \$4,000,000 in cash of the unclaimed funds that have been 114049
reported by the holders of unclaimed funds under section 169.05 of 114050

the Revised Code, regardless of the allocation of the unclaimed 114051
funds described under that section. 114052

(B) Notwithstanding division (A) of section 169.05 of the 114053
Revised Code, upon the request of the Director of Budget and 114054
Management, the Director of Commerce, before June 30, 2010, shall 114055
transfer to the State Special Projects Fund (Fund 4F20) an amount 114056
not to exceed \$6,100,000 of the unclaimed funds that have been 114057
reported by the holders of unclaimed funds under section 169.05 of 114058
the Revised Code, regardless of the allocation of the unclaimed 114059
funds described under that section. 114060

Notwithstanding division (A) of section 169.05 of the Revised 114061
Code, upon the request of the Director of Budget and Management, 114062
the Director of Commerce, prior to June 30, 2011, shall transfer 114063
to the State Special Projects Fund (Fund 4F20) an amount not to 114064
exceed \$6,100,000 in cash of the unclaimed funds that have been 114065
reported by the holders of unclaimed funds under section 169.05 of 114066
the Revised Code, regardless of the allocation of the unclaimed 114067
funds described under that section. 114068

Section 259.30.80. THIRD FRONTIER NEXTGEN NETWORK 114069

Any unexpended, unencumbered amounts of the foregoing 114070
appropriation items 195687, Third Frontier Research & Development 114071
Projects, and 195692, Research & Development Taxable Bond 114072
Projects, that were previously allocated for implementation of the 114073
NextGen Network in fiscal years 2008 and 2009 are hereby 114074
reappropriated for the same purpose in fiscal years 2010 and 2011. 114075

Section 259.30.90. WORKFORCE DEVELOPMENT 114076

The Director of Development and the Director of Job and 114077
Family Services may enter into one or more interagency agreements 114078
between the two departments and take other actions the directors 114079
consider appropriate to further integrate workforce development 114080

into a larger economic development strategy, to implement the 114081
recommendations of the Workforce Policy Board, and to complete 114082
activities related to the transition of the administration of 114083
employment programs identified by the board. Subject to the 114084
approval of the Director of Budget and Management, the Department 114085
of Development and the Department of Job and Family Services may 114086
expend moneys to support the recommendations of the Workforce 114087
Policy Board in the area of integration of employment functions as 114088
described in this paragraph and to complete implementation and 114089
transition activities from the appropriations to those 114090
departments. 114091

Section 261.10. OBD OHIO BOARD OF DIETETICS 114092

General Services Fund Group 114093
4K90 860609 Operating Expenses \$ 348,964 \$ 348,964 114094
TOTAL GSF General Services Fund 114095
Group \$ 348,964 \$ 348,964 114096
TOTAL ALL BUDGET FUND GROUPS \$ 348,964 \$ 348,964 114097

Section 263.10. CDR COMMISSION ON DISPUTE RESOLUTION AND 114099

CONFLICT MANAGEMENT 114100

General Revenue Fund 114101

GRF 145401 Commission Operations \$ 349,600 \$ 349,600 114102
TOTAL GRF General Revenue Fund \$ 349,600 \$ 349,600 114103

General Services Fund Group 114104

4B60 145601 Dispute Resolution \$ 140,000 \$ 140,000 114105
Programs

TOTAL GSF General Services Fund \$ 140,000 \$ 140,000 114106
Group

TOTAL ALL BUDGET FUND GROUPS \$ 489,600 \$ 489,600 114107

Section 265.10. EDU DEPARTMENT OF EDUCATION 114109

General Revenue Fund					114110	
GRF 200100	Personal Services	\$	13,103,147	\$	13,103,147	114111
GRF 200320	Maintenance and Equipment	\$	3,495,350	\$	3,495,350	114112
GRF 200408	Early Childhood Education	\$	23,268,341	\$	23,268,341	114113
GRF 200410	Educator Training	\$	8,210,500	\$	8,210,500	114114
GRF 200416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195	114115
GRF 200420	Computer/Application/ Network Development	\$	5,394,826	\$	5,394,826	114116
GRF 200421	Alternative Education Programs	\$	11,015,885	\$	11,015,885	114117
GRF 200422	School Management Assistance	\$	9,504,572	\$	22,490,572	114118
GRF 200424	Policy Analysis	\$	1,056,687	\$	1,056,687	114119
GRF 200425	Tech Prep Consortia Support	\$	1,594,373	\$	1,594,373	114120
GRF 200426	Ohio Educational Computer Network	\$	27,411,025	\$	27,411,025	114121
GRF 200427	Academic Standards	\$	5,789,861	\$	5,789,861	114122
GRF 200431	School Improvement Initiatives	\$	13,359,997	\$	15,359,997	114123
GRF 200437	Student Assessment	\$	71,909,814	\$	71,909,814	114124
GRF 200439	Accountability/Report Cards	\$	6,828,650	\$	6,828,650	114125
GRF 200442	Child Care Licensing	\$	1,302,495	\$	1,302,495	114126
GRF 200446	Education Management Information System	\$	15,621,135	\$	15,621,135	114127
GRF 200447	GED Testing	\$	1,250,353	\$	1,250,353	114128
GRF 200448	Educator Preparation	\$	2,030,000	\$	2,030,000	114129
GRF 200455	Community Schools	\$	472,404,384	\$	512,686,539	114130
GRF 200457	STEM Initiatives	\$	2,000,000	\$	4,500,000	114131

GRF 200502	Pupil Transportation	\$	448,022,619	\$	462,822,619	114132
GRF 200503	Bus Purchase Allowance	\$	10,850,000	\$	10,850,000	114133
GRF 200505	School Lunch Match	\$	11,798,025	\$	11,798,025	114134
GRF 200511	Auxiliary Services	\$	132,740,457	\$	132,740,457	114135
GRF 200532	Nonpublic	\$	59,810,517	\$	59,810,517	114136
	Administrative Cost					
	Reimbursement					
GRF 200540	Special Education	\$	139,719,648	\$	142,292,936	114137
	Enhancements					
GRF 200545	Career-Technical	\$	7,754,662	\$	7,804,699	114138
	Education Enhancements					
GRF 200550	Foundation Funding	\$	4,896,132,136	\$	4,787,753,026	114139
GRF 200551	Foundation Funding -	\$	387,583,913	\$	457,449,362	114140
	Federal Stimulus					
GRF 200555	Teach Ohio	\$	6,100,000	\$	6,100,000	114141
GRF 200578	Violence Prevention	\$	1,384,924	\$	1,384,924	114142
	and School Safety					
GRF 200587	Community Projects	\$	7,225,517	\$	7,065,517	114143
GRF 200901	Property Tax	\$	1,008,262,363	\$	1,020,655,157	114144
	Allocation - Education					
TOTAL GRF	General Revenue Fund	\$	7,816,169,371	\$	7,865,079,984	114145
	General Services Fund Group					114146
1380 200606	Computer	\$	7,600,091	\$	7,600,091	114147
	Services-Operational					
	Support					
4520 200638	Miscellaneous	\$	275,000	\$	275,000	114148
	Educational Services					
4L20 200681	Teacher Certification	\$	8,013,206	\$	8,147,756	114149
	and Licensure					
5960 200656	Ohio Career	\$	529,761	\$	529,761	114150
	Information System					
5H30 200687	School District	\$	18,000,000	\$	18,000,000	114151
	Solvency Assistance					

TOTAL GSF General Services				114152
Fund Group	\$	34,418,058	\$ 34,552,608	114153
Federal Special Revenue Fund Group				114154
3090 200601 Educationally Disadvantaged Programs	\$	8,405,512	\$ 8,405,512	114155
3670 200607 School Food Services	\$	6,324,707	\$ 6,577,695	114156
3680 200614 Veterans' Training	\$	778,349	\$ 793,846	114157
3690 200616 Career-Technical Education Federal Enhancement	\$	5,000,000	\$ 5,000,000	114158
3700 200624 Education of Exceptional Children	\$	2,664,000	\$ 2,755,000	114159
3740 200647 Troops to Teachers	\$	100,000	\$ 100,000	114160
3780 200660 Learn and Serve	\$	619,211	\$ 619,211	114161
3AF0 200603 Schools Medicaid Administrative Claims	\$	639,000	\$ 639,000	114162
3AN0 200671 School Improvement Grants	\$	17,909,676	\$ 17,936,675	114163
3AX0 200698 Improving Health and Educational Outcomes of Young People	\$	630,954	\$ 630,954	114164
3BK0 200628 Longitudinal Data Systems	\$	100,000	\$ 0	114165
3BV0 200636 Character Education	\$	700,000	\$ 0	114166
3C50 200661 Early Childhood Education	\$	14,189,711	\$ 14,554,749	114167
3CF0 200644 Foreign Language Assistance	\$	25,000	\$ 0	114168
3CG0 200646 Teacher Incentive Fund	\$	3,007,975	\$ 1,157,834	114169
3D10 200664 Drug Free Schools	\$	13,347,966	\$ 13,347,966	114170
3D20 200667 Honors Scholarship	\$	6,990,000	\$ 6,985,000	114171

		Program				
3DJ0	200699	IDEA Part B - Federal Stimulus	\$	218,868,026	\$	218,868,026 114172
3DK0	200642	Title 1A - Federal Stimulus	\$	186,336,737	\$	186,336,737 114173
3DL0	200650	IDEA Preschool - Federal Stimulus	\$	6,679,679	\$	6,679,679 114174
3DM0	200651	Title IID Technology - Federal Stimulus	\$	11,951,000	\$	11,951,000 114175
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	54,221,000	\$	54,221,000 114176
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 114177
3L60	200617	Federal School Lunch	\$	295,421,000	\$	310,150,675 114178
3L70	200618	Federal School Breakfast	\$	80,850,000	\$	84,892,500 114179
3L80	200619	Child/Adult Food Programs	\$	89,250,000	\$	93,712,500 114180
3L90	200621	Career-Technical Education Basic Grant	\$	48,029,701	\$	48,029,701 114181
3M00	200623	ESEA Title 1A	\$	530,000,000	\$	530,010,000 114182
3M10	200678	Innovative Education	\$	1,000,000	\$	0 114183
3M20	200680	Individuals with Disabilities Education Act	\$	413,391,594	\$	421,241,163 114184
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 114185
3T40	200613	Public Charter Schools	\$	14,275,618	\$	14,291,353 114186
3Y20	200688	21st Century Community Learning Centers	\$	36,000,000	\$	36,000,000 114187
3Y40	200632	Reading First	\$	27,366,373	\$	24,455,172 114188

3Y60	200635	Improving Teacher Quality	\$	101,778,397	\$	101,778,400	114189
3Y70	200689	English Language Acquisition	\$	8,142,299	\$	8,142,299	114190
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000	114191
3Z20	200690	State Assessments	\$	12,923,799	\$	12,923,799	114192
3Z30	200645	Consolidated Federal Grant Administration	\$	8,499,279	\$	8,499,280	114193
3Z70	200697	General Supervisory Enhancement Grant	\$	887,319	\$	0	114194
TOTAL FED Federal Special							114195
Revenue Fund Group			\$	2,238,516,279	\$	2,262,899,123	114196
State Special Revenue Fund Group							114197
4540	200610	Guidance and Testing	\$	450,000	\$	450,000	114198
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	114199
4R70	200695	Indirect Operational Support	\$	6,050,000	\$	6,250,000	114200
4V70	200633	Interagency Operational Support	\$	1,111,838	\$	1,117,725	114201
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	114202
5BB0	200696	State Action for Education Leadership	\$	1,250,000	\$	600,000	114203
5BJ0	200626	Half-Mill Maintenance Equalization	\$	16,100,000	\$	16,600,000	114204
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	114205
5W20	200663	Early Learning Initiative	\$	2,200,000	\$	2,200,000	114206
5X90	200911	NGA STEM	\$	100,000	\$	0	114207
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000	114208

TOTAL SSR State Special Revenue				114209
Fund Group	\$	55,890,748	\$ 55,846,635	114210
Lottery Profits Education Fund Group				114211
7017 200612 Foundation Funding	\$	705,000,000	\$ 711,000,000	114212
TOTAL LPE Lottery Profits				114213
Education Fund Group	\$	705,000,000	\$ 711,000,000	114214
Revenue Distribution Fund Group				114215
7047 200909 School District	\$	1,150,207,366	\$ 1,150,207,366	114216
Property Tax				
Replacement-Business				
7053 200900 School District	\$	91,123,523	\$ 91,123,523	114217
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				114218
Fund Group	\$	1,241,330,889	\$ 1,241,330,889	114219
TOTAL ALL BUDGET FUND GROUPS	\$	12,091,325,345	\$12,170,709,239	114220

Section 265.10.10. PERSONAL SERVICES 114222

The foregoing appropriation item 200100, Personal Services, 114223
 may be used to pay fees for the Department's membership in the 114224
 Education Commission of the States, an interstate nonprofit, 114225
 nonpartisan organization that supports states with the development 114226
 of education policy. 114227

Of the foregoing appropriation item 200100 Personal Services, 114228
 up to \$25,000 in each fiscal year may be expended to provide for 114229
 travel expenses for the members of the State Board of Education. 114230

Of the foregoing appropriation item 200100, Personal 114231
 Services, up to \$150,000 in each fiscal year shall be used by the 114232
 Department of Education to support Ohio's Partnership for 114233
 Continued Learning at the direction of the Office of the Governor. 114234
 Ohio's Partnership for Continued Learning replaces and broadens 114235
 the former Joint Council of the Department of Education and the 114236

Board of Regents. The Partnership shall advise and make 114237
recommendations to promote collaboration among relevant state 114238
entities in an effort to help local communities develop coherent 114239
and successful "P-16" learning systems. The Governor, or the 114240
Governor's designee, shall serve as the chairperson. 114241

Of the foregoing appropriation item 200100, Personal 114242
Services, up to \$950,000 in each fiscal year shall be used to 114243
support administration and activities including travel, contract 114244
services, and other expenses of the Governor's Closing the 114245
Achievement Gap Initiative in the Department. 114246

Of the foregoing appropriation item 200100, Personal 114247
Services, up to \$200,000 in each fiscal year shall be used to 114248
support administration and activities of the Office of Urban and 114249
Rural Student Success in the Department. 114250

Of the foregoing appropriation item 200100, Personal 114251
Services, up to \$700,000 in each fiscal year shall be used to 114252
support administration and activities of the Center for Creativity 114253
and Innovation in the Department. 114254

Section 265.10.20. EARLY CHILDHOOD EDUCATION 114255

The Department of Education shall distribute the foregoing 114256
appropriation item 200408, Early Childhood Education, to pay the 114257
costs of early childhood education programs. 114258

(A) As used in this section: 114259

(1) "Provider" means a city, local, exempted village, or 114260
joint vocational school district, or an educational service 114261
center. 114262

(2) In the case of a city, local, or exempted village school 114263
district, "new eligible provider" means a district that did not 114264
receive state funding for Early Childhood Education in the 114265
previous fiscal year or demonstrates a need for early childhood 114266

programs as defined in division (D) of this section. 114267

(3) "Eligible child" means a child who is at least three 114268
years of age as of the district entry date for kindergarten, is 114269
not of the age to be eligible for kindergarten, and whose family 114270
earns not more than two hundred per cent of the federal poverty 114271
guidelines as defined in division (A)(3) of section 5101.46 of the 114272
Revised Code. Children with an Individualized Education Program 114273
and where the Early Childhood Education program is the least 114274
restrictive environment may be enrolled on their third birthday. 114275

(B) In each fiscal year, up to two per cent of the total 114276
appropriation may be used by the Department for program support 114277
and technical assistance. The Department shall distribute the 114278
remainder of the appropriation in each fiscal year to serve 114279
eligible children. 114280

(C) The Department shall provide an annual report to the 114281
Governor, the Speaker of the House of Representatives, and the 114282
President of the Senate and post the report to the Department's 114283
web site, regarding early childhood education programs operated 114284
under this section and the early learning program guidelines. 114285

(D) After setting aside the amounts to make payments due from 114286
the previous fiscal year, in fiscal year 2010, the Department 114287
shall distribute funds first to recipients of funds for early 114288
childhood education programs under Section 269.10.20 of Am. Sub. 114289
H.B. 119 of the 127th General Assembly in the previous fiscal year 114290
and the balance to new eligible providers of early childhood 114291
education programs under this section or to existing providers to 114292
serve more eligible children or for purposes of program expansion, 114293
improvement, or special projects to promote quality and 114294
innovation. 114295

After setting aside the amounts to make payments due from the 114296
previous fiscal year, in fiscal year 2011, the Department shall 114297

distribute funds first to providers of early childhood education 114298
programs under this section in the previous fiscal year and the 114299
balance to new eligible providers or to existing providers to 114300
serve more eligible children or for purposes of program expansion, 114301
improvement, or special projects to promote quality and 114302
innovation. 114303

Awards under this section shall be distributed on a per-pupil 114304
basis, and in accordance with division (H) of this section. The 114305
Department may adjust the per-pupil amount so that the per-pupil 114306
amount multiplied by the number of eligible children enrolled and 114307
receiving services, as defined by the Department, reported on the 114308
first day of December or the first business day following that 114309
date equals the amount allocated under this section. 114310

(E) Costs for developing and administering an early childhood 114311
education program may not exceed fifteen per cent of the total 114312
approved costs of the program. 114313

All providers shall maintain such fiscal control and 114314
accounting procedures as may be necessary to ensure the 114315
disbursement of, and accounting for, these funds. The control of 114316
funds provided in this program, and title to property obtained 114317
therefrom, shall be under the authority of the approved provider 114318
for purposes provided in the program unless, as described in 114319
division (J) of this section, the program waives its right for 114320
funding or a program's funding is eliminated or reduced due to its 114321
inability to meet financial or early learning program guidelines. 114322
The approved provider shall administer and use such property and 114323
funds for the purposes specified. 114324

(F) The Department may examine a provider's financial and 114325
program records. If the financial practices of the program are not 114326
in accordance with standard accounting principles or do not meet 114327
financial standards outlined under division (E) of this section, 114328
or if the program fails to substantially meet the early learning 114329

program guidelines or exhibits below average performance as 114330
measured against the guidelines, the early childhood education 114331
program shall propose and implement a corrective action plan that 114332
has been approved by the Department. The approved corrective 114333
action plan shall be signed by the chief executive officer and the 114334
executive of the official governing body of the provider. The 114335
corrective action plan shall include a schedule for monitoring by 114336
the Department. Such monitoring may include monthly reports, 114337
inspections, a timeline for correction of deficiencies, and 114338
technical assistance to be provided by the Department or obtained 114339
by the early childhood education program. The Department may 114340
withhold funding pending corrective action. If an early childhood 114341
education program fails to satisfactorily complete a corrective 114342
action plan, the Department may deny expansion funding to the 114343
program or withdraw all or part of the funding to the program and 114344
establish a new eligible provider through a selection process 114345
established by the Department. 114346

(G) Each early childhood education program shall do all of 114347
the following: 114348

(1) Meet teacher qualification requirements prescribed by 114349
section 3301.311 of the Revised Code; 114350

(2) Align curriculum to the early learning content standards 114351
developed by the Department; 114352

(3) Meet any child or program assessment requirements 114353
prescribed by the Department; 114354

(4) Require teachers, except teachers enrolled and working to 114355
obtain a degree pursuant to section 3301.311 of the Revised Code, 114356
to attend a minimum of twenty hours every two years of 114357
professional development as prescribed by the Department; 114358

(5) Document and report child progress as prescribed by the 114359
Department; 114360

(6) Meet and report compliance with the early learning program guidelines as prescribed by the Department. 114361
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(H) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as one-half of the statewide average length of the school day, as determined by the Department, for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the statewide average length of the school day or that exceed the minimum school year. For any provider for which a standard early childhood education does not meet the local need or creates a hardship, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department shall reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 114363
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(I) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the early childhood education program. 114382
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(J) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program guidelines, the provider shall transfer control of title to property, equipment, and remaining supplies obtained through the program to providers designated by the Department and return any 114387
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unexpended funds to the Department along with any reports 114393
prescribed by the Department. The funding made available from a 114394
program that waives its right for funding or has its funding 114395
eliminated or reduced may be used by the Department for new grant 114396
awards or expansion grants. The Department may award new grants or 114397
expansion grants to eligible providers who apply. The eligible 114398
providers who apply must do so in accordance with the selection 114399
process established by the Department. 114400

(K) As used in this section, "early learning program 114401
guidelines" means the guidelines established by the Department 114402
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 114403
66 of the 126th General Assembly. 114404

Section 265.10.23. EARLY CHILDHOOD CABINET 114405

The Governor shall appoint to the entity in the Office of the 114406
Governor known as the Early Childhood Cabinet a representative of 114407
a board of health of a city or general health district or an 114408
authority having the duties of a board of health under section 114409
3709.05 of the Revised Code. The Governor shall make the 114410
appointment not later than six months after the effective date of 114411
this section. 114412

Section 265.10.25. EDUCATOR TRAINING 114413

The foregoing appropriation item 200410, Educator Training, 114414
shall be used by the Department of Education to provide grants to 114415
pay \$2,225 of the application fee in order to assist teachers from 114416
public and chartered nonpublic schools applying for the first time 114417
to the National Board for Professional Teaching Standards for 114418
professional teaching certificates or licenses that the board 114419
offers. These moneys shall be used to pay up to the first 400 114420
applications in each fiscal year received by the Department. This 114421
set aside shall also be used to recognize and reward teachers who 114422

become certified by the National Board for Professional Teaching Standards under section 3319.55 of the Revised Code. Up to \$300,000 in each fiscal year may be used by the Department to pay for costs associated with activities to support candidates through the application and certification process.

Section 265.10.30. CAREER-TECHNICAL EDUCATION MATCH

The foregoing appropriation item 200416, Career-Technical Education Match, shall be used by the Department of Education to provide vocational administration matching funds under 20 U.S.C. 2311.

COMPUTER/APPLICATION/NETWORK DEVELOPMENT

The foregoing appropriation item 200420, Computer/Application/Network Development, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

Section 265.10.40. ALTERNATIVE EDUCATION PROGRAMS

Of the foregoing appropriation item 200421, Alternative Education Programs, \$1,000,000 in each fiscal year shall be provided to Big Brothers Big Sisters of Central Ohio.

The foregoing appropriation item 200421, Alternative Education Programs, shall be used for the renewal of successful implementation grants and for competitive matching grants to the 21 urban school districts as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998, and for the renewal of successful implementation grants and for competitive matching grants to rural and suburban school districts for alternative educational programs for existing and new at-risk and delinquent youth. Programs shall be focused on youth in one or more of the following categories: those who have been expelled or suspended, those who have dropped out of school or who are at risk of dropping out of school, those who are habitually truant or disruptive, or those on probation or on parole from a Department of Youth Services facility. Grants shall be awarded according to the criteria established by the Alternative Education Advisory Council in 1999. Grants shall be awarded only to programs in which the grant will not serve as the program's primary source of funding. These grants shall be administered by the Department of Education.

The Department of Education may waive compliance with any minimum education standard established under section 3301.07 of the Revised Code for any alternative school that receives a grant under this section on the grounds that the waiver will enable the program to more effectively educate students enrolled in the alternative school.

Of the foregoing appropriation item 200421, Alternative Education Programs, a portion may be used for program administration, monitoring, technical assistance, support, research, and evaluation.

Section 265.10.50. SCHOOL MANAGEMENT ASSISTANCE

Of the foregoing appropriation item 200422, School Management

Assistance, up to \$1,000,000 in each fiscal year shall be used by 114484
the Auditor of State in consultation with the Department of 114485
Education for expenses incurred in the Auditor of State's role 114486
relating to fiscal caution, fiscal watch, and fiscal emergency 114487
activities as defined in Chapter 3316. of the Revised Code and may 114488
also be used to conduct performance audits with priority given to 114489
districts in fiscal distress. Expenses include duties related to 114490
the completion of performance audits for school districts that the 114491
Superintendent of Public Instruction determines are employing 114492
fiscal practices or experiencing budgetary conditions that could 114493
produce a state of fiscal watch or fiscal emergency. 114494

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Of the foregoing appropriation item 200422, School Management 114496
Assistance, up to \$350,000 in each fiscal year shall be used by 114497
the Department of Education to work with school districts and 114498
entities that serve school districts to develop and deploy 114499
analytical tools that allow districts and other stakeholders to 114500
analyze more thoroughly district spending patterns in order to 114501
promote more effective and efficient use of resources. 114502

Of the foregoing appropriation item 200422, School Management 114503
Assistance, up to \$4,994,000 in fiscal year 2010 and up to 114504
\$17,980,000 in fiscal year 2011 shall be used by the Department of 114505
Education to contract with the Auditor of State or another 114506
identified vendor as determined by the Department and approved by 114507
the Controlling Board to conduct performance reviews of school 114508
districts, STEM schools, and community schools on a five year 114509
cycle. Unless conducted as part of the support provided to a 114510
school district subject to Chapter 3316. of the Revised Code, 114511
performance reviews for school districts, STEM schools, and 114512
community schools shall not begin until fiscal year 2011. The 114513
Office of School Resource Management in the Department shall 114514
determine the scope of reviews, not limited to operations, in 114515

consultation with the Auditor of State and the Office of Budget 114516
and Management. Priority may be given to districts in fiscal 114517
distress as determined by the Auditor of State and the 114518
Superintendent of Public Instruction. A portion of this amount in 114519
each fiscal year shall be used by the Department to contract with 114520
the Auditor of State or another identified vendor as determined by 114521
the Department and approved by the Controlling Board to conduct 114522
performance reviews of educational service centers (ESCs) and 114523
joint vocational school districts (JVSDs). The purpose of such 114524
reviews shall be to assist ESCs and JVSDs in identifying and 114525
implementing operational efficiencies, setting statewide 114526
benchmarks in certain operations, evaluating quality of services 114527
provided to school districts, and using findings to inform and 114528
develop recommendations for a new ESC and JVSD funding model to be 114529
implemented in the fiscal year 2012-2013 biennium. 114530

The remainder of foregoing appropriation item 200422, School 114531
Management Assistance, shall be used by the Department of 114532
Education to provide fiscal technical assistance and inservice 114533
education for school district management personnel and to 114534
administer, monitor, and implement the fiscal caution, fiscal 114535
watch, and fiscal emergency provisions under Chapter 3316. of the 114536
Revised Code. 114537

Section 265.10.60. POLICY ANALYSIS 114538

The foregoing appropriation item 200424, Policy Analysis, 114539
shall be used by the Department of Education to support a system 114540
of administrative, statistical, and legislative education 114541
information to be used for policy analysis. Staff supported by 114542
this appropriation shall administer the development of reports, 114543
analyses, and briefings to inform education policymakers of 114544
current trends in education practice, efficient and effective use 114545
of resources, and evaluation of programs to improve education 114546

results. The database shall be kept current at all times. These 114547
research efforts shall be used to supply information and analysis 114548
of data to the General Assembly and other state policymakers, 114549
including the Office of Budget and Management and the Legislative 114550
Service Commission. 114551

Of the foregoing appropriation item 200424, Policy Analysis, 114552
up to \$600,000 in each fiscal year shall be used to support the 114553
Office of School Resource Management in the Department of 114554
Education. A portion of this amount shall be used in conjunction 114555
with appropriation item 200439, Accountability/Report Cards, to 114556
develop a fiscal reporting dimension, which shall contain fiscal 114557
data reported for the prior fiscal year, to the school report card 114558
for publication beginning in fiscal year 2011. The fiscal 114559
information contained therein shall be updated and reported 114560
annually in a form and in a manner as determined by the 114561
Department. 114562

The Department of Education may use funding from this 114563
appropriation item to purchase or contract for the development of 114564
software systems or contract for policy studies that will assist 114565
in the provision and analysis of policy-related information. 114566
Funding from this appropriation item also may be used to monitor 114567
and enhance quality assurance for research-based policy analysis 114568
and program evaluation to enhance the effective use of education 114569
information to inform education policymakers. 114570

TECH PREP CONSORTIA SUPPORT 114571

The foregoing appropriation item 200425, Tech Prep Consortia 114572
Support, shall be used by the Department of Education to support 114573
state-level activities designed to support, promote, and expand 114574
tech prep programs. Use of these funds shall include, but not be 114575
limited to, administration of grants, program evaluation, 114576
professional development, curriculum development, assessment 114577
development, program promotion, communications, and statewide 114578

coordination of tech prep consortia. 114579

Section 265.10.70. OHIO EDUCATIONAL COMPUTER NETWORK 114580

The foregoing appropriation item 200426, Ohio Educational 114581
Computer Network, shall be used by the Department of Education to 114582
maintain a system of information technology throughout Ohio and to 114583
provide technical assistance for such a system in support of the 114584
P-16 State Education Technology Plan developed under section 114585
3353.09 of the Revised Code. 114586

Of the foregoing appropriation item 200426, Ohio Educational 114587
Computer Network, up to \$15,874,498 in each fiscal year shall be 114588
used by the Department of Education to support connection of all 114589
public school buildings and participating chartered nonpublic 114590
schools to the state's education network, to each other, and to 114591
the Internet. In each fiscal year the Department of Education 114592
shall use these funds to assist information technology centers or 114593
school districts with the operational costs associated with this 114594
connectivity. The Department of Education shall develop a formula 114595
and guidelines for the distribution of these funds to information 114596
technology centers or individual school districts. As used in this 114597
section, "public school building" means a school building of any 114598
city, local, exempted village, or joint vocational school 114599
district, any community school established under Chapter 3314. of 114600
the Revised Code, any educational service center building used for 114601
instructional purposes, the Ohio School for the Deaf and the Ohio 114602
School for the Blind, or high schools chartered by the Ohio 114603
Department of Youth Services and high schools operated by Ohio 114604
Department of Rehabilitation and Corrections' Ohio Central School 114605
System. 114606

Of the foregoing appropriation item 200426, Ohio Educational 114607
Computer Network, up to \$2,163,657 in each fiscal year shall be 114608
used for the Union Catalog and InfOhio Network and to support the 114609

provision of electronic resources with priority given to resources 114610
that support the teaching of state academic content standards in 114611
all public schools. Consideration shall be given by the Department 114612
of Education to coordinating the allocation of these moneys with 114613
the efforts of Libraries Connect Ohio, whose members include 114614
OhioLINK, the Ohio Public Information Network, and the State 114615
Library of Ohio. 114616

Of the foregoing appropriation item 200426, Ohio Educational 114617
Computer Network, up to \$7,942,391 in each fiscal year shall be 114618
used, through a formula and guidelines devised by the Department, 114619
to subsidize the activities of designated information technology 114620
centers, as defined by State Board of Education rules, to provide 114621
school districts and chartered nonpublic schools with 114622
computer-based student and teacher instructional and 114623
administrative information services, including approved 114624
computerized financial accounting, and to ensure the effective 114625
operation of local automated administrative and instructional 114626
systems. 114627

The remainder of appropriation item 200426, Ohio Educational 114628
Computer Network, shall be used to support development, 114629
maintenance, and operation of a network of uniform and compatible 114630
computer-based information and instructional systems. This 114631
technical assistance shall include, but not be restricted to, 114632
development and maintenance of adequate computer software systems 114633
to support network activities. In order to improve the efficiency 114634
of network activities, the Department and information technology 114635
centers may jointly purchase equipment, materials, and services 114636
from funds provided under this appropriation for use by the 114637
network and, when considered practical by the Department, may 114638
utilize the services of appropriate state purchasing agencies. 114639

Section 265.10.80. ACADEMIC STANDARDS 114640

The foregoing appropriation item 200427, Academic Standards, 114641
shall be used by the Department of Education to develop, revise, 114642
and communicate to school districts academic content standards and 114643
curriculum models. 114644

Section 265.10.90. SCHOOL IMPROVEMENT INITIATIVES 114645

Of the foregoing appropriation item 200431, School 114646
Improvement Initiatives, up to \$510,990 in each fiscal year shall 114647
be used by the Department of Education to support educational 114648
media centers to provide Ohio public schools with instructional 114649
resources and services, with priority given to resources and 114650
services aligned with state academic content standards. 114651

Of the foregoing appropriation item 200431, School 114652
Improvement Initiatives, up to \$9,349,007 in each fiscal year 114653
shall be used to support districts in the development and 114654
implementation of their continuous improvement plans as required 114655
in section 3302.04 of the Revised Code and to provide technical 114656
assistance and support in accordance with Title I of the "No Child 114657
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. 114658

Of the foregoing appropriation item 200431, School 114659
Improvement Initiatives, up to \$2,000,000 in fiscal year 2011 114660
shall be used by the Department of Education to fund grants to 114661
eligible school districts and community schools for the pilot 114662
subsidy program for creative and innovative classrooms. The pilot 114663
subsidy program shall be administered by the Center for Creativity 114664
and Innovation within the Department of Education following 114665
guidelines established by the Center in accordance with section 114666
3306.57 of the Revised Code. 114667

Of the foregoing appropriation item 200431, School 114668
Improvement Initiatives, up to \$3,500,000 in each fiscal year 114669
shall be used to create early college high schools, which are 114670
small, autonomous schools that blend high school and college into 114671

a coherent educational program. The funds for early college high schools shall be distributed according to guidelines established by the Department of Education and the Board of Regents.

Section 265.20.10. STUDENT ASSESSMENT

Of the foregoing appropriation item 200437, Student Assessment, up to \$212,486 in each fiscal year may be used to support the assessments required under section 3301.0715 of the Revised Code.

The Superintendent of Public Instruction and the Chancellor of the Ohio Board of Regents shall determine a percentage of the foregoing appropriation item 200437, Student Assessment, that shall be used in each fiscal year to pay for all or a portion of the following: (1) a college readiness exam for high school juniors enrolled in Ohio secondary schools and (2) preparation, practice examinations, and diagnostics related to a college readiness exam, including, but not limited to, the PSAT, PLAN, and EXPLORE. The Superintendent shall develop a plan, to be approved by the Chancellor of the Board of Regents, to determine how to allocate these funds in a manner which maximizes the number of students who will be fully assessed for college readiness and in a manner which allows for pre-college level remediation at the earliest level possible. For examinations paid in whole or in part by these funds and where scores may be submitted to institutions of higher education, all students must submit their scores to the University System of Ohio. Upon approval by the Chancellor, the Superintendent shall submit the plan to the Controlling Board for approval.

The Superintendent and the Chancellor jointly may negotiate terms to enter into contracts with providers of preparatory courses for the purpose of assisting students enrolled in Ohio secondary schools prepare for student assessments.

Of the foregoing appropriation item 200437, Student 114703
Assessments, a portion may be used by the Superintendent of Public 114704
Instruction to reimburse public school districts for (1) a portion 114705
of costs associated with Advanced Placement testing and Advanced 114706
Placement programming, including teacher training, teaching 114707
materials, and student supplies and equipment and (2) a portion of 114708
costs associated with taking the International Baccalaureate 114709
Examination. The Superintendent shall develop a plan, to be 114710
approved by the Chancellor of the Board of Regents, to determine 114711
how to allocate these funds in a manner which maximizes the number 114712
of students who receive college credit through the Advanced 114713
Placement testing process. Upon approval by the Chancellor, the 114714
Superintendent shall submit the plan to the Controlling Board for 114715
approval. 114716

The remainder of appropriation item 200437, Student 114717
Assessment, shall be used to develop, field test, print, 114718
distribute, score, report results, and support other associated 114719
costs for the tests required under sections 3301.0710, 3301.0711, 114720
and 3301.0712 of the Revised Code and for similar purposes as 114721
required by section 3301.27 of the Revised Code. If funds remain 114722
in this appropriation after these purposes have been fulfilled, 114723
the Department may use the remainder of the appropriation to 114724
develop end-of-course exams. 114725

Section 265.20.20. ACCOUNTABILITY/REPORT CARDS 114726

Of the foregoing appropriation item 200439, 114727
Accountability/Report Cards, up to \$2,378,976 in each fiscal year 114728
shall be used to train district and regional specialists and 114729
district educators in the use of the value-added progress 114730
dimension and in the use of data as it relates to improving 114731
student achievement. This funding shall be used in consultation 114732
with a credible nonprofit organization with expertise in 114733

value-added progress dimensions. 114734

The remainder of appropriation item 200439, 114735
Accountability/Report Cards, shall be used by the Department to 114736
incorporate a statewide pilot value-added progress dimension into 114737
performance ratings for school districts and for the development 114738
of an accountability system that includes the preparation and 114739
distribution of school report cards and funding and expenditure 114740
accountability reports under sections 3302.03 and 3302.031 of the 114741
Revised Code. 114742

CHILD CARE LICENSING 114743

The foregoing appropriation item 200442, Child Care 114744
Licensing, shall be used by the Department of Education to license 114745
and to inspect preschool and school-age child care programs under 114746
sections 3301.52 to 3301.59 of the Revised Code. 114747

Section 265.20.30. EDUCATION MANAGEMENT INFORMATION SYSTEM 114748

The foregoing appropriation item 200446, Education Management 114749
Information System, shall be used by the Department of Education 114750
to improve the Education Management Information System (EMIS). 114751

Of the foregoing appropriation item 200446, Education 114752
Management Information System, up to \$1,276,761 in each fiscal 114753
year shall be distributed to designated information technology 114754
centers for costs relating to processing, storing, and 114755
transferring data for the effective operation of the EMIS. These 114756
costs may include, but are not limited to, personnel, hardware, 114757
software development, communications connectivity, professional 114758
development, and support services, and to provide services to 114759
participate in the State Education Technology Plan developed under 114760
section 3353.09 of the Revised Code. 114761

Of the foregoing appropriation item 200446, Education 114762
Management Information System, up to \$7,874,541 in each fiscal 114763

year shall be distributed on a per-pupil basis to school 114764
districts, community schools established under Chapter 3314. of 114765
the Revised Code, educational service centers, joint vocational 114766
school districts, and any other education entity that reports data 114767
through EMIS. From this funding, each school district or community 114768
school established under Chapter 3314. of the Revised Code with 114769
enrollment greater than 100 students and each vocational school 114770
district shall receive a minimum of \$5,000 in each fiscal year. 114771
Each school district or community school established under Chapter 114772
3314. of the Revised Code with enrollment between one and one 114773
hundred and each educational service center and each county board 114774
of MR/DD that submits data through EMIS shall receive \$3,000 in 114775
each fiscal year. This subsidy shall be used for costs relating to 114776
reporting, processing, storing, transferring, and exchanging data 114777
necessary to meet requirements of the Department of Education's 114778
data system. 114779

The remainder of appropriation item 200446, Education 114780
Management Information System, shall be used to develop and 114781
support a common core of data definitions and standards as adopted 114782
by the Education Management Information System Advisory Board, 114783
including the ongoing development and maintenance of the data 114784
dictionary and data warehouse. In addition, such funds shall be 114785
used to support the development and implementation of data 114786
standards and the design, development, and implementation of a new 114787
data exchange system. 114788

Any provider of software meeting the standards approved by 114789
the Education Management Information System Advisory Board shall 114790
be designated as an approved vendor and may enter into contracts 114791
with local school districts, community schools, information 114792
technology centers, or other educational entities for the purpose 114793
of collecting and managing data required under Ohio's education 114794
management information system (EMIS) laws. On an annual basis, the 114795

Department of Education shall convene an advisory group of school 114796
districts, community schools, and other education-related entities 114797
to review the Education Management Information System data 114798
definitions and data format standards. The advisory group shall 114799
recommend changes and enhancements based upon surveys of its 114800
members, education agencies in other states, and current industry 114801
practices, to reflect best practices, align with federal 114802
initiatives, and meet the needs of school districts. 114803

School districts and community schools not implementing a 114804
common and uniform set of data definitions and data format 114805
standards for Education Management Information System purposes 114806
shall have all EMIS funding withheld until they are in compliance. 114807

Section 265.20.40. GED TESTING 114808

The foregoing appropriation item 200447, GED Testing, shall 114809
be used to provide General Educational Development (GED) testing 114810
at no cost to applicants, under rules adopted by the State Board 114811
of Education. The Department of Education may reimburse in fiscal 114812
year 2010 school districts and community schools, created under 114813
Chapter 3314. of the Revised Code, for a portion of the costs 114814
incurred in providing summer instructional or intervention 114815
services to students who have not graduated because of their 114816
inability to pass one or more parts of the state's Ohio Graduation 114817
Test. School districts shall also provide such services to 114818
students who are residents of the district under section 3313.64 114819
of the Revised Code, but who are enrolled in chartered, nonpublic 114820
schools. The services shall be provided in the public school, in 114821
nonpublic schools, in public centers, or in mobile units located 114822
on or off the nonpublic school premises. No school district shall 114823
provide summer instructional or intervention services to nonpublic 114824
school students as authorized by this section unless such services 114825
are available to students attending the public schools within the 114826

district. No school district shall provide services for use in 114827
religious courses, devotional exercises, religious training, or 114828
any other religious activity. Chartered, nonpublic schools shall 114829
pay for any unreimbursed costs incurred by school districts for 114830
providing summer instruction or intervention services to students 114831
enrolled in chartered, nonpublic schools. School districts may 114832
provide these services to students directly or contract with 114833
postsecondary or nonprofit community-based institutions in 114834
providing instruction. 114835

Section 265.20.50. EDUCATOR PREPARATION 114836

Of the foregoing appropriation item 200448, Educator 114837
Preparation, up to \$350,000 in each fiscal year shall be used for 114838
training and professional development of school administrators, 114839
school treasurers, and school business officials. 114840

The remainder of appropriation item 200448, Educator 114841
Preparation, may be used by the Department to support the Educator 114842
Standards Board under section 3319.61 of the Revised Code as it 114843
develops and recommends to the State Board of Education standards 114844
for educator training and standards for teacher and other school 114845
leadership positions. Also, any remaining funds may be used by the 114846
Department to develop alternative preparation programs for school 114847
leaders and coordination of a career ladder for teachers. 114848

Section 265.20.60. COMMUNITY SCHOOLS 114849

Of the foregoing appropriation item 200455, Community 114850
Schools, up to \$1,308,661 in each fiscal year may be used by the 114851
Department of Education for additional services and 114852
responsibilities under section 3314.11 of the Revised Code. 114853

Of the foregoing appropriation item 200455, Community 114854
Schools, up to \$225,000 in each fiscal year may be used by the 114855
Department of Education for developing and conducting training 114856

sessions for community schools and sponsors and prospective 114857
sponsors of community schools as prescribed in division (A)(1) of 114858
section 3314.015 of the Revised Code. In developing the training 114859
sessions, the Department shall collect and disseminate examples of 114860
best practices used by sponsors of independent charter schools in 114861
Ohio and other states. 114862

STEM INITIATIVES

114863

The foregoing appropriation item 200457, STEM Initiatives, 114864
shall be used for initiatives that support innovative mathematics 114865
and science education and mathematics and science professional 114866
development for teachers. Such initiatives shall be connected to 114867
and leveraged against Ohio's portfolio of STEM education 114868
initiatives including STEM schools, STEM Programs of Excellence, 114869
and STEM Centers that are positioned to enhance teacher 114870
preparation and professional development through the use of 114871
professional practice on-site laboratories, teacher-in-residence 114872
programs, master teacher and apprentice models, and STEM teaching 114873
fellowships. 114874

Section 265.20.70. PUPIL TRANSPORTATION

114875

Of the foregoing appropriation item 200502, Pupil 114876
Transportation, up to \$838,930 in each fiscal year may be used by 114877
the Department of Education for training prospective and 114878
experienced school bus drivers in accordance with training 114879
programs prescribed by the Department. Up to \$60,469,220 in each 114880
fiscal year may be used by the Department of Education for special 114881
education transportation reimbursements to school districts and 114882
county MR/DD boards for transportation operating costs as provided 114883
in division (J) of section 3317.024 of the Revised Code. The 114884
remainder of appropriation item 200502, Pupil Transportation, 114885
shall be used for the state reimbursement of public school 114886
districts' costs in transporting pupils to and from the school 114887

they attend in accordance with the district's policy, State Board of Education standards, and division (J) of section 3306.12 of the Revised Code.

Of the foregoing appropriation item 200502, Pupil Transportation, \$376,914,469 in each fiscal year shall be used to calculate the prorated portion of transportation aid to school districts and shall be distributed as provided by division (L)(1) of section 3306.12 of the Revised Code. The remainder shall be used for additional transportation aid for school districts as provided by division (L)(2) of section 3306.12 of the Revised Code.

Section 265.20.80. BUS PURCHASE ALLOWANCE

The foregoing appropriation item 200503, Bus Purchase Allowance, shall be distributed to school districts, educational service centers, and county MR/DD boards pursuant to rules adopted under section 3317.07 of the Revised Code. Up to 28 per cent of the amount appropriated may be used to reimburse school districts and educational service centers for the purchase of buses to transport students with disabilities and nonpublic school students and to county MR/DD boards, the Ohio School for the Deaf, and the Ohio School for the Blind for the purchase of buses to transport students with disabilities.

SCHOOL LUNCH MATCH

The foregoing appropriation item 200505, School Lunch Match, shall be used to provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation after providing matching funds for the school lunch program shall be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised

Code, at a rate decided by the Department. 114918

Section 265.20.90. AUXILIARY SERVICES 114919

The foregoing appropriation item 200511, Auxiliary Services, 114920
shall be used by the Department of Education for the purpose of 114921
implementing section 3317.06 of the Revised Code. Of the 114922
appropriation, up to \$2,121,800 in each fiscal year may be used 114923
for payment of the Post-Secondary Enrollment Options Program for 114924
nonpublic students. Notwithstanding section 3365.10 of the Revised 114925
Code, the Department shall distribute funding according to rules 114926
adopted by the Department in accordance with Chapter 119. of the 114927
Revised Code. 114928

Section 265.30.10. NONPUBLIC ADMINISTRATIVE COST 114929
REIMBURSEMENT 114930

The foregoing appropriation item 200532, Nonpublic 114931
Administrative Cost Reimbursement, shall be used by the Department 114932
of Education for the purpose of implementing section 3317.063 of 114933
the Revised Code. 114934

Section 265.30.20. SPECIAL EDUCATION ENHANCEMENTS 114935

Of the foregoing appropriation item 200540, Special Education 114936
Enhancements, up to \$2,906,875 in each fiscal year shall be used 114937
for home instruction for children with disabilities. 114938

Of the foregoing appropriation item 200540, Special Education 114939
Enhancements, up to \$47,518,582 in fiscal year 2010 and up to 114940
\$48,421,435 in fiscal year 2011 shall be used to fund special 114941
education and related services at county boards of mental 114942
retardation and developmental disabilities for eligible students 114943
under section 3317.20 of the Revised Code and at institutions for 114944
eligible students under section 3317.201 of the Revised Code. 114945
Notwithstanding the distribution formulas under sections 3317.20 114946

and 3317.201 of the Revised Code, funding for MR/DD boards and 114947
institutions in fiscal year 2010 and fiscal year 2011 shall be 114948
determined by inflating the per pupil amount received by each 114949
MR/DD board and institution in the prior fiscal year by 1.9 per 114950
cent and providing that inflated per pupil amount for each student 114951
served in the current fiscal year. 114952

Of the foregoing appropriation item 200540, Special Education 114953
Enhancements, up to \$1,500,000 in each fiscal year shall be used 114954
for parent mentoring programs. 114955

Of the foregoing appropriation item 200540, Special Education 114956
Enhancements, up to \$2,783,396 in each fiscal year may be used for 114957
school psychology interns. 114958

The remainder of appropriation item 200540, Special Education 114959
Enhancements, shall be distributed by the Department of Education 114960
to county boards of mental retardation and developmental 114961
disabilities, educational service centers, and school districts 114962
for preschool special education units and preschool supervisory 114963
units under section 3317.052 of the Revised Code. To the greatest 114964
extent possible, the Department of Education shall allocate these 114965
units to school districts and educational service centers. 114966

The Department may reimburse county MR/DD boards, educational 114967
service centers, and school districts for services provided by 114968
instructional assistants, related services as defined in rule 114969
3301-51-11 of the Administrative Code, physical therapy services 114970
provided by a licensed physical therapist or physical therapist 114971
assistant under the supervision of a licensed physical therapist 114972
as required under Chapter 4755. of the Revised Code and Chapter 114973
4755-27 of the Administrative Code and occupational therapy 114974
services provided by a licensed occupational therapist or 114975
occupational therapy assistant under the supervision of a licensed 114976
occupational therapist as required under Chapter 4755. of the 114977
Revised Code and Chapter 4755-7 of the Administrative Code. 114978

Nothing in this section authorizes occupational therapy assistants 114979
or physical therapist assistants to generate or manage their own 114980
caseloads. 114981

The Department of Education shall require school districts, 114982
educational service centers, and county MR/DD boards serving 114983
preschool children with disabilities to document child progress 114984
using research-based indicators prescribed by the Department and 114985
report results annually. The reporting dates and method shall be 114986
determined by the Department. 114987

Section 265.30.30. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 114988

Of the foregoing appropriation item 200545, Career-Technical 114989
Education Enhancements, up to \$2,633,531 in fiscal year 2010 and 114990
up to \$2,683,568 in fiscal year 2011 shall be used to fund 114991
secondary career-technical education at institutions. 114992
Notwithstanding sections 3317.05, 3317.052, and 3317.053 of the 114993
Revised Code, the Department of Education shall distribute funding 114994
to institutions for career-technical programming on a grant basis. 114995

Of the foregoing appropriation item 200545, Career-Technical 114996
Education Enhancements, up to \$2,228,281 in each fiscal year shall 114997
be used by the Department of Education to fund competitive grants 114998
to tech prep consortia that expand the number of students enrolled 114999
in tech prep programs. These grant funds shall be used to directly 115000
support expanded tech prep programs provided to students enrolled 115001
in school districts, including joint vocational school districts, 115002
and affiliated higher education institutions. This support may 115003
include the purchase of equipment. 115004

Of the foregoing appropriation item 200545, Career-Technical 115005
Education Enhancements, \$2,000 in each fiscal year shall be used 115006
by the Perry Local High School College Medical Tech Prep program 115007
in Massillon to teach low-income kids how to lead healthy 115008
lifestyles. 115009

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$2,890,850 in each fiscal year shall be used by the Department of Education to support existing High Schools That Work (HSTW) sites, develop and support new sites, fund technical assistance, and support regional centers and middle school programs. The purpose of HSTW is to combine challenging academic courses and modern career-technical studies to raise the academic achievement of students. HSTW provides intensive technical assistance, focused staff development, targeted assessment services, and ongoing communications and networking opportunities.

Section 265.30.40. FOUNDATION FUNDING

The foregoing appropriation item 200550, Foundation Funding, includes \$75,000,000 in each fiscal year for the state education aid offset due to the change in public utility valuation as a result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd General Assembly. This amount represents the total state education aid offset due to the valuation change for school districts and joint vocational school districts from all relevant appropriation line item sources. Upon certification by the Department of Education, in consultation with the Department of Taxation, to the Director of Budget and Management of the actual state aid offset, the cash transfer from the School District Property Tax Replacement - Utility Fund (Fund 7053) to the General Revenue Fund shall be decreased or increased by the Director of Budget and Management to match the certification in accordance with section 5727.84 of the Revised Code.

The foregoing appropriation item 200550, Foundation Funding, includes \$11,900,000 in fiscal year 2010 and \$39,300,000 in fiscal year 2011 for the state education aid offset because of the changes in tangible personal property valuation as a result of Am.

Sub. H.B. 66 of the 126th General Assembly. This amount represents 115041
the total state education aid offset because of the valuation 115042
change for school districts and joint vocational school districts 115043
from all relevant appropriation item sources. Upon certification 115044
by the Department of Education of the actual state education aid 115045
offset to the Director of Budget and Management, the cash transfer 115046
from the School District Tangible Property Tax Replacement - 115047
Business Fund (Fund 7047) to the General Revenue Fund shall be 115048
decreased or increased by the Director of Budget and Management to 115049
match the certification in accordance with section 5751.21 of the 115050
Revised Code. 115051

Of the foregoing appropriation item 200550, Foundation 115052
Funding, up to \$425,000 shall be expended in each fiscal year for 115053
court payments under section 2151.362 of the Revised Code and up 115054
to \$15,000,000 in each fiscal year shall be reserved for payments 115055
under sections 3317.026, 3317.027, and 3317.028 of the Revised 115056
Code except that the Controlling Board may increase the 115057
\$15,000,000 amount if presented with such a request from the 115058
Department of Education. 115059

Of the foregoing appropriation item 200550, Foundation 115060
Funding, up to \$18,000,000 in fiscal year 2010 and \$15,000,000 in 115061
fiscal year 2011 shall be used to provide additional state aid to 115062
school districts for special education students under division 115063
(C)(3) of section 3317.022 of the Revised Code, except that the 115064
Controlling Board may increase these amounts if presented with 115065
such a request from the Department of Education at the final 115066
meeting of the fiscal year; up to \$2,000,000 in each fiscal year 115067
shall be reserved for Youth Services tuition payments under 115068
section 3317.024 of the Revised Code; up to \$8,100,000 in each 115069
fiscal year shall be used to fund gifted education units at 115070
educational service centers under division (L) of section 3317.024 115071
of the Revised Code, notwithstanding division (D)(3) of section 115072

3317.018 of the Revised Code; and up to \$47,000,000 in each fiscal 115073
year shall be reserved to fund the state reimbursement of 115074
educational service centers under section 3317.11 of the Revised 115075
Code and the section of this act entitled "EDUCATIONAL SERVICE 115076
CENTERS FUNDING." 115077

Of the foregoing appropriation item 200550, Foundation 115078
Funding, an amount shall be available in each fiscal year to be 115079
used by the Department of Education for transitional aid for 115080
school districts under section 3306.19 of the Revised Code. 115081

Of the foregoing appropriation item 200550, Foundation 115082
Funding, up to \$1,000,000 in each fiscal year shall be used by the 115083
Department of Education for a program to pay for educational 115084
services for youth who have been assigned by a juvenile court or 115085
other authorized agency to any of the facilities described in 115086
division (A) of the section of this act entitled "PRIVATE 115087
TREATMENT FACILITY PROJECT." 115088

Of the foregoing appropriation item 200550, Foundation 115089
Funding, up to \$8,686,000 in fiscal year 2010 and up to \$8,722,860 115090
in fiscal year 2011 shall be used to operate school choice 115091
programs. 115092

Of the portion of the funds distributed to the Cleveland 115093
Municipal School District under this section, up to \$11,901,887 in 115094
each fiscal year shall be used to operate the school choice 115095
program in the Cleveland Municipal School District under sections 115096
3313.974 to 3313.979 of the Revised Code. Notwithstanding 115097
divisions (B) and (C) of section 3313.978 and division (C) of 115098
section 3313.979 of the Revised Code, up to \$1,000,000 in each 115099
fiscal year of this amount shall be used by the Cleveland 115100
Municipal School District to provide tutorial assistance as 115101
provided in division (H) of section 3313.974 of the Revised Code. 115102
The Cleveland Municipal School District shall report the use of 115103
these funds in the district's three-year continuous improvement 115104

plan as described in section 3302.04 of the Revised Code in a 115105
manner approved by the Department of Education. 115106

Of the foregoing appropriation item 200550, Foundation 115107
Funding, an amount shall be available in each fiscal year to be 115108
paid to joint vocational school districts in accordance with the 115109
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 115110
DISTRICTS." 115111

Appropriation items 200455, Community Schools, 200502, Pupil 115112
Transportation, 200540, Special Education Enhancements, 200550, 115113
and Foundation Funding, 200551, Foundation Funding - Federal 115114
Stimulus, other than specific set-asides, are collectively used in 115115
each fiscal year to pay state formula aid obligations for school 115116
districts, community schools, and joint vocational school 115117
districts under this act and Chapter 3306. of the Revised Code. 115118
The first priority of these appropriation items, with the 115119
exception of specific set-asides, is to fund state formula aid 115120
obligations. It may be necessary to reallocate funds among these 115121
appropriation items or use excess funds from other general revenue 115122
fund appropriation items in the Department of Education's budget 115123
in each fiscal year, in order to meet state formula aid 115124
obligations. If it is determined that it is necessary to transfer 115125
funds among these appropriation items or to transfer funds from 115126
other General Revenue Fund appropriations in the Department of 115127
Education's budget to meet state formula aid obligations, the 115128
Department of Education shall seek approval from the Controlling 115129
Board to transfer funds as needed. 115130

Section 265.30.50. FUNDING FOR JOINT VOCATIONAL SCHOOL 115131
DISTRICTS 115132

(A) The Department of Education shall distribute funds within 115133
appropriation item 200550, Foundation Funding, for joint 115134
vocational funding in each fiscal year to each joint vocational 115135

school district that received joint vocational funding in fiscal 115136
year 2009. The Department shall distribute to each such district 115137
joint vocational funding in an amount equal to the district's 115138
joint vocational funding from the previous fiscal year inflated by 115139
1.9 per cent. 115140

(B)(1) A district's fiscal year 2009 joint vocational funding 115141
equals the sum of the following, as reconciled by the Department: 115142
115143

(a) Base-cost funding under division (B) of section 3317.16 115144
of the Revised Code; 115145

(b) Special education and related services additional 115146
weighted funding under division (D)(1) of section 3317.16 of the 115147
Revised Code; 115148

(c) Speech services funding under division (D)(2) of section 115149
3317.16 of the Revised Code; 115150

(d) Vocational education additional weighted funding under 115151
division (C) of section 3317.16 of the Revised Code; 115152

(e) GRADS funding under division (N) of section 3317.024 of 115153
the Revised Code; 115154

(f) Any transitional aid computed for the district under 115155
Section 269.30.90 of Am. Sub. H.B. 119 of the 127th General 115156
Assembly. 115157

(2) The joint vocational funding for each fiscal year for 115158
each district is the amount specified in division (A) or (B) of 115159
this section less any general revenue fund spending reductions 115160
ordered by the Governor under section 126.05 of the Revised Code. 115161

Section 265.30.60. TEACH OHIO 115162

Of the foregoing appropriation item 200555, Teach Ohio, 115163
\$1,000,000 in each fiscal year shall be used to support the 115164

program established under division (A) of section 3333.39 of the Revised Code to encourage high school students interested in entering the teaching profession.

The remainder of the appropriation shall be used to support alternative teacher licensure programs under section 3319.26 and division (C) of section 3333.39 of the Revised Code developed in partnership with the Department of Education, educational service centers, and institutions of higher education. Programs shall support teacher licensure in laboratory-based science, advanced mathematics, or foreign language at the secondary education level and employment with an Ohio school district designated by the Department as a hard-to-staff school. The programs shall be consistent with the State Board of Education's alternative licensure requirements.

Section 265.30.70. VIOLENCE PREVENTION AND SCHOOL SAFETY

Of the foregoing appropriation item 200578, Violence Prevention and School Safety, up to \$224,250 in each fiscal year shall be used to fund a safe school center to provide resources for parents and for school and law enforcement personnel.

The remainder of the appropriation shall be distributed based on guidelines developed by the Department of Education to enhance school safety. The guidelines shall provide a list of research-based best practices and programs from which local grantees shall select based on local needs. These practices shall include, but not be limited to, school resource officers and safe and drug free school coordinators and social-emotional development programs.

COMMUNITY PROJECTS

Of the foregoing appropriation item 200587, Community Projects, \$1,000,000 in each fiscal year shall be used by the

National Underground Railroad Freedom Center for education 115195
programs. 115196

Of the foregoing appropriation item 200587, Community 115197
Projects, up to \$39,500 in each fiscal year may be used to support 115198
the application fee for candidates participating in the Take One 115199
program for beginning teachers in years two and three. 115200

Of the foregoing appropriation item 200587, Community 115201
Projects, \$100,000 in each fiscal year shall be used to support 115202
the Toledo Tech Academy. Of this amount, \$25,000 in each fiscal 115203
year shall be used by the Toledo Tech Academy to enhance and 115204
establish For Inspiration and Recognition in Science and 115205
Technology programs (F.I.R.S.T.). 115206

Of the foregoing appropriation item 200587, Community 115207
Projects, \$25,000 in each fiscal year shall be distributed to the 115208
Beaver Creek Wildlife Education Center for student field trips. 115209

Of the foregoing appropriation item 200587, Community 115210
Projects, \$50,000 in each fiscal year shall be used for the 115211
after-school programs of the Monroe Community Center in Stark 115212
County. 115213

Of the foregoing appropriation item 200587, Community 115214
Projects, \$250,000 in each fiscal year shall be provided to Kids 115215
Unlimited to support its after-school program. 115216

Of the foregoing appropriation item 200587, Community 115217
Projects, \$100,000 in fiscal year 2011 shall be used by the Green 115218
Local School District in Summit County, in partnership with The 115219
University of Akron, to create a distance learning pilot program. 115220

Of the foregoing appropriation item 200587, Community 115221
Projects, \$100,000 in each fiscal year shall be provided to the 115222
Cincinnati Arts and Technology Center to increase program support 115223
for high-risk teens and unemployed urban adults. 115224

Of the foregoing appropriation item 200587, Community 115225
Projects, \$1,500,000 in each fiscal year shall be used for Project 115226
Lead the Way leadership and management oversight and initial and 115227
continuing support of Project Lead the Way workforce development 115228
programs in participating school districts. 115229

Of the foregoing appropriation item 200587, Community 115230
Projects, up to \$900,000 in each fiscal year shall be used by the 115231
Department of Education to fund the Reading Recovery Training 115232
Network, to cover the cost of release time for the teacher 115233
trainers. 115234

Of the foregoing appropriation item 200587, Community 115235
Projects, up to \$100,000 in each fiscal year shall be used to 115236
establish a reading recovery teacher leader training site at 115237
Marietta College in fiscal year 2010 and to provide training for 115238
reading recovery teachers by a teacher leader in fiscal year 2011. 115239

Of the foregoing appropriation item 200587, Community 115240
Projects, \$50,000 in each fiscal year shall be used for the Ohio 115241
University Leadership Project. 115242

Of the foregoing appropriation item 200587, Community 115243
Projects, up to \$1,026,017 in each fiscal year shall be used by 115244
the Department of Education to fund the Summer Honors Institute, 115245
including funding for the Martin Essex Program, which shall be 115246
awarded through a request for proposals process. 115247

Of the foregoing appropriation item 200587, Community 115248
Projects, \$75,000 in each fiscal year shall be used for Leaf 115249
Lake/Geauga Educational Assistance Funding. 115250

Of the foregoing appropriation item 200587, Community 115251
Projects, \$500,000 in each fiscal year shall be used to support 115252
the Bellefaire Jewish Children's Bureau. 115253

Of the foregoing appropriation item 200587, Community 115254
Projects, \$650,000 in each fiscal year shall be used to support 115255

Project More for one-to-one reading mentoring.	115256
Of the foregoing appropriation item 200587, Community	115257
Projects, \$100,000 in each fiscal year shall be used by the	115258
American Academy of Pediatrics for the Reach Out and Read Program.	115259
Of the foregoing appropriation item 200587, Community	115260
Projects, up to \$500,000 shall be used in each fiscal year by the	115261
Department of Education to contract with the Children's Hunger	115262
Alliance to expand access to child nutrition programs consistent	115263
with the organization's continued ability to meet specified	115264
performance measures as detailed in the contract.	115265
Of the foregoing appropriation item 200587, Community	115266
Projects, up to \$260,000 in fiscal year 2010 shall be used for the	115267
development of a model dating violence policy and adoption of	115268
dating violence prevention education standards.	115269
Section 265.30.80. PROPERTY TAX ALLOCATION - EDUCATION	115270
The Superintendent of Public Instruction shall not request,	115271
and the Controlling Board shall not approve, the transfer of	115272
appropriation from appropriation item 200901, Property Tax	115273
Allocation - Education, to any other appropriation item.	115274
The appropriation item 200901, Property Tax Allocation -	115275
Education, is appropriated to pay for the state's costs incurred	115276
because of the homestead exemption, the property tax rollback, and	115277
payments required under division (C) of section 5705.2110 of the	115278
Revised Code. In cooperation with the Department of Taxation, the	115279
Department of Education shall distribute these funds directly to	115280
the appropriate school districts of the state, notwithstanding	115281
sections 321.24 and 323.156 of the Revised Code, which provide for	115282
payment of the homestead exemption and property tax rollback by	115283
the Tax Commissioner to the appropriate county treasurer and the	115284
subsequent redistribution of these funds to the appropriate local	115285

taxing districts by the county auditor. 115286

Upon receipt of these amounts, each school district shall 115287
distribute the amount among the proper funds as if it had been 115288
paid as real or tangible personal property taxes. Payments for the 115289
costs of administration shall continue to be paid to the county 115290
treasurer and county auditor as provided for in sections 319.54, 115291
321.26, and 323.156 of the Revised Code. 115292

Any sums, in addition to the amount specifically appropriated 115293
in appropriation items 200901, Property Tax Allocation - 115294
Education, for the homestead exemption and the property tax 115295
rollback payments, and payments required under division (C) of 115296
section 5705.2110 of the Revised Code, which are determined to be 115297
necessary for these purposes, are hereby appropriated. 115298

Section 265.30.90. TEACHER CERTIFICATION AND LICENSURE 115299

The foregoing appropriation item 200681, Teacher 115300
Certification and Licensure, shall be used by the Department of 115301
Education in each year of the biennium to administer and support 115302
teacher certification and licensure activities. 115303

SCHOOL DISTRICT SOLVENCY ASSISTANCE 115304

Of the foregoing appropriation item 200687, School District 115305
Solvency Assistance, \$9,000,000 in each fiscal year shall be 115306
allocated to the School District Shared Resource Account and 115307
\$9,000,000 in each fiscal year shall be allocated to the 115308
Catastrophic Expenditures Account. These funds shall be used to 115309
provide assistance and grants to school districts to enable them 115310
to remain solvent under section 3316.20 of the Revised Code. 115311
Assistance and grants shall be subject to approval by the 115312
Controlling Board. Any required reimbursements from school 115313
districts for solvency assistance shall be made to the appropriate 115314
account in the School District Solvency Assistance Fund (Fund 115315

5H30). 115316

Notwithstanding any provision of law to the contrary, upon 115317
the request of the Superintendent of Public Instruction, the 115318
Director of Budget and Management may make transfers to the School 115319
District Solvency Assistance Fund (Fund 5H30) from any fund used 115320
by the Department of Education or the General Revenue Fund to 115321
maintain sufficient cash balances in Fund 5H30 in fiscal years 115322
2010 and 2011. Any cash transferred is hereby appropriated. The 115323
transferred cash may be used by the Department of Education to 115324
provide assistance and grants to school districts to enable them 115325
to remain solvent and to pay unforeseeable expenses of a temporary 115326
or emergency nature that the school district is unable to pay from 115327
existing resources. The Director of Budget and Management shall 115328
notify the members of the Controlling Board of any such transfers. 115329
115330

Section 265.40.10. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS 115331

Upon the request of the Superintendent of Public Instruction, 115332
the Director of Budget and Management may transfer up to \$639,000 115333
cash in each fiscal year from the General Revenue Fund to the 115334
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 115335
transferred cash is to be used by the Department of Education to 115336
pay the expenses the Department incurs in administering the 115337
Medicaid School Component of the Medicaid program established 115338
under sections 5111.71 to 5111.715 of the Revised Code. On June 1 115339
of each fiscal year, or as soon as possible thereafter, the 115340
Director of Budget and Management shall transfer cash from Fund 115341
3AF0 back to the General Revenue Fund in an amount equal to the 115342
total amount transferred to Fund 3AF0 in that fiscal year. 115343

The money deposited into Fund 3AF0 under division (B) of 115344
section 5111.714 of the Revised Code is hereby appropriated for 115345
fiscal years 2010 and 2011 and shall be used in accordance with 115346

division (D) of section 5111.714 of the Revised Code. 115347

Section 265.40.20. READING FIRST 115348

The foregoing appropriation item 200632, Reading First, shall 115349
be used by school districts to administer federal diagnostic tests 115350
as well as other functions permitted by federal statute. 115351
Notwithstanding section 3301.079 of the Revised Code, federal 115352
diagnostic tests may be recognized as meeting the state diagnostic 115353
testing requirements outlined in section 3301.079 of the Revised 115354
Code. 115355

HALF-MILL MAINTENANCE EQUALIZATION 115356

The foregoing appropriation item 200626, Half-Mill 115357
Maintenance Equalization, shall be used to make payments pursuant 115358
to section 3318.18 of the Revised Code. 115359

Section 265.40.30. START-UP FUNDS 115360

Funds appropriated for the purpose of providing start-up 115361
grants to Title IV-A Head Start and Title IV-A Head Start Plus 115362
agencies in fiscal year 2004 and fiscal year 2005 for the 115363
provision of services to children eligible for Title IV-A services 115364
under the Title IV-A Head Start or Title IV-A Head Start Plus 115365
programs shall be reimbursed to the General Revenue Fund as 115366
follows: 115367

(A) If, for fiscal years 2010 or 2011, an entity that was a 115368
Title IV-A Head Start or Title IV-A Head Start Plus agency will 115369
not be an early learning agency or early learning provider, the 115370
entity shall repay the entire amount of the start-up grant it 115371
received in fiscal year 2004 and fiscal year 2005 not later than 115372
June 30, 2019, in accordance with a payment schedule agreed to by 115373
the Department of Education. 115374

(B) If an entity that was a Title IV-A Head Start or Title 115375

IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 115376
2005 will be an early learning agency or early learning provider 115377
in fiscal year 2010 and fiscal year 2011, the entity shall be 115378
allowed to retain any amount of the start-up grant it received, 115379
unless division (D) of this section applies to the entity. In that 115380
case, the entity shall repay the entire amount of the obligation 115381
described in that division not later than June 30, 2019. 115382

(C) Within ninety days after the closure of an early learning 115383
agency or early learning provider that was a Title IV-A Head Start 115384
Plus agency in fiscal year 2004 or fiscal year 2005, the former 115385
Title IV-A Head Start agencies, Title IV-A Head Start Plus 115386
agencies, and the Department of Education shall determine the 115387
repayment schedule for amounts owed under division (A) of this 115388
section. These amounts shall be paid to the state not later than 115389
June 30, 2019. 115390

(D) If an entity that was a Title IV-A Head Start or Title 115391
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 115392
2005 owed the state any portion of the start-up grant amount 115393
during fiscal year 2006 or fiscal year 2007 but failed to repay 115394
the entire amount of the obligation by June 30, 2007, the entity 115395
shall be given an extension for repayment through June 30, 2019, 115396
before any amounts remaining due and payable to the state are 115397
referred to the Attorney General for collection under section 115398
131.02 of the Revised Code. 115399

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 115400
start-up grants that are retained by early learning agencies or 115401
early learning providers pursuant to this section shall be 115402
reimbursed to the General Revenue Fund when the early learning 115403
program ceases or if an early learning agency's or early learning 115404
provider's participation in the early learning program ceases or 115405
is terminated. 115406

Section 265.40.40. AUXILIARY SERVICES REIMBURSEMENT 115407

Notwithstanding section 3317.064 of the Revised Code, if the 115408
unexpended, unencumbered cash balance is sufficient, the Treasurer 115409
of State shall transfer \$1,500,000 in fiscal year 2010 within 115410
thirty days after the effective date of this section, and 115411
\$1,500,000 in fiscal year 2011 by August 1, 2010, from the 115412
Auxiliary Services Personnel Unemployment Compensation Fund to the 115413
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 115414
Department of Education. 115415

Section 265.40.50. LOTTERY PROFITS EDUCATION FUND 115416

Appropriation item 200612, Foundation Funding (Fund 7017), 115417
shall be used in conjunction with appropriation item 200550, 115418
Foundation Funding (GRF), to provide payments to school districts 115419
under Chapter 3306. of the Revised Code. 115420

The Department of Education, with the approval of the 115421
Director of Budget and Management, shall determine the monthly 115422
distribution schedules of appropriation item 200550, Foundation 115423
Funding (GRF), and appropriation item 200612, Foundation Funding 115424
(Fund 7017). If adjustments to the monthly distribution schedule 115425
are necessary, the Department of Education shall make such 115426
adjustments with the approval of the Director of Budget and 115427
Management. 115428

Section 265.40.60. LOTTERY PROFITS EDUCATION RESERVE FUND 115429

(A) There is hereby created the Lottery Profits Education 115430
Reserve Fund (Fund 7018) in the State Treasury. Investment 115431
earnings of the Lottery Profits Education Reserve Fund shall be 115432
credited to the fund. The Superintendent of Public Instruction may 115433
certify cash balances exceeding \$75,000,000 in Fund 7018 to the 115434
Director of Budget and Management in June of any given fiscal 115435

year. Prior to making the certification, the Superintendent of Public Instruction shall determine whether the funds above the \$75,000,000 threshold are needed to help pay for foundation program obligations for that fiscal year under Chapter 3306. of the Revised Code.

For fiscal years 2010 and 2011, notwithstanding any provisions of law to the contrary, amounts necessary to make loans authorized by sections 3317.0210, 3317.0211, and 3317.62 of the Revised Code are hereby appropriated to Fund 7018. Loan repayments from loans made in previous years shall be deposited to the fund.

(B) On July 15, 2009, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by the Lottery Profits Education Fund (Fund 7017) exceeded \$667,900,000 in fiscal year 2009. The Director of Budget and Management may transfer the amount so certified, plus the cash balance in Fund 7017, to Fund 7018.

(C) On July 15, 2010, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$705,000,000 in fiscal year 2010. The Director of Budget and Management may transfer the amount so certified, plus the cash balance in Fund 7017, to Fund 7018.

(D) Any amounts transferred under division (B) or (C) of this section may be made available by the Controlling Board in fiscal years 2010 or 2011, at the request of the Superintendent of Public Instruction, to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or emergency nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code,

and to provide payments to school districts under Chapter 3306. of 115468
the Revised Code. 115469

Section 265.40.70. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 115470
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047) 115471

Notwithstanding any provision of law to the contrary, in 115472
fiscal year 2010 and fiscal year 2011 the Director of Budget and 115473
Management may make temporary transfers between the General 115474
Revenue Fund and the School District Property Tax Replacement - 115475
Business Fund (Fund 7047) in the Department of Education to ensure 115476
sufficient balances in Fund 7047 and to replenish the General 115477
Revenue Fund for such transfers. 115478

Section 265.40.80. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 115479
BUSINESS 115480

The foregoing appropriation item 200909, School District 115481
Property Tax Replacement - Business, shall be used by the 115482
Department of Education, in consultation with the Department of 115483
Taxation, to make payments to school districts and joint 115484
vocational school districts under section 5751.21 of the Revised 115485
Code. If it is determined by the Director of Budget and Management 115486
that additional appropriations are necessary for this purpose, 115487
such amounts are hereby appropriated. 115488

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 115489

The foregoing appropriation item 200900, School District 115490
Property Tax Replacement-Utility, shall be used by the Department 115491
of Education, in consultation with the Department of Taxation, to 115492
make payments to school districts and joint vocational school 115493
districts under section 5727.85 of the Revised Code. If it is 115494
determined by the Director of Budget and Management that 115495
additional appropriations are necessary for this purpose, such 115496
amounts are hereby appropriated. 115497

DISTRIBUTION FORMULAS	115498
The Department of Education shall report the following to the	115499
Director of Budget and Management and the Legislative Service	115500
Commission:	115501
(A) Changes in formulas for distributing state	115502
appropriations, including administratively defined formula	115503
factors;	115504
(B) Discretionary changes in formulas for distributing	115505
federal appropriations;	115506
(C) Federally mandated changes in formulas for distributing	115507
federal appropriations.	115508
Any such changes shall be reported two weeks prior to the	115509
effective date of the change.	115510
Section 265.50.10. EDUCATIONAL SERVICE CENTERS FUNDING	115511
(A) As used in this section:	115512
(1) "Internet- or computer-based community school" has the	115513
same meaning as in section 3314.02 of the Revised Code.	115514
(2) "Service center ADM" has the same meaning as in section	115515
3317.11 of the Revised Code.	115516
(3) "STEM school" means a science, technology, engineering,	115517
and mathematics school established under Chapter 3326. of the	115518
Revised Code.	115519
(B) Notwithstanding division (F) of section 3317.11 of the	115520
Revised Code, no funds shall be provided under that division to an	115521
educational service center in either fiscal year for any pupils of	115522
a city or exempted village school district unless an agreement to	115523
provide services under section 3313.843 of the Revised Code was	115524
entered into by January 1, 1997, except that funds shall be	115525
provided to an educational service center for any pupils of a city	115526

school district if the agreement to provide services was entered 115527
into within one year of the date upon which such district changed 115528
from a local school district to a city school district. 115529

If an educational service center that entered into an 115530
agreement by January 1, 1997, with a city or exempted village 115531
school district to provide services under section 3313.843 of the 115532
Revised Code ceases to operate because all of the local school 115533
districts that constituted the territory of the service center 115534
have severed from the service center pursuant to section 3311.059 115535
of the Revised Code, another educational service center, by 115536
resolution of its governing board, may assume the obligations of 115537
the original service center to provide services to the city or 115538
exempted village school district under that agreement. If that 115539
other service center assumes those obligations to provide services 115540
to the city or exempted village school district, that service 115541
center shall be considered to be the service center that entered 115542
into the agreement by January 1, 1997, and, accordingly, may 115543
receive funds under division (F) of section 3317.11 of the Revised 115544
Code in accordance with this section in fiscal years 2010 and 2011 115545
for pupils of that city or exempted village school district. 115546

(C) Notwithstanding any provision of the Revised Code to the 115547
contrary, an educational service center that sponsors a community 115548
school under Chapter 3314. of the Revised Code in either fiscal 115549
year may include the students of that community school in its 115550
service center ADM for purposes of state funding under division 115551
(F) of section 3317.11 of the Revised Code, unless the community 115552
school is an Internet- or computer-based community school. A 115553
service center shall include the community school students in its 115554
service center ADM only to the extent that the students are not 115555
already so included, and only in accordance with guidelines issued 115556
by the Department of Education. If the students of a community 115557
school sponsored by an educational service center are included in 115558

the service center ADM of another educational service center, 115559
those students shall be removed from the service center ADM of the 115560
other educational service center and added to the service center 115561
ADM of the community school's sponsoring service center. The 115562
General Assembly authorizes this procedure as an incentive for 115563
educational service centers to take over sponsorship of community 115564
schools from the State Board of Education as the State Board's 115565
sponsorship is phased out in accordance with Sub. H.B. 364 of the 115566
124th General Assembly. No student of an Internet- or 115567
computer-based community school shall be counted in the service 115568
center ADM of any educational service center. The Department shall 115569
pay educational service centers under division (F) of section 115570
3317.11 of the Revised Code for community school students included 115571
in their service center ADMs under this division only if 115572
sufficient funds earmarked within appropriation item 200550, 115573
Foundation Funding, for payments under that division remain after 115574
first paying for students attributable to their local and client 115575
school districts, in accordance with divisions (B) and (E) of this 115576
section. 115577

(D) Notwithstanding division (C) of section 3326.45 of the 115578
Revised Code, the Department shall pay educational service centers 115579
under division (H) of section 3317.11 of the Revised Code for 115580
services provided to STEM schools only if sufficient funds 115581
earmarked within appropriation item 200550, Foundation Funding, 115582
for payments under that division remain after first paying for 115583
students attributable to the local and client school districts of 115584
the service centers and for community school students in their 115585
service center ADMs, in accordance with divisions (B), (C), and 115586
(E) of this section. 115587

(E) If insufficient funds are earmarked within appropriation 115588
item 200550, Foundation Funding, for payments under divisions (F) 115589
and (H) of section 3317.11 of the Revised Code and division (C) of 115590

this section in fiscal year 2010 or fiscal year 2011, the 115591
Department shall prioritize the distribution of the earmarked 115592
funds as follows: 115593

(1) The Department shall first distribute to each educational 115594
service center the per-student amount specified in division (F) of 115595
section 3317.11 of the Revised Code for each student in its 115596
service center ADM attributable to the local school districts 115597
within the service center's territory. 115598

(2) The Department shall distribute the remaining funds in 115599
each fiscal year to each educational service center for the 115600
students in its service center ADM attributable to each city and 115601
exempted village school district that had entered into an 115602
agreement with an educational service center for that fiscal year 115603
under section 3313.843 of the Revised Code by January 1, 1997, up 115604
to the per-student amount specified in division (F) of section 115605
3317.11 of the Revised Code. If insufficient funds remain to pay 115606
each service center the full amount specified in division (F) of 115607
that section for each such student, the Department shall 115608
distribute the remaining funds to each service center 115609
proportionally, on a per-student basis for each such student, 115610
unless that proportional per-student amount exceeds the amount 115611
specified in division (F)(1) of that section. In that case, the 115612
Department shall distribute the per-student amount specified in 115613
division (F)(1) of that section to each service center for each 115614
such student and shall distribute the remainder proportionally, on 115615
a per-student basis for each such student, to the multicounty 115616
service centers described in division (F)(2) of that section. 115617

(3) If the Department has paid each service center under 115618
divisions (E)(1) and (2) of this section the full amount specified 115619
in division (F) of section 3317.11 of the Revised Code for each 115620
student attributable to its local school districts and its client 115621
school districts described in division (E)(2) of this section, the 115622

Department shall distribute any remaining funds proportionally, on 115623
a per-student basis, to each service center that sponsors a 115624
community school, other than an Internet- or computer-based 115625
community school, for the students included in the service center 115626
ADM under division (C) of this section. These payments shall not 115627
exceed per student the amount specified in division (F) of section 115628
3317.11 of the Revised Code. 115629

(4) If the Department has paid each educational service 115630
center that sponsors a community school, other than an Internet- 115631
or computer-based community school, the full amount specified in 115632
division (F) of section 3317.11 of the Revised Code for each 115633
community school student included in the service center ADM under 115634
division (C) of this section, the Department shall distribute any 115635
remaining funds to each service center that is owed money under 115636
division (H) of section 3317.11 of the Revised Code for services 115637
provided to a STEM school. If insufficient funds remain to pay 115638
each service center the full amount calculated for it under 115639
division (H) of section 3317.11 of the Revised Code, the 115640
Department shall distribute the remaining funds proportionally, on 115641
a per-student basis, to each service center owed money under that 115642
division, unless that proportional per-student amount exceeds the 115643
per-student amount specified in any service center's contract 115644
entered into under section 3326.45 of the Revised Code. In that 115645
case, the Department shall distribute the lowest per-student 115646
amount specified in the service center contracts entered into 115647
under that section to each service center owed money under 115648
division (H) of section 3317.11 of the Revised Code and shall 115649
distribute the remainder proportionally, on a per-student basis, 115650
to service centers with contracts under section 3326.45 of the 115651
Revised Code that specify higher per-student amounts, but in no 115652
case shall the payments to any service center exceed the 115653
per-student amount specified in the service center's contract with 115654
the STEM school. 115655

Section 265.50.20. WAIVER OF PUPIL TO TEACHER RATIO 115656

For the school year commencing July 1, 2009, or the school 115657
year commencing July 1, 2010, or both, the Superintendent of 115658
Public Instruction may waive for the board of education of any 115659
school district the ratio of teachers to pupils in kindergarten 115660
through fourth grade required under paragraph (A)(3) of rule 115661
3301-35-05 of the Administrative Code if the following conditions 115662
apply: 115663

(A) The board of education requests the waiver. 115664

(B) After the Department of Education conducts an on-site 115665
evaluation of the district related to meeting the required ratio, 115666
the board of education demonstrates to the satisfaction of the 115667
Superintendent of Public Instruction that providing the facilities 115668
necessary to meet the required ratio during the district's regular 115669
school hours with pupils in attendance would impose an extreme 115670
hardship on the district. 115671

(C) The board of education provides assurances that are 115672
satisfactory to the Superintendent of Public Instruction that the 115673
board will act in good faith to meet the required ratio as soon as 115674
possible. 115675

Section 265.50.30. PRIVATE TREATMENT FACILITY PROJECT 115676

(A) As used in this section: 115677

(1) The following are "participating residential treatment 115678
centers": 115679

(a) Private residential treatment facilities that have 115680
entered into a contract with the Department of Youth Services to 115681
provide services to children placed at the facility by the 115682
Department and which, in fiscal year 2010 or fiscal year 2011 or 115683
both, the Department pays through appropriation item 470401, 115684

RECLAIM Ohio;	115685
(b) Abraxas, in Shelby;	115686
(c) Paint Creek, in Bainbridge;	115687
(d) Act One, in Akron;	115688
(e) F.I.R.S.T., in Mansfield.	115689
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	115690 115691 115692
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	115693 115694
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.	115695 115696 115697 115698 115699
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	115700 115701 115702
(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not	115703 115704 115705 115706 115707 115708 115709 115710 115711 115712 115713 115714

choose to provide the educational program, the educational service 115715
center in the county in which the facility is located shall 115716
provide the educational program at the treatment center to 115717
children under twenty-two years of age residing in the treatment 115718
center. 115719

(C) Any school district responsible for tuition for a 115720
residential child shall, notwithstanding any conflicting provision 115721
of the Revised Code regarding tuition payment, pay tuition for the 115722
child for fiscal year 2010 and fiscal year 2011 to the education 115723
program provider and in the amount specified in this division. If 115724
there is no school district responsible for tuition for a 115725
residential child and if the participating residential treatment 115726
center to which the child is assigned is located in the city, 115727
exempted village, or local school district that, if the child were 115728
not a resident of that treatment center, would be the school 115729
district where the child is entitled to attend school under 115730
sections 3313.64 and 3313.65 of the Revised Code, that school 115731
district, notwithstanding any conflicting provision of the Revised 115732
Code, shall pay tuition for the child for fiscal year 2010 and 115733
fiscal year 2011 under this division unless that school district 115734
is providing the educational program to the child under division 115735
(B) of this section. 115736

A tuition payment under this division shall be made to the 115737
school district, educational service center, or residential 115738
treatment facility providing the educational program to the child. 115739

The amount of tuition paid shall be: 115740

(1) The amount of tuition determined for the district under 115741
division (A) of section 3317.08 of the Revised Code; 115742

(2) In addition, for any student receiving special education 115743
pursuant to an individualized education program as defined in 115744
section 3323.01 of the Revised Code, a payment for excess costs. 115745

This payment shall equal the actual cost to the school district, 115746
educational service center, or residential treatment facility of 115747
providing special education and related services to the student 115748
pursuant to the student's individualized education program, minus 115749
the tuition paid for the child under division (C)(1) of this 115750
section. 115751

A school district paying tuition under this division shall 115752
not include the child for whom tuition is paid in the district's 115753
average daily membership certified under division (A) of section 115754
3317.03 of the Revised Code. 115755

(D) In each of fiscal years 2010 and 2011, the Department of 115756
Education shall reimburse, from appropriations made for the 115757
purpose, a school district, educational service center, or 115758
residential treatment facility, whichever is providing the 115759
service, that has demonstrated that it is in compliance with the 115760
funding criteria for each served child for whom a school district 115761
must pay tuition under division (C) of this section. The amount of 115762
the reimbursement shall be the amount appropriated for this 115763
purpose divided by the full-time equivalent number of children for 115764
whom reimbursement is to be made. 115765

(E) Funds provided to a school district, educational service 115766
center, or residential treatment facility under this section shall 115767
be used to supplement, not supplant, funds from other public 115768
sources for which the school district, service center, or 115769
residential treatment facility is entitled or eligible. 115770

(F) The Department of Education shall track the utilization 115771
of funds provided to school districts, educational service 115772
centers, and residential treatment facilities under this section 115773
and monitor the effect of the funding on the educational programs 115774
they provide in participating residential treatment facilities. 115775
The Department shall monitor the programs for educational 115776
accountability. 115777

Section 265.50.40. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 115778
115779

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate. 115780
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Section 265.50.50. DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT ASSESSMENT 115786
115787

In fiscal year 2010 and fiscal year 2011, if the Superintendent of Public Instruction determines that additional funds are needed to fully fund the requirements of Am. Sub. H.B. 3 of the 125th General Assembly and this act for assessments of student performance, the Superintendent of Public Instruction may recommend the reallocation of unexpended and unencumbered General Revenue Fund appropriations within the Department of Education to appropriation item 200437, Student Assessment, to the Director of Budget and Management. If the Director of Budget and Management determines that such a reallocation is required, the Director of Budget and Management may transfer unexpended and unencumbered appropriations within the Department of Education as necessary to appropriation item 200437, Student Assessment. If these transferred appropriations are not sufficient to fully fund the assessment requirements in fiscal year 2010 or fiscal year 2011, the Superintendent of Public Instruction may request that the Controlling Board transfer up to \$9,000,000 cash from the Lottery Profits Education Reserve Fund (Fund 7018) to the General Revenue Fund. Upon approval of the Controlling Board, these transferred funds are hereby appropriated for the same purpose as appropriation item 200437, Student Assessment. 115788
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Section 265.50.55. TRANSFER AND ADJUSTMENT OF ARRA STATE 115809
FISCAL STABILIZATION FUND APPROPRIATIONS 115810

The Director of Budget and Management may transfer 115811
appropriation between appropriation items 200550, Foundation 115812
Funding, and 200551, Foundation Funding - Federal Stimulus, in 115813
each fiscal year, upon the written request of the Superintendent 115814
of Public Instruction, including transferring appropriation 115815
between fiscal year 2010 and fiscal year 2011. The Director shall 115816
report each transfer made under this section to the Controlling 115817
Board at its next regularly scheduled meeting after the transfer 115818
is made. 115819

Section 265.50.60. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 115820
STUDENTS 115821

(A) As used in this section: 115822

(1) "IEP" has the same meaning as in section 3323.01 of the 115823
Revised Code. 115824

(2) "SBH student" means a student receiving special education 115825
and related services for severe behavior disabilities pursuant to 115826
an IEP. 115827

(B) This section applies only to a community school 115828
established under Chapter 3314. of the Revised Code that in each 115829
of fiscal years 2010 and 2011 enrolls a number of SBH students 115830
equal to at least fifty per cent of the total number of students 115831
enrolled in the school in the applicable fiscal year. 115832

(C) In addition to any payments made under Chapter 3306. of 115833
the Revised Code, in each of fiscal years 2010 and 2011, the 115834
Department of Education shall pay to a community school to which 115835
this section applies a subsidy equal to the difference between the 115836
aggregate amount calculated and paid in fiscal year 2009 to the 115837
community school for special education and related services 115838

additional weighted costs for the SBH students enrolled in the 115839
school and the aggregate amount that would have been calculated 115840
for the school for special education and related services 115841
additional weighted costs for those same students in fiscal year 115842
2001. If the difference is a negative number, the amount of the 115843
subsidy shall be zero. 115844

(D) The amount of any subsidy paid to a community school 115845
under this section shall not be deducted from the school district 115846
in which any of the students enrolled in the community school are 115847
entitled to attend school under section 3313.64 or 3313.65 of the 115848
Revised Code. The amount of any subsidy paid to a community school 115849
under this section shall be paid from funds appropriated to the 115850
Department of Education in appropriation item 200550, Foundation 115851
Funding. 115852

Section 265.50.70. EARMARK ACCOUNTABILITY 115853

At the request of the Superintendent of Public Instruction, 115854
any entity that receives a budget earmark under the Department of 115855
Education shall submit annually to the chairpersons of the 115856
committees of the House of Representatives and the Senate 115857
primarily concerned with education and to the Department of 115858
Education a report that includes a description of the services 115859
supported by the funds, a description of the results achieved by 115860
those services, an analysis of the effectiveness of the program, 115861
and an opinion as to the program's applicability to other school 115862
districts. For an earmarked entity that received state funds from 115863
an earmark in the prior fiscal year, no funds shall be provided by 115864
the Department of Education to an earmarked entity for a fiscal 115865
year until its report for the prior fiscal year has been 115866
submitted. 115867

Section 265.50.80. PROHIBITION FROM OPERATING FROM HOME 115868

No community school established under Chapter 3314. of the Revised Code that was not open for operation as of May 1, 2005, shall operate from a home, as defined in section 3313.64 of the Revised Code.

Section 265.50.90. EARLY COLLEGE START UP COMMUNITY SCHOOL

(A) As used in this section:

(1) "Big eight school district" has the same meaning as in section 3314.02 of the Revised Code.

(2) "Early college high school" means a high school that provides students with a personalized learning plan based on an accelerated curriculum combining high school and college-level coursework.

(B) Any early college high school that is operated by a big eight school district in partnership with a private university may operate as a new start-up community school under Chapter 3314. of the Revised Code beginning in the 2007-2008 school year, if all of the following conditions are met:

(1) The governing authority and sponsor of the school enter into a contract in accordance with section 3314.03 of the Revised Code and, notwithstanding division (D) of section 3314.02 of the Revised Code, both parties adopt and sign the contract by July 9, 2007.

(2) Notwithstanding division (A) of section 3314.016 of the Revised Code, the school's governing authority enters into a contract with the private university under which the university will be the school's operator.

(3) The school provides the same educational program the school provided while part of the big eight school district.

Section 265.60.10. PILOT PROGRAM FOR SCHOOL SITE VISITS

Notwithstanding sections 3301.83 and 3314.39 of the Revised Code, the Department of Education shall provide a pilot program of site visits both for schools operated by school districts and for community schools instead of the site visits otherwise required under those sections. The pilot program shall contain all of the elements of section 3301.83 of the Revised Code for site visits of schools operated by school districts and all of the elements of section 3314.39 of the Revised Code for site visits of community schools. Not later than December 31, 2010, the Department shall report to the Governor and the General Assembly as to the progress of the site visits conducted under the pilot program as well as recommendations to provide for full implementation of sections 3301.83 and 3314.39 of the Revised Code.

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Section 265.60.20. TASK FORCE ON TEACHER COMPENSATION AND PERFORMANCE

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(A) There is hereby established the Task Force on Teacher Compensation and Performance. The membership of the Task Force shall consist of the Superintendent of Public Instruction, or the Superintendent's designee, who shall act as chair, and the following members appointed by the Governor:

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(1) Two persons employed as teachers in a school district;

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(2) Two persons who are retired educators;

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(3) Two persons employed as superintendents of a school district;

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(4) Two persons employed as treasurers of a school district;

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(5) Two persons employed as principals in a school district;

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(6) Two persons employed as faculty at a higher education institution;

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(7) Two persons representing Ohio philanthropic

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organizations; 115928

(8) One person representing the business community; 115929

(9) One person representing the general public. 115930

The members of the Task Force shall serve without 115931
compensation. 115932

(B) Initial appointments to the Task Force shall be completed 115933
within 90 days of the effective date of this section. The Governor 115934
shall convene the Task Force not more than 30 days after the final 115935
appointment has been made. 115936

(C) The Task Force shall examine the existing structures and 115937
systems that support compensation and retirement benefits and 115938
develop recommendations designed to improve the connections among 115939
compensation, teaching excellence, and higher levels of student 115940
learning. The Department of Education shall provide the Task Force 115941
with data and staff assistance as requested by the Task Force. 115942

(D) The Task Force shall provide its recommendations in a 115943
written report to the Governor, the General Assembly, the State 115944
Board of Education, the Superintendent of Public Instruction, and 115945
the Chancellor of the Board of Regents not later than December 1, 115946
2010. Upon completion of its report, the Task Force shall cease to 115947
exist. 115948

Section 265.60.30. USE OF VOLUNTEERS 115949

The Department of Education may utilize the services of 115950
volunteers to accomplish any of the purposes of the Department. 115951
The Superintendent of Public Instruction shall approve for what 115952
purposes volunteers may be used and for these purposes may 115953
recruit, train, and oversee the services of volunteers. The 115954
Superintendent may reimburse volunteers for necessary and 115955
appropriate expenses in accordance with state guidelines and may 115956
designate volunteers as state employees for the purpose of motor 115957

vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

Section 265.60.60. EDUCATOR STANDARDS BOARD

(A) The State Board of Education shall appoint two teachers under division (A)(1)(a) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of the new secondary school teacher member shall expire July 1, 2011, and the term of office of the new elementary school teacher member shall expire July 1, 2012. Thereafter, the term of the additional secondary and elementary school teachers appointed to the Educator Standards Board shall be for two years.

(B) The State Board of Education shall appoint a school district treasurer or business manager to the Educator Standards Board under division (A)(1)(c) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2012. Thereafter, the term of the school district treasurer or business manager appointed to the Educator Standards Board shall be for two years.

(C) The State Board of Education shall appoint a parent to the Educator Standards Board under division (A)(1)(e) of section 3319.60 of the Revised Code, as amended by this act, not later than sixty days after the effective date of this section. The term of office of that member shall expire July 1, 2011. Thereafter, the term of the parent representative appointed to the Educator Standards Board shall be for two years.

(D) The higher education representatives appointed by the State Board of Education to the Educator Standards Board prior to

the effective date of this section under former division (A)(5) of 115989
section 3319.60 of the Revised Code shall serve for the remainder 115990
of their terms. The Chancellor of the Ohio Board of Regents shall 115991
appoint higher education representatives to the Educator Standards 115992
Board under division (A)(2) of section 3319.60 of the Revised 115993
Code, as amended by this act, as the terms of the higher education 115994
representatives appointed under former division (A)(5) of that 115995
section expire, each for a term of two years. The Chancellor also 115996
shall fill any vacancies that occur during the term of a higher 115997
education representative appointed under former division (A)(5) of 115998
that section. 115999

Section 265.60.70. RESTRICTION OF LIABILITY FOR CERTAIN 116000
REIMBURSEMENTS 116001

(A) Except as expressly required under a court judgment not 116002
subject to further appeals, or a settlement agreement with a 116003
school district executed on or before June 1, 2009, in the case of 116004
a school district for which the formula ADM for fiscal year 2005, 116005
as reported for that fiscal year under division (A) of section 116006
3317.03 of the Revised Code, was reduced based on enrollment 116007
reports for community schools, made under section 3314.08 of the 116008
Revised Code, regarding students entitled to attend school in the 116009
district, which reduction of formula ADM resulted in a reduction 116010
of foundation funding or transitional aid funding for fiscal year 116011
2005, 2006, or 2007, no school district, except a district named 116012
in the court's judgment or the settlement agreement, shall have a 116013
legal claim for reimbursement of the amount of such reduction in 116014
foundation funding or transitional aid funding, and the state 116015
shall not have liability for reimbursement of the amount of such 116016
reduction in foundation funding or transitional aid funding. 116017

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(B) As used in this section: 116019

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code. 116020
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(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 116022
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(3) "Foundation funding" means payments calculated for the respective fiscal year under Chapter 3317. of the Revised Code. 116025
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(4) "Transitional aid funding" means payments calculated for the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as subsequently amended; Section 206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 of the 127th General Assembly. 116027
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Section 265.60.80. COMMITTEE TO UPDATE STANDARDS AND CURRICULA 116033
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Not later than July 15, 2009, the State Board of Education shall convene a committee of national experts, state experts, and local practitioners to provide advice and guidance in the design of the updated standards and curricula required by section 3301.079 of the Revised Code, as amended by this act. 116035
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Section 265.70.10. CENTER FOR EARLY CHILDHOOD DEVELOPMENT 116040

(A) The Superintendent of Public Instruction, in consultation with the Governor, shall create the Center for Early Childhood Development in the Department of Education comprised of staff from the Department of Education, the Department of Job and Family Services, the Department of Health, and any other state agency as determined necessary by the Superintendent. The Superintendent also shall hire a Director of the Center who shall report to the Superintendent and the Governor. The Center, under the supervision of the Director, shall research and make recommendations about the 116041
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coordination of early childhood programs and services for 116050
children, beginning with prenatal care and continuing until entry 116051
into kindergarten, and the eventual transfer of the authority to 116052
implement those programs and services from other state agencies to 116053
the Department of Education. 116054

(B) The Director of the Early Childhood Cabinet, in 116055
partnership with staff from the Department of Education and 116056
advised by the Early Childhood Advisory Council, shall submit an 116057
implementation plan to the Superintendent and the Governor not 116058
later than December 31, 2009. The implementation plan shall 116059
include research and recommendations regarding all of the 116060
following: 116061

(1) The identification of programs, services, and funding 116062
sources to be transferred from other state agencies to the 116063
Department of Education; 116064

(2) A new administrative structure within the Department of 116065
Education for the purpose of implementing early childhood programs 116066
and services; 116067

(3) Statutory changes necessary to implement the new 116068
administrative structure within the Department of Education; 116069

(4) A timeline for the transition from the current 116070
administrative structure within other state agencies to the new 116071
administrative structure within the Department of Education. 116072

(C) The Director of Budget and Management may seek 116073
Controlling Board approval to do any of the following to support 116074
the preparation of an implementation plan to create a new 116075
administrative structure for early childhood programs and services 116076
within the Department of Education: 116077

(1) Create new funds and non-GRF appropriation items; 116078

(2) Transfer cash between funds; 116079

(3) Transfer appropriation within the same fund used by the same state agency. 116080
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Any transfers of cash approved by the Controlling Board under this section are hereby appropriated. 116082
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Section 265.70.20. EARLY CHILDHOOD FINANCING WORKGROUP 116084

The Early Childhood Advisory Council shall establish an Early Childhood Financing Workgroup. The chairperson of the Early Childhood Advisory Council shall serve as chairperson of the Early Childhood Financing Workgroup. The Early Childhood Financing Workgroup shall develop recommendations that explore the implementation of a single financing system for early care and education programs that includes aligned payment mechanisms and consistent eligibility and co-payment policies. Not later than December 31, 2009, the Early Childhood Financing Workgroup shall submit its recommendations to the Governor. Upon the order of the Early Childhood Advisory Council, the Early Childhood Financing Workgroup shall cease to exist. 116085
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Section 265.70.30. STUDY OF SCHOOL TIME ALLOCATION 116097

The Department of Education shall study best practices for allocating school hours, in terms of classroom instruction, competency-based evaluation, planning time, and professional development, within the learning year. As part of the study, the Department shall consult with teachers, school district superintendents, members of school district boards of education, and associations for gifted students. Not later than one year after the effective date of this section, the Department shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, and the Governor a report of its findings and recommendations for allocation of hours for optimal learning in an extended learning year. 116098
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Section 265.70.40. MORATORIUM ON LOCAL SCHOOL DISTRICT RELOCATIONS TO DIFFERENT EDUCATIONAL SERVICE CENTERS 116110
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Notwithstanding section 3311.059 of the Revised Code, no severance of the territory of a local school district from the educational service center to which it currently belongs and annexation of that district's territory to an adjacent educational service center, as otherwise authorized under that section, shall be effective for the period beginning on the effective date of this section and ending July 1, 2011. All resolutions proposing such severance and annexation approved by the State Board of Education but not effective prior to July 1, 2009, are hereby void. All resolutions proposing such severance and annexation pending on the effective date of this section are hereby void and shall not be considered by the State Board. If the board of education of a local school district with such a severance and annexation action pending or approved on the effective date of this section that is void under this section desires to have the action considered after July 1, 2011, the board shall adopt after that date a new resolution in the manner prescribed by section 3311.059 of the Revised Code. No local school district shall adopt a severance and annexation resolution under that section during the period beginning on the effective date of this section and ending July 1, 2011. 116112
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Section 265.70.50. (A) Not later than December 31, 2010, the Department of Education, in consultation with the Educator Standards Board, shall develop a model peer assistance and review program and shall develop recommendations to expand the use of peer assistance and review programs in school districts throughout the state. 116133
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(B) In developing the model program required under this section, the Department shall review existing peer assistance and 116139
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review programs in Ohio school districts and shall consult with 116141
the districts about the operation of those programs. The model 116142
program shall include the following elements: 116143

(1) Releasing experienced classroom teachers from 116144
instructional duties for up to three years to focus full-time on 116145
mentoring and evaluating new teachers and underperforming veteran 116146
teachers through classroom observations and follow-up meetings; 116147

(2) Professional development for new and underperforming 116148
teachers that is targeted at their instructional weaknesses; 116149

(3) A committee comprised of representatives of teachers and 116150
the employer to review teacher evaluations and make 116151
recommendations regarding the teachers' continued employment. 116152

(C) The recommendations required under this section shall 116153
include the following: 116154

(1) Identification of barriers to expansion of peer 116155
assistance and review programs, including financial constraints, 116156
labor-management relationships, and barriers unique to small 116157
school districts; 116158

(2) Legislative changes that would eliminate barriers to 116159
expansion of the programs; 116160

(3) Incentives to increase participation in the programs. 116161

(D) The Department shall provide copies of its model program 116162
and recommendations to the Governor, the President and Minority 116163
Leader of the Senate, the Speaker and Minority Leader of the House 116164
of Representatives, and the chairpersons and ranking minority 116165
members of the standing committees on education. The Department 116166
also shall make the model program and recommendations available to 116167
school districts and shall post them on its web site. 116168

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Section 265.70.60. FAMILY CHILD CARE LICENSING WORKGROUP 116170

The Early Childhood Advisory Council shall establish a Family Child Care Licensing Workgroup. The Workgroup shall develop recommendations that explore the implementation, costs, and timeline necessary for the creation of a statewide licensing system for family child care providers. Not later than December 31, 2009, the Workgroup shall submit its recommendations to the Governor and the General Assembly. Upon the order of the Early Childhood Advisory Council, the Workgroup shall cease to exist.

Section 265.70.70. As used in this section, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

Any school district or community school established under Chapter 3314. of the Revised Code that, in fiscal year 2009, offered all-day kindergarten and charged fees or tuition for students enrolled in all-day kindergarten in accordance with section 3321.01 of the Revised Code, as it existed prior to the effective date of this section, may charge fees or tuition for students enrolled in all-day kindergarten in fiscal years 2010 and 2011, at a rate not higher than the per-student amount charged in fiscal year 2009 as specified in the sliding fee scale based on family incomes developed by the district or community school for that fiscal year. No district or community school shall charge fees or tuition for students enrolled in all-day kindergarten after fiscal year 2011.

Section 265.70.80. Notwithstanding section 3306.31 of the Revised Code, in fiscal year 2010, the Governor's Closing the Achievement Gap Initiative shall work with those districts that have a three-year overall average graduation rate of 80 per cent or less to assist them in planning for the implementation of the program in fiscal year 2011. Districts that are currently participating in the program and that continue to have a

three-year overall graduation rate of 80 per cent or less are 116202
 encouraged to maintain existing programs during this planning 116203
 period. 116204

Section 267.10. ELC OHIO ELECTIONS COMMISSION 116205

General Revenue Fund 116206

GRF 051321	Operating Expenses	\$	381,578	\$	381,578	116207
TOTAL GRF	General Revenue Fund	\$	381,578	\$	381,578	116208

General Services Fund Group 116209

4P20 051601	Ohio Elections	\$	250,000	\$	255,000	116210
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Commission Fund

TOTAL GSF	General Services Fund	\$	250,000	\$	255,000	116211
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	631,578	\$	636,578	116212
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 116214

DIRECTORS 116215

General Services Fund Group 116216

4K90 881609	Operating Expenses	\$	646,414	\$	646,562	116217
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TOTAL GSF	General Services					116218
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Fund Group		\$	646,414	\$	646,562	116219
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TOTAL ALL BUDGET FUND GROUPS		\$	646,414	\$	646,562	116220
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Section 271.10. PAY EMPLOYEE BENEFITS FUNDS 116222

Accrued Leave Liability Fund Group 116223

8060 995666	Accrued Leave Fund	\$	65,200,000	\$	67,200,000	116224
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8070 995667	Disability Fund	\$	27,400,000	\$	28,100,000	116225
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TOTAL ALF	Accrued Leave Liability					116226
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Fund Group		\$	92,600,000	\$	95,300,000	116227
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Agency Fund Group 116228

1240 995673	Payroll Deductions	\$	881,573,000	\$	943,283,110	116229
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8080	995668	State Employee Health Benefit Fund	\$ 551,795,580	\$ 600,263,430	116230
8090	995669	Dependent Care Spending Account	\$ 2,969,635	\$ 2,969,635	116231
8100	995670	Life Insurance Investment Fund	\$ 2,229,834	\$ 2,229,834	116232
8110	995671	Parental Leave Benefit Fund	\$ 3,900,000	\$ 4,000,000	116233
8130	995672	Health Care Spending Account	\$ 8,977,689	\$ 12,000,000	116234
TOTAL AGY Agency Fund Group			\$ 1,451,445,738	\$ 1,564,746,009	116235
TOTAL ALL BUDGET FUND GROUPS			\$ 1,544,045,738	\$ 1,660,046,009	116236

ACCRUED LEAVE LIABILITY FUND 116237

The foregoing appropriation item 995666, Accrued Leave Fund, 116238
shall be used to make payments from the Accrued Leave Liability 116239
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 116240
If it is determined by the Director of Budget and Management that 116241
additional amounts are necessary, the amounts are hereby 116242
appropriated. 116243

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 116244

The foregoing appropriation item 995667, Disability Fund, 116245
shall be used to make payments from the State Employee Disability 116246
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 116247
Revised Code. If it is determined by the Director of Budget and 116248
Management that additional amounts are necessary, the amounts are 116249
hereby appropriated. 116250

PAYROLL WITHHOLDING FUND 116251

The foregoing appropriation item 995673, Payroll Deductions, 116252
shall be used to make payments from the Payroll Withholding Fund 116253
(Fund 1240). If it is determined by the Director of Budget and 116254
Management that additional appropriation amounts are necessary, 116255

the amounts are hereby appropriated. 116256

STATE EMPLOYEE HEALTH BENEFIT FUND 116257

The foregoing appropriation item 995668, State Employee 116258
Health Benefit Fund, shall be used to make payments from the State 116259
Employee Health Benefit Fund (Fund 8080) pursuant to section 116260
124.87 of the Revised Code. If it is determined by the Director of 116261
Budget and Management that additional amounts are necessary, the 116262
amounts are hereby appropriated. 116263

On June 30, 2010, or as soon as possible thereafter, the 116264
Director of Budget and Management shall transfer \$1,620,000 cash 116265
from the General Revenue Fund to the State Employee Health Benefit 116266
Fund (Fund 8080). 116267

DEPENDENT CARE SPENDING FUND 116268

The foregoing appropriation item 995669, Dependent Care 116269
Spending Account, shall be used to make payments from the 116270
Dependent Care Spending Fund (Fund 8090) to employees eligible for 116271
dependent care expenses. If it is determined by the Director of 116272
Budget and Management that additional amounts are necessary, the 116273
amounts are hereby appropriated. 116274

LIFE INSURANCE INVESTMENT FUND 116275

The foregoing appropriation item 995670, Life Insurance 116276
Investment Fund, shall be used to make payments from the Life 116277
Insurance Investment Fund (Fund 8100) for the costs and expenses 116278
of the state's life insurance benefit program pursuant to section 116279
125.212 of the Revised Code. If it is determined by the Director 116280
of Budget and Management that additional amounts are necessary, 116281
the amounts are hereby appropriated. 116282

PARENTAL LEAVE BENEFIT FUND 116283

The foregoing appropriation item 995671, Parental Leave 116284
Benefit Fund, shall be used to make payments from the Parental 116285

Leave Benefit Fund (Fund 8110) to employees eligible for parental 116286
leave benefits pursuant to section 124.137 of the Revised Code. If 116287
it is determined by the Director of Budget and Management that 116288
additional amounts are necessary, the amounts are hereby 116289
appropriated. 116290

HEALTH CARE SPENDING ACCOUNT FUND 116291

The foregoing appropriation item 995672, Health Care Spending 116292
Account, shall be used to make payments from the Health Care 116293
Spending Account Fund (Fund 8130) for payments pursuant to state 116294
employees' participation in a flexible spending account for 116295
non-reimbursed health care expenses and section 124.821 of the 116296
Revised Code. If it is determined by the Director of 116297
Administrative Services that additional appropriation amounts are 116298
necessary, the Director of Administrative Services may request 116299
that the Director of Budget and Management increase such amounts. 116300
Such amounts are hereby appropriated. 116301

At the request of the Director of Administrative Services, 116302
the Director of Budget and Management may transfer up to \$145,000 116303
from the General Revenue Fund to the Health Care Spending Account 116304
Fund during fiscal years 2010 and 2011. This cash shall be 116305
transferred as needed to provide adequate cash flow for the Health 116306
Care Spending Account Fund during fiscal year 2010 and fiscal year 116307
2011. If funds are available at the end of fiscal years 2010 and 116308
2011, the Director of Budget and Management shall transfer cash up 116309
to the amount previously transferred in the respective year, plus 116310
interest income, from the Health Care Spending Account (Fund 8130) 116311
to the General Revenue Fund. 116312

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 116313

General Revenue Fund 116314

GRF 125321 Operating Expenses \$ 4,090,876 \$ 4,090,876 116315

TOTAL GRF General Revenue Fund	\$	4,090,876	\$	4,090,876	116316
General Services Fund Group					116317
5720 125603 Training and Publications	\$	105,000	\$	105,000	116318
TOTAL GSF General Services Fund Group	\$	105,000	\$	105,000	116320
TOTAL ALL BUDGET FUND GROUPS	\$	4,195,876	\$	4,195,876	116321

Section 273.20. CONSOLIDATION OF SERVICES WITH STATE

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EMPLOYMENT RELATIONS BOARD

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(A) Beginning on July 1, 2009, the Chairperson of the State Employment Relations Board is the appointing authority for all employees of the State Personnel Board of Review and the State Employment Relations Board. After conferring with the Chairperson of the State Personnel Board of Review, the Chairperson of the State Employment Relations Board shall identify the employees, equipment, assets, and records of the State Personnel Board of Review to be transferred to the State Employment Relations Board. The State Employment Relations Board and the State Personnel Board of Review shall enter into an interagency agreement to transfer to the State Employment Relations Board employees, equipment, assets, and records of the State Personnel Board of Review by July 1, 2009, or as soon as possible thereafter. The agreement may include provisions to transfer property and any other provisions necessary for the continued administration of program activities. The employees of the State Personnel Board of Review that the Chairperson of the State Employment Relations Board identifies for transfer, and any equipment assigned to those employees, are hereby transferred to the State Employment Relations Board. Any employees of the State Personnel Board of Review so transferred shall retain the rights specified in sections 124.321 to 124.328 of the Revised Code, and any employee transferred to the State Employment Relations Board retains the employee's respective

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classification, but the Chairperson of the State Employment Relations Board may reassign and reclassify the employee's position and compensation as the Chairperson determines to be in the interest of efficient office administration. Pursuant to division (B)(2)(b) of section 4117.02 of the Revised Code, as amended by this act, to the extent determined necessary by the Chairperson of the State Employment Relations Board, the State Personnel Board of Review shall utilize employees of the State Employment Relations Board in the exercise of the powers and the performance of the duties of the State Personnel Board of Review.

(B) Effective July 1, 2009, and pursuant to section 124.03 of the Revised Code, the State Personnel Board of Review shall exercise its duties and exist as a separate entity within the State Employment Relations Board. The costs of the State Personnel Board of Review shall be supported by the foregoing appropriation item 125321, Operating Expenses.

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Transcript and Other Documents Fund (Fund 6360) used by the State Personnel Board of Review to the Training, Publications, and Grants Fund (Fund 5720) used by the State Employment Relations Board. Upon completion of the transfer, Fund 6360 is abolished. The Director shall cancel any existing encumbrances against appropriation item 124601, Records and Reporting Support, and re-establish them against appropriation item 125603, Training and Publications. The re-established encumbrance amounts are hereby appropriated.

Any business commenced but not completed under Fund 6360 by July 1, 2009, shall be completed under Fund 5720 in the same manner, and with the same effect, as if completed with regard to Fund 6360. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the

transfer and shall be administered with regard to Fund 5720. 116380

On and after July 1, 2009, where the Transcript and Other 116381
Documents Fund is referred to in any statute, rule, contract, 116382
grant, or other document, the reference is hereby deemed to refer 116383
to the Training, Publications, and Grants Fund. 116384

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 116385

General Services Fund Group 116386
4K90 892609 Operating Expenses \$ 1,058,881 \$ 1,058,881 116387
TOTAL GSF General Services 116388
Fund Group \$ 1,058,881 \$ 1,058,881 116389
TOTAL ALL BUDGET FUND GROUPS \$ 1,058,881 \$ 1,058,881 116390

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 116392

General Services Fund Group 116393
1990 715602 Laboratory Services \$ 935,907 \$ 983,929 116394
2190 715604 Central Support \$ 16,625,314 \$ 17,282,762 116395
Indirect
4A10 715640 Operating Expenses \$ 3,731,000 \$ 3,731,000 116396
TOTAL GSF General Services 116397
Fund Group \$ 21,292,221 \$ 21,997,691 116398
Federal Special Revenue Fund Group 116399
3530 715612 Public Water Supply \$ 2,933,812 \$ 2,941,282 116400
3540 715614 Hazardous Waste \$ 4,193,000 \$ 4,193,000 116401
Management - Federal
3570 715619 Air Pollution Control \$ 6,282,777 \$ 6,310,203 116402
- Federal
3620 715605 Underground Injection \$ 111,874 \$ 111,874 116403
Control - Federal
3BU0 715684 Water Quality \$ 7,435,000 \$ 6,489,000 116404
Protection
3C50 715688 Federal NRD \$ 100,000 \$ 100,000 116405

		Settlements				
3F20	715630	Revolving Loan Fund -	\$	1,129,696	\$	907,543 116406
		Operating				
3F30	715632	Federally Supported	\$	2,159,486	\$	2,159,551 116407
		Cleanup and Response				
3F50	715641	Nonpoint Source	\$	6,880,000	\$	6,095,000 116408
		Pollution Management				
3K40	715634	DOD Monitoring and	\$	729,130	\$	732,280 116409
		Oversight				
3N40	715657	DOE Monitoring and	\$	878,578	\$	884,050 116410
		Oversight				
3T30	715669	Drinking Water State	\$	2,238,848	\$	2,273,323 116411
		Revolving Fund				
3V70	715606	Agencywide Grants	\$	500,000	\$	500,000 116412
TOTAL FED		Federal Special Revenue				116413
Fund Group			\$	35,572,201	\$	33,697,106 116414
State		Special Revenue Fund Group				116415
4J00	715638	Underground Injection	\$	448,579	\$	456,714 116416
		Control				
4K20	715648	Clean Air - Non Title	\$	3,456,261	\$	3,587,176 116417
		V				
4K30	715649	Solid Waste	\$	15,819,897	\$	16,317,606 116418
4K40	715650	Surface Water	\$	7,965,000	\$	8,915,000 116419
		Protection				
4K40	715686	Environmental Lab	\$	2,132,000	\$	2,132,000 116420
		Service				
4K50	715651	Drinking Water	\$	7,487,198	\$	7,699,007 116421
		Protection				
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000 116422
4R50	715656	Scrap Tire Management	\$	5,125,000	\$	5,125,000 116423
4R90	715658	Voluntary Action	\$	1,032,098	\$	1,032,098 116424
		Program				
4T30	715659	Clean Air - Title V	\$	17,673,097	\$	18,073,104 116425

		Permit Program				
4U70	715660	Construction and Demolition Debris	\$	888,970	\$	885,554 116426
5000	715608	Immediate Removal Special Account	\$	643,903	\$	643,903 116427
5030	715621	Hazardous Waste Facility Management	\$	11,215,448	\$	11,318,132 116428
5050	715623	Hazardous Waste Cleanup	\$	13,927,338	\$	14,139,930 116429
5050	715674	Clean Ohio Environmental Review	\$	109,725	\$	109,725 116430
5410	715670	Site Specific Cleanup	\$	34,650	\$	34,650 116431
5420	715671	Risk Management Reporting	\$	146,188	\$	146,188 116432
5920	715627	Anti Tampering Settlement	\$	6,707	\$	6,707 116433
5BC0	715617	Clean Ohio	\$	741,000	\$	741,000 116434
5BC0	715622	Local Air Pollution Control	\$	1,827,000	\$	2,035,000 116435
5BC0	715624	Surface Water	\$	13,034,000	\$	13,198,000 116436
5BC0	715667	Groundwater	\$	1,594,000	\$	1,594,000 116437
5BC0	715672	Air Pollution Control	\$	7,269,000	\$	7,607,000 116438
5BC0	715673	Drinking Water	\$	3,838,000	\$	3,838,000 116439
5BC0	715675	Hazardous Waste	\$	116,000	\$	116,000 116440
5BC0	715676	Assistance and Prevention	\$	775,000	\$	775,000 116441
5BC0	715677	Laboratory	\$	1,454,000	\$	1,454,000 116442
5BC0	715678	Corrective Actions	\$	1,180,000	\$	1,180,000 116443
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000 116444
5BC0	715690	Environmental Review Appeals	\$	637,000	\$	637,000 116445
5BT0	715679	C&DD Groundwater	\$	200,000	\$	203,800 116446

		Monitoring				
5BY0	715681	Auto Emissions Test	\$	14,385,892	\$	14,803,470 116447
5CD0	715682	Clean Diesel School	\$	600,000	\$	600,000 116448
		Buses				
5H40	715664	Groundwater Support	\$	1,872,193	\$	1,884,247 116449
5N20	715613	Dredge and Fill	\$	45,000	\$	45,000 116450
5Y30	715685	Surface Water	\$	2,000,000	\$	500,000 116451
		Improvement				
6440	715631	ER Radiological Safety	\$	286,114	\$	286,114 116452
6600	715629	Infectious Waste	\$	100,000	\$	100,000 116453
		Management				
6760	715642	Water Pollution	\$	4,610,529	\$	4,832,682 116454
		Control Loan				
		Administration				
6780	715635	Air Toxic Release	\$	174,600	\$	179,746 116455
6790	715636	Emergency Planning	\$	2,623,395	\$	2,628,647 116456
6960	715643	Air Pollution Control	\$	750,000	\$	750,000 116457
		Administration				
6990	715644	Water Pollution	\$	750,000	\$	750,000 116458
		Control Administration				
6A10	715645	Environmental	\$	1,500,000	\$	1,500,000 116459
		Education				
TOTAL SSR		State Special Revenue	\$	151,024,782	\$	153,411,200 116460
		Fund Group				
		Clean Ohio Conservation Fund Group				116461
5S10	715607	Clean Ohio -	\$	291,174	\$	291,174 116462
		Operating				
TOTAL CLF		Clean Ohio Conservation	\$	291,174	\$	291,174 116463
		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	208,180,378	\$	209,397,171 116464
		AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT				116465
		On July 1 of each fiscal year, or as soon as possible				116466

thereafter, the Director of Budget and Management shall transfer 116467
\$14,385,892 in fiscal year 2010, and \$14,803,470 in fiscal year 116468
2011 in cash from the General Revenue Fund to the Auto Emissions 116469
Test Fund (Fund 5BY0) for the operation and oversight of the auto 116470
emissions testing program. 116471

Effective September 30, 2009, or as soon as possible 116472
thereafter, the Director of Budget and Management shall transfer 116473
the cash balance in the Motor Vehicle Inspection and Maintenance 116474
Fund (Fund 6020) to Fund 5BY0. Fund 6020 is abolished in division 116475
(D) of section 3704.14 of the Revised Code as amended by this act. 116476

AREAWIDE PLANNING AGENCIES 116477

The Director of Environmental Protection Agency shall award 116478
grants from appropriation item 715687, Areawide Planning Agencies, 116479
to areawide planning agencies engaged in areawide water quality 116480
management and planning activities in accordance with Section 208 116481
of the "Federal Clean Water Act," 33 U.S.C. 1288. 116482

ENVIRONMENTAL REVIEW AND APPEALS 116483

The foregoing appropriation item 715690, Environmental Review 116484
Appeals, shall be used to support the Environmental Review Appeals 116485
Commission, including the hiring of two staff attorneys. 116486

CORRECTIVE CASH TRANSFER FOR COPPERWELD BANKRUPTCY SETTLEMENT 116487

On July 1, 2009, or as soon as possible thereafter, the 116488
Director of Budget and Management shall transfer \$1,323,933.19 in 116489
cash, which the Agency received from the Copperweld bankruptcy 116490
settlement, that was mistakenly deposited in the Hazardous Waste 116491
Cleanup Fund (Fund 5050) to the Environmental Protection 116492
Remediation Fund (Fund 5410). 116493

Section 281.10. ETC ETECH OHIO 116494

General Revenue Fund 116495

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

GRF	935401	Statehouse News Bureau	\$	219,960	\$	219,960	116496
GRF	935402	Ohio Government Telecommunications Services	\$	716,417	\$	716,417	116497
GRF	935408	General Operations	\$	2,150,917	\$	2,164,444	116498
GRF	935409	Technology Operations	\$	6,494,504	\$	6,502,446	116499
GRF	935410	Content Development, Acquisition, and Distribution	\$	4,137,306	\$	4,138,244	116500
GRF	935411	Technology Integration and Professional Development	\$	7,063,226	\$	7,077,487	116501
GRF	935412	Information Technology	\$	1,387,062	\$	1,350,394	116502
GRF	935427	Distance Learning Pilot Project	\$	2,000,000	\$	0	116503
TOTAL GRF		General Revenue Fund	\$	24,169,392	\$	22,169,392	116504
		General Services Fund Group					116505
4F30	935603	Affiliate Services	\$	450,000	\$	50,000	116506
4T20	935605	Government Television/Telecommunications Operating	\$	25,000	\$	25,000	116507
TOTAL GSF		General Services Fund Group	\$	475,000	\$	75,000	116508
		Federal Special Revenue Fund Group					116509
3S30	935606	Enhancing Education Technology	\$	163,000	\$	163,000	116510
3X80	935604	IDEA	\$	18,892	\$	0	116511
TOTAL FED		Federal Special Revenue Fund Group	\$	181,892	\$	163,000	116512

State Special Revenue Fund Group					116513
4W90 935630 Telecommunity	\$	25,000	\$	25,000	116514
4X10 935634 Distance Learning	\$	23,734	\$	24,150	116515
5D40 935640 Conference/Special Purposes	\$	1,471,396	\$	1,473,527	116516
5FK0 935608 Media Services	\$	300,000	\$	300,000	116517
5GP0 935609 Interactive Distance Learning Program	\$	4,500,000	\$	4,500,000	116518
5T30 935607 Gates Foundation Grants	\$	200,000	\$	200,000	116519
TOTAL SSR State Special Revenue Fund Group	\$	6,520,130	\$	6,522,677	116520
TOTAL ALL BUDGET FUND GROUPS	\$	31,346,414	\$	28,930,069	116521

Section 281.20. STATEHOUSE NEWS BUREAU 116523

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 116524
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 116527

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 116528
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TECHNOLOGY OPERATIONS 116535

Of the foregoing appropriation item 935409, Technology Operations, \$3,000,000 in each fiscal year shall be used by eTech Ohio, in fiscal year 2010, to contract with an entity to provide the common statewide platform and online advanced placement 116536
116537
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courses to up to 5,000 public school students in Ohio and, in 116540
fiscal year 2011, to maintain the clearinghouse established under 116541
section 3333.82 of the Revised Code for online advanced placement 116542
courses. School districts that have students participating in the 116543
program shall not be charged a fee in fiscal year 2010, but may be 116544
charged a fee in fiscal year 2011 through the clearinghouse. 116545
Students participating in the program shall receive services free 116546
of charge. 116547

The remainder of appropriation item 935409, Technology 116548
Operations, shall be used by eTech Ohio to pay expenses of eTech 116549
Ohio's network infrastructure, which includes the television and 116550
radio transmission infrastructure and infrastructure that shall 116551
link all public K-12 classrooms to each other and to the Internet, 116552
and provide access to voice, video, other communication services, 116553
and data educational resources for students and teachers. 116554

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 116555

The foregoing appropriation 935410, Content Development, 116556
Acquisition, and Distribution, shall be used for the development, 116557
acquisition, and distribution of information resources by public 116558
media and radio reading services and for educational use in the 116559
classroom and online. 116560

Of the foregoing appropriation item 935410, Content 116561
Development, Acquisition, and Distribution, up to \$1,104,605 in 116562
fiscal year 2010 and up to \$1,104,905 in fiscal year 2011 shall be 116563
allocated equally among the 12 Ohio educational television 116564
stations and used with the advice and approval of eTech Ohio. 116565
Funds shall be used for the production of interactive 116566
instructional programming series with priority given to resources 116567
aligned with state academic content standards in consultation with 116568
the Ohio Department of Education and for teleconferences to 116569
support eTech Ohio. The programming shall be targeted to the needs 116570
of the poorest two hundred school districts as determined by the 116571

district's adjusted valuation per pupil as defined in former 116572
section 3317.0213 of the Revised Code as that section existed 116573
prior to June 30, 2005. 116574

Of the foregoing appropriation item 935410, Content 116575
Development, Acquisition, and Distribution, up to \$2,695,736 in 116576
fiscal year 2010 and up to \$2,696,336 in fiscal year 2011 shall be 116577
distributed by eTech Ohio to Ohio's qualified public educational 116578
television stations and educational radio stations to support 116579
their operations. The funds shall be distributed pursuant to an 116580
allocation formula used by the Ohio Educational Telecommunications 116581
Network Commission unless a substitute formula is developed by 116582
eTech Ohio in consultation with Ohio's qualified public 116583
educational television stations and educational radio stations. 116584
116585

Of the foregoing appropriation 935410, Content Development, 116586
Acquisition, and Distribution, up to \$336,965 in fiscal year 2010 116587
and up to \$337,003 in fiscal year 2011 shall be distributed by 116588
eTech Ohio to Ohio's qualified radio reading services to support 116589
their operations. The funds shall be distributed pursuant to an 116590
allocation formula used by the Ohio Educational Telecommunications 116591
Network Commission unless a substitute formula is developed by 116592
eTech Ohio in consultation with Ohio's qualified radio reading 116593
services. 116594

Section 281.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 116595
DEVELOPMENT 116596

The foregoing appropriation item 935411, Technology 116597
Integration and Professional Development, shall be used by eTech 116598
Ohio for the provision of staff development, hardware, software, 116599
telecommunications services, and information resources to support 116600
educational uses of technology in the classroom and at a distance 116601
and for professional development for teachers, administrators, and 116602

technology staff on the use of educational technology in 116603
qualifying public schools, including the State School for the 116604
Blind, the State School for the Deaf, and the Department of Youth 116605
Services. 116606

Of the foregoing appropriation item 935411, Technology 116607
Integration and Professional Development, up to \$2,675,641 in 116608
fiscal year 2010 and up to \$2,675,966 in fiscal year 2011, shall 116609
be used by eTech Ohio to contract with educational television to 116610
provide Ohio public schools with instructional resources and 116611
services with priority given to resources and services aligned 116612
with state academic content standards and such resources and 116613
services shall be based upon the advice and approval of eTech 116614
Ohio, based on a formula used by the Ohio SchoolNet Commission 116615
unless and until a substitute formula is developed by eTech Ohio 116616
in consultation with Ohio's educational technology agencies and 116617
noncommercial educational television stations. 116618

Section 281.35. DISTANCE LEARNING PILOT PROJECT 116619

The foregoing appropriation item 935427 shall be used by 116620
eTech Ohio to create a distance learning pilot project and to 116621
contract for the development and offering of interactive distance 116622
learning courses pursuant to section 3353.20 of the Revised Code. 116623
Any funds remaining after these purposes are completed may be used 116624
by eTech Ohio to provide funds to assist schools to which Section 116625
281.36 of this act does not apply for purchasing video 116626
conferencing telecommunications equipment and to upgrade Internet 116627
service pursuant to divisions (A)(3) to (5) of section 3353.20 of 116628
the Revised Code. 116629

Notwithstanding anything to the contrary in section 3353.20 116630
of the Revised Code, no school or school district to which Section 116631
281.36 of this act does not apply shall be entitled to the items 116632
specified in divisions (A)(3) to (5) of section 3353.20 of the 116633

Revised Code.	116634
Section 281.36. INTERACTIVE DISTANCE LEARNING PROGRAM	116635
(A) As used in this section, "Title I school" means a school that receives federal funds for services to disadvantaged students under Title 20 of the United States Code, Part A, Subchapter I, Chapter 70 (20 U.S.C. 6301 et seq.).	116636 116637 116638 116639
(B) This section applies only to Title I schools.	116640
(C) Notwithstanding anything in section 3353.20 of the Revised Code to the contrary, the foregoing appropriation item 935609, Interactive Distance Learning Program, shall be used by eTech Ohio to provide grants on a competitive basis to Title I schools for their participation in the interactive distance learning pilot project established under that section in the manner prescribed by this section.	116641 116642 116643 116644 116645 116646 116647
(1) The Commission shall issue a request for proposals for awards to be issued before or during the 2009-2010 academic year.	116648 116649
(2) The Commission shall limit the number of grants so that each grant recipient receives an amount that is sufficient to ensure full participation in the program. The Commission shall endeavor to award grants in a manner that ensures diversity among grant recipients according to geographical regions, economic scale, and school district size.	116650 116651 116652 116653 116654 116655
(3) In awarding grants under this section, the Commission shall give priority to the following:	116656 116657
(a) School districts for which advanced placement or foreign language course offerings make up less than one per cent of the district's total course offerings;	116658 116659 116660
(b) Schools and school districts that without additional assistance lack the necessary connectivity to offer interactive distance learning courses;	116661 116662 116663

(c) Schools and school districts that demonstrate commitment to appropriately supporting distance learning offerings, as determined satisfactory by the Commission, including but not limited to:	116664 116665 116666 116667
(i) Enrolling a minimum number of students to participate in the distance learning classes;	116668 116669
(ii) Committing the necessary personnel to facilitate and assist students with distance learning classes;	116670 116671
(iii) Committing the necessary personnel capable of operating distance learning equipment.	116672 116673
(d) Schools and school districts that without additional assistance lack the necessary equipment to offer interactive distance learning courses;	116674 116675 116676
(e) School districts that demonstrate that the course offerings will take place during the regular school day.	116677 116678
(D) In implementing this section, the Commission shall do all of the following:	116679 116680
(1) Solicit all Title I schools to participate in the program;	116681 116682
(2) Require twenty-five per cent of any grant award to be used for professional development. This professional development shall include at least one component of training in the classroom. It also shall include any training conducted by the Commission that the Commission deems necessary to participate in the program.	116683 116684 116685 116686 116687
(3) Contract for the development and offering of interactive distance learning courses. The Commission shall withhold an equal proportion of each grantee's award to pay for any cost associated with the development and offering of the courses offered by the program.	116688 116689 116690 116691 116692
(4) Require each Title I school submitting proposals to	116693

specify the amount, if any, needed to purchase video conferencing 116694
telecommunications equipment and connectivity devices and the cost 116695
of upgrading the school. 116696

(5) Require each Title I school submitting proposals to 116697
specify the amount needed to upgrade its Internet service, if the 116698
school currently has a connection slower than 1.544 Mbits per 116699
second; 116700

(6) Assist schools in arranging for the purchase and 116701
installation of telecommunications equipment and connectivity 116702
devices; 116703

(7) Retain five per cent of the appropriated funds to 116704
administer and oversee the operation of the program. 116705

(E) In the development of, administration of, oversight of, 116706
and award of funds for the program, the Commission shall not be 116707
obligated for more than the amount appropriated in this Section 116708
and Section 281.37 of this act. 116709

Section 281.37. TRANSFER OF CASH FROM THE TECHNOLOGY LITERACY 116710
TRANSFER FUND (FUND 3S20) 116711

On July 1 of each fiscal year, or as soon as possible 116712
thereafter, the Director of Budget and Management shall transfer 116713
\$4,500,000 cash from the Technology Literacy Transfer Fund (Fund 116714
3S20) used by the Department of Education to the Interactive 116715
Distance Learning Program Fund (Fund 5GP0), which is hereby 116716
created, used by eTech Ohio, to provide grants under Section 116717
281.36 of this act. 116718

Section 281.40. TELECOMMUNITY 116719

The foregoing appropriation item 935630, Telecommunity, shall 116720
be distributed by eTech Ohio on a grant basis to eligible school 116721
districts to establish "distance learning" through interactive 116722

video technologies in the school district. Per agreements with 116723
eight Ohio local telephone companies, ALLTEL Ohio, CENTURY 116724
Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell 116725
Telephone Company, Orwell Telephone Company, Sprint North Central 116726
Telephone, VERIZON, and Western Reserve Telephone Company, school 116727
districts are eligible for funds if they are within one of the 116728
listed telephone company service areas. Funds to administer the 116729
program shall be expended by eTech Ohio up to the amount specified 116730
in the agreements with the listed telephone companies. 116731
116732

Within thirty days after the effective date of this section, 116733
the Director of Budget and Management shall transfer to Fund 4W90 116734
in the State Special Revenue Fund Group any investment earnings 116735
from moneys paid by any telephone company as part of any 116736
settlement agreement between the listed companies and the Public 116737
Utilities Commission in fiscal years 1996 and beyond. 116738

DISTANCE LEARNING 116739

The foregoing appropriation item 935634, Distance Learning, 116740
shall be distributed by eTech Ohio on a grant basis to eligible 116741
school districts to establish "distance learning" in the school 116742
district. Per an agreement with Ameritech, school districts are 116743
eligible for funds if they are within an Ameritech service area. 116744
Funds to administer the program shall be expended by eTech Ohio up 116745
to the amount specified in the agreement with Ameritech. 116746

Within thirty days after the effective date of this section, 116747
the Director of Budget and Management shall transfer to Fund 4X10 116748
in the State Special Revenue Fund Group any investment earnings 116749
from moneys paid by any telephone company as part of a settlement 116750
agreement between the company and the Public Utilities Commission 116751
in fiscal year 1995. 116752

GATES FOUNDATION GRANTS 116753

The foregoing appropriation item 935607, Gates Foundation 116754
 Grants, shall be used by eTech Ohio to provide professional 116755
 development to school district principals, superintendents, and 116756
 other administrative staff on the use of education technology. 116757

Section 283.10. ETH OHIO ETHICS COMMISSION 116758

General Revenue Fund 116759
 GRF 146321 Operating Expenses \$ 1,682,020 \$ 1,682,120 116760
 TOTAL GRF General Revenue Fund \$ 1,682,020 \$ 1,682,120 116761
 General Services Fund Group 116762
 4M60 146601 Operating Expenses \$ 544,543 \$ 588,943 116763
 TOTAL GSF General Services 116764
 Fund Group \$ 544,543 \$ 588,943 116765
 TOTAL ALL BUDGET FUND GROUPS \$ 2,226,563 \$ 2,271,063 116766

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 116768

General Revenue Fund 116769
 GRF 723403 Junior Fair Subsidy \$ 360,000 \$ 360,000 116770
 TOTAL GRF General Revenue Fund \$ 360,000 \$ 360,000 116771
 State Special Revenue Fund Group 116772
 4N20 723602 Ohio State Fair \$ 520,000 \$ 520,000 116773
 Harness Racing
 5060 723601 Operating Expenses \$ 13,505,000 \$ 13,505,000 116774
 TOTAL SSR State Special Revenue 116775
 Fund Group \$ 14,025,000 \$ 14,025,000 116776
 TOTAL ALL BUDGET FUND GROUPS \$ 14,385,000 \$ 14,385,000 116777

STATE FAIR RESERVE 116778

The General Manager of the Expositions Commission may submit 116779
 a request to the Director of Budget and Management to use 116780
 available amounts in the State Fair Reserve Fund (Fund 6400) if 116781
 the following conditions apply: 116782

(A) Admissions receipts for the 2009 or 2010 Ohio State Fair 116783
are less than \$1,982,000 because of inclement weather or 116784
extraordinary circumstances; 116785

(B) The Ohio Expositions Commission declares a state of 116786
fiscal exigency; and 116787

(C) The request contains a plan describing how the 116788
Expositions Commission will eliminate the cash shortage causing 116789
the request. 116790

The amount approved by the Director of Budget and Management 116791
is hereby appropriated. 116792

Section 287.10. GOV OFFICE OF THE GOVERNOR 116793

General Revenue Fund 116794

GRF 040321	Operating Expenses	\$	2,971,945	\$	2,971,945	116795
GRF 040403	Federal Relations	\$	201,201	\$	201,201	116796
TOTAL GRF	General Revenue Fund	\$	3,173,146	\$	3,173,146	116797

General Services Fund Group 116798

5AK0 040607	Federal Relations	\$	365,149	\$	365,149	116799
TOTAL GSF	General Services Fund	\$	365,149	\$	365,149	116800

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,538,295 \$ 3,538,295 116801

FEDERAL RELATIONS 116802

A portion of the foregoing appropriation items 040403, 116803
Federal Relations, and 040607, Federal Relations, may be used to 116804
support Ohio's membership in national or regional associations. 116805

The Office of the Governor may charge any state agency of the 116806
executive branch using an intrastate transfer voucher such amounts 116807
necessary to defray the costs incurred for the conduct of federal 116808
relations associated with issues that can be attributed to the 116809
agency. Amounts collected shall be deposited in the Federal 116810
Relations Fund (Fund 5AK0). 116811

Section 289.10. DOH DEPARTMENT OF HEALTH				116812
General Revenue Fund				116813
GRF 440407	Animal Borne Disease and Prevention	\$ 600,000	\$ 642,291	116814
GRF 440412	Cancer Incidence Surveillance System	\$ 874,234	\$ 874,234	116815
GRF 440413	Local Health Department Support	\$ 3,301,921	\$ 3,301,921	116816
GRF 440416	Mothers and Children Safety Net Services	\$ 7,690,449	\$ 7,690,449	116817
GRF 440418	Immunizations	\$ 7,739,432	\$ 7,839,432	116818
GRF 440431	Free Clinics Safety Net Services	\$ 624,751	\$ 624,751	116819
GRF 440437	Healthy Ohio	\$ 2,569,998	\$ 2,569,998	116820
GRF 440438	Breast and Cervical Cancer Screening	\$ 2,500,000	\$ 2,500,000	116821
GRF 440444	AIDS Prevention and Treatment	\$ 6,442,314	\$ 6,442,314	116822
GRF 440446	Infectious Disease Protection and Surveillance	\$ 1,415,883	\$ 1,415,883	116823
GRF 440451	Public Health Laboratory	\$ 3,099,138	\$ 3,099,138	116824
GRF 440452	Child and Family Health Services Match	\$ 921,615	\$ 921,615	116825
GRF 440453	Health Care Quality Assurance	\$ 10,402,795	\$ 10,402,795	116826
GRF 440454	Local Environmental Health	\$ 1,155,219	\$ 1,155,219	116827
GRF 440459	Help Me Grow	\$ 36,500,000	\$ 36,500,000	116828
GRF 440465	Federally Qualified Health Centers	\$ 2,686,688	\$ 2,686,688	116829

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

GRF 440467	Access to Dental Care	\$	772,120	\$	772,120	116830
GRF 440468	Chronic Disease and Injury Prevention	\$	792,363	\$	792,363	116831
GRF 440469	Health - Federal Stimulus	\$	2,680,035	\$	2,463,903	116832
GRF 440505	Medically Handicapped Children	\$	8,762,451	\$	8,762,451	116833
GRF 440507	Targeted Health Care Services Over 21	\$	1,493,449	\$	1,493,449	116834
GRF 440511	Uncompensated Care/Emergency Medical Assistance	\$	589,738	\$	663,579	116835
GRF 440514	Katz Cord Blood Foundation	\$	100,000	\$	100,000	116836
GRF 4405XX	Poison Control Centers	\$	150,000	\$	150,000	116837
TOTAL GRF	General Revenue Fund	\$	103,864,593	\$	103,864,593	116838
	State Highway Safety Fund Group					116839
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	116840
TOTAL HSF	State Highway Safety Fund Group	\$		\$		116841
		\$	233,894	\$	233,894	116842
	General Services Fund Group					116843
1420 440646	Agency Health Services	\$	9,876,043	\$	10,334,250	116844
2110 440613	Central Support Indirect Costs	\$	31,411,719	\$	31,902,600	116845
4730 440622	Lab Operating Expenses	\$	5,323,860	\$	5,396,471	116846
6830 440633	Employee Assistance Program	\$	1,330,947	\$	1,353,323	116847
6980 440634	Nurse Aide Training	\$	170,000	\$	170,000	116848
TOTAL GSF	General Services Fund Group	\$	48,112,569	\$	49,156,644	116850

Federal Special Revenue Fund Group					116851	
3200 440601	Maternal Child Health	\$	29,056,772	\$	29,068,886	116852
	Block Grant					
3870 440602	Preventive Health	\$	7,826,659	\$	7,826,659	116853
	Block Grant					
3890 440604	Women, Infants, and	\$	298,672,689	\$	308,672,689	116854
	Children					
3910 440606	Medicaid/Medicare	\$	25,891,157	\$	26,826,242	116855
3920 440618	Federal Public Health	\$	136,778,215	\$	136,778,215	116856
	Programs					
TOTAL FED	Federal Special Revenue					116857
Fund Group		\$	498,225,492	\$	509,172,691	116858
State Special Revenue Fund Group						116859
4700 440647	Fee Supported	\$	25,905,140	\$	25,905,140	116860
	Programs					
4710 440619	Certificate of Need	\$	989,000	\$	1,021,753	116861
4770 440627	Medically Handicapped	\$	3,693,016	\$	3,693,016	116862
	Children Audit					
4D60 440608	Genetics Services	\$	3,317,000	\$	3,317,000	116863
4F90 440610	Sickle Cell Disease	\$	1,035,344	\$	1,035,344	116864
	Control					
4G00 440636	Heirloom Birth	\$	5,000	\$	5,000	116865
	Certificate					
4G00 440637	Birth Certificate	\$	5,000	\$	5,000	116866
	Surcharge					
4L30 440609	Miscellaneous	\$	746,468	\$	746,468	116867
	Expenses					
4P40 440628	Ohio Physician Loan	\$	476,870	\$	476,870	116868
	Repayment					
4V60 440641	Save Our Sight	\$	2,938,649	\$	3,115,938	116869
5B50 440616	Quality, Monitoring,	\$	1,005,699	\$	1,015,053	116870
	and Inspection					

5C00	440615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	116871
5CJ0	440654	Sewage Treatment System Innovation	\$	250,000	\$	250,000	116872
5CN0	440645	Choose Life	\$	75,000	\$	75,000	116873
5D60	440620	Second Chance Trust	\$	1,054,951	\$	1,054,951	116874
5ED0	440651	Smoke Free Indoor Air	\$	189,500	\$	190,452	116875
5G40	440639	Adoption Services	\$	20,000	\$	20,000	116876
5L10	440623	Nursing Facility Technical Assistance Program	\$	698,595	\$	698,595	116877
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	116878
6100	440626	Radiation Emergency Response	\$	887,445	\$	920,372	116879
6660	440607	Medically Handicapped Children - County Assessments	\$	17,320,687	\$	17,320,687	116880
TOTAL SSR		State Special Revenue					116881
Fund Group			\$	62,208,769	\$	62,462,044	116882
Holding Account		Redistribution Fund Group					116883
R014	440631	Vital Statistics	\$	70,000	\$	70,000	116884
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	116885
TOTAL 090		Holding Account					116886
Redistribution Fund Group			\$	90,000	\$	90,000	116887
Tobacco Master Settlement Agreement		Fund Group					116888
5BX0	440656	Tobacco Use Prevention	\$	6,000,000	\$	6,000,000	116889
TOTAL TSF		Tobacco Master Settlement Agreement Fund Group					116890
			\$	6,000,000	\$	6,000,000	116891

Treatment, shall be used to assist persons with HIV/AIDS in 116924
acquiring HIV-related medications and to administer educational 116925
prevention initiatives. 116926

INFECTIOUS DISEASE PREVENTION 116927

The foregoing appropriation item 440446, Infectious Disease 116928
Protection and Surveillance, shall be used for coordination and 116929
management of prevention program operations and the purchase of 116930
drugs for sexually transmitted diseases. 116931

HELP ME GROW 116932

The foregoing appropriation item 440459, Help Me Grow, shall 116933
be used by the Department of Health to distribute subsidies to 116934
counties to implement the Help Me Grow Program. Appropriation item 116935
440459, Help Me Grow, may be used in conjunction with Early 116936
Intervention funding from the Department of Mental Retardation and 116937
Developmental Disabilities, and in conjunction with other early 116938
childhood funds and services to promote the optimal development of 116939
young children. The Department of Health shall enter into an 116940
interagency agreement with the Department of Education, Department 116941
of Mental Retardation and Developmental Disabilities, Department 116942
of Job and Family Services, and Department of Mental Health to 116943
ensure that all early childhood programs and initiatives are 116944
coordinated and school linked. 116945

The foregoing appropriation item 440459, Help Me Grow, shall 116946
also be used for the Autism Diagnosis Education Pilot Program. 116947

Of the foregoing appropriation item 440459, Help Me Grow, 116948
\$300,000 in each fiscal year shall be allocated to The Ohio State 116949
University College of Dentistry's Dental Bus Program. 116950

DEPARTMENT OF HEALTH - FEDERAL STIMULUS 116951

Upon the request of the Director of Health, the Director of 116952
Budget and Management may transfer appropriation from 116953

appropriation item 440469, Health - Federal Stimulus, to the 116954
following appropriation items: \$300,000 in fiscal year 2010 and 116955
\$257,709 in fiscal year 2011 to appropriation item 440407, Animal 116956
Borne Disease and Prevention; \$50,000 in each fiscal year to 116957
appropriation item 440412, Cancer Incidence Surveillance System; 116958
\$106,194 in each fiscal year to appropriation item 440413, Local 116959
Health Department Support; \$800,000 in fiscal year 2010 and 116960
\$700,000 in fiscal year 2011 to appropriation item 440418, 116961
Immunizations; \$200,000 in each fiscal year to appropriation item 116962
440431, Free Clinics Safety Net Services; \$200,000 in each fiscal 116963
year to appropriation item 440446, Infectious Disease Protection 116964
and Surveillance; \$100,000 in each fiscal year to appropriation 116965
item 440454, Local Environmental Health; \$50,000 in each fiscal 116966
year to appropriation item 440465, Federally Qualified Health 116967
Centers; \$100,000 in each fiscal year to appropriation item 116968
440468, Chronic Disease and Injury Prevention; and \$773,841 in 116969
fiscal year 2010 and \$700,000 in fiscal year 2011 to appropriation 116970
item 440511, Uncompensated Care/Emergency Medical Assistance. 116971

TARGETED HEALTH CARE SERVICES OVER 21 116972

The foregoing appropriation item 440507, Targeted Health Care 116973
Services Over 21, shall be used to administer the Cystic Fibrosis 116974
Program and to implement the Hemophilia Insurance Premium Payment 116975
Program. 116976

The foregoing appropriation item 440507, Targeted Health Care 116977
Services Over 21, shall also be used to provide essential 116978
medications and to pay the copayments for drugs approved by the 116979
Department of Health and covered by Medicare Part D that are 116980
dispensed to Bureau for Children with Medical Handicaps (BCMh) 116981
participants for the Cystic Fibrosis Program. 116982

These funds also may be used, to the extent that funding is 116983
available, to provide up to 18 in-patient hospital days for 116984
participants in the Cystic Fibrosis Program. 116985

The Department shall expend all of these funds.	116986
GENETICS SERVICES	116987
The foregoing appropriation item 440608, Genetics Services	116988
(Fund 4D60), shall be used by the Department of Health to	116989
administer programs authorized by sections 3701.501 and 3701.502	116990
of the Revised Code. None of these funds shall be used to counsel	116991
or refer for abortion, except in the case of a medical emergency.	116992
MEDICALLY HANDICAPPED CHILDREN AUDIT	116993
The Medically Handicapped Children Audit Fund (Fund 4770)	116994
shall receive revenue from audits of hospitals and recoveries from	116995
third-party payers. Moneys may be expended for payment of audit	116996
settlements and for costs directly related to obtaining recoveries	116997
from third-party payers and for encouraging Medically Handicapped	116998
Children's Program recipients to apply for third-party benefits.	116999
Moneys also may be expended for payments for diagnostic and	117000
treatment services on behalf of medically handicapped children, as	117001
defined in division (A) of section 3701.022 of the Revised Code,	117002
and Ohio residents who are twenty-one or more years of age and who	117003
are suffering from cystic fibrosis or hemophilia. Moneys may also	117004
be expended for administrative expenses incurred in operating the	117005
Medically Handicapped Children's Program.	117006
CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND	117007
PERMIT FUND	117008
The Director of Budget and Management, pursuant to a plan	117009
submitted by the Department of Health, or as otherwise determined	117010
by the Director of Budget and Management, shall set a schedule to	117011
transfer cash from the Liquor Control Fund (Fund 7043) to the	117012
Alcohol Testing and Permit Fund (Fund 5C00) to meet the operating	117013
needs of the Alcohol Testing and Permit Program.	117014
The Director of Budget and Management may transfer to the	117015
Alcohol Testing and Permit Fund (Fund 5C00) from the Liquor	117016

Control Fund (Fund 7043) created in section 4301.12 of the Revised Code such amounts at such times as determined by the transfer schedule. 117017
117018
117019

DENTIST LOAN REPAYMENT ADVISORY BOARD 117020

As specified in the amendments made by this act to section 117021
3702.92 of the Revised Code, the Governor, Speaker of the House of 117022
Representatives, and President of the Senate shall each appoint 117023
one additional member to the Dentist Loan Repayment Advisory 117024
Board. The appointments shall be made not later than sixty days 117025
after the effective date of section 3702.92 of the Revised Code. 117026
The terms of office of the additional members shall end on January 117027
27, 2011, except that a legislative member ceases to be a member 117028
of the Board on ceasing to be a member of the General Assembly. 117029
Vacancies occurring prior to January 27, 2011, shall be filled in 117030
the manner prescribed for original appointments under this 117031
section. 117032

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 117033

The foregoing appropriation item 440607, Medically 117034
Handicapped Children - County Assessments (Fund 6660), shall be 117035
used to make payments under division (E) of section 3701.023 of 117036
the Revised Code. 117037

CASH TRANSFER FROM THE SEWAGE INNOVATION FUND TO FEE 117038
SUPPORTED PROGRAMS FUND 117039

On July 1, 2009, or as soon as possible thereafter, the 117040
Director of Health shall certify to the Director of Budget and 117041
Management the amount of cash to be transferred from the Sewage 117042
Innovation Fund (Fund 5CJ0) to the Fee Supported Program Fund 117043
(Fund 4700) to meet the needs of the Sewage Program. The Director 117044
of Budget and Management may transfer the amount certified. The 117045
amount certified is hereby appropriated. 117046

NURSING FACILITY TECHNICAL ASSISTANCE PROGRAM 117047

On July 1, 2009, or as soon as possible thereafter, the
Director of Budget and Management may transfer, cash from the
Resident Protection Fund (Fund 4E30), which is used by the Ohio
Department of Job and Family Services, to the Nursing Facility
Technical Assistance Program Fund (Fund 5L10), which is used by
the Ohio Department of Health, to be used under section 3721.026
of the Revised Code. The transfers shall equal \$698,595 in each
fiscal year.

Section 289.30. URBAN DISEASE COMMISSION

(A) There is hereby established in the Department of Health
the Urban Disease Commission. The Commission shall be composed of
individuals selected by the Director of Health who are both of the
following:

(1) Representatives of boards of health of city health
districts or general health districts, or the authorities having
the duties of a board of health under section 3709.05 of the
Revised Code;

(2) Located in an urban area in which the Director of Health
determines there is a high prevalence of one of the following:

- (a) Colorectal cancer;
- (b) Prostate cancer;
- (c) Sickle cell anemia.

(B) The Director or the Director's designee shall serve as
the chairperson of the Commission and shall establish the meeting
time and locations for the Commission.

(C) The Commission shall study colorectal cancer, prostate
cancer, and sickle cell anemia in urban areas of the state in
which the Director determines such conditions are prevalent. Not
later than June 30, 2011, the Commission shall submit a report to
the Governor, Speaker and Minority Leader of the House of

Representatives, and President and Minority Leader of the Senate 117078
 describing its findings on the prevalence of colorectal cancer, 117079
 prostate cancer, and sickle cell anemia in the urban areas 117080
 included in the study. The report shall include policy 117081
 recommendations to combat the prevalence of these conditions in 117082
 such areas. 117083

(D) The Commission shall cease to exist on submission of the 117084
 report under division (C) of this section. 117085

Section 289.40. FUNDING FOR IMMUNIZATIONS 117086

To the extent permitted under state and federal law, the 117087
 Department of Health shall use state general revenue funds and 117088
 federal funds appropriated for the purchase of vaccinations to 117089
 provide immunizations to children and adults in Ohio. 117090

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 117091

Agency Fund Group 117092
 4610 372601 Operating Expenses \$ 40,000 \$ 40,000 117093
 TOTAL AGY Agency Fund Group \$ 40,000 \$ 40,000 117094
 TOTAL ALL BUDGET FUND GROUPS \$ 40,000 \$ 40,000 117095

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 117097

General Revenue Fund 117098
 GRF 148100 Personal Services \$ 328,353 \$ 328,353 117099
 GRF 148200 Maintenance \$ 50,000 \$ 50,000 117100
 GRF 148402 Community Projects \$ 129,264 \$ 129,264 117101
 TOTAL GRF General Revenue Fund \$ 507,617 \$ 507,617 117102
 General Services Fund Group 117103
 6010 148602 Gifts and \$ 10,000 \$ 10,000 117104
 Miscellaneous
 TOTAL GSF General Services 117105

Fund Group	\$	10,000	\$	10,000	117106
TOTAL ALL BUDGET FUND GROUPS	\$	517,617	\$	517,617	117107

Section 295.10. OHS OHIO HISTORICAL SOCIETY 117109

General Revenue Fund 117110

GRF 360501 Education and Collections \$ 3,291,754 \$ 3,291,754 117111

GRF 360502 Site and Museum Operations \$ 6,165,927 \$ 6,165,927 117112

GRF 360504 Ohio Preservation Office \$ 326,066 \$ 326,066 117113

GRF 360505 National Afro-American Museum \$ 592,568 \$ 592,568 117114

GRF 360506 Hayes Presidential Center \$ 401,490 \$ 401,490 117115

GRF 360508 State Historical Grants \$ 700,600 \$ 700,600 117116

GRF 360509 Outreach and Partnership \$ 703,638 \$ 703,638 117117

TOTAL GRF General Revenue Fund \$ 12,182,043 \$ 12,182,043 117118

TOTAL ALL BUDGET FUND GROUPS \$ 12,182,043 \$ 12,182,043 117119

SUBSIDY APPROPRIATION 117120

Upon approval by the Director of Budget and Management, the 117121
foregoing appropriation items shall be released to the Ohio 117122
Historical Society in quarterly amounts that in total do not 117123
exceed the annual appropriations. The funds and fiscal records of 117124
the society for fiscal year 2010 and fiscal year 2011 shall be 117125
examined by independent certified public accountants approved by 117126
the Auditor of State, and a copy of the audited financial 117127
statements shall be filed with the Office of Budget and 117128
Management. The society shall prepare and submit to the Office of 117129
Budget and Management the following: 117130

(A) An estimated operating budget for each fiscal year of the 117131
biennium. The operating budget shall be submitted at or near the 117132
beginning of each calendar year. 117133

(B) Financial reports, indicating actual receipts and 117134
expenditures for the fiscal year to date. These reports shall be 117135
filed at least semiannually during the fiscal biennium. 117136

The foregoing appropriations shall be considered to be the 117137
contractual consideration provided by the state to support the 117138
state's offer to contract with the Ohio Historical Society under 117139
section 149.30 of the Revised Code. 117140

STATE ARCHIVES 117141

Of the foregoing appropriation item 360501, Education and 117142
Collections, \$910,459 in each fiscal year shall be used for the 117143
State Archives, Library, and Artifact Collections Program. 117144

HAYES PRESIDENTIAL CENTER 117145

If a United States government agency, including, but not 117146
limited to, the National Park Service, chooses to take over the 117147
operations or maintenance of the Hayes Presidential Center, in 117148
whole or in part, the Ohio Historical Society shall make 117149
arrangements with the National Park Service or other United States 117150
government agency for the efficient transfer of operations or 117151
maintenance. 117152

Section 295.20. STATE HISTORICAL GRANTS 117153

Of the foregoing appropriation item 360508, State Historical 117154
Grants, \$100,000 in each fiscal year shall be used for the 117155
Cincinnati Museum Center. 117156

Section 301.10. REP OHIO HOUSE OF REPRESENTATIVES 117157

General Revenue Fund 117158

GRF 025321	Operating Expenses	\$	18,517,093	\$	18,517,093	117159
TOTAL GRF	General Revenue Fund	\$	18,517,093	\$	18,517,093	117160
General Services Fund Group						117161
1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664	117162
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849	117163
TOTAL GSF	General Services					117164
Fund Group		\$	1,471,513	\$	1,471,513	117165
TOTAL ALL BUDGET FUND GROUPS		\$	19,988,606	\$	19,988,606	117166

OPERATING EXPENSES 117167

On July 1, 2009, or as soon as possible thereafter, the Clerk 117168
of the House of Representatives may certify to the Director of 117169
Budget and Management the amount of the unexpended, unencumbered 117170
balance of the foregoing appropriation item 025321, Operating 117171
Expenses, at the end of fiscal year 2009 to be reappropriated to 117172
fiscal year 2010. The amount certified is hereby reappropriated to 117173
the same appropriation item for fiscal year 2010. 117174

On July 1, 2010, or as soon as possible thereafter, the Clerk 117175
of the House of Representatives may certify to the Director of 117176
Budget and Management the amount of the unexpended, unencumbered 117177
balance of the foregoing appropriation item 025321, Operating 117178
Expenses, at the end of fiscal year 2010 to be reappropriated to 117179
fiscal year 2011. The amount certified is hereby reappropriated to 117180
the same appropriation item for fiscal year 2011. 117181

Section 303.10. HFA OHIO HOUSING FINANCE AGENCY 117182

Agency Fund Group						117183
5AZ0997601	Housing Finance Agency	\$	10,186,713	\$	10,386,426	117184
Personal Services						
TOTAL AGY	Agency Fund Group	\$	10,186,713	\$	10,386,426	117185
TOTAL ALL BUDGET FUND GROUPS		\$	10,186,713	\$	10,386,426	117186

Section 305.10. IGO OFFICE OF THE INSPECTOR GENERAL 117188

General Revenue Fund					117189
GRF 965321	Operating Expenses	\$	1,164,218	\$	1,164,218
					117190
TOTAL GRF	General Revenue Fund	\$	1,164,218	\$	1,164,218
					117191
General Services Fund Group					117192
5FA0 965603	Deputy Inspector	\$	400,000	\$	400,000
	General for ODOT				117193
5FT0 965604	Deputy Inspector	\$	425,000	\$	425,000
	General for BWC/OIC				117194
TOTAL GSF	General Services Fund	\$	825,000	\$	825,000
	Group				117195
TOTAL ALL BUDGET FUND GROUPS		\$	1,989,218	\$	1,989,218
					117196
Section 307.10.	INS DEPARTMENT OF INSURANCE				117198
General Revenue Fund					117199
GRF 820607	State Coverage	\$	10,000,000	\$	10,000,000
	Initiative				117200
TOTAL GRF	General Revenue Fund	\$	10,000,000	\$	10,000,000
					117201
Federal Special Revenue Fund Group					117202
3CX0 820608	State Coverage	\$	50,000,000	\$	100,000,000
	Initiative - Federal				117203
3U50 820602	OSHIIP Operating	\$	1,770,000	\$	1,790,000
	Grant				117204
TOTAL FED	Federal Special				117205
	Revenue Fund Group	\$	51,770,000	\$	101,790,000
					117206
State Special Revenue Fund Group					117207
5540 820601	Operating Expenses -	\$	200,000	\$	200,000
	OSHIIP				117208
5540 820606	Operating Expenses	\$	23,105,028	\$	23,108,297
					117209
5540 820609	State Coverage	\$	479,575	\$	479,575
	Initiative				117210
	Administration				

5550 820605 Examination	\$	9,275,768	\$	9,294,668	117211
TOTAL SSR State Special Revenue					117212
Fund Group	\$	33,060,371	\$	33,082,540	117213
TOTAL ALL BUDGET FUND GROUPS	\$	94,830,371	\$	144,872,540	117214

STATE COVERAGE INITIATIVE 117215

Of the foregoing appropriation item 820607, State Coverage 117216
Initiative, up to \$7,000,000 in each fiscal year shall be used to 117217
support health information technology strategies. The remainder of 117218
the appropriation shall be used to support the implementation of 117219
strategies recommended by the Health Care Coverage and Quality 117220
Council established in section 3923.90 of the Revised Code. In 117221
addition to health information technology, strategies may include 117222
implementation of patient-centered medical homes, improved 117223
consumer information, and payment reform. Up to \$3,000,000 in each 117224
fiscal year may be used by the Superintendent of Insurance to 117225
transfer cash from the General Revenue Fund to another fund in the 117226
state treasury. The transfer shall be made using an intrastate 117227
transfer voucher. 117228

An amount equal to the unexpended, unencumbered portion of 117229
the foregoing appropriation item 820607, State Coverage 117230
Initiative, at the end of fiscal year 2010 is hereby 117231
reappropriated for the same purpose for fiscal year 2011. 117232

MARKET CONDUCT EXAMINATION 117233

When conducting a market conduct examination of any insurer 117234
doing business in this state, the Superintendent of Insurance may 117235
assess the costs of the examination against the insurer. The 117236
superintendent may enter into consent agreements to impose 117237
administrative assessments or fines for conduct discovered that 117238
may be violations of statutes or rules administered by the 117239
superintendent. All costs, assessments, or fines collected shall 117240
be deposited to the credit of the Department of Insurance 117241
Operating Fund (Fund 5540). 117242

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES	117243
The Director of Budget and Management, at the request of the Superintendent of Insurance, may transfer funds from the Department of Insurance Operating Fund (Fund 5540), established by section 3901.021 of the Revised Code, to the Superintendent's Examination Fund (Fund 5550), established by section 3901.071 of the Revised Code, only for expenses incurred in examining domestic fraternal benefit societies as required by section 3921.28 of the Revised Code.	117244 117245 117246 117247 117248 117249 117250 117251
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND	117252
Not later than the thirty-first day of July each fiscal year, the Director of Budget and Management shall transfer \$5,000,000 from the Department of Insurance Operating Fund (Fund 5540) to the General Revenue Fund.	117253 117254 117255 117256
HEALTH INSURANCE COVERAGE OF AUTISM SPECTRUM DISORDERS	117257
Of the foregoing appropriation item 820606, Operating Expenses, up to \$20,000 in fiscal year 2010 shall be used by the Department of Insurance to conduct a study on insurance rates if health insurers are required to provide coverage for specified services for individuals diagnosed with an autism spectrum disorder. Not later than January 31, 2010, the study shall be completed and copies of the study shall be provided to the Governor, the Speaker of the House of the Representatives, the President of the Senate, and the minority leaders in the House of Representatives and the Senate, the Director of Budget and Management, the Superintendent of Insurance, and the Director of Job and Family Services.	117258 117259 117260 117261 117262 117263 117264 117265 117266 117267 117268 117269
On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$20,000 cash from the General Revenue Fund to the Department of Insurance Operating Fund (Fund 5540).	117270 117271 117272 117273

Section 309.10.		JFS DEPARTMENT OF JOB AND FAMILY SERVICES		117274
General Revenue Fund				117275
GRF 600321	Support Services			117276
	State	\$ 52,432,042	\$ 52,817,104	117277
	Federal	\$ 9,252,713	\$ 9,320,665	117278
	Support Services Total	\$ 61,684,755	\$ 62,137,769	117279
GRF 600410	TANF State	\$ 190,932,468	\$ 203,183,335	117280
GRF 600413	Child Care	\$ 88,415,688	\$ 93,105,300	117281
	Match/Maintenance of Effort			
GRF 600416	Computer Projects			117282
	State	\$ 92,734,743	\$ 93,242,343	117283
	Federal	\$ 10,303,860	\$ 10,360,260	117284
	Computer Projects Total	\$ 103,038,603	\$ 103,602,603	117285
GRF 600417	Medicaid Provider Audits	\$ 1,484,001	\$ 1,497,886	117286
GRF 600420	Child Support Administration	\$ 9,169,234	\$ 9,231,310	117287
GRF 600421	Office of Family Stability	\$ 4,653,955	\$ 4,720,001	117288
GRF 600423	Office of Children and Families	\$ 6,494,545	\$ 6,580,782	117289
GRF 600425	Office of Ohio Health Plans			117290
	State	\$ 14,688,390	\$ 11,452,327	117291
	Federal	\$ 15,287,916	\$ 11,919,769	117292
	Office of Ohio Health Plans Total	\$ 29,976,306	\$ 23,372,096	117293
GRF 600502	Administration - Local	\$ 23,582,308	\$ 23,150,288	117294
GRF 600511	Disability Financial Assistance	\$ 36,037,712	\$ 38,684,457	117295
GRF 600521	Entitlement	\$ 107,026,181	\$ 100,893,286	117296

	Administration - Local				
GRF 600523	Children and Families Services	\$ 75,709,378	\$ 75,709,378	117297	
GRF 600525	Health Care/Medicaid			117298	
	State	\$ 2,493,379,157	\$ 3,539,256,149	117299	
	Federal	\$ 6,372,697,855	\$ 7,407,374,830	117300	
	Health Care Total	\$ 8,866,077,012	\$10,946,630,979	117301	
GRF 600526	Medicare Part D	\$ 271,746,617	\$ 287,194,790	117302	
GRF 600528	Adoption Services			117303	
	State	\$ 38,722,700	\$ 41,060,302	117304	
	Federal	\$ 49,792,948	\$ 47,455,346	117305	
	Adoption Services Total	\$ 88,515,648	\$ 88,515,648	117306	
GRF 600533	Child, Family, and Adult Community & Protective Services	\$ 50,000,000	\$ 50,000,000	117307	
GRF 600534	Adult Protective Services	\$ 522,040	\$ 511,453	117308	
GRF 600535	Early Care and Education	\$ 173,000,000	\$ 173,000,000	117309	
GRF 600537	Children's Hospital	\$ 6,000,000	\$ 6,000,000	117310	
GRF 600540	Second Harvest Food Banks	\$ 3,500,000	\$ 3,500,000	117311	
GRF 600541	Kinship Permanency Incentive Program	\$ 5,000,000	\$ 5,000,000	117312	
GRF 600661	Child Care - Federal Stimulus	\$ 8,915,224	\$ 13,459,664	117313	
TOTAL GRF	General Revenue Fund			117314	
	State	\$ 3,754,146,383	\$ 4,833,250,155	117315	
	Federal	\$ 6,457,335,292	\$ 7,486,430,870	117316	
	GRF Total	\$10,211,481,675	\$12,319,681,025	117317	
	General Services Fund Group			117318	
4A80 600658	Child Support Collections	\$ 26,000,000	\$ 26,000,000	117319	

4R40	600665	BCII Services/Fees	\$	36,974	\$	36,974	117320
5BG0	600653	Managed Care Assessment	\$	168,914,857	\$	0	117321
5C90	600671	Medicaid Program Support	\$	69,876,838	\$	68,313,238	117322
5DL0	600639	Medicaid Revenue and Collections	\$	99,916,750	\$	63,600,000	117323
5DM0	600633	Administration & Operating	\$	19,853,583	\$	19,928,733	117324
5FX0	600638	Medicaid Payment Withholding	\$	26,000,000	\$	26,000,000	117325
5N10	600677	County Technologies	\$	1,000,000	\$	1,000,000	117326
5P50	600692	Health Care Services	\$	84,052,802	\$	226,469,478	117327
6130	600645	Training Activities	\$	110,000	\$	110,000	117328
TOTAL GSF General Services							117329
Fund Group			\$	495,761,804	\$	431,458,423	117330
Federal Special Revenue Fund Group							117331
3270	600606	Child Welfare	\$	33,972,321	\$	33,984,200	117332
3310	600686	Federal Operating	\$	60,672,731	\$	56,569,912	117333
3840	600610	Food Assistance and State Administration	\$	159,109,776	\$	159,109,427	117334
3850	600614	Refugee Services	\$	10,497,024	\$	11,265,511	117335
3950	600616	Special Activities/Child and Family Services	\$	3,113,200	\$	2,813,200	117336
3960	600620	Social Services Block Grant	\$	120,000,000	\$	120,000,000	117337
3970	600626	Child Support	\$	305,830,981	\$	305,832,341	117338
3980	600627	Adoption Maintenance/ Administration	\$	355,345,646	\$	352,184,668	117339
3A20	600641	Emergency Food Distribution	\$	9,953,222	\$	4,970,000	117340
3AW0	600675	Faith Based	\$	544,140	\$	544,140	117341

		Initiatives			
3D30	600648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	117342
Federal					
3F00	600623	Health Care Federal	\$3,208,537,567	\$ 2,429,425,188	117343
3F00	600650	Hospital Care	\$ 362,092,785	\$ 367,826,196	117344
Assurance Match					
3G50	600655	Interagency	\$1,703,777,044	\$ 1,666,905,912	117345
Reimbursement					
3H70	600617	Child Care Federal	\$ 241,862,780	\$ 241,862,779	117346
3N00	600628	IV-E Foster Care	\$ 169,324,768	\$ 161,644,455	117347
Maintenance					
3S50	600622	Child Support	\$ 534,050	\$ 534,050	117348
Projects					
3V00	600688	Workforce Investment	\$ 326,923,124	\$ 327,145,616	117349
Act					
3V40	600678	Federal Unemployment	\$ 167,478,790	\$ 136,982,528	117350
Programs					
3V40	600679	Unemployment	\$ 3,487,473	\$ 3,487,473	117351
Compensation Review					
Commission - Federal					
3V60	600689	TANF Block Grant	\$ 755,528,435	\$ 760,614,433	117352
TOTAL FED Federal Special Revenue					117353
Fund Group			\$8,000,626,381	\$ 7,145,742,553	117354
State Special Revenue Fund Group					117355
1980	600647	Children's Trust Fund	\$ 5,881,011	\$ 5,881,011	117356
4A90	600607	Unemployment	\$ 27,134,851	\$ 37,772,416	117357
Compensation					
Administration Fund					
4A90	600694	Unemployment	\$ 2,357,197	\$ 2,431,133	117358
Compensation Review					
Commission					
4E30	600605	Nursing Home	\$ 4,759,914	\$ 4,759,914	117359
Assessments					

4E70	600604	Child and Family Services Collections	\$	300,000	\$	300,000	117360
4F10	600609	Foundation Grants/Child & Family Services	\$	250,000	\$	250,000	117361
4J50	600613	Nursing Facility Bed Assessments	\$	36,713,984	\$	36,713,984	117362
4J50	600618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	117363
4K10	600621	ICF/MR Bed Assessments	\$	28,261,826	\$	29,482,434	117364
4R30	600687	Banking Fees	\$	700,000	\$	700,000	117365
4Z10	600625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	117366
5AJ0	600631	Money Follows the Person	\$	6,286,485	\$	6,195,163	117367
5DB0	600637	Military Injury Grants	\$	2,000,000	\$	2,000,000	117368
5DP0	600634	Adoption Assistance Loan	\$	500,000		500,000	117369
5ES0	600630	Food Assistance	\$	500,000	\$	500,000	117370
5F20	600667	Building Consolidation	\$	250,000	\$	250,000	117371
5F30	600668	Building Consolidation	\$	1,000,000	\$	1,000,000	117372
5GC0	600640	GOFBCI/Family Stability	\$	70,000	\$	70,000	117373
5GF0	600656	Medicaid - Hospital	\$	338,505,284	\$	370,861,816	117374
5Q90	600619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	117375
5R20	600608	Medicaid-Nursing Facilities	\$	329,947,751	\$	341,125,000	117376
5S30	600629	MR/DD Medicaid Administration and Oversight	\$	2,070,707	\$	5,493,954	117377
5U30	600654	Health Care Services Administration	\$	12,017,389	\$	14,393,903	117378
5U60	600663	Children and Family	\$	4,719,470	\$	4,719,470	117379

		Support				
6510	600649	Hospital Care	\$ 220,612,051	\$ 218,164,239		117380
		Assurance Program Fund				
		TOTAL SSR State Special Revenue				117381
		Fund Group	\$ 1,106,663,918	\$ 1,165,390,435		117382
		Agency Fund Group				117383
1920	600646	Support Intercept -	\$ 130,000,000	\$ 130,000,000		117384
		Federal				
5830	600642	Support Intercept -	\$ 16,000,000	\$ 16,000,000		117385
		State				
5B60	600601	Food Assistance	\$ 2,000,000	\$ 2,000,000		117386
		Intercept				
		TOTAL AGY Agency Fund Group	\$ 148,000,000	\$ 148,000,000		117387
		Holding Account Redistribution Fund Group				117388
R012	600643	Refunds and Audit	\$ 3,600,000	\$ 3,600,000		117389
		Settlements				
R013	600644	Forgery Collections	\$ 10,000	\$ 10,000		117390
		TOTAL 090 Holding Account	\$ 3,610,000	\$ 3,610,000		117391
		Redistribution Fund Group				
		TOTAL ALL BUDGET FUND GROUPS	\$19,966,143,778	\$21,213,882,436		117392

Section 309.20. SUPPORT SERVICES 117394

Section 309.20.10. AGENCY FUND GROUP 117395

The Agency Fund Group and Holding Account Redistribution Fund 117396
Group shall be used to hold revenues until the appropriate fund is 117397
determined or until the revenues are directed to the appropriate 117398
governmental agency other than the Department of Job and Family 117399
Services. If receipts credited to the Support Intercept - Federal 117400
Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), 117401
the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit 117402
Settlements Fund (Fund R012), or the Forgery Collections Fund 117403

(Fund R013) exceed the amounts appropriated from the fund, the 117404
Director of Job and Family Services may request the Director of 117405
Budget and Management to authorize expenditures from the fund in 117406
excess of the amounts appropriated. Upon the approval of the 117407
Director of Budget and Management, the additional amounts are 117408
hereby appropriated. 117409

Section 309.30. MEDICAID 117410

Section 309.30.10. HEALTH CARE/MEDICAID 117411

The foregoing appropriation item 600525, Health 117412
Care/Medicaid, shall not be limited by section 131.33 of the 117413
Revised Code. 117414

Section 309.30.12. MEDICAID COVERAGE OF OXYGEN SERVICES TO 117415
ICF/MR RESIDENTS 117416

Of the foregoing appropriation item 600525, Health 117417
Care/Medicaid, \$30,000 in each fiscal year shall be used to 117418
reimburse medical suppliers of oxygen services in accordance with 117419
section 5111.236 of the Revised Code. 117420

Section 309.30.15. CHILDREN'S HOSPITALS 117421

(A) As used in this section: 117422

(1) "Children's hospital" means a hospital that primarily 117423
serves patients eighteen years of age and younger and is excluded 117424
from Medicare prospective payment in accordance with 42 C.F.R. 117425
412.23(d). 117426

(2) "Medicaid inpatient cost-to-charge ratio" means the 117427
historic Medicaid inpatient cost-to-charge ratio applicable to a 117428
hospital as described in rules adopted by the Director of Job and 117429
Family Services in paragraph (B)(2) of rule 5101:3-2-22 of the 117430
Administrative Code. 117431

(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of the Administrative Code and except as provided in division (C) of this section, the Director of Job and Family Services shall pay a children's hospital that meets the criteria in paragraphs (E)(1) and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each cost outlier claim made in fiscal years 2010 and 2011, an amount that is the product of the hospital's allowable charges and the hospital's Medicaid inpatient cost-to-charge ratio.

(C) The Director of Job and Family Services shall cease paying a children's hospital for a cost outlier claim under the methodology in division (B) of this section and revert to paying the hospital for such a claim according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code, as applicable, when the difference between the total amount the Director has paid according to the methodology in division (B) of this section for such claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code for such claims, as the applicable paragraph existed on June 30, 2009, exceeds the sum of the state funds and corresponding federal match earmarked in division (F) of this section.

(D) The Director of Job and Family Services shall make supplemental Medicaid payments to hospitals for inpatient services under a program modeled after the program the Department of Job and Family Services was required to create for fiscal years 2006 and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th General Assembly if the difference between the total amount the Director has paid according to the methodology in division (B) of this section for cost outlier claims and the total amount the Director would have paid according to the methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code

for such claims, as the applicable paragraph existed on June 30, 117464
2009, does not require the expenditure of all state and federal 117465
funds earmarked in division (F) of this section for the applicable 117466
fiscal year. The program may be the same as the program the 117467
Director used for making the payments to hospitals for fiscal 117468
years 2008 and 2009 under Section 309.30.13 of Am. Sub. H.B. 119 117469
of the 127th General Assembly. 117470

(E) The Director of Job and Family Services shall not adopt, 117471
amend, or rescind any rules that would result in decreasing the 117472
amount paid to children's hospitals under division (B) of this 117473
section for cost outlier claims. 117474

(F) Of the foregoing appropriation item, 600537, Children's 117475
Hospital, up to \$6 million (state share) in each fiscal year plus 117476
the corresponding federal match, if available, shall be used by 117477
the Department to pay the amounts described in division (B) of 117478
this section. 117479

Section 309.30.20. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 117480
SYSTEM FOR NURSING FACILITIES 117481

(A) As used in this section: 117482

"Franchise permit fee," "Medicaid days," "nursing facility," 117483
and "provider" have the same meanings as in section 5111.20 of the 117484
Revised Code. 117485

"Nursing facility services" means nursing facility services 117486
covered by the Medicaid program that a nursing facility provides 117487
to a resident of the nursing facility who is a Medicaid recipient 117488
eligible for Medicaid-covered nursing facility services. 117489

(B) Except as otherwise provided by this section, the 117490
provider of a nursing facility that has a valid Medicaid provider 117491
agreement on June 30, 2009, and a valid Medicaid provider 117492
agreement during fiscal year 2010 shall be paid, for nursing 117493

facility services the nursing facility provides during fiscal year 117494
2010, the rate calculated for the nursing facility under sections 117495
5111.20 to 5111.33 of the Revised Code with the following 117496
adjustments: 117497

(1) The nursing facility's rate for capital costs shall be 117498
the greater of the following: 117499

(a) The sum calculated under division (B)(2) of section 117500
5111.25 of the Revised Code for the nursing facility; 117501

(b) The median rate for capital costs for the nursing 117502
facilities in the nursing facility's peer group as determined 117503
under division (D) of section 5111.25 of the Revised Code, 117504
adjusted as follows: 117505

(i) Increase the rate so determined by two per cent; 117506

(ii) Increase the rate determined under division (B)(1)(b)(i) 117507
of this section by two per cent; 117508

(iii) Increase the rate determined under division 117509
(B)(1)(b)(ii) of this section by one per cent. 117510

(2) The cost per case mix-unit calculated under section 117511
5111.231 of the Revised Code, the rate for ancillary and support 117512
costs calculated under section 5111.24 of the Revised Code, and 117513
the rate for tax costs calculated under section 5111.242 of the 117514
Revised Code shall each be adjusted as follows: 117515

(a) Increase the cost and rates so calculated by two per 117516
cent; 117517

(b) Increase the cost and rates determined under division 117518
(B)(2)(a) of this section by two per cent; 117519

(c) Increase the cost and rates determined under division 117520
(B)(2)(b) of this section by one per cent. 117521

(3) The mean payment used in the calculation of the quality 117522
incentive payment made under section 5111.244 of the Revised Code 117523

shall be, weighted by Medicaid days, three dollars and three cents 117524
per Medicaid day. 117525

(4) The rate, after the adjustments under divisions (B)(1), 117526
(2), and (3) of this section are made, shall be further increased 117527
by three dollars per Medicaid day. 117528

(C) If the rate determined for a nursing facility under 117529
division (B) of this section for nursing facility services 117530
provided during fiscal year 2010 is more than the rate the 117531
provider is paid for nursing facility services the nursing 117532
facility provides on June 30, 2009, the Department of Job and 117533
Family Services shall reduce the nursing facility's fiscal year 117534
2010 rate by one-half of the difference between the rate 117535
determined for the nursing facility under division (B) of this 117536
section and the nursing facility's rate for June 30, 2009. If the 117537
rate determined for a nursing facility under division (B) of this 117538
section for nursing facility services provided during fiscal year 117539
2010 is less than the rate the provider is paid for nursing 117540
facility services the nursing facility provides on June 30, 2009, 117541
the Department shall increase the nursing facility's fiscal year 117542
2010 rate by five-sixths of the difference between the rate 117543
determined for the nursing facility under division (B) of this 117544
section and the nursing facility's rate for June 30, 2009. 117545

(D) After the adjustments under divisions (B) and (C) of this 117546
section are made to a nursing facility's fiscal year 2010 rate, 117547
the Department of Job and Family Services shall increase the 117548
nursing facility's fiscal year 2010 rate by five dollars per 117549
Medicaid day if the nursing facility has more than two hundred 117550
fifty beds certified for the Medicaid program. 117551

(E) If the United States Centers for Medicare and Medicaid 117552
Services requires that the franchise permit fee be reduced or 117553
eliminated, the Department of Job and Family Services shall reduce 117554
the amount it pays providers of nursing facility services under 117555

this section as necessary to reflect the loss to the state of the 117556
revenue and federal financial participation generated from the 117557
franchise permit fee. 117558

(F) The Department of Job and Family Services shall follow 117559
this section in determining the rate to be paid to the provider of 117560
a nursing facility that has a valid Medicaid provider agreement on 117561
June 30, 2009, and a valid Medicaid provider agreement during 117562
fiscal year 2010 notwithstanding anything to the contrary in 117563
sections 5111.20 to 5111.33 of the Revised Code. 117564

Section 309.30.30. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 117565
SYSTEM FOR NURSING FACILITIES 117566

(A) As used in this section: 117567

"Franchise permit fee," "Medicaid days," "nursing facility," 117568
and "provider" have the same meanings as in section 5111.20 of the 117569
Revised Code. 117570

"Nursing facility services" means nursing facility services 117571
covered by the Medicaid program that a nursing facility provides 117572
to a resident of the nursing facility who is a Medicaid recipient 117573
eligible for Medicaid-covered nursing facility services. 117574

(B) Except as otherwise provided by this section, the 117575
provider of a nursing facility that has a valid Medicaid provider 117576
agreement on June 30, 2010, and a valid Medicaid provider 117577
agreement during fiscal year 2011 shall be paid, for nursing 117578
facility services the nursing facility provides during fiscal year 117579
2011, the rate calculated for the nursing facility under sections 117580
5111.20 to 5111.33 of the Revised Code with the following 117581
adjustments: 117582

(1) The nursing facility's rate for capital costs shall be 117583
the greater of the following: 117584

(a) The sum calculated under division (B)(2) of section 117585

5111.25 of the Revised Code for the nursing facility; 117586

(b) The median rate for capital costs for the nursing 117587
facilities in the nursing facility's peer group as determined 117588
under division (D) of section 5111.25 of the Revised Code, 117589
adjusted as follows: 117590

(i) Increase the rate so determined by two per cent; 117591

(ii) Increase the rate determined under division (B)(1)(b)(i) 117592
of this section by two per cent; 117593

(iii) Increase the rate determined under division 117594
(B)(1)(b)(ii) of this section by one per cent. 117595

(2) The cost per case mix-unit calculated under section 117596
5111.231 of the Revised Code, the rate for ancillary and support 117597
costs calculated under section 5111.24 of the Revised Code, and 117598
the rate for tax costs calculated under section 5111.242 of the 117599
Revised Code shall each be adjusted as follows: 117600

(a) Increase the cost and rates so calculated by two per 117601
cent; 117602

(b) Increase the cost and rates determined under division 117603
(B)(2)(a) of this section by two per cent; 117604

(c) Increase the cost and rates determined under division 117605
(B)(2)(b) of this section by one per cent. 117606

(3) The mean payment used in the calculation of the quality 117607
incentive payment made under section 5111.244 of the Revised Code 117608
shall be, weighted by Medicaid days, three dollars and three cents 117609
per Medicaid day. 117610

(4) The rate, after the adjustments under divisions (B)(1), 117611
(2), and (3) of this section are made, shall be further increased 117612
by five dollars and thirty-five cents per Medicaid day. 117613

(C) If the rate determined for a nursing facility under 117614
division (B) of this section for nursing facility services 117615

provided during fiscal year 2011 is less than the rate the 117616
provider is paid for nursing facility services the nursing 117617
facility provides on June 30, 2009, the Department of Job and 117618
Family Services shall increase the nursing facility's fiscal year 117619
2011 rate by two-thirds of the difference between the rate 117620
determined for the nursing facility under division (B) of this 117621
section and the nursing facility's rate for June 30, 2009. 117622

(D) After the adjustments under divisions (B) and (C) of this 117623
section are made to a nursing facility's fiscal year 2011 rate, 117624
the Department of Job and Family Services shall increase the 117625
nursing facility's fiscal year 2011 rate by five dollars per 117626
Medicaid day if the nursing facility has more than two hundred 117627
fifty beds certified for the Medicaid program. 117628

(E) If the United States Centers for Medicare and Medicaid 117629
Services requires that the franchise permit fee be reduced or 117630
eliminated, the Department of Job and Family Services shall reduce 117631
the amount it pays providers of nursing facility services under 117632
this section as necessary to reflect the loss to the state of the 117633
revenue and federal financial participation generated from the 117634
franchise permit fee. 117635

(F) The Department of Job and Family Services shall follow 117636
this section in determining the rate to be paid to the provider of 117637
a nursing facility that has a valid Medicaid provider agreement on 117638
June 30, 2010, and a valid Medicaid provider agreement during 117639
fiscal year 2011 notwithstanding anything to the contrary in 117640
sections 5111.20 to 5111.33 of the Revised Code. 117641

Section 309.30.60. FISCAL YEAR 2010 MEDICAID REIMBURSEMENT 117642
SYSTEM FOR ICFs/MR 117643

(A) As used in this section: 117644

"Change of operator," "entering operator," and "exiting 117645

operator" have the same meanings as in section 5111.65 of the Revised Code. 117646
117647

"Franchise permit fee" and "provider" have the same meanings as in section 5111.20 of the Revised Code. 117648
117649

"ICF/MR" means an intermediate care facility for the mentally retarded as defined in section 5111.20 of the Revised Code. 117650
117651

"ICF/MR services" means services covered by the Medicaid program that an ICF/MR provides to a Medicaid recipient eligible for the services. 117652
117653
117654

"Medicaid days" means all days during which a resident who is a Medicaid recipient occupies a bed in an ICF/MR that is included in the ICF/MR's Medicaid-certified capacity. Therapeutic or hospital leave days for which payment is made under section 5111.33 of the Revised Code are considered Medicaid days proportionate to the percentage of the ICF/MR's per resident per day rate paid for those days. 117655
117656
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117661

"Per diem rate" means the per diem rate calculated pursuant to sections 5111.20 to 5111.33 of the Revised Code. 117662
117663

(B) This section applies to providers of ICFs/MR to which either of the following applies: 117664
117665

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010. 117666
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(2) The ICF/MR undergoes a change of operator effective July 1, 2009, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2009, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2010. 117669
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117673

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, 117674
117675

for ICF/MR services the ICF/MR provides during fiscal year 2010, 117676
the rate calculated for the ICF/MR under sections 5111.20 to 117677
5111.33 of the Revised Code. 117678

(D) If the mean total per diem rate for all ICFs/MR in this 117679
state for fiscal year 2010, weighted by May 2009 Medicaid days and 117680
calculated as of July 1, 2009, exceeds \$277.25, the Department 117681
shall reduce the total per diem rate for each ICF/MR to which this 117682
section applies by a percentage that is equal to the percentage by 117683
which the mean total per diem rate exceeds \$277.25. 117684

(E) The rate of an ICF/MR set pursuant to this section shall 117685
not be subject to any adjustments authorized by sections 5111.20 117686
to 5111.33 of the Revised Code, or any rule authorized by those 117687
sections, during the remainder of fiscal year 2010. 117688

(F) If the United States Centers for Medicare and Medicaid 117689
Services requires that the franchise permit fee be reduced or 117690
eliminated, the Department of Job and Family Services shall reduce 117691
the amount it pays providers of ICF/MR services under this section 117692
as necessary to reflect the loss to the state of the revenue and 117693
federal financial participation generated from the franchise 117694
permit fee. 117695

(G) The Department of Job and Family Services shall follow 117696
this section in determining the rate to be paid providers of 117697
ICF/MR services subject to this section notwithstanding anything 117698
to the contrary in sections 5111.20 to 5111.33 of the Revised 117699
Code. 117700

(H) Not later than September 30, 2009, the Director of Job 117701
and Family Services shall submit an amendment to the state 117702
Medicaid plan to the United States Secretary of Health and Human 117703
Services as necessary to implement this section. On receipt of the 117704
United States Secretary's approval of the amendment to the state 117705
Medicaid plan, the Director shall implement this section 117706

retroactive to the later of the effective date of the state 117707
Medicaid plan amendment or July 1, 2009. 117708

Section 309.30.70. FISCAL YEAR 2011 MEDICAID REIMBURSEMENT 117709
SYSTEM FOR ICFs/MR 117710

(A) As used in this section: 117711

"Change of operator," "entering operator," and "exiting 117712
operator" have the same meanings as in section 5111.65 of the 117713
Revised Code. 117714

"Franchise permit fee" and "provider" have the same meanings 117715
as in section 5111.20 of the Revised Code. 117716

"ICF/MR" means an intermediate care facility for the mentally 117717
retarded as defined in section 5111.20 of the Revised Code. 117718

"ICF/MR services" means services covered by the Medicaid 117719
program that an ICF/MR provides to a Medicaid recipient eligible 117720
for the services. 117721

"Medicaid days" means all days during which a resident who is 117722
a Medicaid recipient occupies a bed in an ICF/MR that is included 117723
in the ICF/MR's Medicaid-certified capacity. Therapeutic or 117724
hospital leave days for which payment is made under section 117725
5111.33 of the Revised Code are considered Medicaid days 117726
proportionate to the percentage of the ICF/MR's per resident per 117727
day rate paid for those days. 117728

"Per diem rate" means the per diem rate calculated pursuant 117729
to sections 5111.20 to 5111.33 of the Revised Code. 117730

(B) This section applies to providers of ICFs/MR to which 117731
either of the following applies: 117732

(1) The provider has a valid Medicaid provider agreement for 117733
the ICF/MR on June 30, 2010, and a valid Medicaid provider 117734
agreement for the ICF/MR during fiscal year 2011. 117735

(2) The ICF/MR undergoes a change of operator effective July 1, 2010, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on June 30, 2010, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2011.

(C) Except as otherwise provided by this section, the provider of an ICF/MR to which this section applies shall be paid, for ICF/MR services the ICF/MR provides during fiscal year 2011, the rate calculated for the ICF/MR under sections 5111.20 to 5111.33 of the Revised Code.

(D) If the mean total per diem rate for all ICFs/MR in this state for fiscal year 2011, weighted by May 2010 Medicaid days and calculated as of July 1, 2010, exceeds \$277.25, the Department shall reduce the total per diem rate for each ICF/MR to which this section applies by a percentage that is equal to the percentage by which the mean total per diem rate exceeds \$277.25.

(E) The rate of an ICF/MR set pursuant to this section shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code, or any rule authorized by those sections, during the remainder of fiscal year 2011.

(F) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department of Job and Family Services shall reduce the amount it pays providers of ICF/MR services under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid providers of ICF/MR services subject to this section notwithstanding anything to the contrary in sections 5111.20 to 5111.33 of the Revised

Code. 117767

(H) Not later than September 30, 2010, the Director of Job 117768
and Family Services shall submit an amendment to the state 117769
Medicaid plan to the United States Secretary of Health and Human 117770
Services as necessary to implement this section. On receipt of the 117771
United States Secretary's approval of the amendment to the state 117772
Medicaid plan, the Director shall implement this section 117773
retroactive to the later of the effective date of the state 117774
Medicaid plan amendment or July 1, 2010. 117775

Section 309.30.71. ICF/MR REIMBURSEMENT STUDY COUNCIL 117776

(A) There is hereby created the ICF/MR Reimbursement Study 117777
Council consisting of all of the following members: 117778

(1) The Director of Job and Family Services; 117779

(2) The Deputy Director of the Office of Ohio Health Plans of 117780
the Department of Job and Family Services; 117781

(3) The Director of Mental Retardation and Developmental 117782
Disabilities; 117783

(4) One representative of Medicaid recipients residing in 117784
intermediate care facilities for the mentally retarded, appointed 117785
by the Governor; 117786

(5) Two representatives of each of the following 117787
organizations, appointed by their respective governing bodies: 117788

(a) The Ohio Provider Resource Association; 117789

(b) The Ohio Health Care Association. 117790

Initial appointments of members described in divisions (A)(4) 117791
and (5) of this section shall be made not later than thirty days 117792
after the effective date of this section. Vacancies shall be 117793
filled in the same manner as the original appointments. Members 117794
described in those divisions shall serve at the pleasure of the 117795

official or governing body making the appointment of the member. 117796

The Director of Job and Family Services shall serve as 117797
chairperson of the council. Members of the council shall serve 117798
without compensation, except to the extent that serving on the 117799
council is part of their regular duties of employment. 117800

(B) The council shall review the system established by 117801
sections 5111.20 to 5111.33 of the Revised Code for reimbursing 117802
intermediate care facilities for the mentally retarded under the 117803
Medicaid program. Not later than July 1, 2010, the council shall 117804
issue a report of its activities, findings, and recommendations to 117805
the Governor, the Speaker of the House of Representatives, and the 117806
President of the Senate. 117807

(C) In its consideration of the system for reimbursing 117808
intermediate care facilities for the mentally retarded under 117809
division (B) of this section, the council shall use the following 117810
principles: 117811

(1) The system should appropriately account for differences 117812
in acuity and service needs among individuals in institutional 117813
care facilities for the mentally retarded. 117814

(2) The system should support and encourage quality services, 117815
including both of the following elements: 117816

(a) A high level of coverage of direct care costs; 117817

(b) Pay for performance mechanisms. 117818

(3) The system should reflect appropriate recognition that 117819
virtually all individuals served in intermediate care facilities 117820
for the mentally retarded are Medicaid recipients. 117821

(4) The system should encourage cost-effective service 117822
delivery. 117823

(5) The system should encourage innovation in service 117824
delivery. 117825

(6) The system should encourage appropriate maintenance, improvement, and replacement of facilities. 117826
117827

(D) The council shall cease to exist on the submission of a report under division (B) of this section. 117828
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Section 309.30.73. INCREASE IN MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES 117830
117831

The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to increase, for the period beginning January 1, 2010, and ending June 30, 2011, the Medicaid reimbursement rates for Medicaid-covered hospital inpatient services and hospital outpatient services to rates that result in an amount that is five per cent higher than the amount resulting from the rates in effect on December 31, 2009. 117832
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Section 309.30.75. INCREASE IN MEDICAID RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES 117840
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(A) As used in this section, "community behavioral health services" means both of the following: 117842
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(1) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code; 117844
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(2) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code. 117847
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(B) The Director of Job and Family Services shall amend rules adopted under section 5111.02 of the Revised Code as necessary to do the following: 117850
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(1) Increase, for fiscal year 2010, the Medicaid reimbursement rate ceilings for Medicaid-covered community 117853
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behavioral health services to rate ceilings that result in an 117855
amount that is one-half of one per cent higher than the amount 117856
resulting from the rate ceilings in effect on June 30, 2009; 117857

(2) Increase, for fiscal year 2011, the Medicaid 117858
reimbursement rate ceilings for Medicaid-covered community 117859
behavioral health services to rate ceilings that result in an 117860
amount that is one-half of one per cent higher than the amount 117861
resulting from the rate ceilings in effect on June 30, 2010. 117862

Section 309.30.80. RESIDENTIAL STATE SUPPLEMENT TRANSFER 117863

The Department of Aging may transfer cash from the foregoing 117864
appropriation item 490412, Residential State Supplement, and the 117865
PASSPORT/Residential State Supplement Fund (Fund 4J40), to the 117866
Home and Community-Based Services for the Aged Fund (Fund 4J50), 117867
used by the Department of Job and Family Services to make benefit 117868
payments to Residential State Supplement recipients. The transfer 117869
shall be made using an intrastate transfer voucher. 117870

Section 309.30.90. MONEY FOLLOWS THE PERSON 117871

The Director of Budget and Management may seek Controlling 117872
Board approval to do any of the following in support of any home 117873
and community-based services Medicaid waiver component: 117874

(A) Create new funds and appropriation items associated with 117875
a unified long-term care budget; 117876

(B) Transfer cash between funds used by affected agencies; 117877

(C) Transfer appropriation between appropriation items within 117878
a fund and used by the same state agency. 117879

Any transfers of cash approved by the Controlling Board under 117880
this section are hereby appropriated. 117881

Section 309.31.10. MONEY FOLLOWS THE PERSON ENHANCED 117882

REIMBURSEMENT FUND 117883

The Money Follows the Person Enhanced Reimbursement Fund is 117884
hereby created in the state treasury. This is a continuation of 117885
the fund created by Section 751.20 of Am. Sub. H.B. 562 of the 117886
127th General Assembly. The federal payments made to the state 117887
under subsection (e) of section 6071 of the "Deficit Reduction Act 117888
of 2005," Pub. L. No. 109-171, shall be deposited into the fund. 117889
The Department of Job and Family Services shall use money 117890
deposited into the fund for system reform activities related to 117891
the Money Follows the Person demonstration project. 117892

Section 309.31.20. MEDICARE PART D 117893

The foregoing appropriation item 600526, Medicare Part D, may 117894
be used by the Department of Job and Family Services for the 117895
implementation and operation of the Medicare Part D requirements 117896
contained in the "Medicare Prescription Drug, Improvement, and 117897
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 117898
the request of the Department of Job and Family Services, the 117899
Director of Budget and Management may transfer the state share of 117900
appropriations between appropriation item 600525, Health 117901
Care/Medicaid, or appropriation item 600526, Medicare Part D. If 117902
the state share of appropriation item 600525, Health 117903
Care/Medicaid, is adjusted, the Director of Budget and Management 117904
shall adjust the federal share accordingly. 117905

Section 309.31.30. OHIO ACCESS SUCCESS PROJECT AND 117906
IDENTIFICATION OF OVERPAYMENTS 117907

Notwithstanding any limitations in sections 3721.51 and 117908
3721.56 of the Revised Code, in each fiscal year, cash from the 117909
Home and Community-Based Services for the Aged Fund (Fund 4J50), 117910
in excess of the amounts needed for the transfers to the 117911
PASSPORT/Residential State Supplement Fund (Fund 4J40) used by the 117912

Department of Aging, may be used by the Department of Job and 117913
Family Services for the following purposes: (A) up to \$3,000,000 117914
in each fiscal year to fund the state share of audits or limited 117915
reviews of Medicaid providers; and (B) up to \$450,000 in each 117916
fiscal year to provide one-time transitional benefits under the 117917
Ohio Access Success Project that the Director of Job and Family 117918
Services may establish under section 5111.97 of the Revised Code. 117919
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Section 309.31.40. TRANSFER OF FUNDS TO THE DEPARTMENT OF 117921
AGING 117922

The Department of Job and Family Services shall transfer 117923
\$33,263,984 cash in each fiscal year from the Home and 117924
Community-Based Services for the Aged Fund (Fund 4J50) to the 117925
PASSPORT/Residential State Supplement Fund (Fund 4J40), used by 117926
the Department of Aging. The transfer may occur on a quarterly 117927
basis or on a schedule developed and agreed to by both 117928
departments. The transfer shall be made using an intrastate 117929
transfer voucher. 117930

Section 309.31.50. PROVIDER FRANCHISE FEE OFFSETS 117931

(A) At least quarterly, the Director of Job and Family 117932
Services shall certify to the Director of Budget and Management 117933
both of the following: 117934

(1) The amount of offsets withheld under section 3721.541 of 117935
the Revised Code from payments made from the General Revenue Fund. 117936

(2) The amount of offsets withheld under section 5112.341 of 117937
the Revised Code from payments made from the General Revenue Fund. 117938

(B) The Director of Budget and Management may transfer cash 117939
from the General Revenue Fund to all of the following: 117940

(1) The Home and Community Based Services for the Aged Fund 117941

(Fund 4J50), or the Nursing Facility Stabilization Fund (Fund 5R20), in accordance with sections 3721.56 and 3721.561 of the Revised Code; 117942
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(2) The ICF/MR Bed Assessments Fund (Fund 4K10). 117945

(C) Amounts transferred pursuant to this section are hereby appropriated. 117946
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Section 309.31.60. TRANSFER OF FUNDS TO THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES 117948
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The Department of Job and Family Services shall transfer \$12,000,000 cash in each fiscal year from the ICF/MR Bed Assessments Fund (Fund 4K10) to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Mental Retardation and Developmental Disabilities. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments. The transfer shall be made using an intrastate transfer voucher. 117950
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Section 309.31.70. FUNDING FOR TRANSITION WAIVER SERVICES 117958

Notwithstanding any limitations contained in sections 5112.31 and 5112.37 of the Revised Code, in each fiscal year, cash from the ICF/MR Bed Assessments Fund (Fund 4K10) in excess of the amounts needed for transfers to the Home and Community-Based Services Fund (Fund 4K80), used by the Department of Mental Retardation and Developmental Disabilities, may be used by the Department of Job and Family Services to cover costs of care provided to participants in a waiver with an ICF/MR level of care requirement administered by the Department of Job and Family Services. 117959
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Section 309.31.80. HOSPITAL CARE ASSURANCE MATCH 117969

The foregoing appropriation item 600650, Hospital Care 117970

Assurance Match, shall be used by the Department of Job and Family 117971
Services solely for distributing funds to hospitals under section 117972
5112.08 of the Revised Code. 117973

Section 309.31.90. HEALTH CARE SERVICES ADMINISTRATION FUND 117974

Of the amount received by the Department of Job and Family 117975
Services during fiscal year 2010 and fiscal year 2011 from the 117976
first installment of assessments paid under section 5112.06 of the 117977
Revised Code and intergovernmental transfers made under section 117978
5112.07 of the Revised Code, the Director of Job and Family 117979
Services shall deposit \$350,000 in each fiscal year into the state 117980
treasury to the credit of the Health Care Services Administration 117981
Fund (Fund 5U30). 117982

Section 309.32.10. MEDICAID PROGRAM SUPPORT FUND - STATE 117983

The foregoing appropriation item 600671, Medicaid Program 117984
Support, shall be used by the Department of Job and Family 117985
Services to pay for Medicaid services and contracts. The 117986
Department may also deposit to Fund 5C90 revenues received from 117987
other state agencies for Medicaid services under the terms of 117988
interagency agreements between the Department and other state 117989
agencies, and all funds the Department recovers because the 117990
benefits a person received under the Disability Medical Assistance 117991
Program established in section 5115.10 of the Revised Code were 117992
determined to be covered by the Medicaid Program established under 117993
Chapter 5111. of the Revised Code. 117994

Section 309.32.20. TRANSFERS OF IMD/DSH CASH TO THE 117995
DEPARTMENT OF MENTAL HEALTH 117996

The Department of Job and Family Services shall transfer cash 117997
from the Medicaid Program Support Fund (Fund 5C90), to the 117998
Behavioral Health Medicaid Services Fund (Fund 4X50), used by the 117999

Department of Mental Health, in accordance with an interagency 118000
agreement that delegates authority from the Department of Job and 118001
Family Services to the Department of Mental Health to administer 118002
specified Medicaid services. The transfer shall be made using an 118003
intrastate transfer voucher. 118004

Section 309.32.30. PRESCRIPTION DRUG REBATE FUND 118005

The foregoing appropriation item 600692, Health Care 118006
Services, shall be used by the Department of Job and Family 118007
Services to pay for Medicaid services and contracts. 118008

Section 309.32.40. FEDERAL MATCH FOR ADAMHS BOARDS' 118009
ADMINISTRATIVE COSTS 118010

As used in this section, "community behavioral health boards" 118011
means boards of alcohol, drug addiction, and mental health 118012
services, community mental health boards, and alcohol and drug 118013
addiction services boards. 118014

The Director of Job and Family Services shall seek federal 118015
approval to establish a system under which community behavioral 118016
health boards obtain federal financial participation for the 118017
allowable administrative activities the boards perform in the 118018
administration of the Medicaid program. The Director shall 118019
implement the system on receipt of federal approval. The Director 118020
shall work with the Directors of Alcohol and Drug Addiction 118021
Services and Mental Health and representatives of community 118022
behavioral health boards when implementing this section. 118023

Section 309.32.60. MEDICAID NONEMERGENCY MEDICAL 118024
TRANSPORTATION MANAGEMENT PILOT PROGRAM 118025

(A) The Department of Job and Family Services shall establish 118026
a Medicaid nonemergency medical transportation management pilot 118027
program. The pilot program shall be operated for two years. 118028

(B) A county department of job and family services serving a county with a population greater than four hundred thousand persons may participate in the pilot program. A county department participating in the pilot program shall identify which groups of Medicaid recipients residing in the county shall be required to participate in the pilot program. The county department shall also contract with one or more medical transportation management organizations to have the organizations manage nonemergency medical transportation services provided under the Medicaid program to the groups required to participate in the pilot program. To be eligible to contract with a county department, a medical transportation management organization must have experience in coordinating nonemergency medical transportation services.

(C) A medical transportation management organization that contracts with a county department shall report monthly to the county department. Each report shall contain all of the following information:

(1) A description of the transportation services provided to Medicaid recipients participating in the pilot program, including details on the varying modes of transportation used in providing the services and the frequency at which the services were provided;

(2) The number of times nonemergency medical transportation providers failed to arrive for an appointment to transport a participant in the pilot program;

(3) The number of times nonemergency medical transportation providers were late for an appointment to transport a participant in the pilot program and the lengths of the delays;

(4) The cost of the nonemergency medical transportation services provided to participants in the pilot program;

(5) Other indicators of the quality of nonemergency transportation services provided to participants in the pilot program that the county department requests to be included in the reports. 118060
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(D) On conclusion of the pilot program, the Department, with assistance from each county department that participated in the pilot program, shall submit a report regarding the pilot program to the Governor, and in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall specify the amount of savings, if any, the Medicaid program realized as a result of the pilot program. 118064
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Section 309.40. FAMILY STABILITY 118071

Section 309.40.10. FOOD STAMPS TRANSFER 118072

On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Food Stamp Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0). 118073
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Section 309.40.20. NAME OF FOOD STAMP PROGRAM 118077

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program or the Food Assistance Program in rules and documents of the Department of Job and Family Services. 118078
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Section 309.40.30. OHIO ASSOCIATION OF SECOND HARVEST FOOD BANKS 118084
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The foregoing appropriation item 600540, Second Harvest Food Banks, shall be used to provide funds to the Ohio Association of 118086
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Second Harvest Food Banks to purchase and distribute food products. 118088
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Notwithstanding section 5101.46 of the Revised Code and any other provision in this bill, in addition to funds designated for the Ohio Association of Second Harvest Food Banks in this section, in fiscal years 2010 and 2011, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Second Harvest Food Banks in an amount equal to the assistance provided in state fiscal year 2009. 118090
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Section 309.40.35. ECONOMIC AND COMMUNITY DEVELOPMENT INSTITUTE 118097
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Of the foregoing appropriation item 600410, TANF State, up to \$325,000 in each fiscal year shall be provided to the Economic and Community Development Institute for matching funds provided to TANF eligible individuals through an individual development accounts program. 118099
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Section 309.40.50. CHILD SUPPORT COLLECTIONS/TANF MOE 118104

The foregoing appropriation item 600658, Child Support Collections, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Child Support Collections, to support public assistance activities. 118105
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Section 309.40.60. EARLY LEARNING INITIATIVE 118113

(A) As used in this section: 118114

(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as 118115
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specified in 42 U.S.C. 604(a), except that they shall not be 118117
benefits and services included in the term "assistance" as defined 118118
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 118119
excluded from the definition of the term "assistance" under 45 118120
C.F.R. 260.31(b). 118121

(2) "Eligible child" means a child who is at least three 118122
years of age but not of compulsory school age or enrolled in 118123
kindergarten, is eligible for Title IV-A services, and whose 118124
family income at the time of application does not exceed two 118125
hundred per cent of the federal poverty guidelines. 118126

(3) "Early learning program" means a program for eligible 118127
children that provides Title IV-A services, according to the 118128
purposes listed in 45 C.F.R. 260.20(c), that are early learning 118129
services, as defined by pursuant to division (D)(1) of this 118130
section. 118131

(4) "Early learning provider" means an entity that operates 118132
an early learning program. 118133

(5) "Early learning agency" means an early learning provider 118134
or an entity that has entered into an agreement with an early 118135
learning provider requiring the early learning provider to operate 118136
an early learning program on behalf of the entity. 118137

(6) "Federal poverty line" has the same meaning as in section 118138
5104.01 of the Revised Code. 118139

(7) "Of compulsory school age" has the same meaning as in 118140
section 3321.01 of the Revised Code. 118141

(B) The Early Learning Initiative is hereby established. The 118142
Department of Education and the Department of Job and Family 118143
Services shall administer the Initiative in accordance with 118144
sections 5101.80 and 5101.801 of the Revised Code. The Initiative 118145
shall provide early learning services to eligible children. Early 118146
learning services may be provided on a full-day basis, a part-day 118147

basis, or both a full-day and part-day basis. 118148

(C) The Department of Job and Family Services shall do both 118149
of the following: 118150

(1) Reimburse early learning agencies for services provided 118151
to eligible children according to the terms of the contract and 118152
the rules adopted under division (C)(2) of this section; 118153

(2) In consultation with the Department of Education, adopt 118154
rules in accordance with Chapter 119. of the Revised Code to 118155
implement the Early Learning Initiative. The rules shall include 118156
all of the following: 118157

(a) Provisions regarding the establishment of co-payments for 118158
families of eligible children whose family income is more than one 118159
hundred per cent of the federal poverty guidelines but equal to or 118160
less than the maximum amount of family income authorized for an 118161
eligible child as defined in division (A)(2) of this section; 118162

(b) An exemption from co-payment requirements for families 118163
whose family income is equal to or less than one hundred per cent 118164
of the federal poverty guideline; 118165

(c) A definition of "enrollment" for the purpose of 118166
compensating early learning agencies; 118167

(d) Provisions that establish compensation rates for early 118168
learning agencies based on the enrollment of eligible children; 118169

(e) Provisions for the completion of criminal record checks 118170
for employees of early learning agencies and early learning 118171
providers whereby sections 109.572(A)(8), (A)(9), and (B)(2) of 118172
the Revised Code are considered applicable to these employees; 118173

(f) Provisions for the timeline of eligibility determination; 118174

(g) A requirement that early learning programs licensed by 118175
the Department of Education under sections 3301.52 to 3301.59 of 118176
the Revised Code participate in the quality-rating program 118177

established under section 5104.30 of the Revised Code. 118178

(D) The Department of Education shall do all of the 118179
following: 118180

(1) Define the early learning services that will be provided 118181
to eligible children through the Early Learning Initiative; 118182

(2) In consultation with the Department of Job and Family 118183
Services, develop an application form and criteria for the 118184
selection of early learning agencies. The criteria shall require 118185
an early learning agency, or each early learning provider with 118186
which the agency has entered into an agreement for the operation 118187
of an early learning program on the agency's behalf, to be 118188
licensed by the Department of Education under sections 3301.52 to 118189
3301.59 of the Revised Code or by the Department of Job and Family 118190
Services under Chapter 5104. of the Revised Code; 118191

(3) Establish early learning program guidelines for school 118192
readiness to assess the operation of early learning programs. 118193

(E) Any entity that seeks to be an early learning agency 118194
shall apply to the Department of Education by a deadline 118195
established by the Department. The Department of Education shall 118196
select entities that meet the criteria established under division 118197
(D)(2) of this section to be early learning agencies. Upon 118198
selection of an entity to be an early learning agency, the 118199
Department of Education shall designate the number of eligible 118200
children the agency may enroll. The Department of Education shall 118201
notify the Department of Job and Family Services of the number so 118202
designated. 118203

(F) The Department of Education and the Department of Job and 118204
Family Services shall enter into a contract with each early 118205
learning agency selected under division (E) of this section. The 118206
requirements of section 127.16 of the Revised Code do not apply to 118207
contracts entered into under this section. The contract shall 118208

outline the terms and conditions applicable to the provision of 118209
Title IV-A services for eligible children and shall include at 118210
least the following: 118211

(1) The respective duties of the early learning agency, the 118212
Department of Education, and the Department of Job and Family 118213
Services; 118214

(2) Requirements applicable to the allowable use of and 118215
accountability for compensation paid under the contract; 118216

(3) Reporting requirements, including a requirement that the 118217
early learning provider inform the Department of Education when 118218
the provider learns that a kindergarten eligible child will not be 118219
enrolled in kindergarten; 118220

(4) The compensation schedule payable under the contract; 118221

(5) Audit requirements; 118222

(6) Provisions for suspending, modifying, or terminating the 118223
contract. 118224

(G) If an early learning agency, or an early learning 118225
provider operating an early learning program on the agency's 118226
behalf, substantially fails to meet the early learning program 118227
guidelines for school readiness or exhibits substandard 118228
performance, as determined by the Department of Education, the 118229
agency shall develop and implement a corrective action plan. The 118230
Department of Education shall approve the corrective action plan 118231
prior to implementation. 118232

(H) If an early learning agency fails to implement a 118233
corrective action plan under division (G) of this section, the 118234
Department of Education may direct the Department of Job and 118235
Family Services to either withhold funding or request that the 118236
Department of Job and Family Services suspend or terminate the 118237
contract with the agency. 118238

(I) Each early learning program shall do all of the	118239
following:	118240
(1) Meet teacher qualification requirements prescribed by	118241
section 3301.311 of the Revised Code;	118242
(2) Align curriculum to the early learning content standards;	118243
(3) Meet any assessment requirements prescribed by section	118244
3301.0715 of the Revised Code that apply to the program;	118245
(4) Require teachers, except teachers enrolled and working to	118246
obtain a degree pursuant to section 3301.311 of the Revised Code,	118247
to attend a minimum of twenty hours per biennium of professional	118248
development as prescribed by the Department of Education regarding	118249
the implementation of early learning program guidelines for school	118250
readiness;	118251
(5) Document and report child progress;	118252
(6) Meet and report compliance with the early learning	118253
program guidelines for school success;	118254
(7) Participate in early language and literacy classroom	118255
observation evaluation studies.	118256
(J) Each county Department of Job and Family Services shall	118257
determine eligibility for Title IV-A services for children seeking	118258
to enroll in an early learning program within fifteen days after	118259
receipt of a completed application in accordance with rules	118260
adopted under this section.	118261
(K) The provision of early learning services in an early	118262
learning program shall not prohibit or otherwise prevent an	118263
individual from obtaining certificates for payment under division	118264
(C) of section 5104.32 of the Revised Code.	118265
(L) Notwithstanding section 126.07 of the Revised Code:	118266
(1) Any fiscal year 2010 contract executed prior to July 1,	118267
2009, between the Departments of Job and Family Services and	118268

Education and an early learning agency that was not an early 118269
learning agency as of June 30, 2009, shall be deemed to be 118270
effective as of July 1, 2009, upon issuance of a state purchase 118271
order, even if the purchase order is approved at some later date. 118272

(2) Any fiscal year 2010 contract executed between the 118273
Departments of Job and Family Services and Education and an early 118274
learning agency that had a valid contract for early learning 118275
services on June 30, 2009, shall be deemed to be effective as of 118276
July 1, 2009, upon the issuance of a state purchase order, even if 118277
the purchase order is approved at some later date. 118278

(3) Any fiscal year 2011 contract executed prior to July 1, 118279
2010, between the Departments of Job and Family Services and 118280
Education and an early learning agency that was not an early 118281
learning agency as of June 30, 2010, shall be deemed to be 118282
effective as of July 1, 2010, upon issuance of a state purchase 118283
order, even if the purchase order is approved at some later date. 118284

(4) Any fiscal year 2011 contract executed between the 118285
Departments of Job and Family Services and Education and an early 118286
learning agency that had a valid contract for early learning 118287
services on June 30, 2010, shall be deemed to be effective as of 118288
July 1, 2010, upon the issuance of a state purchase order, even if 118289
the purchase order is approved at some later date. 118290

(M) The Departments of Job and Family Services and Education 118291
shall contract for up to 12,000 enrollment slots for eligible 118292
children in each fiscal year through the Early Learning 118293
Initiative. 118294

(N) Eligible expenditures for the Early Learning Initiative 118295
shall be claimed each fiscal year to help meet the state's TANF 118296
maintenance of effort requirement. The Superintendent of Public 118297
Instruction and the Director of Job and Family Services shall 118298
enter into an interagency agreement to carry out the requirements 118299

under this division, which shall include developing reporting 118300
guidelines for these expenditures. 118301

Section 309.45. CHILD WELFARE 118302

Section 309.45.10. ALTERNATIVE RESPONSE 118303

The Department of Job and Family Services shall develop, 118304
implement, oversee, and evaluate a pilot program based on an 118305
"Alternative Response" approach to reports of child abuse, 118306
neglect, and dependency. The pilot program shall be implemented in 118307
not more than ten counties that are selected by the Department and 118308
that agree to participate in the pilot program. The pilot program 118309
shall last eighteen months, not including time expended in 118310
preparation for the implementation of the pilot program and any 118311
post-pilot program evaluation activity. After the eighteen-month 118312
period, the ten sites may continue to administer the Alternative 118313
Response approach uninterrupted, unless the Department determines 118314
otherwise. 118315

The Department shall assure that the Alternative Response 118316
pilot program is independently evaluated with respect to outcomes 118317
for children and families, costs, worker satisfaction, and any 118318
other criteria the Department determines will be useful in the 118319
consideration of statewide implementation of an Alternative 118320
Response approach to child protection. The measure associated with 118321
the eighteen-month pilot program shall, for the purposes of the 118322
evaluation, be compared with those same measures in the pilot 118323
counties during the eighteen-month period immediately preceding 118324
the beginning of the pilot program period. If the independent 118325
evaluation of the pilot program recommends statewide 118326
implementation of an Alternative Response approach to child 118327
protection, the Department may expand the Alternative Response 118328
approach statewide through a schedule determined by the 118329

Department. Until that time, the Department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of this section.

Section 309.45.15. INDEPENDENT LIVING SERVICES

Of the foregoing appropriation item 600523, Children and Families Services, up to \$1,500,000 in each fiscal year shall be used to provide independent living services to foster youth and former foster youth between 16 and 21 years of age.

Section 309.45.21. CHILD, FAMILY, AND ADULT COMMUNITY AND PROTECTIVE SERVICES

(A) The foregoing appropriation item 600533, Child, Family, and Adult Community & Protective Services, shall be distributed to each county department of job and family services using the formula the Department of Job and Family Services uses when distributing Title XX funds to county departments of job and family services under section 5101.46 of the Revised Code. County departments shall use the funds distributed to them under this section as follows, in accordance with the written plan of cooperation entered into under section 307.983 of the Revised Code:

(1) To assist individuals achieve or maintain self-sufficiency, including by reducing or preventing dependency among individuals with family income not exceeding two hundred per cent of the federal poverty guidelines;

(2) Subject to division (B) of this section, to respond to reports of abuse, neglect, or exploitation of children and adults, including through the alternative approach pilot program developed under Section 309.40.40 of this act;

(3) To provide outreach and referral services regarding home

and community-based services to individuals at risk of placement 118360
in a group home or institution, regardless of the individuals' 118361
family income and without need for a written application; 118362

(4) To provide outreach, referral, application assistance, 118363
and other services to assist individuals receive assistance, 118364
benefits, or services under Medicaid; Title IV-A programs, as 118365
defined in section 5101.80 of the Revised Code; the Supplemental 118366
Nutrition Assistance Program; and other public assistance 118367
programs. 118368

(B) Protective services may be provided to a child or adult 118369
as part of a response, under division (A)(2) of this section, to a 118370
report of abuse, neglect, or exploitation without regard to a 118371
child or adult's family income and without need for a written 118372
application. The protective services may be provided if the case 118373
record documents circumstances of actual or potential abuse, 118374
neglect, or exploitation. 118375

Section 309.45.40. CHILDREN'S HUNGER ALLIANCE 118376

Of the foregoing appropriation item 600535, Early Care and 118377
Education, up to \$1,500,000 in each fiscal year shall be provided 118378
to the Children's Hunger Alliance for Child Nutrition Program 118379
outreach efforts. The Departments of Job and Family Services and 118380
Education shall enter into a grant agreement with the Children's 118381
Hunger Alliance and agree upon annual reporting requirements, 118382
including statements of planned uses of state funds, expected 118383
performance outcomes, and an evaluation of success in achieving 118384
those outcomes. As soon as possible after entering into a grant 118385
agreement at the beginning of each fiscal year, the Department of 118386
Job and Family Services may advance grant funds to the grantee 118387
under section 5101.10 of the Revised Code. 118388

Section 309.45.50. SUMMER AND AFTER-SCHOOL PROGRAMS 118389

Of the foregoing appropriation item 600535, Early Care and Education, up to \$10,000,000 in each fiscal year shall be provided to the Ohio Child Care Resource and Referral Association for the distribution of funds for summer and after-school programs for TANF eligible youth served through community-based organizations, faith-based organizations, and schools to provide academic support not available during the regular school day, nutrition, transportation, youth development activities, drug and violence prevention, counseling, technology education, and character education.

Section 309.45.70. KINSHIP PERMANENCY INCENTIVE PROGRAM 118400

The foregoing appropriation item 600541, Kinship Permanency Incentive Program, shall be used to support the Kinship Permanency Incentive Program created under section 5101.802 of the Revised Code.

Section 309.45.80. REIMBURSEMENT CEILING FOR PROVIDERS OF PUBLICLY FUNDED CHILD CARE 118405
118406

For the purposes of rules adopted under division (E) of section 5104.30 of the Revised Code, the Director of Job and Family Services shall set the reimbursement ceiling for providers of publicly funded child care for the fiscal years of 2010 and 2011 at the fifty-first percentile of the results of the child care market rate survey commissioned by the Department of Job and Family Services in 2008.

Section 309.45.90. REALLOCATION OF UNUSED COUNTY ALLOCATIONS 118414

(A) As used in this section: 118415

(1) "Income maintenance funds" means funds the Department of Job and Family Services allocates to a county to meet matching fund requirements or reimburse a county for administrative 118416
118417
118418

expenditures incurred in the administration of the Disability 118419
Financial Assistance Program, Disability Medical Assistance 118420
Program, Medicaid Program, or Supplemental Nutrition Assistance 118421
Program. 118422

(2) "TANF funds" means funds the Department of Job and Family 118423
Services allocates to a county for Title IV-A programs, as defined 118424
in section 5101.80 of the Revised Code. 118425

(3) "TANF Title XX transfer funds" means funds the Department 118426
of Job and Family Services allocates to a county for purposes of 118427
section 5101.461 of the Revised Code. 118428

(4) "Title XX social services funds" means funds the 118429
Department of Job and Family Services allocates to a county 118430
department of job and family services for purposes of section 118431
5101.46 of the Revised Code. 118432

(B) If a county informs the Department of Job and Family 118433
Services that the county will not use the entire amount of the 118434
income maintenance funds, TANF funds, TANF Title XX transfer 118435
funds, or Title XX social services funds allocated to the county 118436
for fiscal year 2010 or fiscal year 2011, the Department shall 118437
reallocate the portion of the funds the county will not use to 118438
other counties for the remainder of the fiscal year in which the 118439
funds are reallocated or the next fiscal year. In reallocating the 118440
funds, the Department shall do both of the following: 118441

(1) For each of the funds separately, rank each county by the 118442
percentage reduction in allocations of the funds from the fiscal 118443
year preceding the fiscal year in which the reallocation is made 118444
to the fiscal year in which the reallocation is made, with the 118445
county that has the greatest reduction percentage placed at the 118446
top of the ranking; 118447

(2) Reallocate each of the funds separately to counties in 118448
the order in which counties are ranked under division (B)(1) of 118449

this section in a manner that provides, to the extent funds are 118450
available for reallocation, for each county to be, as a result of 118451
the reallocation, allocated the same amount of the funds that the 118452
county was allocated the previous fiscal year, other than the 118453
counties that inform the Department they will not use the full 118454
amount of their allocation of the funds. 118455

Section 309.50. UNEMPLOYMENT COMPENSATION 118456

Section 309.50.10. EMPLOYER SURCHARGE 118457

The surcharge and the interest on the surcharge amounts due 118458
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 118459
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 118460
118th General Assembly, and section 4141.251 of the Revised Code 118461
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 118462
General Assembly, again shall be assessed and collected by, 118463
accounted for, and made available to the Department of Job and 118464
Family Services in the same manner as set forth in section 118465
4141.251 of the Revised Code as it existed prior to its repeal by 118466
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 118467
repeal of the surcharge for calendar years after 1990, pursuant to 118468
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 118469
received by the Director on or after July 1, 2001, shall be 118470
deposited into the Unemployment Compensation Special 118471
Administrative Fund (Fund 4A90) established pursuant to section 118472
4141.11 of the Revised Code. 118473

Section 309.50.20. FEDERAL UNEMPLOYMENT PROGRAMS 118474

All unexpended funds remaining at the end of fiscal year 2009 118475
that were appropriated and made available to the state under 118476
section 903(d) of the Social Security Act, as amended, in the 118477
foregoing appropriation item 600678, Federal Unemployment Programs 118478
(Fund 3V40), are hereby appropriated to the Department of Job and 118479

Family Services. Upon the request of the Director of Job and 118480
Family Services, the Director of Budget and Management may 118481
increase the appropriation for fiscal year 2010 by the amount 118482
remaining unspent from the fiscal year 2009 appropriation and may 118483
increase the appropriation for fiscal year 2011 by the amount 118484
remaining unspent from the fiscal year 2010 appropriation. The 118485
appropriation shall be used under the direction of the Department 118486
of Job and Family Services to pay for administrative activities 118487
for the Unemployment Insurance Program, employment services, and 118488
other allowable expenditures under section 903(d) of the Social 118489
Security Act, as amended. 118490

The amounts obligated pursuant to this section shall not 118491
exceed at any time the amount by which the aggregate of the 118492
amounts transferred to the account of the state under section 118493
903(d) of the Social Security Act, as amended, exceeds the 118494
aggregate of the amounts obligated for administration and paid out 118495
for benefits and required by law to be charged against the amounts 118496
transferred to the account of the state. 118497

Section 309.50.30. REMOVAL OF UNEMPLOYMENT COMPENSATION 118498
ADVISORY COUNCIL MEMBERS 118499

The intent of the General Assembly in the amendments made in 118500
this act to section 145.012 is to provide that service as a member 118501
of the Unemployment Compensation Advisory Council on or after the 118502
effective date of this section shall not be service as a public 118503
employee for purposes of Chapter 145. of the Revised Code. The 118504
amendments are not intended to prohibit the use of such service 118505
for calculation of benefits under Chapter 145. of the Revised Code 118506
for service prior to the effective date of this section. 118507
118508

Section 309.60. WORKFORCE DEVELOPMENT 118509

Section 309.60.10. NURSE ASSISTANT TRAINING PROGRAMS	118510
Of the foregoing appropriation item 600688, Workforce	118511
Investment Act, up to \$1,000,000 in each fiscal year shall be used	118512
to reimburse nurse assistant training programs that service	118513
TANF-eligible individuals. Any amount of this earmark that remains	118514
unspent at the end of fiscal year 2010 is hereby reappropriated in	118515
fiscal year 2011 for the same purpose. The opportunity for	118516
reimbursement for the purposes for which this earmark is intended	118517
expires June 30, 2011.	118518
 Section 309.60.20. NURSING FACULTY FELLOWSHIP GRANTS	 118519
Of the foregoing appropriation item 600688, Workforce	118520
Investment Act, up to \$700,000 in each fiscal year shall be used	118521
to support the Nursing Faculty Fellowship Grant Program	118522
administered by the Ohio Board of Regents. Any amount of this	118523
earmark that remains unspent at the end of fiscal year 2010 is	118524
hereby reappropriated in fiscal year 2011 for the same purpose.	118525
 Section 309.60.30. SKILL-BASED EDUCATION AND ASSISTANCE	 118526
Of the foregoing appropriation item 600688, Workforce	118527
Investment Act (Fund 3V00), up to \$2,000,000 in fiscal year 2010	118528
shall be provided to programs that provide skill-based education	118529
and assistance to individuals eligible for Ohio Works First. Any	118530
amount of this earmark that remains unspent at the end of fiscal	118531
year 2010 is hereby reappropriated in fiscal year 2011 for the	118532
same purpose.	118533
 Section 310.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW	 118534
General Revenue Fund	118535
GRF 029321 Operating Expenses \$ 483,520 \$ 483,520	118536
TOTAL GRF General Revenue Fund \$ 483,520 \$ 483,520	118537

TOTAL ALL BUDGET FUND GROUPS	\$	483,520	\$	483,520	118538
OPERATING					118539
The Chief Administrative Officer of the House of					118540
Representatives and the Clerk of the Senate shall determine, by					118541
mutual agreement, which of them shall act as fiscal agent for the					118542
Joint Committee on Agency Rule Review. Members of the Committee					118543
shall be paid in accordance with section 101.35 of the Revised					118544
Code.					118545
OPERATING EXPENSES					118546
On July 1, 2009, or as soon as possible thereafter, the					118547
Executive Director of the Joint Committee on Agency Rule Review					118548
may certify to the Director of Budget and Management the amount of					118549
the unexpended, unencumbered balance of the foregoing					118550
appropriation item 029321, Operating Expenses, at the end of					118551
fiscal year 2009 to be reappropriated to fiscal year 2010. The					118552
amount certified is hereby reappropriated to the same					118553
appropriation item for fiscal year 2010.					118554
On July 1, 2010, or as soon as possible thereafter, the					118555
Executive Director of the Joint Committee on Agency Rule Review					118556
may certify to the Director of Budget and Management the amount of					118557
the unexpended, unencumbered balance of the foregoing					118558
appropriation item 029321, Operating Expenses, at the end of					118559
fiscal year 2010 to be reappropriated to fiscal year 2011. The					118560
amount certified is hereby reappropriated to the same					118561
appropriation item for fiscal year 2011.					118562
Section 311.10. JCO JUDICIAL CONFERENCE OF OHIO					118563
General Revenue Fund					118564
GRF 018321 Operating Expenses	\$	1,034,281	\$	1,065,281	118565
TOTAL GRF General Revenue Fund	\$	1,034,281	\$	1,065,281	118566
General Services Fund Group					118567

4030 018601	Ohio Jury	\$	350,000	\$	350,000	118568
	Instructions					
TOTAL GSF	General Services Fund	\$	350,000	\$	350,000	118569
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	1,384,281	\$	1,415,281	118570
	STATE COUNCIL OF UNIFORM STATE LAWS					118571
	Notwithstanding section 105.26 of the Revised Code, of the					118572
	foregoing appropriation item 018321, Operating Expenses, up to					118573
	\$97,000 in fiscal year 2010 and up to \$101,000 in fiscal year 2011					118574
	may be used to pay the expenses of the State Council of Uniform					118575
	State Laws, including membership dues to the National Conference					118576
	of Commissioners on Uniform State Laws, and other expenses under					118577
	sections 105.25 and 105.26 of the Revised Code.					118578
	OHIO JURY INSTRUCTIONS FUND					118579
	The Ohio Jury Instructions Fund (Fund 4030) shall consist of					118580
	grants, royalties, dues, conference fees, bequests, devises, and					118581
	other gifts received for the purpose of supporting costs incurred					118582
	by the Judicial Conference of Ohio in dispensing educational and					118583
	informational data to the state's judicial system. Fund 4030 shall					118584
	be used by the Judicial Conference of Ohio to pay expenses					118585
	incurred in dispensing educational and informational data to the					118586
	state's judicial system. All moneys accruing to Fund 4030 in					118587
	excess of \$350,000 in fiscal year 2010 and in excess of \$350,000					118588
	in fiscal year 2011 are hereby appropriated for the purposes					118589
	authorized.					118590
	No money in Fund 4030 shall be transferred to any other fund					118591
	by the Director of Budget and Management or the Controlling Board.					118592
	Section 313.10. JSC THE JUDICIARY/SUPREME COURT					118593
	General Revenue Fund					118594
GRF 005321	Operating Expenses -	\$	133,144,970	\$	133,144,970	118595

		Judiciary/Supreme Court					
GRF	005401	State Criminal	\$	336,770	\$	336,770	118596
		Sentencing Council					
GRF	005406	Law-Related Education	\$	236,172	\$	236,172	118597
GRF	005409	Ohio Courts	\$	4,850,000	\$	4,850,000	118598
		Technology Initiative					
GRF	005502	Legal Education	\$	350,000	\$	350,000	118599
		Opportunity					
TOTAL GRF		General Revenue Fund	\$	138,917,912	\$	138,917,912	118600
		General Services Fund Group					118601
6720	005601	Continuing Judicial	\$	300,000	\$	300,000	118602
		Education					
TOTAL GSF		General Services Fund	\$	300,000	\$	300,000	118603
		Group					
		Federal Special Revenue Fund Group					118604
3J00	005603	Federal Grants	\$	2,137,866	\$	1,917,081	118605
TOTAL FED		Federal Special Revenue	\$	2,137,866	\$	1,917,081	118606
		Fund Group					
		State Special Revenue Fund Group					118607
4C80	005605	Attorney Services	\$	3,704,659	\$	3,704,659	118608
5T80	005609	Grants and Awards	\$	50,000	\$	50,000	118609
6A80	005606	Supreme Court	\$	1,284,142	\$	1,284,142	118610
		Admissions					
TOTAL SSR		State Special Revenue	\$	5,038,801	\$	5,038,801	118611
		Fund Group					
TOTAL ALL BUDGET FUND GROUPS			\$	146,394,579	\$	146,173,794	118612
		LAW-RELATED EDUCATION					118613
		The foregoing appropriation item 005406, Law-Related					118614
		Education, shall be distributed directly to the Ohio Center for					118615
		Law-Related Education for the purposes of providing continuing					118616
		citizenship education activities to primary and secondary					118617

students, expanding delinquency prevention programs, increasing 118618
activities for at-risk youth, and accessing additional public and 118619
private money for new programs. 118620

OHIO COURTS TECHNOLOGY INITIATIVE 118621

The foregoing appropriation item 005409, Ohio Courts 118622
Technology Initiative, shall be used to fund an initiative by the 118623
Supreme Court to facilitate the exchange of information and 118624
warehousing of data by and between Ohio courts and other justice 118625
system partners through the creation of an Ohio Courts Network, 118626
the delivery of technology services to courts throughout the 118627
state, including the provision of hardware, software, and the 118628
development and implementation of educational and training 118629
programs for judges and court personnel, and operation of the 118630
Commission on Technology and the Courts by the Supreme Court for 118631
the promulgation of statewide rules, policies, and uniform 118632
standards, and to aid in the orderly adoption and comprehensive 118633
use of technology in Ohio courts. 118634

LEGAL EDUCATION OPPORTUNITY 118635

The foregoing appropriation item 005502 shall be used to fund 118636
activities undertaken at the direction of the Chief Justice of the 118637
Supreme Court for purposes of introducing minority, low-income, 118638
and educationally disadvantaged Ohio students to the legal system 118639
and providing educational opportunities to those same students who 118640
are preparing for college and interested in the pursuit of a legal 118641
career. The foregoing appropriation item 005502 may be used by the 118642
Supreme Court, in cooperation with other entities, to establish 118643
and provide programs, courses, and activities consistent with the 118644
purposes set forth in this paragraph and to pay the associated 118645
administrative costs. 118646

CONTINUING JUDICIAL EDUCATION 118647

The Continuing Judicial Education Fund (Fund 6720) shall 118648

consist of fees paid by judges and court personnel for attending 118649
continuing education courses and other gifts and grants received 118650
for the purpose of continuing judicial education. The foregoing 118651
appropriation item 005601, Continuing Judicial Education, shall be 118652
used to pay expenses for continuing education courses for judges 118653
and court personnel. If it is determined by the Administrative 118654
Director of the Supreme Court that additional appropriations are 118655
necessary, the amounts are hereby appropriated. 118656

No money in Fund 6720 shall be transferred to any other fund 118657
by the Director of Budget and Management or the Controlling Board. 118658
Interest earned on moneys in Fund 6720 shall be credited to the 118659
fund. 118660

FEDERAL GRANTS 118661

The Federal Grants Fund (Fund 3J00) shall consist of grants 118662
and other moneys awarded to the Supreme Court (The Judiciary) by 118663
the United States Government or other entities that receive the 118664
moneys directly from the United States Government and distribute 118665
those moneys to the Supreme Court (The Judiciary). The foregoing 118666
appropriation item 005603, Federal Grants, shall be used in a 118667
manner consistent with the purpose of the grant or award. If it is 118668
determined by the Administrative Director of the Supreme Court 118669
that additional appropriations are necessary, the amounts are 118670
hereby appropriated. 118671

No money in Fund 3J00 shall be transferred to any other fund 118672
by the Director of Budget and Management or the Controlling Board. 118673
However, interest earned on moneys in Fund 3J00 shall be credited 118674
or transferred to the General Revenue Fund. 118675

ATTORNEY SERVICES 118676

The Attorney Services Fund (Fund 4C80), formerly known as the 118677
Attorney Registration Fund, shall consist of moneys received by 118678
the Supreme Court (The Judiciary) pursuant to the Rules for the 118679

Government of the Bar of Ohio. In addition to funding other 118680
activities considered appropriate by the Supreme Court, the 118681
foregoing appropriation item 005605, Attorney Services, may be 118682
used to compensate employees and to fund appropriate activities of 118683
the following offices established by the Supreme Court: the Office 118684
of Disciplinary Counsel, the Board of Commissioners on Grievances 118685
and Discipline, the Clients' Security Fund, and the Attorney 118686
Services Division. If it is determined by the Administrative 118687
Director of the Supreme Court that additional appropriations are 118688
necessary, the amounts are hereby appropriated. 118689

No moneys in Fund 4C80 shall be transferred to any other fund 118690
by the Director of Budget and Management or the Controlling Board. 118691
Interest earned on moneys in Fund 4C80 shall be credited to the 118692
fund. 118693

GRANTS AND AWARDS 118694

The Grants and Awards Fund (Fund 5T80) shall consist of 118695
grants and other moneys awarded to the Supreme Court (The 118696
Judiciary) by the State Justice Institute, the Division of 118697
Criminal Justice Services, or other entities. The foregoing 118698
appropriation item 005609, Grants and Awards, shall be used in a 118699
manner consistent with the purpose of the grant or award. If it is 118700
determined by the Administrative Director of the Supreme Court 118701
that additional appropriations are necessary, the amounts are 118702
hereby appropriated. 118703

No moneys in Fund 5T80 shall be transferred to any other fund 118704
by the Director of Budget and Management or the Controlling Board. 118705
However, interest earned on moneys in Fund 5T80 shall be credited 118706
or transferred to the General Revenue Fund. 118707

SUPREME COURT ADMISSIONS 118708

The foregoing appropriation item 005606, Supreme Court 118709
Admissions, shall be used to compensate Supreme Court employees 118710

who are primarily responsible for administering the attorney 118711
admissions program under the Rules for the Government of the Bar 118712
of Ohio, and to fund any other activities considered appropriate 118713
by the court. Moneys shall be deposited into the Supreme Court 118714
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 118715
Government of the Bar of Ohio. If it is determined by the 118716
Administrative Director of the Supreme Court that additional 118717
appropriations are necessary, the amounts are hereby appropriated. 118718

No moneys in Fund 6A80 shall be transferred to any other fund 118719
by the Director of Budget and Management or the Controlling Board. 118720
Interest earned on moneys in Fund 6A80 shall be credited to the 118721
fund. 118722

Section 313.20. SUPREME COURT FILING FEE 118723

The General Assembly hereby respectfully requests the Supreme 118724
Court to modify Rule XV of the Rules of Practice of the Supreme 118725
Court of Ohio pursuant to its authority under the Ohio 118726
Constitution to make that Rule consistent with the amendments made 118727
by this act to section 2503.17 of the Revised Code. 118728

Section 315.10. LEC LAKE ERIE COMMISSION 118729

State Special Revenue Fund Group					118730
4C00 780601 Lake Erie Protection	\$	450,000	\$	450,000	118731
Fund					
5D80 780602 Lake Erie Resources	\$	380,000	\$	383,000	118732
Fund					
TOTAL SSR State Special Revenue					118733
Fund Group	\$	830,000	\$	833,000	118734
TOTAL ALL BUDGET FUND GROUPS	\$	830,000	\$	833,000	118735

Section 317.10. LRS LEGAL RIGHTS SERVICE 118737

General Revenue Fund 118738

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

GRF	054321	Support Services	\$	142,614	\$	142,614	118739
GRF	054401	Ombudsman	\$	209,698	\$	209,698	118740
TOTAL GRF	General Revenue Fund		\$	352,312	\$	352,312	118741
General Services Fund Group							118742
5M00	054610	Settlements	\$	81,352	\$	81,352	118743
TOTAL GSF	General Services Fund Group						118744
			\$	81,352	\$	81,352	118745
Federal Special Revenue Fund Group							118746
3050	054602	Protection and Advocacy - Developmentally Disabled	\$	1,500,000	\$	1,500,000	118747
3AG0	054613	Protection and Advocacy - Voter Accessibility	\$	135,000	\$	135,000	118748
3B80	054603	Protection and Advocacy - Mentally Ill	\$	1,100,000	\$	1,100,000	118749
3CA0	054615	Work Incentives Planning and Assistance	\$	355,000	\$	355,000	118750
3N30	054606	Protection and Advocacy - Individual Rights	\$	570,000	\$	570,000	118751
3N90	054607	Assistive Technology	\$	160,000	\$	160,000	118752
3R90	054604	Family Support Collaborative	\$	12,500	\$	0	118753
3R90	054616	Developmental Disability Publications	\$	130,000	\$	130,000	118754
3T20	054609	Client Assistance Program	\$	435,000	\$	435,000	118755

3X10 054611	Protection and Advocacy - Beneficiaries of Social Security	\$	235,000	\$	235,000	118756
3Z60 054612	Protection and Advocacy - Traumatic Brain Injury	\$	70,000	\$	70,000	118757
TOTAL FED	Federal Special Revenue					118758
Fund Group		\$	4,702,500	\$	4,690,000	118759
State Special Revenue	Fund Group					118760
5AE0 054614	Grants and Contracts	\$	100,000	\$	100,000	118761
TOTAL SSR	State Special Revenue	\$	100,000	\$	100,000	118762
Fund Group						
TOTAL ALL BUDGET	FUND GROUPS	\$	5,236,164	\$	5,223,664	118763

Section 317.20. LEGAL RIGHTS SERVICE NONPROFIT TRANSITION 118765

STUDY 118766

(A) The Legal Rights Service Commission shall conduct a study 118767
concerning a potential transition from a public entity to a 118768
nonprofit organization effective July 1, 2011. The study shall 118769
include an analysis of all of the following: 118770

(1) The feasibility of a transition to a nonprofit 118771
organization; 118772

(2) The potential effects on service delivery, including 118773
client service and access to required resources, and any other 118774
service delivery advantages or disadvantages that might result 118775
from the transition to a nonprofit organization; 118776

(3) Potential organizational effects, including cost savings 118777
and non-state funding sources, and any other organizational 118778
advantages or disadvantages that might result from the transition 118779
to a nonprofit organization; 118780

(4) The approximate amount of time necessary to achieve a transition to nonprofit status. 118781
 118782

(B) The Legal Rights Service Commission shall develop a process plan by which a transition to a nonprofit organization could be implemented not later than July 1, 2011. 118783
 118784
 118785

(C) Not later than six months after the effective date of this section, a written report of the results of the study and a copy of the process plan shall be submitted to the Governor, the Speaker and the Minority Leader of the House of Representatives, and the President and the Minority Leader of the Senate. 118786
 118787
 118788
 118789
 118790

Section 319.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 118791

General Revenue Fund 118792

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	118793
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	118794
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General Services Fund Group 118795

4G70 028601	Joint Legislative	\$	100,000	\$	100,000	118796
	Ethics Committee					

TOTAL GSF	General Services Fund	\$	100,000	\$	100,000	118797
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	650,000	\$	650,000	118798
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Section 321.10. LSC LEGISLATIVE SERVICE COMMISSION 118799

General Revenue Fund 118800

GRF 035321	Operating Expenses	\$	15,117,700	\$	15,117,700	118801
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GRF 035402	Legislative Interns	\$	1,022,120	\$	1,022,120	118802
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GRF 035404	Legislative Office of	\$	500,000	\$	500,000	118803
	Education Oversight					

GRF 035405	Correctional	\$	438,900	\$	438,900	118804
	Institution					

		Inspection Committee					
GRF	035407	Legislative Task	\$	750,000	\$	750,000	118805
		Force on					
		Redistricting					
GRF	035409	National Associations	\$	460,560	\$	460,560	118806
GRF	035410	Legislative	\$	3,661,250	\$	3,661,250	118807
		Information Systems					
TOTAL GRF		General Revenue Fund	\$	21,950,530	\$	21,950,530	118808
		General Services Fund Group					118809
4100	035601	Sale of Publications	\$	25,250	\$	25,250	118810
4F60	035603	Legislative Budget	\$	154,025	\$	154,025	118811
		Services					
5EF0	035607	House and Senate	\$	30,000	\$	30,000	118812
		Telephone Usage					
TOTAL GSF		General Services					118813
		Fund Group	\$	209,275	\$	209,275	118814
TOTAL ALL BUDGET FUND GROUPS			\$	22,159,805	\$	22,159,805	118815
		Section 323.10. LIB STATE LIBRARY BOARD					118817
		General Revenue Fund					118818
GRF	350321	Operating Expenses	\$	5,477,369	\$	5,477,369	118819
GRF	350401	Ohioana Rental	\$	128,560	\$	128,560	118820
		Payments					
GRF	350502	Regional Library	\$	832,099	\$	832,099	118821
		Systems					
TOTAL GRF		General Revenue Fund	\$	6,438,028	\$	6,438,028	118822
		General Services Fund Group					118823
1390	350602	Intra-Agency Service	\$	9,000	\$	9,000	118824
		Charges					
4590	350603	Library Service	\$	2,895,592	\$	3,039,342	118825
		Charges					
4S40	350604	Ohio Public Library	\$	5,702,150	\$	5,702,150	118826

		Information Network				
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194 118827
5GG0	350606	Gates Foundation	\$	500,000	\$	0 118828
		Grants				
TOTAL	GSF	General Services				118829
Fund Group			\$	10,380,936	\$	10,024,686 118830
Federal Special Revenue Fund Group						118831
3130	350601	LSTA Federal	\$	5,543,747	\$	5,543,747 118832
TOTAL	FED	Federal Special Revenue				118833
Fund Group			\$	5,543,747	\$	5,543,747 118834
TOTAL ALL BUDGET FUND GROUPS			\$	22,362,711	\$	22,006,461 118835
		OHIOANA RENTAL PAYMENTS				118836
		The foregoing appropriation item 350401, Ohioana Rental				118837
		Payments, shall be used to pay the rental expenses of the Martha				118838
		Kinney Cooper Ohioana Library Association under section 3375.61 of				118839
		the Revised Code.				118840
		REGIONAL LIBRARY SYSTEMS				118841
		The foregoing appropriation item 350502, Regional Library				118842
		Systems, shall be used to support regional library systems				118843
		eligible for funding under sections 3375.83 and 3375.90 of the				118844
		Revised Code.				118845
		OHIO PUBLIC LIBRARY INFORMATION NETWORK				118846
		(A) The foregoing appropriation item 350604, Ohio Public				118847
		Library Information Network, shall be used for an information				118848
		telecommunications network linking public libraries in the state				118849
		and such others as may participate in the Ohio Public Library				118850
		Information Network (OPLIN).				118851
		The Ohio Public Library Information Network Board of Trustees				118852
		created under section 3375.65 of the Revised Code may make				118853
		decisions regarding use of the foregoing appropriation item				118854
		350604, Ohio Public Library Information Network.				118855

(B) Of the foregoing appropriation item 350604, Ohio Public Library Information Network, up to \$81,000 in each fiscal year shall be used to help local libraries use filters to screen out obscene and illegal internet materials.

The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Executive Director shall provide biannual written reports to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND

Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,702,150 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).

TRANSFER TO LIBRARY FOR THE BLIND FUND				118887
Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				118888 118889 118890 118891 118892 118893
Section 325.10. LCO LIQUOR CONTROL COMMISSION				118894
Liquor Control Fund Group				118895
7043 970321 Operating Expenses	\$	772,524	\$ 797,524	118896
TOTAL LCF Liquor Control Fund Group	\$	772,524	\$ 797,524	118897
TOTAL ALL BUDGET FUND GROUPS	\$	772,524	\$ 797,524	118898
Section 327.10. LOT STATE LOTTERY COMMISSION				118900
State Lottery Fund Group				118901
2310 950604 Charitable Gaming Oversight	\$	2,378,000	\$ 2,378,000	118902
7044 950100 Personal Services	\$	31,487,285	\$ 31,237,206	118903
7044 950200 Maintenance	\$	14,578,155	\$ 14,652,155	118904
7044 950300 Equipment	\$	4,058,420	\$ 3,603,920	118905
7044 950402 Advertising Contracts	\$	23,548,000	\$ 23,548,000	118906
7044 950403 Gaming Contracts	\$	47,978,749	\$ 48,756,010	118907
7044 950500 Problem Gambling Subsidy	\$	350,000	\$ 350,000	118908
7044 950601 Direct Prize Payments	\$	124,426,168	\$ 124,884,039	118909
8710 950602 Annuity Prizes	\$	89,935,565	\$ 89,415,976	118910
TOTAL SLF State Lottery Fund Group	\$	338,740,342	\$ 338,825,306	118911 118912
TOTAL ALL BUDGET FUND GROUPS	\$	338,740,342	\$ 338,825,306	118913
OPERATING EXPENSES				118914
Notwithstanding sections 127.14 and 131.35 of the Revised				118915

Code, the Controlling Board may, at the request of the State 118916
Lottery Commission, authorize expenditures from the State Lottery 118917
Fund in excess of the amounts appropriated, up to a maximum of 15 118918
per cent of anticipated total revenue accruing from the sale of 118919
lottery tickets. Upon the approval of the Controlling Board, the 118920
additional amounts are hereby appropriated. 118921

DIRECT PRIZE PAYMENTS 118922

Any amounts, in addition to the amounts appropriated in 118923
appropriation item 950601, Direct Prize Payments, that the 118924
Director of the State Lottery Commission determines to be 118925
necessary to fund prizes, bonuses, and commissions are hereby 118926
appropriated. 118927

ANNUITY PRIZES 118928

Upon request of the State Lottery Commission, the Director of 118929
Budget and Management may transfer cash from the State Lottery 118930
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 118931
an amount sufficient to fund deferred prizes. The Treasurer of 118932
State, from time to time, shall credit the Deferred Prizes Trust 118933
Fund (Fund 8710) the pro rata share of interest earned by the 118934
Treasurer of State on invested balances. 118935

Any amounts, in addition to the amounts appropriated in 118936
appropriation item 950602, Annuity Prizes, that the Director of 118937
the State Lottery Commission determines to be necessary to fund 118938
deferred prizes and interest earnings are hereby appropriated. 118939

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 118940

The Director of Budget and Management shall transfer an 118941
amount greater than or equal to \$705,000,000 in fiscal year 2010 118942
and \$711,000,000 in fiscal year 2011 from the State Lottery Fund 118943
to the Lottery Profits Education Fund (Fund 7017). Transfers from 118944
the State Lottery Fund to the Lottery Profits Education Fund shall 118945
represent the estimated net income from operations for the 118946

Commission in fiscal year 2010 and fiscal year 2011. Transfers by 118947
the Director of Budget and Management to the Lottery Profits 118948
Education Fund shall be administered as the statutes direct. 118949

Section 329.10. MHC MANUFACTURED HOMES COMMISSION 118950

General Services Fund Group 118951
4K90 996609 Operating Expenses \$ 434,671 \$ 434,671 118952
TOTAL GSF General Services 118953
Fund Group \$ 434,671 \$ 434,671 118954
TOTAL ALL BUDGET FUND GROUPS \$ 434,671 \$ 434,671 118955

Section 331.10. MED STATE MEDICAL BOARD 118957

General Services Fund Group 118958
5C60 883609 Operating Expenses \$ 8,341,545 \$ 8,341,545 118959
TOTAL GSF General Services 118960
Fund Group \$ 8,341,545 \$ 8,341,545 118961
TOTAL ALL BUDGET FUND GROUPS \$ 8,341,545 \$ 8,341,545 118962

Section 333.10. AMB MEDICAL TRANSPORTATION BOARD 118964

General Services Fund Group 118965
4K90 915604 Operating Expenses \$ 473,450 \$ 473,450 118966
TOTAL GSF General Services 118967
Fund Group \$ 473,450 \$ 473,450 118968
TOTAL ALL BUDGET FUND GROUPS \$ 473,450 \$ 473,450 118969

Section 335.10. DMH DEPARTMENT OF MENTAL HEALTH 118971

General Revenue Fund 118972
GRF 332401 Forensic Services \$ 3,904,972 \$ 3,904,972 118973
GRF 333321 Central \$ 19,204,000 \$ 17,204,000 118974
Administration
GRF 333402 Resident Trainees \$ 637,460 \$ 637,460 118975
GRF 333403 Pre-Admission \$ 650,135 \$ 650,135 118976

		Screening Expenses			
GRF	333415	Lease-Rental Payments	\$ 21,626,800	\$ 22,360,300	118977
GRF	333416	Research Program	\$ 701,086	\$ 701,086	118978
Evaluation					
GRF	334408	Community and	\$ 383,724,688	\$ 383,724,688	118979
Hospital Mental					
Health Services					
GRF	334506	Court Costs	\$ 781,322	\$ 781,322	118980
GRF	335404	Behavioral Health	\$ 8,460,800	\$ 8,460,800	118981
Services-Children					
GRF	335405	Family & Children	\$ 2,322,000	\$ 2,322,000	118982
First					
GRF	335419	Community Medication	\$ 9,959,798	\$ 9,959,798	118983
Subsidy					
GRF	335505	Local Mental Health	\$ 85,510,483	\$ 65,567,856	118984
Systems of Care					
GRF	335636	Local MH Subsidy -	\$ 0	\$ 27,697,699	118985
Federal Stimulus					
TOTAL GRF	General Revenue Fund		\$ 537,483,544	\$ 543,972,116	118986
General Services Fund Group					118987
1490	333609	Central Office	\$ 1,350,000	\$ 1,350,000	118988
Operating					
1490	334609	Hospital - Operating	\$ 28,700,000	\$ 29,200,000	118989
Expenses					
1500	334620	Special Education	\$ 150,000	\$ 150,000	118990
4P90	335604	Community Mental	\$ 250,000	\$ 250,000	118991
Health Projects					
1510	336601	Office of Support	\$ 159,279,140	\$ 170,258,490	118992
Services					
TOTAL GSF	General Services Fund		\$ 189,729,140	\$ 201,208,490	118993
Group					
Federal Special Revenue Fund Group					118994

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	118995
3A60	333608	Community and Hospital Services	\$	140,000	\$	140,000	118996
3A70	333612	Social Services Block Grant	\$	25,000	\$	25,000	118997
3A80	333613	Federal Grant - Administration	\$	4,888,105	\$	4,888,105	118998
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	118999
3B10	333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	119000
3240	334605	Medicaid/Medicare	\$	25,200,000	\$	30,200,000	119001
3A60	334608	Federal Miscellaneous	\$	586,224	\$	586,224	119002
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	119003
3B00	334617	Elementary/Secondary Education Act	\$	182,334	\$	182,334	119004
3A60	335608	Federal Miscellaneous	\$	2,178,699	\$	2,178,699	119005
3A70	335612	Social Services Block Grant	\$	8,632,288	\$	8,632,288	119006
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,595,040	\$	2,595,040	119007
3A90	335614	Mental Health Block Grant	\$	14,220,930	\$	14,220,930	119008
3B10	335635	Community Medicaid Expansion	\$	362,770,242	\$	345,067,320	119009
TOTAL FED	Federal Special Revenue	\$	436,213,514	\$	423,510,592	119010	
Fund Group							
State Special Revenue Fund Group							119011
2320	333621	Family and Children First Administration	\$	725,000	\$	725,000	119012

4850	333632	Mental Health	\$	134,233	\$	134,233	119013
		Operating					
4X50	333607	Behavioral Health	\$	3,000,624	\$	3,000,624	119014
		Medicaid Services					
5V20	333611	Non-Federal	\$	560,000	\$	560,000	119015
		Miscellaneous					
4850	334632	Mental Health	\$	2,400,000	\$	2,400,000	119016
		Operating					
6920	334636	Community Mental	\$	80,000	\$	80,000	119017
		Health Board Risk					
		Fund					
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	119018
5CH0	335622	Residential Support	\$	1,500,000	\$	1,500,000	119019
		Service					
6320	335616	Community Capital	\$	700,000	\$	700,000	119020
		Replacement					
TOTAL SSR State Special Revenue			\$	15,789,857	\$	15,789,857	119021
Fund Group							
TOTAL ALL BUDGET FUND GROUPS			\$	1,179,216,055	\$	1,184,481,055	119022

Section 335.10.10. FORENSIC SERVICES 119024

The foregoing appropriation item 332401, Forensic Services, 119025
shall be used to provide psychiatric services to courts of common 119026
pleas. The appropriation shall be allocated through community 119027
mental health boards to certified community agencies and shall be 119028
distributed according to the criteria delineated in rule 119029
5122:32-01 of the Administrative Code. These community forensic 119030
funds may also be used to provide forensic training to community 119031
mental health boards and to forensic psychiatry residency programs 119032
in hospitals operated by the Department of Mental Health and to 119033
provide evaluations of patients of forensic status in facilities 119034
operated by the Department of Mental Health prior to conditional 119035
release to the community. 119036

In addition, appropriation item 332401, Forensic Services, 119037
may be used to support projects involving mental health or 119038
substance abuse, to assist courts and law enforcement to identify 119039
and develop appropriate alternative services to incarceration for 119040
nonviolent mentally ill offenders, and to provide specialized 119041
re-entry services to offenders leaving prisons and jails. Funds 119042
may also be used to provide forensic monitoring and tracking in 119043
addition to community programs serving persons of forensic status 119044
on conditional release or probation. 119045

Section 335.20.10. RESIDENCY TRAINEESHIP PROGRAMS 119046

The foregoing appropriation item 333402, Resident Trainees, 119047
shall be used to fund training agreements entered into by the 119048
Director of Mental Health for the development of curricula and the 119049
provision of training programs to support public mental health 119050
services. 119051

Section 335.20.20. PRE-ADMISSION SCREENING EXPENSES 119052

The foregoing appropriation item 333403, Pre-Admission 119053
Screening Expenses, shall be used to ensure that uniform statewide 119054
methods for pre-admission screening are in place for persons who 119055
have severe mental illness and are referred for long-term Medicaid 119056
certified nursing facility placement. Pre-admission screening 119057
includes the following activities: pre-admission assessment, 119058
consideration of continued stay requests, discharge planning and 119059
referral, and adjudication of appeals and grievance procedures. 119060
119061

Section 335.20.30. LEASE-RENTAL PAYMENTS 119062

The foregoing appropriation item 333415, Lease-Rental 119063
Payments, shall be used to meet all payments during the period 119064
from July 1, 2009, to June 30, 2011, by the Department of Mental 119065

Health under leases and agreements made under section 154.20 of 119066
the Revised Code. These appropriations are the source of funds 119067
pledged for bond service charges on obligations issued pursuant to 119068
Chapter 154. of the Revised Code. 119069

Section 335.20.40. BEHAVIORAL HEALTH MEDICAID SERVICES 119070

The Department of Mental Health shall administer specified 119071
Medicaid services as delegated by the Department of Job and Family 119072
Services in an interagency agreement. The foregoing appropriation 119073
item 333607, Behavioral Health Medicaid Services, may be used to 119074
make payments for free-standing psychiatric hospital inpatient 119075
services as defined in an interagency agreement with the 119076
Department of Job and Family Services. 119077

Section 335.30.10. COMMUNITY MENTAL HEALTH BOARD RISK FUND 119078

The foregoing appropriation item 334636, Community Mental 119079
Health Board Risk Fund, shall be used to make payments under 119080
section 5119.62 of the Revised Code. 119081

Section 335.40.10. BEHAVIORAL HEALTH SERVICES - CHILDREN 119082

The foregoing appropriation item 335404, Behavioral Health 119083
Services-Children, shall be used to provide behavioral health 119084
services for children and their families. Behavioral health 119085
services include mental health and alcohol and other drug 119086
treatment services and other necessary supports. 119087

The foregoing appropriation item 335404, Behavioral Health 119088
Services-Children, shall be distributed to boards of alcohol, drug 119089
addiction, and mental health services, including community mental 119090
health boards and alcohol and drug addiction boards, based upon a 119091
distribution formula approved by the Director of Mental Health. 119092
These moneys shall be used in accordance with the board's 119093
applicable plan or plans developed under sections 340.03 and 119094

340.033 of the Revised Code and in collaboration with the local family and children first council. Collaboration with the local council shall be conducted through a process defined by a system of care guidance as approved by the Ohio Family and Children First Cabinet Council.

Section 335.40.15. FAMILY AND CHILDREN FIRST

(A) As used in this section:

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

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

(3) "Regional care coordination hub" means each of the following:

(a) Toledo/Lucas County CareNet;

(b) Health Care Access Now in Cincinnati;

(c) Community Health Access Project in Richland County.

(B) Of the foregoing appropriation item 335405, Family & Children First, \$130,000 in each fiscal year shall be provided to Toledo/Lucas County CareNet; \$130,000 in each fiscal year shall be provided to Health Care Access Now in Cincinnati; and, \$130,000 in each fiscal year shall be provided to the Community Health Access Project in Richland County. Each regional care coordination hub shall use the money to do all of the following:

(1) Help a care coordination agency that volunteers to work with the regional care coordination hub do both of the following:

(a) Identify at-risk individuals;

(b) Eliminate duplicate care coordination services provided to at-risk individuals the hub helps the care coordination agency identify. 119124
119125
119126

(2) Collect the following information from a care coordination agency for each at-risk individual the hub helps the agency identify: 119127
119128
119129

(a) Whether the agency succeeded in enrolling the at-risk individual in the agency's care coordination services; 119130
119131

(b) The duplicate care coordination services for the at-risk individual that were eliminated; 119132
119133

(c) The health and social services the at-risk individual needs; 119134
119135

(d) The barriers the at-risk individual has to accessing the health and social services the individual needs; 119136
119137

(e) Whether the agency succeeded in helping the at-risk individual access the health and social services the individual needs; 119138
119139
119140

(f) The outcomes of the health and social services the at risk individual accessed. 119141
119142

(3) Compile the information collected under division (B)(2) of this section and provide it to the regional care coordination hub's governing board and the Ohio Children and Family First Cabinet Council. 119143
119144
119145
119146

(C) Of the foregoing appropriation item 335405, Family & Children First, \$124,000 in each fiscal year shall be used by the Ohio Family and Children First Cabinet Council to provide support services to the three regional care coordination hubs, to facilitate the delivery of information from the regional care coordination hubs to the Ohio Family and Children First Cabinet Council, and to help improve care coordination services based on 119147
119148
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119153

information from the regional care coordination hubs. 119154

Section 335.40.20. COMMUNITY MEDICATION SUBSIDY 119155

The foregoing appropriation item 335419, Community Medication 119156
Subsidy, shall be used to provide subsidized support for 119157
psychotropic medication needs of indigent citizens in the 119158
community to reduce unnecessary hospitalization because of lack of 119159
medication and to provide subsidized support for methadone costs. 119160

Section 335.40.30. LOCAL MENTAL HEALTH SYSTEMS OF CARE 119161

Of the foregoing appropriation item 335505, Local Mental 119162
Health Systems of Care, \$669,912 in fiscal year 2010 and 119163
\$1,261,286 in fiscal year 2011 shall be provided to alcohol, drug 119164
addiction, and mental health services boards and community mental 119165
health boards to pay the nonfederal share of the one-half of one 119166
per cent increase in the Medicaid reimbursement rate ceilings for 119167
Medicaid-covered community behavioral health services provided for 119168
under the section of this act titled "INCREASE IN MEDICAID RATES 119169
FOR COMMUNITY BEHAVIORAL HEALTH SERVICES." 119170

The remainder of foregoing appropriation item 335505, Local 119171
Mental Health Systems of Care, shall be used for mental health 119172
services provided by community mental health boards in accordance 119173
with a community mental health plan submitted under section 340.03 119174
of the Revised Code and as approved by the Department of Mental 119175
Health. 119176

Section 337.10. DMR DEPARTMENT OF MENTAL RETARDATION AND 119177
DEVELOPMENTAL DISABILITIES 119178

General Revenue Fund 119179

GRF	320321	Central	\$	5,485,500	\$	5,485,500	119180
		Administration					

GRF	320412	Protective Services	\$	2,558,619	\$	2,558,619	119181
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GRF	320415	Lease-Rental Payments	\$	21,626,800	\$	22,360,300	119182
GRF	322413	Residential and Support Services	\$	5,854,555	\$	5,854,555	119183
GRF	322416	Medicaid Waiver - State Match	\$	76,940,156	\$	96,995,649	119184
GRF	322451	Family Support Services	\$	6,616,953	\$	6,616,953	119185
GRF	322501	County Boards Subsidies	\$	82,093,807	\$	49,338,483	119186
GRF	322503	Tax Equity	\$	14,000,000	\$	14,000,000	119187
GRF	322504	Martin Settlement	\$	36,841,819	\$	36,841,819	119188
GRF	322646	MR/DD Subsidy - Federal Stimulus	\$	0	\$	23,185,824	119189
GRF	322647	ICF/MR Franchise Fee - Developmental Centers	\$	5,600,000	\$	7,500,000	119190
GRF	323321	Developmental Center and Residential Facilities Operation Expenses	\$	72,874,333	\$	80,147,778	119191
TOTAL GRF	General Revenue Fund		\$	330,492,542	\$	350,885,480	119192
General Services Fund Group							119193
4880	322603	Provider Audit Refunds	\$	10,000	\$	10,000	119194
1520	323609	Developmental Center and Residential Operating Services	\$	2,500,000	\$	2,600,000	119195
TOTAL GSF	General Services Fund Group		\$	2,510,000	\$	2,610,000	119196
Federal Special Revenue Fund Group							119197
3A50	320613	DD Council	\$	2,891,473	\$	2,963,760	119198
3250	322612	Community Social	\$	10,494,451	\$	10,494,451	119199

		Service Programs				
3G60	322639	Medicaid Waiver -	\$	759,888,829	\$	745,540,748 119200
		Federal				
3M70	322650	CAFS Medicaid	\$	28,465,980	\$	29,349,502 119201
3A40	323605	Developmental Center	\$	167,503,941	\$	162,857,712 119202
		and Residential				
		Facility Services and				
		Support				
TOTAL FED		Federal Special Revenue	\$	969,244,674	\$	951,206,173 119203
Fund Group						
State Special Revenue Fund Group						119204
5GE0	320606	Operating and	\$	3,760,504	\$	7,521,008 119205
		Services				
2210	322620	Supplement Service	\$	150,000	\$	150,000 119206
		Trust				
4K80	322604	Medicaid Waiver -	\$	12,000,000	\$	12,000,000 119207
		State Match				
5CT0	322632	Intensive Behavioral	\$	1,000,000	\$	1,000,000 119208
		Needs				
5DJ0	322625	Targeted Case	\$	14,881,985	\$	13,716,454 119209
		Management Match				
5DJ0	322626	Targeted Case	\$	29,926,640	\$	31,123,705 119210
		Management Services				
5DK0	322629	Capital Replacement	\$	750,000	\$	750,000 119211
		Facilities				
5EV0	322627	Program Fees	\$	700,000	\$	700,000 119212
5H00	322619	Medicaid Repayment	\$	150,000	\$	150,000 119213
5Z10	322624	County Board Waiver	\$	158,648,995	\$	169,754,424 119214
		Match				
4890	323632	Developmental Center	\$	15,395,774	\$	15,395,684 119215
		Direct Care Support				
5S20	590622	Medicaid	\$	17,585,557	\$	18,214,835 119216
		Administration &				

Oversight

TOTAL SSR State Special Revenue	\$ 254,949,455	\$ 270,476,110	119217
Fund Group			
TOTAL ALL BUDGET FUND GROUPS	\$ 1,557,196,671	\$ 1,575,177,763	119218

Section 337.20.10. LEASE-RENTAL PAYMENTS 119220

The foregoing appropriation item 320415, Lease-Rental 119221
Payments, shall be used to meet all payments at the time they are 119222
required to be made during the period from July 1, 2009, to June 119223
30, 2011, by the Department of Mental Retardation and 119224
Developmental Disabilities under leases and agreements made under 119225
section 154.20 of the Revised Code. These appropriations are the 119226
source of funds pledged for bond service charges or obligations 119227
issued pursuant to Chapter 154. of the Revised Code. 119228

Section 337.30.10. RESIDENTIAL AND SUPPORT SERVICES 119229

The Department of Mental Retardation and Developmental 119230
Disabilities may designate a portion of appropriation item 322413, 119231
Residential and Support Services, for Sermak Class Services used 119232
to implement the requirements of the agreement settling the 119233
consent decree in *Sermak v. Manuel*, Case No. c-2-80-220, United 119234
States District Court for the Southern District of Ohio, Eastern 119235
Division. 119236

Section 337.30.20. OTHER RESIDENTIAL AND SUPPORT SERVICE 119237

PROGRAMS 119238

The foregoing appropriation item 322413, Residential Support 119239
Services, may be used for residential and support service 119240
programs, developed by the Department of Mental Retardation and 119241
Developmental Disabilities, that enable persons with mental 119242
retardation and developmental disabilities to live in the 119243
community. 119244

Section 337.30.30. MEDICAID WAIVER - STATE MATCH (GRF) 119245

Except as otherwise provided in section 5123.0416 of the 119246
Revised Code, the purposes for which the foregoing appropriation 119247
item 322416, Medicaid Waiver - State Match, shall be used include 119248
the following: 119249

(A) Home and community-based waiver services under Title XIX 119250
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, 119251
as amended. 119252

(B) To pay the nonfederal share of the cost of one or more 119253
new intermediate care facilities for the mentally retarded 119254
certified beds, if the Director of Mental Retardation and 119255
Developmental Disabilities is required by this act to transfer to 119256
the Director of Job and Family Services funds to pay such 119257
nonfederal share. 119258

Section 337.30.40. FISCAL PLAN FOR HOME AND COMMUNITY-BASED 119259
WAIVER SERVICES 119260

Not later than December 31, 2009, the Director of Mental 119261
Retardation and Developmental Disabilities shall submit a plan to 119262
the Director of Job and Family Services with recommendations for 119263
actions to be taken addressing the fiscal sustainability of home 119264
and community-based services as defined in section 5123.01 of the 119265
Revised Code. The plan may include recommendations for all of the 119266
following: 119267

(A) Changing the ranges in the amount the Medicaid program 119268
will pay per individual for the home and community-based services; 119269

(B) Establishing one or more maximum amounts that the 119270
Medicaid program will pay per individual for the home and 119271
community-based services; 119272

(C) Modifying the methodology used in establishing payment 119273

rates for providers, including the methodology's component that 119274
reflects wages and benefits for persons providing direct care and 119275
the component that reflects training and direct supervision of 119276
those persons. 119277

Section 337.30.45. GOLDEN KEY CENTER FOR EXCEPTIONAL CHILDREN 119278

Of the foregoing appropriation item 322451, Family Support 119279
Services, \$25,000 in each fiscal year shall be provided to the 119280
Golden Key Center for Exceptional Children for operational 119281
support. 119282

Section 337.30.50. STATE SUBSIDY TO COUNTY MR/DD BOARDS 119283

Except as otherwise provided in the section of this act 119284
titled "Nonfederal Share of New ICF/MR Beds," the Director of 119285
Mental Retardation and Developmental Disabilities, in consultation 119286
with the county boards of mental retardation and developmental 119287
disabilities, shall develop a formula for allocating the foregoing 119288
appropriation item 322501, County Boards Subsidies, to each board. 119289
The Department shall distribute this subsidy to county boards in 119290
quarterly installments. 119291

Except as otherwise provided in section 5126.0511 of the 119292
Revised Code, county boards shall use the subsidy for early 119293
childhood services and adult services provided under section 119294
5126.05 of the Revised Code, service and support administration 119295
provided under section 5126.15 of the Revised Code, and supported 119296
living as defined in section 5126.01 of the Revised Code. 119297

Section 337.30.60. COUNTY BOARD SHARE OF WAIVER SERVICES 119298

As used in this section, "home and community-based services" 119299
has the same meaning as in section 5123.01 of the Revised Code. 119300

The Director of Mental Retardation and Developmental 119301
Disabilities shall establish a methodology to be used in state 119302

fiscal years 2010 and 2011 to estimate the quarterly amount each county board of mental retardation and developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due.

If a county board fails to make the full payment by the time it is due, the Director of Mental Retardation and Developmental Disabilities may withhold the amount the county board fails to pay from one or more of the state subsidies that the Department of Mental Retardation and Developmental Disabilities would otherwise provide to the county board. Each quarter, the Director may use one or more of the following appropriation items to transfer cash from the General Revenue Fund to the County Board Waiver Match Fund (Fund 5Z10) equal to the amount the county board failed to pay:

(A) Appropriation item 322413, Residential and Support Services;

(B) Appropriation item 322451, Family Support Services;

(C) Appropriation item 322501, County Boards Subsidies;

(D) Appropriation item 322503, Tax Equity.

Transfers shall be made using an intrastate transfer voucher.

Section 337.30.70. TAX EQUITY

Notwithstanding section 5126.18 of the Revised Code, if the Director of Mental Retardation and Developmental Disabilities determines that there is sufficient appropriation available, the foregoing appropriation item 322503, Tax Equity, shall be used to pay each county board of mental retardation and developmental

disabilities an amount that is equal to the amount the board 119333
received for fiscal year 2009. If the Director determines that 119334
there is not sufficient appropriation available for this purpose, 119335
the Department shall pay to each county board an amount that is 119336
proportionate to the amount the board received for fiscal year 119337
2009. Proportionality shall be determined by dividing the total 119338
tax equity payments distributed to county boards for fiscal year 119339
2009 by the tax equity payment a county board received for fiscal 119340
year 2009. 119341

Section 337.30.80. MEDICAID WAIVER - STATE MATCH (FUND 4K80) 119342

The foregoing appropriation item 322604, Medicaid Waiver - 119343
State Match (Fund 4K80), shall be used as state matching funds for 119344
home and community-based waivers. 119345

Section 337.30.85. ICF/MR CONVERSION 119346

(A) As used in this section, "home and community-based 119347
services" has the same meaning as in section 5123.01 of the 119348
Revised Code. 119349

(B) For each quarter of the biennium, the Director of Mental 119350
Retardation and Developmental Disabilities shall certify to the 119351
Director of Budget and Management the estimated amount needed to 119352
fund the provision of home and community-based services made 119353
available by the slots sought under section 5111.877 of the 119354
Revised Code. On receipt of certification, the Director of Budget 119355
and Management shall transfer the estimated amount in cash from 119356
the General Revenue Fund to the Home and Community-Based 119357
Services/Mental Retardation Fund (Fund 4K80), used by the 119358
Department of Mental Retardation and Developmental Disabilities. 119359
Upon completion of the transfer, appropriation item 600525, Health 119360
Care/Medicaid, is hereby reduced by the amount transferred under 119361
this section plus the corresponding federal share. The amount 119362

transferred to Fund 4K80 is hereby appropriated to appropriation 119363
item 322604, Medicaid Waiver - State Match. 119364

(C) If receipts credited to the Medicaid Waiver Fund (Fund 119365
3G60) exceed the amounts appropriated from the fund, the Director 119366
of Mental Retardation and Developmental Disabilities may request 119367
the Director of Budget and Management to authorize expenditures 119368
from the fund in excess of the amounts appropriated. Upon the 119369
approval of the Director of Budget and Management, the additional 119370
amounts are hereby appropriated. 119371

(D) If receipts credited to the Interagency Reimbursement 119372
Fund (Fund 3G50) exceed the amounts appropriated from the fund, 119373
the Director of Job and Family Services may request the Director 119374
of Budget and Management to authorize expenditures from the fund 119375
in excess of the amounts appropriated. Upon approval of the 119376
Director of Budget and Management, the additional amounts are 119377
hereby appropriated. 119378

Section 337.30.90. TARGETED CASE MANAGEMENT SERVICES 119379

County boards of mental retardation and developmental 119380
disabilities shall pay the nonfederal portion of targeted case 119381
management costs to the Department of Mental Retardation and 119382
Developmental Disabilities. The Director of Mental Retardation and 119383
Developmental Disabilities shall withhold any amount owed to the 119384
Department from subsequent payments from any appropriation item or 119385
money otherwise due to a nonpaying county. 119386

The Directors of Mental Retardation and Developmental 119387
Disabilities and Job and Family Services may enter into an 119388
interagency agreement under which the Department of Mental 119389
Retardation and Developmental Disabilities shall transfer cash to 119390
the Department of Job and Family Services equal to the nonfederal 119391
portion of the cost of targeted case management services paid by 119392
county boards and the Department of Job and Family Services shall 119393

pay the total cost of targeted case management claims. The 119394
transfer shall be made using an intrastate transfer voucher. 119395

Section 337.31.10. TRANSFER TO PROGRAM FEE FUND 119396

On July 1, 2009, or as soon as possible thereafter, the 119397
Director of Mental Retardation and Developmental Disabilities 119398
shall request that the Director of Budget and Management transfer 119399
the cash balance in the Conference/Training Fund (Fund 4B50) to 119400
the Program Fee Fund (Fund 5EV0). Upon completion of the transfer, 119401
Fund 4B50 is abolished. The Director of Mental Retardation and 119402
Developmental Disabilities shall cancel any existing encumbrances 119403
against appropriation item 320640, Training and Service 119404
Development, and re-establish them against appropriation item 119405
322627, Program Fees. The re-established encumbrances are hereby 119406
appropriated. 119407

Section 337.31.20. DEVELOPMENTAL CENTER BILLING FOR SERVICES 119408

Developmental centers of the Department of Mental Retardation 119409
and Developmental Disabilities may provide services to persons 119410
with mental retardation or developmental disabilities living in 119411
the community or to providers of services to these persons. The 119412
Department may develop a method for recovery of all costs 119413
associated with the provisions of these services. 119414

Section 337.40.10. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 119415
PHARMACY PROGRAMS 119416

The Director of Mental Retardation and Developmental 119417
Disabilities shall transfer cash to the Department of Job and 119418
Family Services quarterly, in an amount equal to the nonfederal 119419
share of Medicaid prescription drug claim costs for all 119420
developmental centers paid by the Department of Job and Family 119421
Services. The quarterly transfer shall be made using an intrastate 119422

transfer voucher.	119423
Section 337.40.20. NONFEDERAL MATCH FOR ACTIVE TREATMENT	119424
SERVICES	119425
Any county funds received by the Department of Mental	119426
Retardation and Developmental Disabilities from county boards for	119427
active treatment shall be deposited in the Mental Retardation	119428
Operating Fund (Fund 4890).	119429
Section 337.40.30. NONFEDERAL SHARE OF NEW ICF/MR BEDS	119430
(A) As used in this section, "intermediate care facility for	119431
the mentally retarded" has the same meaning as in section 5111.20	119432
of the Revised Code.	119433
(B) If one or more new beds obtain certification as an	119434
intermediate care facility for the mentally retarded bed on or	119435
after July 1, 2009, the Director of Mental Retardation and	119436
Developmental Disabilities shall transfer cash to the Department	119437
of Job and Family Services to pay the nonfederal share of the cost	119438
under the Medicaid Program for those beds. The transfer shall be	119439
made using an intrastate transfer voucher. Except as otherwise	119440
provided in section 5123.0416 of the Revised Code, the Director	119441
shall use only the following appropriation items for the transfer:	119442
(1) Appropriation item 322416, Medicaid Waiver - State Match;	119443
	119444
(2) Appropriation item 322501, County Boards Subsidies.	119445
(C) If the beds are located in a county served by a county	119446
board of mental retardation and developmental disabilities that	119447
initiates or supports the beds' certification, the cash that the	119448
Director transfers under division (B) of this section shall be	119449
moneys that the Director has allocated to the county board serving	119450
the county in which the beds are located unless the amount of the	119451

allocation is insufficient to pay the entire nonfederal share of 119452
the cost under the Medicaid Program for those beds. If the 119453
allocation is insufficient, the Director shall use as much of such 119454
moneys allocated to other counties as is needed to make up the 119455
difference. 119456

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 119457

General Revenue Fund 119458

GRF 149321	Operating Expenses	\$	740,998	\$	749,998	119459
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GRF 149501	Minority Health	\$	1,250,440	\$	1,241,440	119460
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Grants

GRF 149502	Lupus Program	\$	364,632	\$	364,632	119461
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TOTAL GRF	General Revenue Fund	\$	2,356,070	\$	2,356,070	119462
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Federal Special Revenue Fund Group 119463

3J90 149602	Federal Grants	\$	179,250	\$	179,250	119464
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TOTAL FED	Federal Special Revenue					119465
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Fund Group		\$	179,250	\$	179,250	119466
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State Special Revenue Fund Group 119467

4C20 149601	Minority Health	\$	47,500	\$	47,500	119468
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Conference

TOTAL SSR	State Special Revenue					119469
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Fund Group		\$	47,500	\$	47,500	119470
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TOTAL ALL BUDGET FUND GROUPS		\$	2,582,820	\$	2,582,820	119471
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LUPUS PROGRAM 119472

Of the foregoing appropriation item 149502, Lupus Program, 119473
\$250,000 in each fiscal year shall be used for additional lupus 119474
education and awareness activities. 119475

Section 341.10. CRB MOTOR VEHICLE COLLISION REPAIR 119476

REGISTRATION BOARD 119477

General Service Fund Group 119478

4K90 865601	Operating Expenses	\$	334,995	\$	334,995	119479
TOTAL GSF General Services						119480
Fund Group		\$	334,995	\$	334,995	119481
TOTAL ALL BUDGET FUND GROUPS						119482
 Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES						119484
General Revenue Fund						119485
GRF 725401	Wildlife-GRF Central	\$	2,300,000	\$	2,300,000	119486
	Support					
GRF 725413	Lease Rental Payments	\$	21,417,400	\$	21,556,500	119487
GRF 725423	Stream and Ground	\$	175,000	\$	175,000	119488
	Water Gauging					
GRF 725456	Canal Lands	\$	300,000	\$	300,000	119489
GRF 725502	Soil and Water	\$	4,500,000	\$	900,000	119490
	Districts					
GRF 725652	Natural Resources	\$	4,886,947	\$	4,492,839	119491
	Operations					
GRF 725903	Natural Resources	\$	26,334,400	\$	26,549,400	119492
	General Obligation					
	Debt Service					
GRF 727321	Division of Forestry	\$	6,906,376	\$	6,906,376	119493
GRF 728321	Division of Geological	\$	1,550,000	\$	1,550,000	119494
	Survey					
GRF 729321	Office of Information	\$	350,000	\$	350,000	119495
	Technology					
GRF 730321	Division of Parks and	\$	36,119,971	\$	36,119,971	119496
	Recreation					
GRF 736321	Division of	\$	3,000,000	\$	3,000,000	119497
	Engineering					
GRF 737321	Division of Soil and	\$	6,628,562	\$	6,628,562	119498
	Water Resources					
GRF 738321	Division of Real	\$	2,000,000	\$	2,000,000	119499
	Estate and Land					

		Management				
GRF	741321	Division of Natural	\$	2,339,873	\$	2,333,981 119500
		Areas and Preserves				
GRF	744321	Division of Mineral	\$	5,029,708	\$	4,152,364 119501
		Resources Management				
TOTAL GRF		General Revenue Fund	\$	123,838,237	\$	119,314,993 119502
		General Services Fund Group				119503
1550	725601	Departmental Projects	\$	2,235,462	\$	2,319,955 119504
1570	725651	Central Support	\$	6,500,000	\$	6,500,000 119505
		Indirect				
2040	725687	Information Services	\$	4,200,000	\$	4,400,448 119506
2070	725690	Real Estate Services	\$	130,000	\$	132,000 119507
2230	725665	Law Enforcement	\$	2,062,410	\$	2,062,410 119508
		Administration				
2270	725406	Parks Projects	\$	250,000	\$	250,000 119509
		Personnel				
4300	725671	Canal Lands	\$	916,541	\$	922,424 119510
4D50	725618	Recycled Materials	\$	100,000	\$	100,000 119511
4S90	725622	NatureWorks Personnel	\$	412,740	\$	412,740 119512
4X80	725662	Water Resources	\$	138,900	\$	138,900 119513
		Council				
5080	725684	Natural Resources	\$	221,607	\$	177,295 119514
		Publications				
5100	725631	Maintenance -	\$	303,611	\$	303,611 119515
		State-owned				
		Residences				
5160	725620	Water Management	\$	2,931,513	\$	2,931,513 119516
6350	725664	Fountain Square	\$	3,715,398	\$	3,715,398 119517
		Facilities Management				
6970	725670	Submerged Lands	\$	1,072,011	\$	772,011 119518
TOTAL GSF		General Services				119519
Fund Group			\$	25,190,193	\$	25,138,705 119520
		Federal Special Revenue Fund Group				119521

3320	725669	Federal Mine Safety Grant	\$	258,102	\$	258,102	119522
3B30	725640	Federal Forest Pass-Thru	\$	600,000	\$	600,000	119523
3B40	725641	Federal Flood Pass-Thru	\$	700,000	\$	700,000	119524
3B50	725645	Federal Abandoned Mine Lands	\$	14,307,667	\$	14,307,667	119525
3B60	725653	Federal Land and Water Conservation Grants	\$	2,000,000	\$	2,000,000	119526
3B70	725654	Reclamation - Regulatory	\$	2,394,565	\$	2,388,775	119527
3P00	725630	Natural Areas and Preserves - Federal	\$	215,000	\$	215,000	119528
3P10	725632	Geological Survey - Federal	\$	689,506	\$	692,401	119529
3P20	725642	Oil and Gas-Federal	\$	231,456	\$	234,509	119530
3P30	725650	Coastal Management - Federal	\$	1,711,237	\$	1,711,237	119531
3P40	725660	Federal - Soil and Water Resources	\$	316,734	\$	316,734	119532
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	119533
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	119534
TOTAL FED Federal Special Revenue							119535
Fund Group			\$	27,299,268	\$	27,299,426	119536
State Special Revenue Fund Group							119537
4J20	725628	Injection Well Review	\$	119,895	\$	119,996	119538
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	119539
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	119540

5090	725602	State Forest	\$	6,211,924	\$	6,211,924	119541
5110	725646	Ohio Geological Mapping	\$	724,310	\$	723,515	119542
5120	725605	State Parks Operations	\$	29,885,528	\$	29,885,528	119543
5140	725606	Lake Erie Shoreline	\$	1,074,113	\$	974,113	119544
5180	725643	Oil and Gas Permit Fees	\$	2,574,378	\$	2,574,378	119545
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	119546
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	119547
5220	725656	Natural Areas and Preserves	\$	1,550,670	\$	1,550,670	119548
5260	725610	Strip Mining Administration Fee	\$	3,267,587	\$	3,364,361	119549
5270	725637	Surface Mining Administration	\$	1,946,591	\$	1,946,591	119550
5290	725639	Unreclaimed Land Fund	\$	2,021,713	\$	2,023,831	119551
5310	725648	Reclamation Forfeiture	\$	2,062,237	\$	2,062,237	119552
5320	725644	Litter Control and Recycling	\$	6,280,681	\$	6,280,681	119553
5860	725633	Scrap Tire Program	\$	1,500,000	\$	1,500,000	119554
5BV0	725683	Soil and Water Districts	\$	10,875,577	\$	15,104,906	119555
5B30	725674	Mining Regulation	\$	28,850	\$	28,850	119556
5CU0	725647	Mine Safety	\$	3,053,843	\$	3,199,923	119557
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	119558
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	119559
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	119560

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	119561
5EN0	725614	Watercraft Law	\$	2,500	\$	2,500	119562
		Enforcement					
6150	725661	Dam Safety	\$	807,403	\$	807,403	119563
TOTAL SSR State Special Revenue							119564
Fund Group			\$	75,179,290	\$	79,552,897	119565
Clean Ohio Conservation Fund Group							119566
7061	725405	Clean Ohio Operating	\$	310,000	\$	310,000	119567
TOTAL CLF Clean Ohio Conservation							119568
Fund Group			\$	310,000	\$	310,000	
Wildlife Fund Group							119569
5P20	725634	Wildlife Boater	\$	2,000,000	\$	2,000,000	119570
		Angler Administration					
7015	740401	Division of Wildlife	\$	58,614,436	\$	54,906,000	119571
		Conservation					
8150	725636	Cooperative	\$	120,449	\$	120,449	119572
		Management Projects					
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	119573
8170	725655	Wildlife Conservation	\$	2,800,000	\$	2,800,000	119574
		Checkoff Fund					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	119575
		Research					
8190	725685	Ohio River Management	\$	128,584	\$	128,584	119576
TOTAL WLF Wildlife Fund Group							119577
Waterways Safety Fund Group			\$	66,130,354	\$	62,421,918	119578
7086	725414	Waterways Improvement	\$	4,265,575	\$	4,265,575	119579
7086	725418	Buoy Placement	\$	52,182	\$	52,182	119580
7086	725501	Waterway Safety	\$	137,867	\$	137,867	119581
		Grants					
7086	725506	Watercraft Marine	\$	576,153	\$	576,153	119582
		Patrol					
7086	725513	Watercraft	\$	366,643	\$	366,643	119583

		Educational Grants				
7086	739401	Division of	\$	19,949,181	\$	19,949,181 119584
		Watercraft				
		TOTAL WSF Waterways Safety Fund				119585
		Group	\$	25,347,601	\$	25,347,601 119586
		Accrued Leave Liability Fund Group				119587
4M80	725675	FOP Contract	\$	20,844	\$	20,844 119588
		TOTAL ALF Accrued Leave				119589
		Liability Fund Group	\$	20,844	\$	20,844 119590
		Holding Account Redistribution Fund Group				119591
R017	725659	Performance Cash Bond	\$	296,263	\$	296,263 119592
		Refunds				
R043	725624	Forestry	\$	2,000,000	\$	2,000,000 119593
		TOTAL 090 Holding Account				119594
		Redistribution Fund Group	\$	2,296,263	\$	2,296,263 119595
		TOTAL ALL BUDGET FUND GROUPS	\$	345,612,050	\$	341,702,647 119596

Section 343.20. CENTRAL SUPPORT INDIRECT 119598

With the exception of the Division of Wildlife, whose direct 119599
and indirect central support charges shall be paid out of the 119600
General Revenue Fund from the foregoing appropriation item 725401, 119601
Wildlife-GRF Central Support, the Department of Natural Resources, 119602
with approval of the Director of Budget and Management, shall 119603
utilize a methodology for determining each division's payments 119604
into the Central Support Indirect Fund (Fund 1570). The 119605
methodology used shall contain the characteristics of 119606
administrative ease and uniform application in compliance with 119607
federal grant requirements. It may include direct cost charges for 119608
specific services provided. Payments to Fund 1570 shall be made 119609
using an intrastate transfer voucher. 119610

Section 343.20.10. FEDERAL ECONOMIC STIMULUS/RECOVERY FUNDS 119611

The foregoing appropriation item 725652, Natural Resources Operations, shall be used to support services of the Department of Natural Resources consistent with funds received from the federal government for fiscal stabilization and recovery purposes.

Section 343.20.20. WELL LOG FILING FEES

The Chief of the Division of Water shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Departmental Services - Intrastate Fund (Fund 1550) for the purposes described in that section.

Section 343.30. LEASE RENTAL PAYMENTS

The foregoing appropriation item 725413, Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2009, to June 30, 2011, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code. These appropriations are the source of funds pledged for bond service charges or obligations issued pursuant to Chapter 154. of the Revised Code.

CANAL LANDS

The foregoing appropriation item 725456, Canal Lands, shall be used to transfer funds to the Canal Lands Fund (Fund 4300) to provide operating expenses for the State Canal Lands Program. The transfer shall be made using an intrastate transfer voucher and shall be subject to the approval of the Director of Budget and Management.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Debt Service, shall be used to pay all debt

service and related financing costs during the period July 1, 119641
2009, to June 30, 2011, on obligations issued under sections 119642
151.01 and 151.05 of the Revised Code. 119643

Section 343.30.10. FOUNTAIN SQUARE 119644

The foregoing appropriation item 725664, Fountain Square 119645
Facilities Management, shall be used for payment of repairs, 119646
renovation, utilities, property management, and building 119647
maintenance expenses for the Fountain Square complex. Cash 119648
transferred by intrastate transfer vouchers from various 119649
department funds and rental income received by the Department of 119650
Natural Resources shall be deposited into the Fountain Square 119651
Facilities Management Fund (Fund 6350). 119652

Section 343.40. SOIL AND WATER DISTRICTS 119653

In addition to state payments to soil and water conservation 119654
districts authorized by section 1515.10 of the Revised Code, the 119655
Department of Natural Resources may use appropriation item 725502, 119656
Soil and Water Districts, to pay any soil and water conservation 119657
district an annual amount not to exceed \$30,000, upon receipt of a 119658
request and justification from the district and approval by the 119659
Ohio Soil and Water Conservation Commission. The county auditor 119660
shall credit the payments to the special fund established under 119661
section 1515.10 of the Revised Code for the local soil and water 119662
conservation district. Moneys received by each district shall be 119663
expended for the purposes of the district. 119664

The foregoing appropriation item 725683, Soil and Water 119665
Districts, shall be expended for the purposes described above, 119666
except that the funding source for this appropriation shall be 119667
fees applied on the disposal of construction and demolition debris 119668
and municipal solid waste as provided in section 1515.14 of the 119669
Revised Code. 119670

OIL AND GAS WELL PLUGGING 119671

The foregoing appropriation item 725677, Oil and Gas Well 119672
Plugging, shall be used exclusively for the purposes of plugging 119673
wells and to properly restore the land surface of idle and orphan 119674
oil and gas wells pursuant to section 1509.071 of the Revised 119675
Code. No funds from the appropriation item shall be used for 119676
salaries, maintenance, equipment, or other administrative 119677
purposes, except for those costs directly attributed to the 119678
plugging of an idle or orphan well. This appropriation item shall 119679
not be used to transfer cash to any other fund or appropriation 119680
item. 119681

LITTER CONTROL AND RECYCLING 119682

Of the foregoing appropriation item 725644, Litter Control 119683
and Recycling, up to \$1,500,000 may be used in each fiscal year 119684
for the administration of the Recycling and Litter Prevention 119685
Program. 119686

Section 343.40.10. CLEAN OHIO OPERATING EXPENSES 119687

The foregoing appropriation item 725405, Clean Ohio 119688
Operating, shall be used by the Department of Natural Resources in 119689
administering section 1519.05 of the Revised Code. 119690

Section 343.50. WATERCRAFT MARINE PATROL 119691

Of the foregoing appropriation item 739401, Division of 119692
Watercraft, up to \$200,000 in each fiscal year shall be expended 119693
for the purchase of equipment for marine patrols qualifying for 119694
funding from the Department of Natural Resources pursuant to 119695
section 1547.67 of the Revised Code. Proposals for equipment shall 119696
accompany the submission of documentation for receipt of a marine 119697
patrol subsidy pursuant to section 1547.67 of the Revised Code and 119698
shall be loaned to eligible marine patrols pursuant to a 119699
cooperative agreement between the Department of Natural Resources 119700

and the eligible marine patrol. 119701

Section 343.60. PARKS CAPITAL EXPENSES FUND 119702

The Director of Natural Resources shall submit to the 119703
Director of Budget and Management the estimated design, 119704
engineering, and planning costs of capital-related work to be done 119705
by Department of Natural Resources staff for parks projects. If 119706
the Director of Budget and Management approves the estimated 119707
costs, the Director may release appropriations from appropriation 119708
item C725E6, Project Planning, in the Parks and Recreation 119709
Improvement Fund (Fund 7035), for those purposes. Upon release of 119710
the appropriations, the Department of Natural Resources shall pay 119711
for these expenses from the Parks Capital Expenses Fund (Fund 119712
2270). Expenses paid from Fund 2270 shall be reimbursed by Fund 119713
7035 using an intrastate transfer voucher. 119714

NATUREWORKS CAPITAL EXPENSES FUND 119715

The Department of Natural Resources shall periodically 119716
prepare and submit to the Director of Budget and Management the 119717
estimated design, planning, and engineering costs of 119718
capital-related work to be done by Department of Natural Resources 119719
staff for each capital improvement project within the Ohio Parks 119720
and Natural Resources Fund (Fund 7031). If the Director of Budget 119721
and Management approves the estimated costs, the Director may 119722
release appropriations from appropriation item C725E5, Project 119723
Planning, in fund 7031, for those purposes. Upon release of the 119724
appropriations, the Department of Natural Resources shall pay for 119725
these expenses from the Capital Expenses Fund (Fund 4S90). 119726
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 119727
using an intrastate transfer voucher. 119728

Section 345.10. NUR STATE BOARD OF NURSING 119729

General Services Fund Group 119730

4K90 884609	Operating Expenses	\$	5,661,280	\$	5,661,280	119731
5AC0 884602	Nurse Education Grant	\$	1,450,000	\$	1,450,000	119732
	Program					
5P80 884601	Nursing Special	\$	5,000	\$	5,000	119733
	Issues					
TOTAL GSF General Services						119734
Fund Group		\$	7,116,280	\$	7,116,280	119735
TOTAL ALL BUDGET FUND GROUPS						119736
NURSING SPECIAL ISSUES						119737
The foregoing appropriation item 884601, Nursing Special						119738
Issues (Fund 5P80), shall be used to pay the costs the Board of						119739
Nursing incurs in implementing section 4723.062 of the Revised						119740
Code.						119741
Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY,						119742
AND ATHLETIC TRAINERS BOARD						119743
General Services Fund Group						119744
4K90 890609	Operating Expenses	\$	963,984	\$	963,984	119745
TOTAL GSF General Services Fund						119746
Group						
TOTAL ALL BUDGET FUND GROUPS						119747
Section 348.10. OLA OHIOANA LIBRARY ASSOCIATION						119749
General Revenue Fund						119750
GRF 355501	Library Subsidy	\$	160,000	\$	160,000	119751
TOTAL GRF General Revenue Fund						119752
TOTAL ALL BUDGET FUND GROUPS						119753
Section 349.10. ODB OHIO OPTICAL DISPENSERS BOARD						119755
General Services Fund Group						119756
4K90 894609	Operating Expenses	\$	345,324	\$	345,324	119757
TOTAL GSF General Services						119758

Fund Group	\$	345,324	\$	345,324	119759
TOTAL ALL BUDGET FUND GROUPS	\$	345,324	\$	345,324	119760

Section 351.10. OPT STATE BOARD OF OPTOMETRY 119762

General Services Fund Group					119763
4K90 885609 Operating Expenses	\$	351,071	\$	351,071	119764
TOTAL GSF General Services					119765
Fund Group	\$	351,071	\$	351,071	119766
TOTAL ALL BUDGET FUND GROUPS	\$	351,071	\$	351,071	119767

Section 353.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS 119769
119770

General Services Fund Group					119771
4K90 973609 Operating Expenses	\$	116,260	\$	116,260	119772
TOTAL GSF General Services					119773
Fund Group	\$	116,260	\$	116,260	119774
TOTAL ALL BUDGET FUND GROUPS	\$	116,260	\$	116,260	119775

Section 355.10. UST PETROLEUM UNDERGROUND STORAGE TANK 119776

Agency Fund Group					119777
6910 810632 PUSTRCB Staff	\$	1,134,860	\$	1,144,627	119778
TOTAL AGY Agency Fund Group	\$	1,134,860	\$	1,144,627	119779
TOTAL ALL BUDGET FUND GROUPS	\$	1,134,860	\$	1,144,627	119780

Section 357.10. PRX STATE BOARD OF PHARMACY 119782

General Services Fund Group					119783
4A50 887605 Drug Law Enforcement	\$	75,500	\$	75,500	119784
4K90 887609 Operating Expenses	\$	5,251,032	\$	5,251,032	119785
TOTAL GSF General Services Fund	\$	5,326,532	\$	5,326,532	119786
Group					
Federal Special Revenue Fund Group					119787
3BC0 887604 Dangerous Drugs	\$	493,164	\$	500,891	119788

Database

TOTAL FED Federal Special Revenue	\$	493,164	\$	500,891	119789
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,819,696	\$	5,827,423	119790
Section 359.10. PSY STATE BOARD OF PSYCHOLOGY					119792
General Services Fund Group					119793
4K90 882609 Operating Expenses	\$	566,000	\$	586,000	119794
TOTAL GSF General Services					119795
Fund Group	\$	566,000	\$	586,000	119796
TOTAL ALL BUDGET FUND GROUPS	\$	566,000	\$	586,000	119797
Section 361.10. PUB OHIO PUBLIC DEFENDER COMMISSION					119799
General Revenue Fund					119800
GRF 019321 Public Defender	\$	772,500	\$	612,600	119801
Administration					
GRF 019401 State Legal Defense	\$	4,377,500	\$	3,471,400	119802
Services					
GRF 019403 Multi-County: State	\$	1,308,201	\$	1,456,835	119803
Share					
GRF 019404 Trumbull County -	\$	430,217	\$	467,727	119804
State Share					
GRF 019405 Training Account	\$	50,000	\$	50,000	119805
GRF 019501 County Reimbursement	\$	22,767,720	\$	17,898,638	119806
TOTAL GRF General Revenue Fund	\$	29,706,138	\$	23,957,200	119807
General Services Fund Group					119808
4070 019604 County Representation	\$	196,650	\$	207,143	119809
4080 019605 Client Payments	\$	865,798	\$	886,500	119810
5CX0 019617 Civil Case Filing Fee	\$	743,076	\$	772,121	119811
TOTAL GSF General Services					119812
Fund Group	\$	1,805,524	\$	1,865,764	119813
Federal Special Revenue Fund Group					119814

3S80 019608	Federal	\$	202,347	\$	212,303	119815
	Representation					
TOTAL FED	Federal Special Revenue					119816
Fund Group		\$	202,347	\$	212,303	119817
State Special Revenue Fund Group						119818
4C70 019601	Multi-County: County	\$	2,227,056	\$	2,384,210	119819
	Share					
4X70 019610	Trumbull County -	\$	732,393	\$	765,467	119820
	County Share					
5740 019606	Civil Legal Aid	\$	35,000,000	\$	35,000,000	119821
5DY0 019618	Indigent Defense	\$	27,783,000	\$	37,044,000	119822
	Support - County					
	Share					
5DY0 019619	Indigent Defense	\$	3,087,000	\$	4,116,000	119823
	Support Fund - State					
	Office					
TOTAL SSR	State Special Revenue					119824
Fund Group		\$	68,829,449	\$	79,309,677	119825
TOTAL ALL BUDGET FUND GROUPS		\$	100,543,458	\$	105,344,944	119826
	INDIGENT DEFENSE OFFICE					119827
	The foregoing appropriation items 019404, Trumbull County -					119828
	State Share, and 019610, Trumbull County - County Share, shall be					119829
	used to support an indigent defense office for Trumbull County.					119830
	MULTI-COUNTY OFFICE					119831
	The foregoing appropriation items 019403, Multi-County: State					119832
	Share, and 019601, Multi-County: County Share, shall be used to					119833
	support the Office of the Ohio Public Defender's Multi-County					119834
	Branch Office Program.					119835
	TRAINING ACCOUNT					119836
	The foregoing appropriation item 019405, Training Account,					119837
	shall be used by the Ohio Public Defender to provide legal					119838

training programs at no cost for private appointed counsel who 119839
represent at least one indigent defendant at no cost and for state 119840
and county public defenders and attorneys who contract with the 119841
Ohio Public Defender to provide indigent defense services. 119842

FEDERAL REPRESENTATION 119843

The foregoing appropriation item 019608, Federal 119844
Representation, shall be used to receive reimbursements from the 119845
federal courts when the Ohio Public Defender provides 119846
representation in federal court cases and to support 119847
representation in such cases. 119848

Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 119849

General Services Fund Group 119850

5F60 870622 Utility and Railroad \$ 34,455,627 \$ 34,455,627 119851
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 119852

5F60 870625 Motor Transportation \$ 6,071,829 \$ 6,071,829 119853
Regulation

5Q50 870626 Telecommunications \$ 5,000,000 \$ 5,000,000 119854
Relay Service

TOTAL GSF General Services 119855

Fund Group \$ 45,685,456 \$ 45,685,456 119856

Federal Special Revenue Fund Group 119857

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 119858

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 119859

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 119860
Information

Systems/Networks

TOTAL FED Federal Special Revenue 119861

Fund Group \$ 8,049,619 \$ 8,049,619 119862

State Special Revenue Fund Group 119863

4A30	870614	Grade Crossing Protection Devices-State	\$	1,349,757	\$	1,349,757	119864
4L80	870617	Pipeline Safety-State	\$	187,621	\$	187,621	119865
4S60	870618	Hazardous Material Registration	\$	464,325	\$	464,325	119866
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	373,346	119867
4U80	870620	Civil Forfeitures	\$	284,986	\$	284,986	119868
5590	870605	Public Utilities Territorial Administration	\$	4,000	\$	4,000	119869
5600	870607	Special Assessment	\$	100,000	\$	100,000	119870
5610	870606	Power Siting Board	\$	647,893	\$	647,893	119871
5BP0	870623	Wireless 9-1-1 Administration	\$	34,417,000	\$	36,443,000	119872
6380	870611	Biofuels/Municipal Waste Technology	\$	40,000	\$	40,000	119873
6610	870612	Hazardous Materials Transportation	\$	900,000	\$	900,000	119874
TOTAL SSR State Special Revenue							119875
Fund Group			\$	38,768,928	\$	40,794,928	119876
TOTAL ALL BUDGET FUND GROUPS			\$	92,504,003	\$	94,530,003	119877
Section 365.10. PWC PUBLIC WORKS COMMISSION							119879
General Revenue Fund							119880
GRF	150904	Conservation General Obligation Debt Service	\$	20,711,100	\$	25,684,900	119881
GRF	150907	State Capital Improvements General Obligation	\$	148,331,900	\$	163,443,500	119882
							119883

Debt Service

TOTAL GRF General Revenue Fund	\$	169,043,000	\$	189,128,400	119884
Local Infrastructure Improvements Fund Group					119885
7039 150909 Local Infrastructure	\$	261,027	\$	269,555	119886
Development					
TOTAL LIF Local Infrastructure	\$	261,027	\$	269,555	119887
Improvements Fund Group					
Clean Ohio Conservation Fund Group					119888
7056 150403 Clean Ohio Operating	\$	304,332	\$	311,509	119889
Expenses					
TOTAL 056 Clean Ohio Conservation	\$	304,332	\$	311,509	119890
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	169,608,359	\$	189,709,464	119891

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 119892

The foregoing appropriation item 150904, Conservation General 119893
Obligation Debt Service, shall be used to pay all debt service and 119894
related financing costs during the period from July 1, 2009, 119895
through June 30, 2011, at the times they are required to be made 119896
for obligations issued under sections 151.01 and 151.09 of the 119897
Revised Code. 119898

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 119899

The foregoing appropriation item 150907, State Capital 119900
Improvements General Obligation Debt Service, shall be used to pay 119901
all debt service and related financing costs during the period 119902
from July 1, 2009, to June 30, 2011, at the times they are 119903
required to be made for obligations issued under sections 151.01 119904
and 151.08 of the Revised Code. 119905

CLEAN OHIO OPERATING EXPENSES 119906

The foregoing appropriation item 150403, Clean Ohio Operating 119907
Expenses, shall be used by the Ohio Public Works Commission in 119908
administering sections 164.20 to 164.27 of the Revised Code. 119909

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Racing Purse

TOTAL SSR State Special Revenue				119936
Fund Group	\$	21,943,342	\$ 21,959,818	119937
Holding Account Redistribution Fund Group				119938
R021 875605 Bond Reimbursements	\$	145,000	\$ 145,000	119939
TOTAL 090 Holding Account				119940
Redistribution				
Fund Group	\$	145,000	\$ 145,000	119941
TOTAL ALL BUDGET FUND GROUPS	\$	22,088,342	\$ 22,104,818	119942

Section 371.10. BOR BOARD OF REGENTS 119944

General Revenue Fund				119945
GRF 235321 Operating Expenses	\$	2,439,835	\$ 2,439,835	119946
GRF 235401 Lease Rental Payments	\$	124,461,100	\$ 107,897,100	119947
GRF 235402 Sea Grants	\$	375,000	\$ 375,000	119948
GRF 235406 Articulation and Transfer	\$	2,610,000	\$ 2,610,000	119949
GRF 235408 Midwest Higher Education Compact	\$	95,000	\$ 95,000	119950
GRF 235409 Information System	\$	966,804	\$ 966,804	119951
GRF 235414 State Grants and Scholarship Administration	\$	1,458,109	\$ 1,458,109	119952
GRF 235415 Jobs Challenge	\$	4,967,492	\$ 4,967,492	119953
GRF 235417 Ohio Learning Network	\$	2,807,546	\$ 2,807,546	119954
GRF 235428 Appalachian New Economy Partnership	\$	981,887	\$ 981,887	119955
GRF 235433 Economic Growth Challenge	\$	527,541	\$ 527,541	119956
GRF 235434 College Readiness and Access	\$	4,240,000	\$ 4,240,000	119957
GRF 235435 Teacher Improvement	\$	524,000	\$ 524,000	119958

Initiatives					
GRF 235438	Choose Ohio First Scholarship	\$	13,000,000	\$	16,000,000 119959
GRF 235441	Co-Op/Internship Program	\$	49,000,000	\$	50,000,000 119960
GRF 235442	Teacher Fellowship	\$	0	\$	2,500,000 119961
GRF 235443	Adult Basic and Literacy Education - State	\$	7,650,264	\$	7,650,264 119962
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,791,288	\$	15,791,286 119963
GRF 235474	Area Health Education Centers Program Support	\$	1,091,833	\$	1,091,833 119964
GRF 235501	State Share of Instruction	\$	1,672,708,351	\$	1,675,554,971 119965
GRF 235502	Student Support Services	\$	714,406	\$	714,406 119966
GRF 235504	War Orphans Scholarships	\$	4,331,089	\$	4,331,089 119967
GRF 235507	OhioLINK	\$	6,632,281	\$	6,632,281 119968
GRF 235508	Air Force Institute of Technology	\$	1,840,659	\$	1,840,659 119969
GRF 235509	Women In Transition	\$	125,000	\$	125,000 119970
GRF 235510	Ohio Supercomputer Center	\$	3,834,386	\$	3,834,386 119971
GRF 235511	Cooperative Extension Service	\$	23,518,608	\$	22,467,678 119972
GRF 235513	Ohio University Voinovich School	\$	484,630	\$	484,630 119973
GRF 235514	Central State Supplement	\$	12,384,106	\$	12,384,106 119974

GRF 235515	Case Western Reserve University School of Medicine	\$	2,603,096	\$	2,603,096	119975
GRF 235519	Family Practice	\$	3,840,127	\$	3,840,127	119976
GRF 235520	Shawnee State Supplement	\$	2,577,393	\$	2,577,393	119977
GRF 235521	The Ohio State University John Glenn School of Public Affairs	\$	434,630	\$	434,630	119978
GRF 235524	Police and Fire Protection	\$	123,498	\$	123,498	119979
GRF 235525	Geriatric Medicine	\$	633,294	\$	633,294	119980
GRF 235526	Primary Care Residencies	\$	1,895,962	\$	1,895,962	119981
GRF 235527	Ohio Aerospace Institute	\$	1,468,104	\$	1,468,104	119982
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,000,000	\$	34,000,000	119983
GRF 235536	The Ohio State University Clinical Teaching	\$	11,727,036	\$	11,727,036	119984
GRF 235537	University of Cincinnati Clinical Teaching	\$	9,645,328	\$	9,645,328	119985
GRF 235538	University of Toledo Clinical Teaching	\$	7,518,011	\$	7,518,011	119986
GRF 235539	Wright State University Clinical Teaching	\$	3,652,395	\$	3,652,395	119987
GRF 235540	Ohio University Clinical Teaching	\$	3,530,882	\$	3,530,882	119988

GRF 235541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	3,631,508	\$	3,631,508	119989
GRF 235552	Capital Component	\$	20,382,568	\$	20,382,568	119990
GRF 235553	Dayton Area Graduate Studies Institute	\$	300,000	\$	300,000	119991
GRF 235555	Library Depositories	\$	1,522,963	\$	1,522,963	119992
GRF 235556	Ohio Academic Resources Network	\$	3,354,501	\$	3,354,501	119993
GRF 235558	Long-term Care Research	\$	223,711	\$	223,711	119994
GRF 235563	Ohio College Opportunity Grant	\$	120,000,000	\$	135,000,000	119995
GRF 235567	Central State University Speed to Scale	\$	1,775,254	\$	0	119996
GRF 235572	The Ohio State University Clinic Support	\$	929,591	\$	929,591	119997
GRF 235576	Nonpublic Need-Based Financial Aid	\$	70,000,000	\$	70,000,000	119998
GRF 235579	Bliss Institute	\$	313,984	\$	313,984	119999
GRF 235580	Entrepreneurship Education Program	\$	50,000	\$	50,000	120000
GRF 235583	Urban University Program	\$	3,340,426	\$	3,340,426	120001
GRF 235587	Rural University Projects	\$	708,693	\$	708,693	120002
GRF 235596	Hazardous Materials Program	\$	373,858	\$	373,858	120003
GRF 235599	National Guard Scholarship Program	\$	14,912,271	\$	14,912,271	120004

GRF 235644	State Share of	\$	309,874,026	\$	308,802,662	120005
	Instruction - Federal					
	Stimulus - Education					
GRF 235646	SSI - Federal Stimulus	\$	87,955,700	\$	103,302,363	120006
	- Government Services					
GRF 235909	Higher Education	\$	85,317,700	\$	89,480,300	120007
	General Obligation					
	Debt Service					
TOTAL GRF General Revenue Fund		\$	2,768,177,725	\$	2,791,572,058	120008
General Services Fund Group						120009
2200 235614	Program Approval and	\$	3,000,000	\$	3,000,000	120010
	Reauthorization					
4560 235603	Sales and Services	\$	700,000	\$	700,000	120011
TOTAL GSF General Services						120012
Fund Group		\$	3,700,000	\$	3,700,000	120013
Federal Special Revenue Fund Group						120014
3120 235609	Tech Prep	\$	183,849	\$	183,849	120015
3120 235611	Gear-up Grant	\$	3,900,000	\$	3,900,000	120016
3120 235612	Carl D. Perkins	\$	912,961	\$	912,961	120017
	Grant/Plan					
	Administration					
3120 235617	Improving Teacher	\$	3,200,000	\$	3,200,000	120018
	Quality Grant					
3120 235641	Adult Basic Literacy	\$	17,869,546	\$	17,869,546	120019
	Education - Federal					
3BE0 235636	Adult Education and	\$	1,783,583	\$	1,783,583	120020
	Family Literacy Act					
	Incentive Grant					
3BG0 235626	Star Schools	\$	250,000	\$	0	120021
3H20 235608	Human Services	\$	3,500,000	\$	3,500,000	120022
	Project					
3N60 235605	State Student	\$	2,533,339	\$	2,533,339	120023

		Incentive Grants				
3N60	235638	College Access	\$	2,268,044	\$	2,268,044 120024
		Challenge Grant				
TOTAL FED		Federal Special Revenue				120025
Fund Group			\$	36,401,322	\$	36,151,322 120026
State Special Revenue		Fund Group				120027
4E80	235602	Higher Educational	\$	45,000	\$	45,000 120028
		Facility Commission				
		Administration				
6490	235607	The Ohio State	\$	600,000	\$	600,000 120029
		University				
		Highway/Transportation				
		Research				
6820	235606	Nursing Loan Program	\$	893,000	\$	893,000 120030
TOTAL SSR		State Special Revenue				120031
Fund Group			\$	1,538,000	\$	1,538,000 120032
Third Frontier Research & Development		Fund Group				120033
7011	235634	Research Incentive	\$	10,000,000	\$	10,000,000 120034
		Third Frontier Fund				
TOTAL 7011		Third Frontier Research	\$	10,000,000	\$	10,000,000 120035
& Development		Fund Group				
TOTAL ALL BUDGET FUND GROUPS			\$	2,819,817,047	\$	2,842,961,380 120036

Section 371.10.10. LEASE RENTAL PAYMENTS 120038

The foregoing appropriation item 235401, Lease Rental 120039
 Payments, shall be used to meet all payments at the times they are 120040
 required to be made during the period from July 1, 2009, to June 120041
 30, 2011, by the Chancellor of the Board of Regents under leases 120042
 and agreements made under section 154.21 of the Revised Code. 120043
 These appropriations are the source of funds pledged for bond 120044
 service charges or obligations issued pursuant to Chapter 154. of 120045
 the Revised Code. 120046

Section 371.10.15. SEA GRANTS 120047

The foregoing appropriation item 235402, Sea Grants, shall be 120048
disbursed to The Ohio State University and shall be used to 120049
conduct research on fish in Lake Erie. 120050

Section 371.10.20. ARTICULATION AND TRANSFER 120051

The foregoing appropriation item 235406, Articulation and 120052
Transfer, shall be used by the Chancellor of the Board of Regents 120053
to maintain and expand the work of the Articulation and Transfer 120054
Council to develop a system of transfer policies to ensure that 120055
students at state institutions of higher education can transfer 120056
and have coursework apply to their majors and degrees at any other 120057
state institution of higher education without unnecessary 120058
duplication or institutional barriers under sections 3333.16, 120059
3333.161, and 3333.162 of the Revised Code. 120060

Section 371.10.30. MIDWEST HIGHER EDUCATION COMPACT 120061

The foregoing appropriation item 235408, Midwest Higher 120062
Education Compact, shall be distributed by the Chancellor of the 120063
Board of Regents under section 3333.40 of the Revised Code. 120064

Section 371.10.40. INFORMATION SYSTEM 120065

The foregoing appropriation item 235409, Information System, 120066
shall be used by the Chancellor of the Board of Regents to support 120067
the development and implementation of information technology 120068
solutions designed to improve the performance and services of the 120069
Chancellor of the Board of Regents and the University System of 120070
Ohio. Information technology solutions shall be provided by the 120071
Ohio Academic Research Network (OARnet). 120072

Section 371.10.50. STATE GRANTS AND SCHOLARSHIP 120073

ADMINISTRATION 120074

The foregoing appropriation item 235414, State Grants and 120075
Scholarship Administration, shall be used by the Chancellor of the 120076
Board of Regents to administer the following student financial aid 120077
programs: Ohio College Opportunity Grant, Nonpublic Need-Based 120078
Financial Aid, Ohio War Orphans' Scholarship, Nurse Education 120079
Assistance Loan Program, Ohio Safety Officers College Memorial 120080
Fund, and any other student financial aid programs created by the 120081
General Assembly. The appropriation item also shall be used to 120082
administer the federal Leveraging Educational Assistance 120083
Partnership (LEAP) program, Special Leveraging Educational 120084
Assistance Partnership (SLEAP) program, the federal College Access 120085
Challenge Grant (CACG), and other student financial aid programs 120086
created by Congress and to provide fiscal services for the Ohio 120087
National Guard Scholarship Program. 120088

Section 371.10.60. JOBS CHALLENGE 120089

Except as provided in the sections of this act entitled 120090
"Statewide Workforce Development Initiatives" and "Fiscal Year 120091
2011 Plan for Adult Workforce Training Programs," funds 120092
appropriated to the foregoing appropriation item 235415, Jobs 120093
Challenge, shall be used by the Chancellor of the Board of Regents 120094
to support state-assisted community and technical colleges, 120095
regional campuses of state-assisted universities, and other 120096
organizationally distinct and identifiable member campuses of the 120097
Workforce training network in support of noncredit job-related 120098
training. 120099

Support may include the promotion and delivery of coordinated 120100
assessment and comprehensive training to local employers. The 120101
Chancellor shall develop a formula for the distribution of funds. 120102

Section 371.10.70. OHIO LEARNING NETWORK 120103

The foregoing appropriation item 235417, Ohio Learning Network, shall be used by the Chancellor of the Board of Regents to support the continued implementation of the Ohio Learning Network, a consortium organized under division (U) of section 3333.04 of the Revised Code to expand access to adult and higher education opportunities through technology. The funds shall be used by the Ohio Learning Network to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, and to facilitate cost-effectiveness through shared educational technology investments.

Section 371.10.80. APPALACHIAN NEW ECONOMY PARTNERSHIP

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.

Section 371.10.90. ECONOMIC GROWTH CHALLENGE

The foregoing appropriation item 235433, Economic Growth Challenge, shall be used for administrative expenses of the Research Incentive Program and other economic advancement initiatives undertaken by the Chancellor of the Board of Regents.

The Chancellor of the Board of Regents shall use any appropriation transfer to the foregoing appropriation item 235433, Economic Growth Challenge, to enhance the basic research capabilities of public colleges and universities and accredited Ohio institutions of higher education holding certificates of authorization issued under section 1713.02 of the Revised Code, in

order to strengthen academic research for pursuing Ohio's economic 120134
development goals. The Chancellor shall give priority 120135
consideration to projects that are eligible to receive federal 120136
stimulus funds. 120137

Section 371.20.06. COLLEGE READINESS AND ACCESS 120138

Of the foregoing appropriation item 235434, College Readiness 120139
and Access, \$1,000,000 in each fiscal year shall be distributed to 120140
the Ohio College Access Network. 120141

Of the foregoing appropriation item 235434, College Readiness 120142
and Access, \$600,000 in each fiscal year shall be distributed to 120143
the Ohio Appalachian Center for Higher Education at Shawnee State 120144
University. The board of directors of the Center shall consist of 120145
the presidents of Shawnee State University, Belmont Technical 120146
College, Hocking College, Jefferson Community College, Zane State 120147
College, Rio Grande Community College, Southern State Community 120148
College, and Washington State Community College; the President of 120149
Ohio University or a designee of the president; the dean of one of 120150
the Salem, Tuscarawas, and East Liverpool regional campuses of 120151
Kent State University, as designated by the President of Kent 120152
State University; and a representative of the Board of Regents 120153
designated by the Chancellor. 120154

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Of the foregoing appropriation item 235434, College Readiness 120156
and Access, \$140,000 in each fiscal year shall be distributed to 120157
Miami University for the Student Achievement in Research and 120158
Scholarship (STARS) Program. 120159

Of the foregoing appropriation item 235434, College Readiness 120160
and Access, \$2,500,000 in each fiscal year shall be used to 120161
support the Early College High School Program. The funds shall be 120162
distributed according to guidelines established by the Department 120163
of Education and the Chancellor of the Board of Regents. 120164

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Section 371.20.08. TEACHER IMPROVEMENT INITIATIVES

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Of the foregoing appropriation item 235435, Teacher
Improvement Initiatives, \$204,000 in each fiscal year shall be
distributed to the Porter Center for Science and Mathematics in
Lake County.

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Of the foregoing appropriation item 235435, Teacher
Improvement Initiatives, \$320,000 in each fiscal year shall be
used to support the Ohio View consortium of research universities.
The funds shall be used by Ohio View and its member universities
to develop the job pipeline in the field of geospatial technology
through the training and professional development of teachers,
higher education students and faculty, and employees in the public
and private sectors. Ohio View shall prepare teachers of grades
kindergarten through twelve to instruct students in the uses of
existing geospatial technology, especially through hands-on
observations.

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Section 371.20.10. CHOOSE OHIO FIRST SCHOLARSHIP

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Of the foregoing appropriation item 235438, Choose Ohio First
Scholarship, up to \$3,000,000 in each fiscal year shall be used by
the Chancellor of the Board of Regents to support the Ohio Woodrow
Wilson STEM Teaching Fellows Program, a program designed to
attract students with high potential and strong backgrounds in
science, technology, engineering, mathematics, and medical
disciplines to graduate programs specially designed for teacher
preparation in those disciplines.

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The Chancellor shall establish a competitive process for
making awards under the Ohio Woodrow Wilson STEM Teaching Fellows
Program to Ohio institutions of higher education that develop,
transform, and implement science, technology, engineering,

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mathematics, and medical teacher preparation programs. 120195
Institutions shall be chosen based on a determination that they 120196
have the leadership, commitment, and capacity to meet criteria as 120197
set forth in a request for proposals issued by the Chancellor. The 120198
request for proposals shall include criteria developed by the 120199
Woodrow Wilson Foundation and an advisory panel of experts in 120200
education and science, technology, engineering, mathematics, and 120201
medical disciplines. Awards made under the Ohio Woodrow Wilson 120202
STEM Teaching Fellows Program shall not be subject to sections 120203
3333.60 to 3333.70 of the Revised Code or any rule adopted 120204
pursuant to those sections. 120205

Of the foregoing appropriation item 235438, Choose Ohio First 120206
Scholarship, \$125,000 in each fiscal year shall be used to support 120207
University Circle, Inc. 120208

The remainder of the foregoing appropriation item 235438, 120209
Choose Ohio First Scholarship, shall be used to operate the 120210
program prescribed in sections 3333.60 to 3333.70 of the Revised 120211
Code. Amounts disbursed to institutions shall be paid on a 120212
reimbursement basis. 120213

An amount equal to the unexpended, unencumbered portion of 120214
the foregoing appropriation item 235438, Choose Ohio First 120215
Scholarship, at the end of fiscal year 2010 is hereby 120216
reappropriated to the Board of Regents for the same purpose for 120217
fiscal year 2011. 120218

Section 371.20.20. CO-OP/INTERNSHIP PROGRAM 120219

(A) Except as otherwise provided in this section, the 120220
foregoing appropriation item, 235441, Co-op/Internship Program, 120221
shall be used by the Chancellor of the Board of Regents to operate 120222
the Co-op/Internship Program under sections 3333.71 to 3333.80 of 120223
the Revised Code. Funding for eligible institutions shall be 120224
disbursed in accordance with the terms of the agreements entered 120225

into under section 3333.75 of the Revised Code. 120226

(B) Of the foregoing appropriation item 235441, 120227
Co-op/Internship Program, up to \$250,000 in each fiscal year shall 120228
be used by the Chancellor of the Board of Regents to establish and 120229
administer a competition for the development of successful 120230
business plans for students enrolled at Ohio institutions of 120231
higher education. Winners of the competition shall receive an 120232
award of \$50,000 for the development and submission of a business 120233
plan that leads to the establishment of a business in the State of 120234
Ohio. Prior to making awards, the Chancellor may convene a panel 120235
of experts to evaluate submitted business plans and make 120236
recommendations or the Chancellor may seek collaboration with the 120237
Department of Development in the administration of the 120238
competition. Awards shall not be distributed to a student until 120239
the student provides documentation to the Chancellor that a 120240
business has been established using the student's business plan. 120241
Documentation may include a certified copy of the articles of 120242
incorporation or other business filing with the Ohio Secretary of 120243
State. Awards made under this division are not subject to sections 120244
3333.71 to 3333.80 of the Revised Code or to any rule adopted 120245
pursuant to those sections. 120246

Any funds earmarked under this division that are unawarded or 120247
unencumbered at the end of fiscal year 2010 are hereby 120248
reappropriated for the same purpose in fiscal year 2011. 120249

(C) Of the foregoing appropriation item 235441, 120250
Co-op/Internship Program, up to \$1,000,000 in each fiscal year may 120251
be used by the Chancellor of the Board of Regents to support 120252
programs at institutions of higher education that collaborate with 120253
and provide interns to businesses that have been in operation for 120254
not more than three years. The Chancellor shall establish a 120255
competitive process for making awards under this division. 120256
Institutions shall be chosen based on a determination that they 120257

have the leadership, commitment, and capacity to meet criteria as 120258
set forth in a request for proposals issued by the Chancellor. 120259
Prior to issuing a request for proposals and prior to making an 120260
award under this division, the Chancellor shall seek the advice of 120261
the Co-op/Internship Advisory Committee. An institution receiving 120262
an award under this division shall enter into an agreement with 120263
the Chancellor governing the use of the funds and setting forth 120264
reporting requirements. Awards made under this division are not 120265
subject to sections 3333.71 to 3333.80 of the Revised Code or to 120266
any rule adopted pursuant to those sections. 120267

(D) Of the foregoing appropriation item 235441, 120268
Co-op/Internship Program, \$5,000,000 in each fiscal year shall be 120269
used for the grant program for employee training in the fields of 120270
biotechnology and bioscience or other field under section 3333.91 120271
of the Revised Code. 120272

(E) Of the foregoing appropriation item 235441, 120273
Co-op/Internship Program, \$500,000 in each fiscal year shall be 120274
provided to the University of Cincinnati to support Rookwood 120275
Pottery Company internship programs with state-assisted 120276
institutions of higher education. 120277

(F) At the request of the Chancellor of the Board of Regents, 120278
the Director of Budget and Management may transfer any unexpended, 120279
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 120280
as well as any appropriation repaid by eligible institutions 120281
pursuant to the terms of the grant agreement from appropriation 120282
item 235441, Co-op/Internship Program, to appropriation item 120283
235433, Economic Growth Challenge. Any appropriation so 120284
transferred shall be used to strengthen academic research for 120285
pursuing Ohio's economic development goals under the Section of 120286
this act entitled "Economic Growth Challenge". 120287

Section 371.20.30. ADULT BASIC AND LITERACY EDUCATION 120288

Except as provided in the Sections of this act entitled 120289
"Statewide Workforce Development Initiatives" and "Fiscal Year 120290
2011 Plan for Adult Workforce Training Programs", the foregoing 120291
appropriation item 235443, Adult Basic and Literacy Education - 120292
State, shall be used to support adult basic and literacy education 120293
instructional programs and for the operation of an adult basic and 120294
literacy education instructional grant program. The supported 120295
programs shall satisfy the state match and maintenance of effort 120296
requirements for the state-administered grant program. 120297

Of the foregoing appropriation item 235443, Adult Basic and 120298
Literacy Education - State, up to \$507,558 in fiscal year 2010 120299
shall be used for the support and operation of the State Literacy 120300
Resource Center Program. 120301

Of the foregoing appropriation item 235443, Adult Basic and 120302
Literacy Education - State, \$122,000 in each fiscal year shall be 120303
used to support initiatives for English as a Second Language 120304
programs. Funding shall be distributed as follows: \$60,000 in each 120305
fiscal year for Jewish Community Federation of Cleveland, \$25,000 120306
in each fiscal year for Yassenoff Jewish Community Center of 120307
Columbus, \$30,000 in each fiscal year for Jewish Family Services 120308
of Cincinnati, and \$7,000 in each fiscal year for Jewish Family 120309
Services of Dayton. 120310

On or before August 31, 2009, the Chancellor of the Board of 120311
Regents shall submit a funding formula to the Controlling Board 120312
for the allocation of the foregoing appropriation item 235443, 120313
Adult Basic and Literacy Education - State, in fiscal year 2010. 120314

Section 371.20.40. POST-SECONDARY ADULT CAREER-TECHNICAL 120315
EDUCATION 120316

Except as provided in the Sections of this act entitled 120317
"Statewide Workforce Development Initiatives" and "Fiscal Year 120318
2011 Plan for Adult Workforce Training Programs", the foregoing 120319

appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents in each fiscal year to provide post-secondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

On or before August 31, 2009, the Chancellor of the Board of Regents shall submit a funding formula to the Controlling Board for the allocation of funds in fiscal year 2010.

Section 371.20.50. STATEWIDE WORKFORCE DEVELOPMENT INITIATIVES

The Chancellor may identify amounts of the foregoing appropriation items 235415, Jobs Challenge, 235443, Adult Basic and Literacy Education - State, and 235444, Post-Secondary Adult Career-Technical Education, to be used to support the Ohio Skills Bank Program and the Stackable Certificates Program. The Ohio Skills Bank Program seeks to align the education of Ohio's workforce with industry needs. The Stackable Certificates Program consists of competency-based, low-cost, noncredit and credit-bearing modules and courses in communications, mathematics, information technology, and other fields selected by the Chancellor. The program culminates in a certificate and provides recipients with a foundation for additional post-secondary education.

Section 371.20.60. FISCAL YEAR 2011 PLAN FOR ADULT WORKFORCE TRAINING PROGRAMS

Notwithstanding the Sections of this act entitled "Jobs Challenge," "Adult Basic and Literacy Education," and "Post-Secondary Adult Career-Technical Education," not later than June 1, 2010, the Chancellor of the Board of Regents shall submit for approval of the Controlling Board a plan for the integration

of funding support for the state's adult workforce training and 120350
development programs, beginning in fiscal year 2011. Funding 120351
support in the plan shall include appropriation items 235415, Jobs 120352
Challenge, 235443, Adult Basic and Literacy Education - State, and 120353
235444, Post-Secondary Adult Career-Technical Education. 120354

The plan shall clearly define the formulas, or competitive 120355
process, to be used for funding the activities of adult basic and 120356
literacy education program providers, state literacy resource 120357
centers, post-secondary adult career-technical education 120358
providers, and community colleges. The plan may propose the 120359
creation of new appropriation items as necessary to support its 120360
implementation. 120361

Section 371.20.70. AREA HEALTH EDUCATION CENTERS 120362

The foregoing appropriation item 235474, Area Health 120363
Education Centers Program Support, shall be used by the Chancellor 120364
of the Board of Regents to support the medical school regional 120365
area health education centers' educational programs for the 120366
continued support of medical and other health professions 120367
education and for support of the Area Health Education Center 120368
Program. 120369

Of the foregoing appropriation item 235474, Area Health 120370
Education Centers Program Support, \$200,000 in each fiscal year 120371
shall be disbursed to the Ohio University College of Osteopathic 120372
Medicine to operate a mobile health care unit to serve the 120373
southeastern area of the state. 120374

Section 371.20.80. STATE SHARE OF INSTRUCTION FORMULAS 120375

On or before August 31, 2009, the Chancellor of the Board of 120376
Regents shall submit to the Controlling Board funding formulas for 120377
the allocation of the foregoing appropriation item 235501, State 120378
Share of Instruction, in each fiscal year. The funding formulas 120379

shall consider the September 2008 university and community college 120380
recommendations submitted to the fiscal year 2009 state share of 120381
instruction consultation, and shall include separate formulas for 120382
state-assisted university main campuses, regional campuses of 120383
state-assisted universities, and state-assisted community and 120384
technical colleges. 120385

The state share of instruction formula for state-assisted 120386
university main campuses shall support graduate and medical 120387
education, reward course and degree completion, and reward the 120388
achievement of mission-specific goals. The state share of 120389
instruction formula for regional campuses of the state-assisted 120390
universities shall reward course completion and the achievement of 120391
mission-specific goals. The state share of instruction formula for 120392
state-assisted community and technical colleges shall be based on 120393
enrollments, achievement of mission-specific goals, and measures 120394
of student success appropriate to institutional missions. 120395

Student-specific components of the formulas shall be weighted 120396
for at-risk students as measured using the student's eligibility 120397
for support from state need-based aid programs. The state share of 120398
instruction formulas shall include allocations of Success 120399
Challenge, Access Challenge, and any other tuition subsidy 120400
provided in Am. Sub. H.B. 119 of the 127th General Assembly. The 120401
state share of instruction funding formulas shall be designed to 120402
phase in components over time. 120403

Section 371.20.90. STATE SHARE OF INSTRUCTION FOR FISCAL 120404
YEARS 2010 AND 2011 120405

The boards of trustees of state-assisted institutions of 120406
higher education shall restrain increases in in-state 120407
undergraduate instructional and general fees. For the 2009-2010 120408
academic year, each state-assisted institution shall not increase 120409
its in-state undergraduate instructional and general fees over 120410

what the institution charged for the 2008-2009 academic year. For 120411
the 2010-2011 academic year, each state-assisted community 120412
college, state community college, technical college, and regional 120413
campus of a state-assisted university shall not increase its 120414
in-state undergraduate instructional and general fees over what 120415
the institution charged for the 2009-2010 academic year. 120416

These limitations shall not apply to increases required to 120417
comply with institutional covenants related to their obligations 120418
or to meet unfunded legal mandates or legally binding obligations 120419
incurred or commitments made prior to the effective date of this 120420
section with respect to which the institution had identified such 120421
fee increases as the source of funds. Any increase required by 120422
such covenants and any such mandates, obligations, or commitments 120423
shall be reported by the Chancellor of the Board of Regents to the 120424
Controlling Board. These limitations may also be modified by the 120425
Chancellor of the Board of Regents, with the approval of the 120426
Controlling Board, to respond to exceptional circumstances as 120427
identified by the Chancellor of the Board of Regents. 120428

Section 371.30.10. HIGHER EDUCATION - BOARD OF TRUSTEES 120429

(A) Funds appropriated for instructional subsidies at 120430
colleges and universities may be used to provide such branch or 120431
other off-campus undergraduate courses of study and such master's 120432
degree courses of study as may be approved by the Chancellor of 120433
the Board of Regents. 120434

(B) In providing instructional and other services to 120435
students, boards of trustees of state-assisted institutions of 120436
higher education shall supplement state subsidies with income from 120437
charges to students. Except as otherwise provided in this Section, 120438
each board shall establish the fees to be charged to all students, 120439
including an instructional fee for educational and associated 120440
operational support of the institution and a general fee for 120441

noninstructional services, including locally financed student 120442
services facilities used for the benefit of enrolled students. The 120443
instructional fee and the general fee shall encompass all charges 120444
for services assessed uniformly to all enrolled students. Each 120445
board may also establish special purpose fees, service charges, 120446
and fines as required; such special purpose fees and service 120447
charges shall be for services or benefits furnished individual 120448
students or specific categories of students and shall not be 120449
applied uniformly to all enrolled students. A tuition surcharge 120450
shall be paid by all students who are not residents of Ohio. 120451

The board of trustees of a state-assisted institution of 120452
higher education shall not authorize a waiver or nonpayment of 120453
instructional fees or general fees for any particular student or 120454
any class of students other than waivers specifically authorized 120455
by law or approved by the Chancellor. This prohibition is not 120456
intended to limit the authority of boards of trustees to provide 120457
for payments to students for services rendered the institution, 120458
nor to prohibit the budgeting of income for staff benefits or for 120459
student assistance in the form of payment of such instructional 120460
and general fees. 120461

Each state-assisted institution of higher education in its 120462
statement of charges to students shall separately identify the 120463
instructional fee, the general fee, the tuition charge, and the 120464
tuition surcharge. Fee charges to students for instruction shall 120465
not be considered to be a price of service but shall be considered 120466
to be an integral part of the state government financing program 120467
in support of higher educational opportunity for students. 120468

(C) Notwithstanding any provision of law to the contrary, if 120469
the Chancellor of the Board of Regents intends to work with a 120470
state-assisted institution of higher education to adjust the 120471
instructional and general fee amounts charged for an associate 120472
degree program at the institution for the 2009-2010 academic year 120473

or the 2010-2011 academic year, the Chancellor shall proceed as follows: 120474
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(1) Notify the institution's board of trustees of the Chancellor's intent to work with the institution to adjust the instructional and general fee amounts charged for an associate degree program for the applicable academic year; 120476
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(2) Request the board of trustees to do both of the following: 120480
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(a) Provide access to data and to administrators and other employees of the institution, as specified by the Chancellor, for the purpose of analyzing the instructional and general fee amounts; 120482
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(b) Prepare and submit to the Chancellor, within thirty days after the request, a report justifying the current instructional and general fee amounts or proposing an adjustment to those amounts. 120486
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The board of trustees shall comply with each request of the Chancellor under division (C)(2) of this section. 120490
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(3) Convene a meeting with the board of trustees to reach an agreement on adjusting the instructional and general fee amounts and on a plan to implement the adjustments. The Chancellor or the board of trustees may designate employees of the institution to participate in the meeting. If an agreement is reached, the board of trustees shall take action to implement the plan to adjust the fee amounts. 120492
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(4) If no agreement is reached under division (C)(3) of this section, make a recommendation to the board of trustees for an adjustment to the instructional and general fee amounts. In making the recommendation, the Chancellor shall specify the actions that should be taken to make the adjustment viable and shall demonstrate that the adjustment will not adversely impact the 120499
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financial or educational condition of the institution. The 120505
Chancellor shall not make a recommendation that, if implemented, 120506
would cause the composite result of the ratio analysis performed 120507
of the financial condition of the institution under paragraph 120508
(A)(4) of rule 126:3-1-01 of the Ohio Administrative Code to place 120509
the institution in fiscal watch under paragraph (B) of that rule. 120510
Not later than ten days after receipt of the Chancellor's 120511
recommendation, the board of trustees shall act either to adopt 120512
the recommendation or to reject the recommendation. 120513

(5) If the board of trustees rejects the recommendation made 120514
under division (C)(4) of this section, determine whether to submit 120515
the recommendation to the Controlling Board for approval. If the 120516
Chancellor elects to submit the recommendation to the Controlling 120517
Board and the Controlling Board approves the recommendation, the 120518
board of trustees shall implement the recommendation and shall 120519
adjust the instructional and general fee amounts accordingly. 120520

Unless a law enacted after the effective date of this section 120521
requires otherwise, any restriction on tuition increases for an 120522
associate degree program applicable to a state-assisted 120523
institution of higher education in fiscal year 2012 or fiscal year 120524
2013 shall be applied to the instructional and general fee amounts 120525
charged for the program immediately prior to any adjustment under 120526
division (C) of this section. 120527

(D) The boards of trustees of state-assisted institutions of 120528
higher education shall ensure that faculty members devote a proper 120529
and judicious part of their work week to the actual instruction of 120530
students. Total class credit hours of production per quarter per 120531
full-time faculty member is expected to meet the standards set 120532
forth in the budget data submitted by the Chancellor of the Board 120533
of Regents. 120534

(E) The authority of government vested by law in the boards 120535
of trustees of state-assisted institutions of higher education 120536

shall in fact be exercised by those boards. Boards of trustees may 120537
consult extensively with appropriate student and faculty groups. 120538
Administrative decisions about the utilization of available 120539
resources, about organizational structure, about disciplinary 120540
procedure, about the operation and staffing of all auxiliary 120541
facilities, and about administrative personnel shall be the 120542
exclusive prerogative of boards of trustees. Any delegation of 120543
authority by a board of trustees in other areas of responsibility 120544
shall be accompanied by appropriate standards of guidance 120545
concerning expected objectives in the exercise of such delegated 120546
authority and shall be accompanied by periodic review of the 120547
exercise of this delegated authority to the end that the public 120548
interest, in contrast to any institutional or special interest, 120549
shall be served. 120550

Section 371.30.20. STUDENT SUPPORT SERVICES 120551

The foregoing appropriation item 235502, Student Support 120552
Services, shall be distributed by the Chancellor of the Board of 120553
Regents to Ohio's state-assisted colleges and universities that 120554
incur disproportionate costs in the provision of support services 120555
to disabled students. 120556

Section 371.30.30. WAR ORPHANS SCHOLARSHIPS 120557

The foregoing appropriation item 235504, War Orphans 120558
Scholarships, shall be used to reimburse state-assisted 120559
institutions of higher education for waivers of instructional fees 120560
and general fees provided by them, to provide grants to 120561
institutions that have received a certificate of authorization 120562
from the Chancellor of the Board of Regents under Chapter 1713. of 120563
the Revised Code, in accordance with the provisions of section 120564
5910.04 of the Revised Code, and to fund additional scholarship 120565
benefits provided by section 5910.032 of the Revised Code. 120566

An amount equal to the unexpended, unencumbered portion of 120567
the foregoing appropriation item 235504, War Orphans Scholarships, 120568
at the end of fiscal year 2010 is hereby reappropriated to the 120569
Board of Regents for the same purpose for fiscal year 2011. 120570

Section 371.30.40. OHIOLINK 120571

The foregoing appropriation item 235507, OhioLINK, shall be 120572
used by the Chancellor of the Board of Regents to support 120573
OhioLINK, a consortium organized under division (U) of section 120574
3333.04 of the Revised Code to serve as the state's electronic 120575
library information and retrieval system, which provides access 120576
statewide to an extensive set of electronic databases and 120577
resources and the library holdings of Ohio's public and 120578
participating private nonprofit colleges and universities, and the 120579
State Library of Ohio. 120580

Section 371.30.50. AIR FORCE INSTITUTE OF TECHNOLOGY 120581

The foregoing appropriation item 235508, Air Force Institute 120582
of Technology, shall be used to strengthen the research and 120583
educational linkages between the Wright Patterson Air Force Base 120584
and institutions of higher education in Ohio. Of the foregoing 120585
appropriation item 235508, Air Force Institute of Technology, 120586
\$1,227,106 in each fiscal year shall be used for research projects 120587
that connect the Air Force Research Laboratories with university 120588
partners. The institute shall provide annual reports to the Third 120589
Frontier Commission that discuss existing, planned, or possible 120590
collaborations between programs and funding recipients related to 120591
technology, research development, commercialization, and support 120592
for Ohio's economic development. 120593

Of the foregoing appropriation item 235508, Air Force 120594
Institute of Technology, \$613,553 in each fiscal year shall be 120595
used to match federal dollars to support technology 120596

commercialization and job creation. The Development Research 120597
Corporation shall use the funds to create or expand Ohio-based 120598
technology and commercial development collaborations in areas that 120599
are a priority in Ohio's third frontier initiative between 120600
industry, academia, and government. 120601

Section 371.30.55. WOMEN IN TRANSITION 120602

The foregoing appropriation item 235509, Women in Transition, 120603
shall be used to support Women in Transition programs at Ohio 120604
institutions of higher education. 120605

Section 371.30.60. OHIO SUPERCOMPUTER CENTER 120606

The foregoing appropriation item 235510, Ohio Supercomputer 120607
Center, shall be used by the Chancellor of the Board of Regents to 120608
support the operation of the Ohio Supercomputer Center, a 120609
consortium organized under division (U) of section 3333.04 of the 120610
Revised Code, located at The Ohio State University. The Ohio 120611
Supercomputer Center is a statewide resource available to Ohio 120612
research universities both public and private. It is also intended 120613
that the center be made accessible to private industry as 120614
appropriate. 120615

Funds shall be used, in part, to support the Ohio 120616
Supercomputer Center's Computational Science Initiative, which 120617
includes its industrial outreach program, Blue Collar Computing, 120618
and its School of Computational Science. These collaborations 120619
between the Ohio Supercomputer Center and Ohio's colleges and 120620
universities shall be aimed at making Ohio a leader in using 120621
computer modeling to promote economic development. 120622

Section 371.30.70. COOPERATIVE EXTENSION SERVICE 120623

The foregoing appropriation item 235511, Cooperative 120624
Extension Service, shall be disbursed through the Chancellor of 120625

the Board of Regents to The Ohio State University in monthly 120626
payments, unless otherwise determined by the Director of Budget 120627
and Management under section 126.09 of the Revised Code. 120628

Section 371.30.80. OHIO UNIVERSITY VOINOVICH SCHOOL 120629

The foregoing appropriation item 235513, Ohio University 120630
Voinovich School, shall be used by the Chancellor of the Board of 120631
Regents to support the operations of Ohio University's Voinovich 120632
School. 120633

Section 371.30.90. CENTRAL STATE SUPPLEMENT 120634

The foregoing appropriation item 235514, Central State 120635
Supplement, shall be used by Central State University to keep 120636
undergraduate fees below the statewide average, consistent with 120637
its mission of service to many first-generation college students 120638
from groups historically underrepresented in higher education and 120639
from families with limited incomes. 120640

Section 371.40.10. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 120641
MEDICINE 120642

The foregoing appropriation item 235515, Case Western Reserve 120643
University School of Medicine, shall be disbursed to Case Western 120644
Reserve University through the Chancellor of the Board of Regents 120645
in accordance with agreements entered into under section 3333.10 120646
of the Revised Code, provided that the state support per full-time 120647
medical student shall not exceed that provided to full-time 120648
medical students at state universities. 120649

Section 371.40.20. FAMILY PRACTICE 120650

The Chancellor of the Board of Regents shall develop plans 120651
consistent with existing criteria and guidelines as may be 120652
required for the distribution of appropriation item 235519, Family 120653

Practice. 120654

Section 371.40.30. SHAWNEE STATE SUPPLEMENT 120655

The foregoing appropriation item 235520, Shawnee State 120656
Supplement, shall be used by Shawnee State University as detailed 120657
by both of the following: 120658

(A) To allow Shawnee State University to keep its 120659
undergraduate fees below the statewide average, consistent with 120660
its mission of service to an economically depressed Appalachian 120661
region; 120662

(B) To allow Shawnee State University to employ new faculty 120663
to develop and teach in new degree programs that meet the needs of 120664
Appalachians. 120665

Section 371.40.40. OSU JOHN GLENN SCHOOL OF PUBLIC AFFAIRS 120666

The foregoing appropriation item 235521, The Ohio State 120667
University John Glenn School of Public Affairs, shall be used by 120668
the Chancellor of the Board of Regents to support the operations 120669
of The Ohio State University's John Glenn School of Public 120670
Affairs. 120671

Section 371.40.50. POLICE AND FIRE PROTECTION 120672

The foregoing appropriation item 235524, Police and Fire 120673
Protection, shall be used for police and fire services in the 120674
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 120675
Portsmouth, Xenia Township (Greene County), Rootstown Township, 120676
and the City of Nelsonville that may be used to assist these local 120677
governments in providing police and fire protection for the 120678
central campus of the state-affiliated university located therein. 120679

Section 371.40.60. GERIATRIC MEDICINE 120680

The Chancellor of the Board of Regents shall develop plans 120681
consistent with existing criteria and guidelines as may be 120682
required for the distribution of appropriation item 235525, 120683
Geriatric Medicine. 120684

Section 371.40.70. PRIMARY CARE RESIDENCIES 120685

The Chancellor of the Board of Regents shall develop plans 120686
consistent with existing criteria and guidelines as may be 120687
required for the distribution of appropriation item 235526, 120688
Primary Care Residencies. 120689

The foregoing appropriation item 235526, Primary Care 120690
Residencies, shall be distributed in each fiscal year of the 120691
biennium, based on whether or not the institution has submitted 120692
and gained approval for a plan. If the institution does not have 120693
an approved plan, it shall receive five per cent less funding per 120694
student than it would have received from its annual allocation. 120695
The remaining funding shall be distributed among those 120696
institutions that meet or exceed their targets. 120697

Section 371.40.75. OHIO AEROSPACE INSTITUTE 120698

The foregoing appropriation item 235527, Ohio Aerospace 120699
Institute, shall be distributed by the Chancellor of the Board of 120700
Regents under section 3333.042 of the Revised Code. 120701

The Board of Regents, in consultation with the Third Frontier 120702
Commission, shall develop a plan for providing for appropriate, 120703
value-added participation of the Ohio Aerospace Institute in Third 120704
Frontier Project proposals and grants. 120705

Section 371.40.80. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 120706
CENTER 120707

The foregoing appropriation item 235535, Ohio Agricultural 120708
Research and Development Center, shall be disbursed through the 120709

Chancellor of the Board of Regents to The Ohio State University in 120710
monthly payments, unless otherwise determined by the Director of 120711
Budget and Management under section 126.09 of the Revised Code. 120712
The Ohio Agricultural Research and Development Center shall not be 120713
required to remit payment to The Ohio State University during the 120714
biennium ending June 30, 2011, for cost reallocation assessments. 120715
The cost reallocation assessments include, but are not limited to, 120716
any assessment on state appropriations to the Center. 120717

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The Ohio Agricultural Research and Development Center, an 120719
entity of the College of Food, Agricultural, and Environmental 120720
Sciences of The Ohio State University, shall further its mission 120721
of enhancing Ohio's economic development and job creation by 120722
continuing to internally allocate on a competitive basis 120723
appropriated funding of programs based on demonstrated 120724
performance. Academic units, faculty, and faculty-driven programs 120725
shall be evaluated and rewarded consistent with agreed-upon 120726
performance expectations as called for in the College's 120727
Expectations and Criteria for Performance Assessment. 120728

Section 371.40.90. STATE UNIVERSITY CLINICAL TEACHING

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The foregoing appropriation items 235536, The Ohio State 120730
University Clinical Teaching; 235537, University of Cincinnati 120731
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 120732
235539, Wright State University Clinical Teaching; 235540, Ohio 120733
University Clinical Teaching; and 235541, Northeastern Ohio 120734
Universities College of Medicine Clinical Teaching, shall be 120735
distributed through the Chancellor of the Board of Regents. 120736

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Section 371.50.10. CAPITAL COMPONENT

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The foregoing appropriation item 235552, Capital Component,

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shall be used by the Chancellor of the Board of Regents to 120740
implement the capital funding policy for state-assisted colleges 120741
and universities established in Am. H.B. 748 of the 121st General 120742
Assembly. Appropriations from this item shall be distributed to 120743
all campuses for which the estimated campus debt service 120744
attributable to new qualifying capital projects is less than the 120745
campus's formula-determined capital component allocation. Campus 120746
allocations shall be determined by subtracting the estimated 120747
campus debt service attributable to new qualifying capital 120748
projects from the campus's formula-determined capital component 120749
allocation. Moneys distributed from this appropriation item shall 120750
be restricted to capital-related purposes. 120751

Any campus for which the estimated campus debt service 120752
attributable to qualifying capital projects is greater than the 120753
campus's formula-determined capital component allocation shall 120754
have the difference subtracted from its State Share of Instruction 120755
allocation in each fiscal year. Appropriation equal to the sum of 120756
all such amounts except that of the Ohio Agricultural Research and 120757
Development Center shall be transferred from appropriation item 120758
235501, State Share of Instruction, to appropriation item 235552, 120759
Capital Component. Appropriation equal to any estimated Ohio 120760
Agricultural Research and Development Center debt service 120761
attributable to qualifying capital projects that is greater than 120762
the Center's formula-determined capital component allocation shall 120763
be transferred from appropriation item 235535, Ohio Agricultural 120764
Research and Development Center, to appropriation item 235552, 120765
Capital Component. 120766

Section 371.50.15. DAYTON AREA GRADUATE STUDIES INSTITUTE 120767

The foregoing appropriation item 235553, Dayton Area Graduate 120768
Studies Institute, shall be used by the Board of Regents to 120769
support the Dayton Area Graduate Studies Institute, an engineering 120770

graduate consortium of three universities in the Dayton area: 120771
Wright State University, the University of Dayton, and the Air 120772
Force Institute of Technology, with the participation of the 120773
University of Cincinnati and The Ohio State University. 120774

Section 371.50.20. LIBRARY DEPOSITORIES 120775

The foregoing appropriation item, 235555, Library 120776
Depositories, shall be distributed to the state's five regional 120777
depository libraries for the cost-effective storage of and access 120778
to lesser-used materials in university library collections. The 120779
depositories shall be administrated by the Chancellor of the Board 120780
of Regents. 120781

Section 371.50.30. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 120782

The foregoing appropriation item 235556, Ohio Academic 120783
Resources Network, shall be used by the Chancellor of the Board of 120784
Regents to support the operations of the Ohio Academic Resources 120785
Network, a consortium organized under division (U) of section 120786
3333.04 of the Revised Code, which shall include support for 120787
Ohio's colleges and universities in maintaining and enhancing 120788
network connections, using new network technologies to improve 120789
research, education, and economic development programs, and 120790
sharing information technology services. The network shall give 120791
priority to supporting the Third Frontier Network and allocating 120792
bandwidth to programs directly supporting Ohio's economic 120793
development. 120794

Section 371.50.40. LONG-TERM CARE RESEARCH 120795

The foregoing appropriation item 235558, Long-term Care 120796
Research, shall be disbursed to Miami University for long-term 120797
care research. 120798

Section 371.50.50. OHIO COLLEGE OPPORTUNITY GRANT 120799

The foregoing appropriation item 235563, Ohio College Opportunity Grant, shall be used by the Chancellor of the Board of Regents to award needs-based financial aid to students enrolled in eligible public institutions of higher education, excluding early college high school and post-secondary enrollment option participants. 120800
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An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 235563, Ohio College Opportunity Grant, at the end of fiscal year 2010 is hereby reappropriated to the Board of Regents for the same purpose for fiscal year 2011. 120806
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On or before August 31, 2009, the Chancellor of the Board of Regents shall submit funding formulas to the Controlling Board for the 2009-2010 academic year and allocations of Ohio College Opportunity Grant awards not already specified in section 3333.122 of the Revised Code. 120810
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Section 371.50.60. CENTRAL STATE UNIVERSITY SPEED TO SCALE 120815

The foregoing appropriation 235567, Central State University Speed to Scale, shall be used to achieve the goals of the Speed to Scale Plan, which include increasing student enrollment through freshman recruitment and transferred students, increasing the proportion of in-state students to 80 per cent of the total student population, and increasing the student retention rates between the first and second year of college by two per cent each year. The goals shall be accomplished by the targeting of student retention, improved articulation agreements with two-year campuses, increased use of alternative course options, including online coursework and Ohio Learning Network resources, College Tech Prep, Post Secondary Enrollment Options, and other dual-credit programs, and strategic partnerships with research 120816
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institutions to improve the quality of Central State University's 120829
offering of science, technology, engineering, mathematics, and 120830
medical instruction. In fiscal year 2010, the disbursement of 120831
these funds shall be contingent upon Central State University 120832
meeting the annual goals for the student enrollment and retention 120833
rate increases. 120834

The Speed to Scale Task Force shall meet not less than 120835
quarterly to discuss progress of the plan, including performance 120836
on accountability metrics and issues experienced in planned 120837
efforts, and to monitor and support the creation of partnerships 120838
with other state institutions of higher education. The Task Force 120839
shall consist of the president of Central State University or the 120840
president's designee, the president of Sinclair Community College 120841
or the president's designee, the president of Cincinnati State 120842
Technical and Community College or the president's designee, the 120843
president of Cuyahoga Community College or the president's 120844
designee, the president of The Ohio State University or the 120845
president's designee, the president of the University of 120846
Cincinnati or the president's designee, the president of Wright 120847
State University or the president's designee, one representative 120848
from the Board of Regents, one member of the House of 120849
Representatives appointed by the Speaker of the House of 120850
Representatives, one member of the Senate appointed by the 120851
President of the Senate, the Director of Budget and Management or 120852
the director's designee, and a representative of the Governor's 120853
Office appointed by the Governor. 120854

On the thirtieth day of June of each fiscal year, Central 120855
State University and the Speed to Scale Task Force shall jointly 120856
submit to the Governor, the Director of Budget and Management, the 120857
Speaker of the House of Representatives, the President of the 120858
Senate, and the Board of Regents a report describing the status of 120859
their progress on the accountability metrics included in the Speed 120860

to Scale Plan.	120861
Section 371.50.70. THE OHIO STATE UNIVERSITY CLINIC SUPPORT	120862
The foregoing appropriation item 235572, The Ohio State	120863
University Clinic Support, shall be distributed through the	120864
Chancellor of the Board of Regents to The Ohio State University	120865
for support of dental and veterinary medicine clinics.	120866
Section 371.50.80. NONPUBLIC NEED-BASED FINANCIAL AID	120867
The foregoing appropriation item 235576, Nonpublic Need-Based	120868
Financial Aid, shall be used to support need-based financial aid	120869
block grants under division (D) of section 3333.122 of the Revised	120870
Code.	120871
Of the foregoing appropriation item 235576, Nonpublic	120872
Need-Based Financial Aid, \$60,000,000 in each fiscal year shall be	120873
used to support the block grant for private, nonprofit	120874
institutions of higher education.	120875
Of the foregoing appropriation item 235576, Nonpublic	120876
Need-Based Financial Aid, \$10,000,000 in each fiscal year shall be	120877
used to support the block grant for proprietary post-secondary	120878
institutions of higher education.	120879
Section 371.50.82. ALLOCATION OF NEED-BASED BLOCK GRANT FOR	120880
NONPROFIT PRIVATE INSTITUTIONS	120881
(A) As used in this section:	120882
(1) "Eligible institution" means a nonprofit private	120883
institution in this state that holds a certificate of	120884
authorization pursuant to Chapter 1713. of the Revised Code to	120885
award degrees at the associate degree or higher.	120886
(2) "First-year student" means an undergraduate student who	120887
has earned not more than 29 semester hour credits or 44 quarter	120888

hour credits. 120889

(3) "Sophomore" means an undergraduate student who, at an 120890
institution authorized to award bachelor's degrees or higher, has 120891
earned between 30 and 59 semester hour credits or 45 to 89 quarter 120892
hour credits or who, at an institution authorized to issue 120893
associate degrees only, has earned 30 or more semester hour 120894
credits or 45 or more quarter hour credits. 120895

(4) "Junior" means an undergraduate who, at an institution 120896
authorized to award bachelor's degrees or higher, has earned 120897
between 60 and 89 semester hour credits or between 90 and 134 120898
quarter hour credits. 120899

(5) "Senior" means an undergraduate student who, at an 120900
institution authorized to award bachelor's degrees or higher, has 120901
earned 90 or more semester hour credits or 135 or more quarter 120902
hour credits. 120903

(6) "Pell-eligible student" means a full-time equivalent 120904
undergraduate Ohio resident enrolled in an eligible institution 120905
and who is eligible for a Pell grant under 20 U.S.C. 1070a. 120906

(B) The Chancellor of the Ohio Board of Regents shall 120907
allocate funds for the Private Higher Education Financial Aid 120908
Needs-Based Block Grant under division (C) of section 3333.122 of 120909
the Revised Code to eligible institutions in the amounts 120910
calculated as follows: 120911

(1) For fiscal year 2010, each eligible institution shall 120912
receive 90% of the amounts the eligible institution received in 120913
fiscal year 2008 under the Ohio Instructional Grant and Ohio 120914
College Opportunity Grant programs, under sections 3333.12 and 120915
3333.122 of the Revised Code, respectively, plus a percentage of 120916
the remaining appropriation for the Private Higher Education 120917
Needs-Based Financial Aid Block Grant, if any, equal to the 120918
percentage that the weighted Pell-eligible students enrolled at 120919

the institution in academic year 2008-2009 represents of the total 120920
number of weighted Pell-eligible students attending all eligible 120921
institutions that academic year. Weights shall be determined as 120922
provided in division (C) of this section. 120923

(2) In fiscal year 2011, each eligible institution shall be 120924
allocated a percentage of the appropriation for the Private Higher 120925
Education Needs-Based Financial Aid Block Grant equal to the 120926
percentage that the weighted Pell-eligible students enrolled at 120927
the eligible institution in academic year 2009-2010 represents of 120928
the total number of weighted Pell-eligible students enrolled in 120929
all eligible institutions in that academic year. Weights shall be 120930
determined as provided in division (C) of this section. 120931

(C) For purposes of division (B) of this section, students 120932
shall be weighted by grade level as follows: 120933

(1) 1.0 for full-time equivalent enrollment of first-year 120934
students; 120935

(2) 1.1 for full-time equivalent enrollment of sophomores; 120936

(3) 1.2 for full-time equivalent enrollment of juniors; 120937

(4) 1.3 for full-time equivalent enrollment of seniors. 120938

(D) Each eligible institution shall report the number and 120939
level of students enrolled at the institution that are 120940
Pell-eligible for the academic year prior to the fiscal year of 120941
block grant funding. For any institution not reporting the number 120942
and level of Pell-eligible students in a timely manner, the 120943
Chancellor shall instead use in the distribution formula such 120944
institution's total number of state need-based aid eligible 120945
students for the academic year two years prior to the fiscal year 120946
of block grant funding. In such cases, all numbers shall be 120947
weighted by a factor of 1.00. 120948

Section 371.50.83. BLISS INSTITUTE

120949

The foregoing appropriation item 235579, Bliss Institute, 120950
shall be used to support the Bliss Institute of Applied Politics 120951
at the University of Akron. 120952

Section 371.50.84. ENTREPRENEURSHIP EDUCATION PROGRAM 120953

The foregoing appropriation item 235580, Entrepreneurship 120954
Education Program, shall be used to develop an entrepreneurship 120955
education program at North Central State College. The program 120956
shall serve as a source of entrepreneurial learning practices and 120957
innovation across the North Central State College curriculum and 120958
in Mansfield. The program may include collaboration and 120959
partnerships with local businesses and government entities. 120960

Section 371.50.85. URBAN UNIVERSITY PROGRAM 120961

Universities receiving funds from the foregoing appropriation 120962
item 235583, Urban University Program, that are used to support an 120963
ongoing university unit shall certify periodically in a manner 120964
approved by the Board of Regents that program funds are being 120965
matched on a one-to-one basis with equivalent resources. Overhead 120966
support may not be used to meet this requirement. If Urban 120967
University Program funds are being used to support an ongoing 120968
university unit, matching funds shall come from continuing rather 120969
than one-time sources. At each participating state-assisted 120970
institution of higher education, matching funds shall be within 120971
the substantial control of the individual designated by the 120972
institution's president as the Urban University Program 120973
Representative. 120974

Of the foregoing appropriation item 235583, Urban University 120975
Program, \$71,618 in each fiscal year shall be used to support the 120976
Center for the Interdisciplinary Study of Education and the Urban 120977
Child at Cleveland State University. These funds shall be 120978
distributed according to rules adopted by the Board of Regents and 120979

shall be used by the center. The center shall target funds toward 120980
increasing the chance for lifetime success of the urban child, 120981
including interventions beginning with the prenatal period. The 120982
primary purpose of the center is to study issues in urban 120983
education and to systematically map directions for new approaches 120984
and new solutions by bringing together a cadre of researchers, 120985
scholars, and professionals representing the social, behavioral, 120986
educational, and health disciplines. 120987

Of the foregoing appropriation item 235583, Urban University 120988
Program, \$875,586 in each fiscal year shall be distributed by the 120989
Board of Regents to Cleveland State University in support of the 120990
Maxine Goodman Levin College of Urban Affairs. 120991

Of the foregoing appropriation item 235583, Urban University 120992
Program, \$875,586 in each fiscal year shall be distributed to the 120993
Northeast Ohio Research Consortium, the Urban Linkages Program, 120994
and the Urban Research Technical Assistance Grant Program. The 120995
distribution among the three programs shall be determined by the 120996
chairperson of the Urban University Program. 120997

Of the foregoing appropriation item 235583, Urban University 120998
Program, \$151,194 in each fiscal year shall be used to support a 120999
public communication outreach program (WCPN). The primary purpose 121000
of the program shall be to develop a relationship between 121001
Cleveland State University and nonprofit communications entities. 121002

Of the foregoing appropriation item 235583, Urban University 121003
Program, \$169,310 in each fiscal year shall be used to support the 121004
Kent State University Learning and Technology Project. This 121005
project is a kindergarten through university collaboration between 121006
schools surrounding Kent State University's eight campuses in 121007
northeast Ohio and corporate partners who assist in development 121008
and delivery. 121009

The Kent State University Learning and Technology Project 121010

shall provide a faculty member who has a full-time role in the 121011
development of collaborative activities and teacher instructional 121012
programming between Kent State University and the K-12th grade 121013
schools that surround its eight campuses; appropriate student 121014
support staff to facilitate these programs and joint activities; 121015
and hardware and software to schools that will make possible the 121016
delivery of instruction to pre-service and in-service teachers, 121017
and their students, in their own classrooms or school buildings. 121018
The latter shall involve the delivery of low-bandwidth streaming 121019
video and web-based technologies in a distributed instructional 121020
model. 121021

Of the foregoing appropriation item 235583, Urban University 121022
Program, \$65,119 in each fiscal year shall be used to support the 121023
Ameritech Classroom/Center for Research at Kent State University. 121024

Of the foregoing appropriation item 235583, Urban University 121025
Program, \$442,087 in each fiscal year shall be used to support the 121026
Polymer Distance Learning Project at the University of Akron. 121027

Of the foregoing appropriation item 235583, Urban University 121028
Program, \$19,894 in each fiscal year shall be distributed to the 121029
Kent State University/Cleveland Design Center Program. 121030

Of the foregoing appropriation item 235583, Urban University 121031
Program, \$10,199 in each fiscal year shall be used for the 121032
Advancing-Up Program at the University of Akron. 121033

Of the foregoing appropriation item 235583, Urban University 121034
Program, \$85,404 in each fiscal year shall be used to support the 121035
Strategic Economic Research Collaborative at the University of 121036
Toledo Urban Affairs Center. 121037

Of the foregoing appropriation item 235583, Urban University 121038
Program, \$100,679 in each fiscal year shall be used to support the 121039
Institute for Collaborative Research and Public Humanities at The 121040
Ohio State University. 121041

Of the foregoing appropriation item 235583, Urban University Program, \$259,900 in each fiscal year shall be used to support the Medina County University Center.

Of the foregoing appropriation item 235583, Urban University Program, \$91,650 in each fiscal year shall be used to support The Ohio State University African American and African Studies Community Extension Center.

Of the foregoing appropriation item 235583, Urban University Program, \$122,200 in each fiscal year shall be used to support the Cleveland Institute of Art.

Section 371.50.86. RURAL UNIVERSITY PROJECTS

Of the foregoing appropriation item 235587, Rural University Projects, Bowling Green State University shall receive \$161,171 in each fiscal year, Miami University shall receive \$149,891 in each fiscal year, and Ohio University shall receive \$351,334 in each fiscal year. These funds shall be used to support the Institute for Local Government Administration and Rural Development at Ohio University, the Center for Public Management and Regional Affairs at Miami University, and the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235587, Rural University Projects, \$9,741 in each fiscal year shall be used to support the Washington State Community College day care center.

Of the foregoing appropriation item 235587, Rural University Projects, \$36,556 in each fiscal year shall be used to support the COAD/ILGARD/GOA Appalachian Leadership Initiative.

Section 371.50.90. HAZARDOUS MATERIALS PROGRAM

The foregoing appropriation item 235596, Hazardous Materials Program, shall be used by the Chancellor of the Board of Regents

to make awards for the establishment or continued development and support of hazardous materials education, studies, or programs at Ohio institutions of higher education.

Of the foregoing appropriation item 235596, Hazardous Materials Program, \$115,000 in each fiscal year shall be used to support the Center for the Interdisciplinary Study of Education and Leadership in Public Service at Cleveland State University which was created with the cooperation of the Ohio Professional Fire Fighters Association. These funds shall be distributed by the Chancellor of the Board of Regents and shall be used by the center and targeted toward increasing the role of special populations in public service and not-for-profit organizations. The primary purpose of the center is to study issues in public service and to guide strategies for attracting new communities into public service occupations by bringing together a cadre of researchers, scholars, and professionals representing the public administration, social behavioral, and education disciplines.

Section 371.60.10. NATIONAL GUARD SCHOLARSHIP PROGRAM

The Chancellor of the Board of Regents shall disburse funds from appropriation item 235599, National Guard Scholarship Program, at the direction of the Adjutant General. During each fiscal year, the Chancellor of the Board of Regents, within ten days of cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash in an amount up to the amount certified from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0). Upon the request of the Adjutant General, the Chancellor of the Board of Regents shall seek Controlling Board approval to authorize additional

expenditures for appropriation item 235623, National Guard 121102
Scholarship Reserve Fund. Upon approval of the Controlling Board, 121103
the additional amounts are hereby appropriated. The Chancellor of 121104
the Board of Regents shall disburse funds from appropriation item 121105
235623, National Guard Scholarship Reserve Fund, at the direction 121106
of the Adjutant General. 121107

Section 371.60.15. YOUNGSTOWN STATE PILOT SERVICE AREA STUDY 121108
COMMITTEE 121109

There is hereby established the Youngstown State Pilot 121110
Service Area Study Committee. The Committee shall examine the cost 121111
and feasibility of creating a Youngstown State Pilot Service Area. 121112
The Committee shall determine what counties may be included in the 121113
pilot service area and the need for reciprocity arrangements with 121114
participating counties. The Board of Regents shall provide 121115
administrative support for the Committee. 121116

The membership of the Committee shall consist of the 121117
Chancellor of the Board of Regents, or the Chancellor's designee, 121118
who shall act as chair; the President of Youngstown State 121119
University, or the President's designee; one additional 121120
representative of Youngstown State University; one member of the 121121
House of Representatives from each political party, appointed by 121122
the Speaker of the House of Representatives; and one member of the 121123
Senate from each political party, appointed by the President of 121124
the Senate. Initial appointments to the Committee shall be 121125
completed within ninety days of the effective date of this 121126
section. The Chancellor shall convene the Committee not more than 121127
thirty days after the final appointment has been made. 121128

The Committee shall submit its recommendations in a written 121129
report to the Governor, the Speaker of the House of 121130
Representatives, and the President of the Senate not later than 121131
June 30, 2010. Upon completion of its report, the Committee shall 121132

cease to exist. 121133

Section 371.60.20. PLEDGE OF FEES 121134

Any new pledge of fees, or new agreement for adjustment of 121135
fees, made in the biennium ending June 30, 2011, to secure bonds 121136
or notes of a state-assisted institution of higher education for a 121137
project for which bonds or notes were not outstanding on the 121138
effective date of this section shall be effective only after 121139
approval by the Chancellor of the Board of Regents, unless 121140
approved in a previous biennium. 121141

Section 371.60.30. HIGHER EDUCATION GENERAL OBLIGATION DEBT 121142
SERVICE 121143

The foregoing appropriation item 235909, Higher Education 121144
General Obligation Debt Service, shall be used to pay all debt 121145
service and related financing costs at the times they are required 121146
to be made for obligations issued during the period from July 1, 121147
2009, to June 30, 2011, under sections 151.01 and 151.04 of the 121148
Revised Code. 121149

Section 371.60.40. SALES AND SERVICES 121150

The Chancellor of the Board of Regents is authorized to 121151
charge and accept payment for the provision of goods and services. 121152
Such charges shall be reasonably related to the cost of producing 121153
the goods and services. No charges may be levied for goods or 121154
services that are produced as part of the routine responsibilities 121155
or duties of the Chancellor. All revenues received by the 121156
Chancellor of the Board of Regents shall be deposited into Fund 121157
4560, and may be used by the Chancellor of the Board of Regents to 121158
pay for the costs of producing the goods and services. 121159

121160

Section 371.60.50. HIGHER EDUCATIONAL FACILITY COMMISSION 121161
ADMINISTRATION 121162

The foregoing appropriation item 235602, Higher Educational 121163
Facility Commission Administration, shall be used by the 121164
Chancellor of the Board of Regents for operating expenses related 121165
to the Chancellor of the Board of Regents' support of the 121166
activities of the Ohio Higher Educational Facility Commission. 121167
Upon the request of the Chancellor, the Director of Budget and 121168
Management shall transfer up to \$45,000 cash in fiscal year 2010 121169
and up to \$45,000 cash in fiscal year 2011 from the HEFC Operating 121170
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 121171
4E80). 121172

Section 371.60.60. NURSING LOAN PROGRAM 121173

The foregoing appropriation item 235606, Nursing Loan 121174
Program, shall be used to administer the nurse education 121175
assistance program. Up to \$167,580 in each fiscal year may be used 121176
for operating expenses associated with the program. Any additional 121177
funds needed for the administration of the program are subject to 121178
Controlling Board approval. 121179

Section 371.60.70. VETERANS PREFERENCES 121180

The Chancellor of the Board of Regents shall work with the 121181
Department of Veterans Services to develop specific veterans 121182
preference guidelines for higher education institutions. These 121183
guidelines shall ensure that the institutions' hiring practices 121184
are in accordance with the intent of Ohio's veterans preference 121185
laws. 121186

Section 371.60.80. STATE NEED-BASED FINANCIAL AID 121187
RECONCILIATION 121188

By the first day of August in each fiscal year, or as soon as possible thereafter, the Chancellor of the Ohio Board of Regents shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's need-based financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Need-based Financial Aid Reconciliation, from revenues received in the State Need-based Financial Aid Reconciliation Fund (Fund 5Y50).

Section 371.60.90. TRANSFERS TO STATE NEED-BASED FINANCIAL AID PROGRAMS

In each fiscal year of the biennium, if the Chancellor of the Board of Regents determines that additional funds are needed to support the distribution of state need-based financial aid in accordance with section 3333.122 of the Revised Code, the Chancellor shall recommend the reallocation of the unexpended, unencumbered portions of General Revenue Fund appropriation items in the Board of Regents to appropriation item 235563, Ohio College Opportunity Grant. If the Director of Budget and Management determines that such a reallocation is required, the Director may transfer appropriation in an amount not to exceed those unexpended, unencumbered General Revenue Fund appropriations in the Board of Regents as necessary to appropriation item 235563, Ohio College Opportunity Grant.

If those transferred appropriations are not sufficient to support the distribution of state need-based financial aid in accordance with section 3333.122 of the Revised Code in each fiscal year, the Director of Budget and Management may authorize expenditures in excess of the amounts appropriated, but not to exceed \$5,000,000 in each fiscal year from appropriation item 235563, Ohio College Opportunity Grant. Upon approval of the

Director of Budget and Management, the additional amounts are 121220
hereby appropriated. 121221

Section 371.60.93. GENERAL REVENUE FUND TRANSFER 121222

On July 1 of each fiscal year, or as soon as possible 121223
thereafter, the Director of Budget and Management shall transfer 121224
\$2,000,000 cash from the General Revenue Fund to the Third 121225
Frontier Research and Development Fund (Fund 7011). 121226

Section 371.60.95. TRANSFER AND ADJUSTMENT OF ARRA STATE 121227
FISCAL STABILIZATION FUND APPROPRIATIONS 121228

The Director of Budget and Management may transfer 121229
appropriation between appropriation items 235501, State Share of 121230
Instruction, 235646, SSI - Federal Stimulus - Government Services, 121231
and 235644, State Share of Instruction - Federal Stimulus - 121232
Education, in each fiscal year, upon the written request of the 121233
Chancellor of the Board of Regents, including transferring 121234
appropriation between fiscal year 2010 and fiscal year 2011. The 121235
Director shall report each transfer made under this section to the 121236
Controlling Board at its next regularly scheduled meeting after 121237
the transfer is made. 121238

Section 371.70.10. EFFICIENCY SAVINGS 121239

Each state-assisted institution of higher education, as 121240
defined in section 3345.011 of the Revised Code, shall demonstrate 121241
at least a three per cent savings through internal efficiencies in 121242
each fiscal year. Institutions shall identify savings to the 121243
Chancellor of the Board of Regents, who shall certify the amount 121244
of savings of each institution. 121245

Section 371.70.20. OHIO TUITION TRUST AUTHORITY BECOMES 121246
ADVISORY BOARD TO CHANCELLOR 121247

(A) On and after the effective date of this section:	121248
(1) The Ohio Tuition Trust Authority, as established by former section 3334.03 of the Revised Code, shall become the Ohio Tuition Trust Advisory Board charged with the duty to advise the Chancellor of the Ohio Board of Regents in carrying out the Chancellor's duties.	121249 121250 121251 121252 121253
(2) The Chancellor of the Ohio Board of Regents shall have the powers and duties formerly prescribed to and duties of the Ohio Tuition Trust Authority and any other powers and duties granted to the Chancellor by law enacted after the effective date of this section.	121254 121255 121256 121257 121258
(3) The Chancellor is thereupon and thereafter successor to, assumes obligations of, and otherwise constitutes the continuation of the Ohio Tuition Trust Authority.	121259 121260 121261
(4) Any business commenced but not completed by the Ohio Tuition Trust Authority shall be completed by the Chancellor in the same manner, with the same effect, as if completed by the Authority. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the change in powers and duties prescribed in the provisions amended and enacted by this act.	121262 121263 121264 121265 121266 121267 121268
(5) All rules of the Ohio Tuition Trust Authority continue in effect as rules of the Chancellor, until amended or rescinded by the Chancellor.	121269 121270 121271
(6) Except as otherwise specified in section 3334.031 of the Revised Code or another provision of law enacted after the effective date of this section, when the Ohio Tuition Trust Authority is referred to in any statute, rule, contract, grant, or other document, the reference shall be construed to refer to the Chancellor.	121272 121273 121274 121275 121276 121277
(B) No judicial or administrative action or proceeding in	121278

which the Ohio Tuition Trust Authority is a party that is pending 121279
on the effective date of this section, is affected by the change 121280
in powers and duties prescribed in the provisions amended and 121281
enacted by this act. Such action or proceeding shall be prosecuted 121282
or defended in the name of the Chancellor. On application to the 121283
court or other tribunal, the Chancellor shall be substituted for 121284
the Ohio Tuition Trust Authority as a party to such action or 121285
proceeding. 121286

(C) Subject to division (C) of section 3334.08 of the Revised 121287
Code, personnel of the Ohio Tuition Trust Authority remain subject 121288
to the appointment by and continue to serve at the pleasure of the 121289
Chancellor. 121290

(D) On the effective date of this section, all books, 121291
records, documents, files, transcripts, equipment, furniture, 121292
supplies, and other materials assigned to or in the possession of 121293
the Ohio Tuition Trust Authority shall be transferred to the 121294
Chancellor. 121295

Section 375.10. DRC DEPARTMENT OF REHABILITATION AND				121296
CORRECTION				121297
General Revenue Fund				121298
GRF 501321	Institutional	\$ 928,188,147	\$ 903,630,244	121299
	Operations			
GRF 501403	Prisoner Compensation	\$ 8,599,255	\$ 8,599,255	121300
GRF 501405	Halfway House	\$ 41,128,699	\$ 42,360,343	121301
GRF 501406	Lease Rental Payments	\$ 101,578,100	\$ 98,080,200	121302
GRF 501407	Community	\$ 21,925,802	\$ 22,431,567	121303
	Nonresidential			
	Programs			
GRF 501408	Community Misdemeanor	\$ 11,092,468	\$ 11,380,242	121304
	Programs			
GRF 501501	Community Residential	\$ 62,517,256	\$ 64,281,774	121305

		Programs - CBCF					
GRF	501620	Institutional	\$	0	\$	34,200,000	121306
		Operations - Federal					
		Stimulus					
GRF	502321	Mental Health Services	\$	80,844,321	\$	84,462,467	121307
GRF	503321	Parole and Community	\$	75,785,243	\$	77,326,155	121308
		Operations					
GRF	504321	Administrative	\$	26,388,606	\$	27,069,477	121309
		Operations					
GRF	505321	Institution Medical	\$	252,462,498	\$	251,763,268	121310
		Services					
GRF	506321	Institution Education	\$	22,730,539	\$	23,183,959	121311
		Services					
GRF	507321	Institution Recovery	\$	5,025,028	\$	5,899,110	121312
		Services					
TOTAL GRF		General Revenue Fund	\$	1,638,265,962	\$	1,654,668,061	121313
		General Services Fund Group					121314
1480	501602	Services and	\$	108,290,058	\$	111,062,533	121315
		Agricultural					
2000	501607	Ohio Penal Industries	\$	40,845,414	\$	40,845,414	121316
4830	501605	Property Receipts	\$	255,015	\$	261,315	121317
4B00	501601	Sewer Treatment	\$	2,467,630	\$	2,529,828	121318
		Services					
4D40	501603	Prisoner Programs	\$	14,600,000	\$	14,800,000	121319
4L40	501604	Transitional Control	\$	2,042,548	\$	2,051,451	121320
4S50	501608	Education Services	\$	2,800,000	\$	3,000,000	121321
5710	501606	Training Academy	\$	75,190	\$	75,190	121322
		Receipts					
5930	501618	Laboratory Services	\$	6,476,314	\$	6,740,260	121323
5AF0	501609	State and Non-Federal	\$	262,718	\$	262,718	121324
		Awards					
5H80	501617	Offender Financial	\$	3,000,000	\$	3,000,000	121325
		Responsibility					

5L60	501611	Information	\$	1,000,000	\$	1,000,000	121326
		Technology Services					
TOTAL	GSF	General Services Fund	\$	182,114,887	\$	185,628,709	121327
Group							
Federal Special Revenue Fund Group							121328
3230	501619	Federal Grants	\$	12,198,353	\$	12,198,353	121329
3S10	501615	Truth-In-Sentencing	\$	8,251,241	\$	0	121330
		Grants					
TOTAL	FED	Federal Special Revenue					121331
Fund Group							
			\$	20,449,594	\$	12,198,353	121332
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,840,830,443	\$	1,852,495,123	121333
UNIT MANAGEMENT MODEL IMPLEMENTATION							121334
The Department of Rehabilitation and Correction shall							121335
implement the unit management model at the Mansfield Correctional							121336
Institution, including the filling of all authorized unit							121337
management staff positions.							121338
UNIT MANAGEMENT MODEL IMPLEMENTATION							121339
The Department of Rehabilitation and Correction shall							121340
implement the unit management model at the Southern Ohio							121341
Correctional Facility, including the filling of all authorized							121342
unit management staff positions.							121343
COMMUNITY INTEGRATION AND SOCIALIZATION PROGRAM							121344
Of the foregoing appropriation item 501405, Halfway House, on							121345
July 1 of each fiscal year, or as soon as possible thereafter, the							121346
Director of Budget and Management shall transfer \$56,400 in cash							121347
to the Treasurer of Portage County to support the Community							121348
Integration and Socialization Program within Portage County.							121349
HALFWAY HOUSE							121350
Of the foregoing appropriation item 501405, Halfway House, on							121351
July 1 of each fiscal year, or as soon as possible thereafter,							121352

\$17,500 shall be disbursed to the Stark Social Workers' Network. 121353

OHIO BUILDING AUTHORITY LEASE PAYMENTS 121354

The foregoing appropriation item 501406, Lease Rental 121355
Payments, shall be used to meet all payments during the period 121356
from July 1, 2009, to June 30, 2011, under the primary leases and 121357
agreements for those buildings made under Chapter 152. of the 121358
Revised Code. These appropriations are the source of funds pledged 121359
for bond service charges or obligations issued pursuant to Chapter 121360
152. of the Revised Code. 121361

PRISONER COMPENSATION 121362

Money from the foregoing appropriation item 501403, Prisoner 121363
Compensation, shall be transferred on a quarterly basis by 121364
intrastate transfer voucher to the Services and Agricultural Fund 121365
(Fund 1480) for the purposes of paying prisoner compensation. 121366

JUSTICE REINVESTMENT STUDY 121367

Of the foregoing appropriation item 504321, Administrative 121368
Operations, \$100,000 in fiscal year 2010 shall be provided to the 121369
Council of State Governments to fund the Justice Reinvestment 121370
Study. The Council of State Governments shall report its findings 121371
to the Governor and the General Assembly not later than July 1, 121372
2010. 121373

OSU MEDICAL CHARGES 121374

Notwithstanding section 341.192 of the Revised Code, at the 121375
request of the Department of Rehabilitation and Correction, The 121376
Ohio State University Medical Center, including the James Cancer 121377
Hospital and Solove Research Institute and the Richard M. Ross 121378
Heart Hospital, shall provide necessary care to persons who are 121379
confined in state adult correctional facilities. The provision of 121380
necessary care shall be billed to the Department at a rate not to 121381
exceed the authorized reimbursement rate for the same service 121382

established by the Department of Job and Family Services under the 121383
 Medical Assistance Program. 121384

Section 377.10. RSC REHABILITATION SERVICES COMMISSION 121385

General Revenue Fund 121386

GRF 415402 Independent Living \$ 360,000 \$ 360,000 121387
 Council

GRF 415406 Assistive Technology \$ 38,025 \$ 38,025 121388

GRF 415431 Office for People \$ 180,810 \$ 180,810 121389
 with Brain Injury

GRF 415506 Services for People \$ 18,738,043 \$ 18,738,043 121390
 with Disabilities

GRF 415508 Services for the Deaf \$ 100,000 \$ 100,000 121391

TOTAL GRF General Revenue Fund \$ 19,416,878 \$ 19,416,878 121392

General Services Fund Group 121393

4670 415609 Business Enterprise \$ 1,393,002 \$ 1,389,851 121394
 Operating Expenses

TOTAL GSF General Services 121395

Fund Group \$ 1,393,002 \$ 1,389,851 121396

Federal Special Revenue Fund Group 121397

3170 415620 Disability \$ 81,685,226 \$ 83,498,461 121398
 Determination

3790 415616 Federal - Vocational \$ 130,057,624 \$ 131,132,654 121399
 Rehabilitation

3L10 415601 Social Security \$ 3,000,000 \$ 2,700,000 121400
 Personal Care
 Assistance

3L10 415605 Social Security \$ 750,000 \$ 750,000 121401
 Community Centers for
 the Deaf

3L10 415608 Social Security \$ 1,752,714 \$ 1,884,714 121402
 Special

		Programs/Assistance					
3L40	415612	Federal Independent	\$	620,880	\$	620,880	121403
		Living Centers or					
		Services					
3L40	415615	Federal - Supported	\$	883,214	\$	839,054	121404
		Employment					
3L40	415617	Independent	\$	1,951,862	\$	1,953,293	121405
		Living/Vocational					
		Rehabilitation					
		Programs					
TOTAL FED Federal Special							121406
Revenue Fund Group			\$	220,701,520	\$	223,379,056	121407
State Special Revenue Fund Group							121408
4680	415618	Third Party Funding	\$	5,008,974	\$	5,008,974	121409
4L10	415619	Services for	\$	4,067,773	\$	3,994,154	121410
		Rehabilitation					
4W50	415606	Program Management	\$	15,620,782	\$	15,767,803	121411
		Expenses					
TOTAL SSR State Special							121412
Revenue Fund Group			\$	24,697,529	\$	24,770,931	121413
TOTAL ALL BUDGET FUND GROUPS			\$	266,208,929	\$	268,956,716	121414
INDEPENDENT LIVING COUNCIL							121415
The foregoing appropriation item 415402, Independent Living							121416
Council, shall be used to fund the operations of the State							121417
Independent Living Council and shall be used to support state							121418
independent living centers and independent living services under							121419
Title VII of the Independent Living Services and Centers for							121420
Independent Living of the Rehabilitation Act Amendments of 1992,							121421
106 Stat. 4344, 29 U.S.C. 796d.							121422
ASSISTIVE TECHNOLOGY							121423
The foregoing appropriation item 415406, Assistive							121424
Technology, shall be provided to Assistive Technology of Ohio and							121425

used to provide grants and assistive technology services under the 121426
program for people with disabilities in the State of Ohio. 121427

OFFICE FOR PEOPLE WITH BRAIN INJURY 121428

The foregoing appropriation item 415431, Office for People 121429
with Brain Injury, shall be used to plan and coordinate 121430
head-injury-related services provided by state agencies and other 121431
government or private entities, to assess the needs for such 121432
services, and to set priorities in this area. 121433

VOCATIONAL REHABILITATION SERVICES 121434

The foregoing appropriation item 415506, Services for People 121435
with Disabilities, shall be used as state matching funds to 121436
provide vocational rehabilitation services to eligible consumers. 121437

At the request of the Chancellor of the Board of Regents, the 121438
Director of Budget and Management may transfer any unexpended, 121439
unencumbered appropriation in fiscal year 2010 or fiscal year 2011 121440
from appropriation item 235502, Student Support Services, to 121441
appropriation item 415506, Services for People with Disabilities. 121442
Any appropriation so transferred shall be used by the Ohio 121443
Rehabilitation Services Commission to obtain additional federal 121444
matching funds to serve disabled students. 121445

SERVICES FOR THE DEAF 121446

Of the foregoing appropriation item 415508, Services for the 121447
Deaf, \$60,000 in each fiscal year shall be used as state matching 121448
funds to provide vocational rehabilitation services to eligible 121449
consumers who are deaf or hard of hearing. 121450

The remainder of foregoing appropriation item 415508, 121451
Services for the Deaf, shall be used to provide grants to 121452
community centers for the deaf. These funds shall not be provided 121453
in lieu of Social Security reimbursement funds. 121454

FEDERAL - VOCATIONAL REHABILITATION 121455

Of the foregoing appropriation item 415616, Federal - 121456
Vocational Rehabilitation, \$222,000 shall be used to provide 121457
vocational rehabilitation services to eligible consumers who are 121458
deaf or hard of hearing. 121459

INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS 121460

The foregoing appropriation item 415617, Independent 121461
Living/Vocational Rehabilitation Programs, shall be used to 121462
support vocational rehabilitation programs. 121463

SOCIAL SECURITY REIMBURSEMENT FUNDS 121464

Reimbursement funds received from the Social Security 121465
Administration, United States Department of Health and Human 121466
Services, for the costs of providing services and training to 121467
return disability recipients to gainful employment shall be 121468
expended from the Social Security Reimbursement Fund (Fund 3L10), 121469
to the extent funds are available, as follows: 121470

(A) Appropriation item 415601, Social Security Personal Care 121471
Assistance, to provide personal care services in accordance with 121472
section 3304.41 of the Revised Code; 121473

(B) Appropriation item 415605, Social Security Community 121474
Centers for the Deaf, to provide grants to community centers for 121475
the deaf in Ohio for services to individuals with hearing 121476
impairments; and 121477

(C) Appropriation item 415608, Social Security Special 121478
Programs/Assistance, to provide vocational rehabilitation services 121479
to individuals with severe disabilities who are Social Security 121480
beneficiaries, to enable them to achieve competitive employment. 121481
This appropriation item shall also be used to pay a portion of 121482
indirect costs of the Personal Care Assistance Program and the 121483
Independent Living Programs as mandated by federal OMB Circular 121484
A-87. 121485

PROGRAM MANAGEMENT EXPENSES				121486
The foregoing appropriation item 415606, Program Management				121487
Expenses, shall be used to support the administrative functions of				121488
the commission related to the provision of vocational				121489
rehabilitation, disability determination services, and ancillary				121490
programs.				121491
Section 379.10. RCB RESPIRATORY CARE BOARD				121492
General Services Fund Group				121493
4K90 872609 Operating Expenses	\$	495,689	\$ 495,689	121494
TOTAL GSF General Services				121495
Fund Group	\$	495,689	\$ 495,689	121496
TOTAL ALL BUDGET FUND GROUPS	\$	495,689	\$ 495,689	121497
Section 381.10. RDF REVENUE DISTRIBUTION FUNDS				121499
Volunteer Firefighters' Dependents Fund				121500
7085 800985 Volunteer Firemen's	\$	300,000	\$ 300,000	121501
Dependents Fund				
TOTAL 085 Volunteer Firefighters'				121502
Dependents Fund	\$	300,000	\$ 300,000	121503
Agency Fund Group				121504
4P80 001698 Cash Management	\$	3,100,000	\$ 3,100,000	121505
Improvement Fund				
6080 001699 Investment Earnings	\$	250,000,000	\$ 250,000,000	121506
7062 110962 Resort Area Excise	\$	1,000,000	\$ 1,000,000	121507
Tax				
7063 110963 Permissive Tax	\$	1,849,000,000	\$ 1,849,000,000	121508
Distribution				
7067 110967 School District	\$	350,000,000	\$ 350,000,000	121509
Income Tax				
TOTAL AGY Agency Fund Group	\$	2,453,100,000	\$ 2,453,100,000	121510
Holding Account Redistribution				121511

R045	110617	International Fuel	\$	50,000,000	\$	50,000,000	121512
		Tax Distribution					
TOTAL	090	Holding Account	\$	50,000,000	\$	50,000,000	121513
		Redistribution Fund					
		Revenue Distribution Fund Group					121514
7049	038900	Indigent Drivers	\$	2,200,000	\$	2,200,000	121515
		Alcohol Treatment					
7050	762900	International	\$	30,000,000	\$	30,000,000	121516
		Registration Plan					
		Distribution					
7051	762901	Auto Registration	\$	539,000,000	\$	539,000,000	121517
		Distribution					
7054	110954	Local Government	\$	95,125,000	\$	95,125,000	121518
		Property Tax					
		Replacement - Utility					
7060	110960	Gasoline Excise Tax	\$	375,000,000	\$	375,000,000	121519
		Fund					
7065	110965	Public Library Fund	\$	403,600,000	\$	404,900,000	121520
7066	800966	Undivided Liquor	\$	13,500,000	\$	13,500,000	121521
		Permits					
7068	110968	State and Local	\$	242,500,000	\$	242,500,000	121522
		Government Highway					
		Distribution					
7069	110969	Local Government Fund	\$	673,700,000	\$	676,000,000	121523
7081	110981	Local Government	\$	366,800,000	\$	378,000,000	121524
		Property Tax					
		Replacement-Business					
7082	110982	Horse Racing Tax	\$	130,000	\$	130,000	121525
7083	700900	Ohio Fairs Fund	\$	2,325,000	\$	2,325,000	121526
TOTAL	RDF	Revenue Distribution					121527
		Fund Group	\$	2,743,880,000	\$	2,758,680,000	121528
TOTAL	ALL BUDGET FUND GROUPS		\$	5,247,280,000	\$	5,262,080,000	121529
		ADDITIONAL APPROPRIATIONS					121530

Appropriation items in this section shall be used for the 121531
purpose of administering and distributing the designated revenue 121532
distribution funds according to the Revised Code. If it is 121533
determined that additional appropriations are necessary for this 121534
purpose, such amounts are hereby appropriated. 121535

GENERAL REVENUE FUND TRANSFERS 121536

Notwithstanding any provision of law to the contrary, in 121537
fiscal year 2010 and fiscal year 2011, the Director of Budget and 121538
Management may transfer from the General Revenue Fund to the Local 121539
Government Tangible Property Tax Replacement Fund (Fund 7081) in 121540
the Revenue Distribution Fund Group, those amounts necessary to 121541
reimburse local taxing units under section 5751.22 of the Revised 121542
Code. Also, in fiscal year 2010 and fiscal year 2011, the Director 121543
of Budget and Management may make temporary transfers from the 121544
General Revenue Fund to ensure sufficient balances in the Local 121545
Government Tangible Property Tax Replacement Fund (Fund 7081) and 121546
to replenish the General Revenue Fund for such transfers. 121547

121548

On July 1 of each fiscal year, or as soon as possible 121549
thereafter, the Director of Budget and Management shall transfer 121550
\$2,500,000 cash from the General Revenue Fund to the Public 121551
Library Fund (Fund 7065). 121552

On July 1, 2010, or as soon as possible thereafter, the 121553
Director of Budget and Management shall transfer \$11,200,000 cash 121554
from the General Revenue Fund to the Local Government Property Tax 121555
Replacement-Business Fund (Fund 7081). 121556

Section 383.10. SAN BOARD OF SANITARIAN REGISTRATION 121557

General Services Fund Group 121558

4K90 893609 Operating Expenses \$ 138,551 \$ 138,551 121559

TOTAL GSF General Services 121560

Fund Group	\$	138,551	\$	138,551	121561
TOTAL ALL BUDGET FUND GROUPS	\$	138,551	\$	138,551	121562

Section 384.10. OSB OHIO STATE SCHOOL FOR THE BLIND 121564

General Revenue Fund 121565

GRF 226100	Personal Services	\$	7,326,155	\$	7,326,155	121566
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GRF 226200	Maintenance	\$	688,363	\$	688,363	121567
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GRF 226300	Equipment	\$	72,783	\$	72,783	121568
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TOTAL GRF General Revenue Fund	\$	8,087,301	\$	8,087,301	121569
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General Services Fund Group 121570

4H80 226602	Education Reform	\$	61,000	\$	61,000	121571
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Grants

TOTAL GSF General Services 121572

Fund Group	\$	61,000	\$	61,000	121573
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Federal Special Revenue Fund Group 121574

3100 226626	Coordinating Unit	\$	2,527,105	\$	2,527,105	121575
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3P50 226643	Medicaid Professional	\$	50,000	\$	50,000	121576
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Services

Reimbursement

TOTAL FED Federal Special 121577

Revenue Fund Group	\$	2,577,105	\$	2,577,105	121578
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State Special Revenue Fund Group 121579

4M50 226601	Work Study and	\$	250,000	\$	250,000	121580
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Technology Investment

TOTAL SSR State Special Revenue 121581

Fund Group	\$	250,000	\$	250,000	121582
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TOTAL ALL BUDGET FUND GROUPS	\$	10,975,406	\$	10,975,406	121583
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Section 384.50. OSD OHIO SCHOOL FOR THE DEAF 121585

General Revenue Fund 121586

GRF 221100	Personal Services	\$	8,713,704	\$	8,713,704	121587
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GRF 221200	Maintenance	\$	905,035	\$	905,035	121588
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GRF 221300	Equipment	\$	78,650	\$	78,650	121589
TOTAL GRF	General Revenue Fund	\$	9,697,389	\$	9,697,389	121590
	General Services Fund Group					121591
4M10 221602	Education Reform	\$	76,000	\$	76,000	121592
	Grants					
TOTAL GSF	General Services					121593
Fund Group		\$	76,000	\$	76,000	121594
	Federal Special Revenue Fund Group					121595
3110 221625	Coordinating Unit	\$	2,460,135	\$	2,460,135	121596
3AD0 221604	VREAL Ohio	\$	25,000	\$	25,000	121597
3R00 221684	Medicaid Professional	\$	35,000	\$	35,000	121598
	Services					
	Reimbursement					
3Y10 221686	Early Childhood Grant	\$	300,000	\$	300,000	121599
TOTAL FED	Federal Special					121600
Revenue Fund Group		\$	2,820,135	\$	2,820,135	121601
	State Special Revenue Fund Group					121602
4M00 221601	Educational Program	\$	190,000	\$	190,000	121603
	Expenses					
5H60 221609	Even Start Fees and	\$	250,716	\$	250,716	121604
	Gifts					
TOTAL SSR	State Special Revenue					121605
Fund Group		\$	440,716	\$	440,716	121606
TOTAL ALL BUDGET FUND GROUPS		\$	13,034,240	\$	13,034,240	121607
	Section 385.10. SFC SCHOOL FACILITIES COMMISSION					121609
	General Revenue Fund					121610
GRF 230908	Common Schools	\$	192,559,200	\$	165,510,500	121611
	General Obligation					
	Debt Service					
TOTAL GRF	General Revenue Fund	\$	192,559,200	\$	165,510,500	121612
	State Special Revenue Fund Group					121613

5E30 230644	Operating Expenses	\$	9,885,436	\$	10,132,034	121614
TOTAL SSR State Special Revenue						121615
Fund Group		\$	9,885,436	\$	10,132,034	121616
TOTAL ALL BUDGET FUND GROUPS						121617

Section 385.20. COMMON SCHOOLS GENERAL OBLIGATION DEBT 121619

SERVICE 121620

The foregoing appropriation item 230908, Common Schools 121621
 General Obligation Debt Service, shall be used to pay all debt 121622
 service and related financing costs at the times they are required 121623
 to be made for obligations issued during the period from July 1, 121624
 2009, through June 30, 2011, under sections 151.01 and 151.03 of 121625
 the Revised Code. 121626

OPERATING EXPENSES 121627

The foregoing appropriation item 230644, Operating Expenses, 121628
 shall be used by the Ohio School Facilities Commission to carry 121629
 out its responsibilities under this section and Chapter 3318. of 121630
 the Revised Code. 121631

In both fiscal years 2010 and 2011, the Executive Director of 121632
 the Ohio School Facilities Commission shall certify on a quarterly 121633
 basis to the Director of Budget and Management the amount of cash 121634
 from interest earnings to be transferred from the School Building 121635
 Assistance Fund (Fund 7032), the Public School Building Fund (Fund 121636
 7021), and the Educational Facilities Trust Fund (Fund N087) to 121637
 the Ohio School Facilities Commission Fund (Fund 5E30). The amount 121638
 transferred from the School Building Assistance Fund (Fund 7032) 121639
 may not exceed investment earnings credited to the fund, less any 121640
 amount required to be paid for federal arbitrage rebate purposes. 121641
 121642

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 121643

At the request of the Executive Director of the Ohio School 121644

Facilities Commission, the Director of Budget and Management may 121645
cancel encumbrances for school district projects from a previous 121646
biennium if the district has not raised its local share of project 121647
costs within one year of receiving Controlling Board approval 121648
under section 3318.05 of the Revised Code. The Executive Director 121649
of the Ohio School Facilities Commission shall certify the amounts 121650
of the canceled encumbrances to the Director of Budget and 121651
Management on a quarterly basis. The amounts of the canceled 121652
encumbrances are hereby appropriated. 121653

Section 385.30. AMENDMENT TO PROJECT AGREEMENT FOR 121654
MAINTENANCE LEVY 121655

The Ohio School Facilities Commission shall amend the project 121656
agreement between the Commission and a school district that is 121657
participating in the Accelerated Urban School Building Assistance 121658
Program on the effective date of this section, if the Commission 121659
determines that it is necessary to do so in order to comply with 121660
division (B)(3)(c) of section 3318.38 of the Revised Code, as 121661
amended by this act. 121662

Section 385.40. STUDY OF COMMUNITY SPACE 121663

The Executive Director of the Ohio School Facilities 121664
Commission shall conduct a study of spaces included in classroom 121665
facilities projects financed by the Commission under Chapter 3318. 121666
of the Revised Code that are used for activities, services, and 121667
programs shared between schools and other public and private 121668
entities in their communities. The study shall identify and 121669
describe such spaces included in current or completed projects and 121670
shall recommend best practices for enhancing opportunities for 121671
including shared community spaces in future projects. The 121672
Executive Director shall submit a written report of the results 121673
and recommendations of the study to the Commission not later than 121674

December 31, 2009. 121675

Section 385.50. EXTREME ENVIRONMENTAL CONTAMINATION OF SCHOOL FACILITIES 121676
121677

Notwithstanding any other provision of law to the contrary, 121678
the Ohio School Facilities Commission may provide assistance under 121679
the Exceptional Needs School Facilities Program established in 121680
section 3318.37 of the Revised Code to any school district, and 121681
not exclusively to a school district in the lowest seventy-five 121682
per cent of adjusted valuation per pupil on the current ranking of 121683
school districts established under section 3318.011 of the Revised 121684
Code, for the purpose of the relocation or replacement of school 121685
facilities required as a result of extreme environmental 121686
contamination. 121687

The school district's portion of a project to replace a 121688
contaminated facility undertaken pursuant to this section shall 121689
not exceed seventy-five per cent of the cost of the project. This 121690
paragraph does not affect the district's portion of the cost of 121691
subsequent classroom facilities projects the district may 121692
undertake under Chapter 3318. of the Revised Code. 121693

The Ohio School Facilities Commission shall contract with an 121694
independent environmental consultant to conduct a study and to 121695
report to the Commission as to the seriousness of the 121696
environmental contamination, whether the contamination violates 121697
applicable state and federal standards, and whether the facilities 121698
are no longer suitable for use as school facilities. The 121699
Commission then shall make a determination regarding funding for 121700
the relocation or replacement of the school facilities. If the 121701
federal government or other public or private entity provides 121702
funds for restitution of costs incurred by the state or school 121703
district in the relocation or replacement of the school 121704
facilities, the school district shall use such funds in excess of 121705

the school district's share to refund the state for the state's 121706
contribution to the environmental contamination portion of the 121707
project. The school district may apply an amount of such 121708
restitution funds up to an amount equal to the school district's 121709
portion of the project, as defined by the Commission, toward 121710
paying its portion of that project to reduce the amount of bonds 121711
the school district otherwise must issue to receive state 121712
assistance under sections 3318.01 to 3318.20 of the Revised Code. 121713

Section 385.60. CANTON CITY SCHOOL DISTRICT PROJECT 121714

(A) The Ohio School Facilities Commission may commit up to 121715
thirty-five million dollars to the Canton City School District for 121716
construction of a facility described in this section, in lieu of a 121717
high school that would otherwise be authorized under Chapter 3318. 121718
of the Revised Code. The Commission shall not commit funds under 121719
this section unless all of the following conditions are met: 121720

(1) The District has entered into a cooperative agreement 121721
with a state-assisted technical college; 121722

(2) The District has received an irrevocable commitment of 121723
additional funding from nonpublic sources; and 121724

(3) The facility is intended to serve both secondary and 121725
postsecondary instructional purposes. 121726

(B) The Commission shall enter into an agreement with the 121727
District for the construction of the facility authorized under 121728
this section that is separate from and in addition to the 121729
agreement required for the District's participation in the 121730
Classroom Facilities Assistance Program under section 3318.08 of 121731
the Revised Code. Notwithstanding that section and sections 121732
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 121733
agreement shall provide, but not be limited to, the following: 121734

(1) The Commission shall not have any oversight 121735

responsibilities over the construction of the facility. 121736

(2) The facility need not comply with the specifications for 121737
plans and materials for high schools adopted by the Commission. 121738

(3) The Commission may decrease the basic project cost that 121739
would otherwise be calculated for a high school under Chapter 121740
3318. of the Revised Code. 121741

(4) The state shall not share in any increases in the basic 121742
project cost for the facility above the amount authorized under 121743
this section. 121744

All other provisions of Chapter 3318. of the Revised Code 121745
apply to the approval and construction of a facility authorized 121746
under this section. 121747

The state funds committed to the facility authorized by this 121748
section shall be part of the total amount the state commits to the 121749
Canton City School District under Chapter 3318. of the Revised 121750
Code. All additional state funds committed to the Canton City 121751
School District for classroom facilities assistance shall be 121752
subject to all provisions of Chapter 3318. of the Revised Code. 121753

Section 385.70. Notwithstanding section 3318.05 of the 121754
Revised Code, for each school district whose project under 121755
sections 3318.01 to 3318.20 of the Revised Code was conditionally 121756
approved by the Ohio School Facilities Commission in July 2008, 121757
that conditional approval shall lapse and the amount reserved and 121758
encumbered for the project shall be released on December 31, 2009. 121759

Section 385.80. Notwithstanding any provision of Chapter 121760
3318. of the Revised Code to the contrary, and notwithstanding the 121761
agreement between the Cincinnati City School District and the Ohio 121762
School Facilities Commission under section 3318.08 of the Revised 121763
Code, the Commission shall encumber and pay state funds to the 121764
District in the amount of \$4,000,000, in addition to the amount 121765

prescribed in that agreement, for the purpose of dedicating 121766
additional state funding toward the acquisition of the School for 121767
the Creative and Performing Arts, as that building is included in 121768
the District's project under section 3318.38 of the Revised Code. 121769
The District shall use the funds paid under this section solely 121770
for that purpose. The School for the Creative and Performing Arts 121771
need not comply with the specifications included in the Ohio 121772
Design Manual adopted by the Commission to implement classroom 121773
facilities projects under Chapter 3318. of the Revised Code. This 121774
section shall not affect any other building included in the 121775
District's project under section 3318.38 of the Revised Code, nor 121776
shall it affect the state's portion of funding for the remainder 121777
of that project. 121778

The Commission shall use funds appropriated to it for 121779
classroom facilities projects to pay the funds required under this 121780
section. The Commission shall encumber the funds required under 121781
this section in accordance with section 3318.11 of the Revised 121782
Code. 121783

Section 385.90. (A) As used in this section: 121784

(1) "Basic project cost," "percentile," and "project" have 121785
the same meanings as in section 3318.01 of the Revised Code. 121786

(2) "Equity list" means the school district percentile 121787
rankings calculated under section 3318.011 of the Revised Code. 121788

(3) A school district's "portion of the basic project cost" 121789
means the amount calculated under section 3318.032 of the Revised 121790
Code. 121791

(B) Notwithstanding any provision of Chapter 3318. of the 121792
Revised Code to the contrary, in the case of a school district 121793
that received in fiscal year 2008 elector approval for a bond 121794
issue for its portion of the basic project cost of a project under 121795

sections 3318.01 to 3318.20 of the Revised Code, based on a 121796
preliminary estimated equity list projecting rankings of school 121797
districts if amendments to section 3318.011 of the Revised Code 121798
enacted by Am. Sub. H.B. 119 of the 127th General Assembly had 121799
been effective for projects in that fiscal year, and which 121800
district on the alternate equity list for fiscal year 2009 funding 121801
required by Section 733.13 of Am. Sub. H.B. 562 of the 127th 121802
General Assembly, retroactively applying those amendments, was 121803
ranked one percentile higher than on the preliminary estimated 121804
equity list, resulting in the district's calculated portion being 121805
one per cent higher than the amount projected at the time of the 121806
bond issue election, the Ohio School Facilities Commission shall 121807
reduce the district's portion to that projected on the preliminary 121808
estimated equity list. 121809

Section 387.10. SOS SECRETARY OF STATE 121810

General Revenue Fund 121811

GRF	050321	Operating Expenses	\$	2,540,508	\$	2,290,508	121812
GRF	050407	Pollworkers Training	\$	250,197	\$	250,197	121813
TOTAL GRF		General Revenue Fund	\$	2,790,705	\$	2,540,705	121814

General Services Fund Group 121815

4120	050609	Notary Commission	\$	565,000	\$	565,000	121816
4130	050601	Information Systems	\$	75,000	\$	50,000	121817
4140	050602	Citizen Education	\$	55,712	\$	55,712	121818

Fund

4S80	050610	Board of Voting	\$	7,200	\$	7,200	121819
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Machine Examiners

5FG0	050620	BOE Reimbursement and	\$	100,000	\$	100,000	121820
		Education					

5FH0	050621	Statewide Ballot	\$	487,600	\$	487,600	121821
		Advertising					

5FJ0	050622	County Voting Machine	\$	500,000	\$	500,000	121822
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	Revolving Lease/Loan				
	Fund				
TOTAL General Services Fund Group	\$	1,790,512	\$	1,790,512	121823
Federal Special Revenue Fund Group					121824
3AH0 050614 Election	\$	800,000	\$	800,000	121825
	Reform/Health and				
	Human Services				
3AS0 050616 2005 HAVA Voting	\$	3,000,000	\$	3,000,000	121826
	Machines				
TOTAL FED Federal Special Revenue					121827
Fund Group	\$	3,800,000	\$	3,800,000	121828
State Special Revenue Fund Group					121829
5990 050603 Business Services	\$	14,186,100	\$	14,345,400	121830
	Operating Expenses				
5N90 050607 Technology	\$	180,000	\$	180,000	121831
	Improvements				
TOTAL SSR State Special Revenue					121832
Fund Group	\$	14,366,100	\$	14,525,400	121833
Holding Account Redistribution Fund Group					121834
R001 050605 Uniform Commercial	\$	30,000	\$	30,000	121835
	Code Refunds				
R002 050606 Corporate/Business	\$	85,000	\$	85,000	121836
	Filing Refunds				
TOTAL 090 Holding Account					121837
Redistribution Fund Group	\$	115,000	\$	115,000	121838
TOTAL ALL BUDGET FUND GROUPS	\$	22,862,317	\$	22,746,617	121839
	FEE WAIVER FOR INITIAL BUSINESS FILINGS				121840
	Of the foregoing appropriation item 050321, Operating				121841
	Expenses, \$250,000 shall be used in fiscal year 2010 to pay the				121842
	costs of the first \$125 of fees charged and collected by the				121843
	Secretary of State, pursuant to section 111.16 of the Revised				121844
	Code, for the initial filing by new domestic or foreign business				121845

entities of for-profit corporation articles, nonprofit corporation 121846
articles, foreign license applications, professional corporation 121847
articles, limited liability company articles, partnership 121848
certificates, limited partnership certificates, and limited 121849
liability partnership certificates until the earlier of December 121850
31, 2009, or when the \$250,000 is expended. 121851

EXPEDITED BUSINESS FILINGS 121852

Of the foregoing appropriation item 050321, Operating 121853
Expenses, up to \$250,000 shall be used in fiscal year 2010 to pay 121854
the first \$100 of costs associated with all level one expedited 121855
business filings for the initial filings of new domestic or 121856
foreign business entities, including for-profit corporation 121857
articles, nonprofit corporation articles, foreign license 121858
applications, professional corporation articles, limited liability 121859
company articles, partnership certificates, limited partnership 121860
certificates, and limited liability partnership certificates. 121861

BOARD OF VOTING MACHINE EXAMINERS 121862

The foregoing appropriation item 050610, Board of Voting 121863
Machine Examiners, shall be used to pay for the services and 121864
expenses of the members of the Board of Voting Machine Examiners, 121865
and for other expenses that are authorized to be paid from the 121866
Board of Voting Machine Examiners Fund, which is created in 121867
section 3506.05 of the Revised Code. Moneys not used shall be 121868
returned to the person or entity submitting equipment for 121869
examination. If it is determined that additional appropriations 121870
are necessary, such amounts are hereby appropriated. 121871

BUSINESS SERVICES FUND TRANSFER TO THE COUNTY VOTING MACHINE 121872
REVOLVING LEASE/LOAN FUND 121873

Not later than the first day of June of each fiscal year, the 121874
Director of Budget and Management shall transfer \$500,000 cash 121875
from the Business Services Fund (Fund 5990) to the County Voting 121876

Machine Revolving Lease/Loan Fund (Fund 5FJ0).	121877
HAVA FUNDS	121878
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, 2005 HAVA Voting Machines, at the end of fiscal year 2010 is reappropriated for the same purpose in fiscal year 2011.	121879 121880 121881 121882
An amount equal to the unexpended, unencumbered portion of appropriation item 050614, Election Reform/Health and Human Services, at the end of fiscal year 2010 is reappropriated for the same purpose in fiscal year 2011.	121883 121884 121885 121886
On July 1, 2009, or as soon as possible thereafter, the Director of Budget and Management shall transfer from the General Revenue Fund to the credit of the Election Data Collection Grant Fund (Fund 3AC0), all investment earnings and amounts equal to the interest earnings attributable to Fund 3AC0 in each quarter of fiscal year 2009 to Fund 3AC0. An amount equal to the unexpended, unencumbered portion of appropriation item 050619, Election Data Collection Grant, at the end of fiscal year 2009 is reappropriated in fiscal year 2010 for the same purpose.	121887 121888 121889 121890 121891 121892 121893 121894 121895
The Director of Budget and Management shall credit the ongoing interest earnings from the Election Reform/Health and Human Services Fund (Fund 3AH0), the 2005 HAVA Voting Machines Fund (Fund 3AS0), and the Election Data Collection Grant Fund (Fund 3AC0) to the respective funds and distribute these earnings in accordance with the terms of the grant under which the money is received.	121896 121897 121898 121899 121900 121901 121902
HOLDING ACCOUNT REDISTRIBUTION GROUP	121903
The foregoing appropriation items 050605, Uniform Commercial Code Refunds, and 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is	121904 121905 121906 121907

determined that additional appropriations are necessary, such 121908
amounts are hereby appropriated. 121909

CASH TRANSFER TO THE CORPORATE AND UNIFORM COMMERCIAL CODE 121910
FILING FUND 121911

On July 1, 2009, or as soon as possible thereafter, the 121912
Director of Budget and Management shall transfer \$53,915.40 cash 121913
from the Public Utility Territorial Administration Fund (Fund 121914
5590) to the Corporate and Uniform Commercial Code Filing Fund 121915
(Fund 5990). 121916

Section 389.10. SEN THE OHIO SENATE 121917

General Revenue Fund 121918

GRF 020321	Operating Expenses	\$	12,123,439	\$	12,123,439	121919
TOTAL GRF	General Revenue Fund	\$	12,123,439	\$	12,123,439	121920

General Services Fund Group 121921

1020 020602	Senate Reimbursement	\$	448,465	\$	448,465	121922
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	121923

TOTAL GSF General Services 121924

Fund Group \$ 482,962 \$ 482,962 121925

TOTAL ALL BUDGET FUND GROUPS \$ 12,606,401 \$ 12,606,401 121926

OPERATING EXPENSES 121927

On July 1, 2009, or as soon as possible thereafter, the Clerk 121928
of the Senate may certify to the Director of Budget and Management 121929
the amount of the unexpended, unencumbered balance of the 121930
foregoing appropriation item 020321, Operating Expenses, at the 121931
end of fiscal year 2009 to be reappropriated to fiscal year 2010. 121932
The amount certified is hereby reappropriated to the same 121933
appropriation item for fiscal year 2010. 121934

On July 1, 2010, or as soon as possible thereafter, the Clerk 121935
of the Senate may certify to the Director of Budget and Management 121936
the amount of the unexpended, unencumbered balance of the 121937

foregoing appropriation item 020321, Operating Expenses, at the 121938
end of fiscal year 2010 to be reappropriated to fiscal year 2011. 121939
The amount certified is hereby reappropriated to the same 121940
appropriation item for fiscal year 2011. 121941

Section 391.10. CSF COMMISSIONERS OF THE SINKING FUND 121942

Debt Service Fund Group 121943

7070155905 Third Frontier \$ 20,948,300 \$ 29,011,600 121944
Research and
Development Bond
Retirement Fund

7072155902 Highway Capital \$ 202,074,000 \$ 203,434,200 121945
Improvement Bond
Retirement Fund

7073155903 Natural Resources Bond \$ 26,334,400 \$ 26,549,400 121946
Retirement Fund

7074155904 Conservation Projects \$ 20,711,100 \$ 25,684,900 121947
Bond Service Fund

7076155906 Coal Research and \$ 9,968,400 \$ 10,947,000 121948
Development Bond
Retirement Fund

7077155907 State Capital \$ 148,331,900 \$ 163,443,500 121949
Improvement Bond
Retirement Fund

7078155908 Common Schools Bond \$ 192,559,200 \$ 165,510,500 121950
Retirement Fund

7079155909 Higher Education Bond \$ 85,317,700 \$ 89,480,300 121951
Retirement Fund

7090155912 Job Ready Site \$ 5,685,400 \$ 10,601,900 121952
Development Bond
Retirement Fund

TOTAL DSF Debt Service Fund Group \$ 711,930,400 \$ 724,663,300 121953

TOTAL ALL BUDGET FUND GROUPS	\$	711,930,400	\$	724,663,300	121954
ADDITIONAL APPROPRIATIONS					121955
Appropriation items in this section are for the purpose of					121956
paying debt service and financing costs on bonds or notes of the					121957
state issued under the Ohio Constitution and acts of the General					121958
Assembly. If it is determined that additional amounts are					121959
necessary for this purpose, such amounts are hereby appropriated.					121960
Section 393.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					121961
DEVELOPMENT FOUNDATION					121962
General Revenue Fund					121963
5M90 945601 Operating Expenses	\$	475,220	\$	475,220	121964
TOTAL TMF Tobacco Master Settlement	\$	475,220	\$	475,220	121965
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	475,220	\$	475,220	121966
Section 395.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &					121968
AUDIOLOGY					121969
General Services Fund Group					121970
4K90 886609 Operating Expenses	\$	453,000	\$	453,000	121971
TOTAL GSF General Services					121972
Fund Group	\$	453,000	\$	453,000	121973
TOTAL ALL BUDGET FUND GROUPS	\$	453,000	\$	453,000	121974
Section 397.10. BTA BOARD OF TAX APPEALS					121976
General Revenue Fund					121977
GRF 116321 Operating Expenses	\$	2,192,450	\$	2,317,450	121978
TOTAL GRF General Revenue Fund	\$	2,192,450	\$	2,317,450	121979
TOTAL ALL BUDGET FUND GROUPS	\$	2,192,450	\$	2,317,450	121980
Section 399.10. TAX DEPARTMENT OF TAXATION					121982
General Revenue Fund					121983

GRF 110321	Operating Expenses	\$	81,441,056	\$	81,441,055	121984
GRF 110404	Tobacco Settlement	\$	295,231	\$	295,231	121985
	Enforcement					
GRF 110412	Child Support	\$	19,512	\$	19,512	121986
	Administration					
GRF 110901	Property Tax	\$	569,917,420	\$	577,463,014	121987
	Allocation - Taxation					
TOTAL GRF	General Revenue Fund	\$	651,673,219	\$	659,218,812	121988
	General Services Fund Group					121989
2280 110628	Tax Reform System	\$	13,600,000	\$	13,600,000	121990
	Implementation					
4330 110602	Tape File Account	\$	125,000	\$	125,000	121991
5AP0 110632	Discovery Project	\$	2,000,000	\$	2,000,000	121992
5CZ0 110631	Vendor's License	\$	250,000	\$	250,000	121993
	Application					
5N50 110605	Municipal Income Tax	\$	600,000	\$	600,000	121994
	Administration					
5N60 110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	121995
	Administration					
5V80 110623	Property Tax	\$	12,000,000	\$	12,000,000	121996
	Administration					
5W40 110625	Centralized Tax	\$	200,000	\$	200,000	121997
	Filing and Payment					
5W70 110627	Exempt Facility	\$	60,000	\$	60,000	121998
	Administration					
TOTAL GSF	General Services					121999
Fund Group		\$	28,935,000	\$	28,935,000	122000
	State Special Revenue Fund Group					122001
4350 110607	Local Tax	\$	18,000,000	\$	18,000,000	122002
	Administration					
4360 110608	Motor Vehicle Audit	\$	1,000,000	\$	1,000,000	122003
4370 110606	Income Tax	\$	200,000	\$	200,000	122004

		Contribution				
		Administration				
4380	110609	School District Income	\$ 5,500,000	\$ 5,500,000		122005
		Tax				
4C60	110616	International	\$ 706,855	\$ 706,855		122006
		Registration Plan				
4R60	110610	Tire Tax	\$ 200,000	\$ 200,000		122007
		Administration				
5V70	110622	Motor Fuel Tax	\$ 4,700,000	\$ 4,700,000		122008
		Administration				
6390	110614	Cigarette Tax	\$ 1,900,000	\$ 1,900,000		122009
		Enforcement				
6420	110613	Ohio Political Party	\$ 500,000	\$ 500,000		122010
		Distributions				
6880	110615	Local Excise Tax	\$ 800,000	\$ 800,000		122011
		Administration				
TOTAL SSR State Special Revenue						122012
Fund Group			\$ 33,506,855	\$ 33,506,855		122013
Agency Fund Group						122014
4250	110635	Tax Refunds	\$ 1,546,800,000	\$ 1,546,800,000		122015
7095	110995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000		122016
TOTAL AGY Agency Fund Group			\$ 1,567,800,000	\$ 1,567,800,000		122017
Holding Account Redistribution Fund Group						122018
R010	110611	Tax Distributions	\$ 50,000	\$ 50,000		122019
R011	110612	Miscellaneous Income	\$ 50,000	\$ 50,000		122020
		Tax Receipts				
TOTAL 090 Holding Account						122021
Redistribution Fund Group			\$ 100,000	\$ 100,000		122022
TOTAL ALL BUDGET FUND GROUPS			\$ 2,282,015,074	\$ 2,289,560,667		122023
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX						122024
EXEMPTION						122025
The foregoing appropriation item 110901, Property Tax						122026

Allocation - Taxation, is hereby appropriated to pay for the 122027
state's costs incurred due to the Homestead Exemption, the 122028
Manufactured Home Property Tax Rollback, and the Property Tax 122029
Rollback. The Tax Commissioner shall distribute these funds 122030
directly to the appropriate local taxing districts, except for 122031
school districts, notwithstanding the provisions in sections 122032
321.24 and 323.156 of the Revised Code, which provide for payment 122033
of the Homestead Exemption, the Manufactured Home Property Tax 122034
Rollback, and Property Tax Rollback by the Tax Commissioner to the 122035
appropriate county treasurer and the subsequent redistribution of 122036
these funds to the appropriate local taxing districts by the 122037
county auditor. 122038

Upon receipt of these amounts, each local taxing district 122039
shall distribute the amount among the proper funds as if it had 122040
been paid as real property taxes. Payments for the costs of 122041
administration shall continue to be paid to the county treasurer 122042
and county auditor as provided for in sections 319.54, 321.26, and 122043
323.156 of the Revised Code. 122044

Any sums, in addition to the amounts specifically 122045
appropriated in appropriation item 110901, Property Tax Allocation 122046
- Taxation, for the Homestead Exemption, the Manufactured Home 122047
Property Tax Rollback, and the Property Tax Rollback payments, 122048
which are determined to be necessary for these purposes, are 122049
hereby appropriated. 122050

MUNICIPAL INCOME TAX 122051

The foregoing appropriation item 110995, Municipal Income 122052
Tax, shall be used to make payments to municipal corporations 122053
under section 5745.05 of the Revised Code. If it is determined 122054
that additional appropriations are necessary to make such 122055
payments, such amounts are hereby appropriated. 122056

TAX REFUNDS 122057

The foregoing appropriation item 110635, Tax Refunds, shall 122058
be used to pay refunds under section 5703.052 of the Revised Code. 122059
If it is determined that additional appropriations are necessary 122060
for this purpose, such amounts are hereby appropriated. 122061

INTERNATIONAL REGISTRATION PLAN AUDIT 122062

The foregoing appropriation item 110616, International 122063
Registration Plan, shall be used under section 5703.12 of the 122064
Revised Code for audits of persons with vehicles registered under 122065
the International Registration Plan. 122066

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 122067

Of the foregoing appropriation item 110607, Local Tax 122068
Administration, the Tax Commissioner may disburse funds, if 122069
available, for the purposes of paying travel expenses incurred by 122070
members of Ohio's delegation to the Streamlined Sales Tax Project, 122071
as appointed under section 5740.02 of the Revised Code. Any travel 122072
expense reimbursement paid for by the Department of Taxation shall 122073
be done in accordance with applicable state laws and guidelines. 122074

CENTRALIZED TAX FILING AND PAYMENT FUND 122075

The Director of Budget and Management, under a plan submitted 122076
by the Tax Commissioner, or as otherwise determined by the 122077
Director of Budget and Management, shall set a schedule to 122078
transfer cash from the General Revenue Fund to the credit of the 122079
Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers 122080
of cash shall not exceed \$400,000 in the biennium. 122081

TOBACCO SETTLEMENT ENFORCEMENT 122082

The foregoing appropriation item 110404, Tobacco Settlement 122083
Enforcement, shall be used by the Tax Commissioner to pay costs 122084
incurred in the enforcement of divisions (F) and (G) of section 122085
5743.03 of the Revised Code. 122086

LOCAL GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS 122087

Notwithstanding section 5751.22(A)(1)(b) of the Revised Code, 122088
payments to local taxing units by May 31, 2011, required by 122089
section 5751.22(C) of the Revised Code shall be in an amount equal 122090
to each of the losses determined under division (D) of section 122091
5751.20 of the Revised Code multiplied by one hundred per cent. 122092

Section 399.20. COMMERCIAL ACTIVITY TAX 122093

(A) Any term used in this section has the same meaning as in 122094
section 5751.01 of the Revised Code. 122095

(B) A person is not required to pay the annual minimum 122096
commercial activity tax due for calendar year 2005 or 2006 under 122097
Chapter 5751. of the Revised Code if the person satisfies all of 122098
the following: 122099

(1) The person was not subject to the tax for those years 122100
because the person did not have nexus with this state or was an 122101
excluded person under division (E)(1) of section 5751.01 of the 122102
Revised Code; 122103

(2) The person erroneously registered for the tax and failed 122104
to cancel the registration before May 10, 2006; 122105

(3) The person canceled its commercial activity tax 122106
registration before February 10, 2007, and was not required to 122107
file the returns and pay the annual minimum tax due February 9, 122108
2007, February 9, 2008, or February 9, 2009. 122109

(C) The Tax Commissioner shall cancel the registration of 122110
each such person for which the registration has not yet been 122111
canceled. 122112

(D) If such a person paid the tax due for calendar year 2005 122113
or 2006 after being contacted by the Department of Taxation, the 122114
person may request a refund of the amount paid for such a year or 122115
years under section 5751.08 of the Revised Code, notwithstanding 122116
division (E) of that section. 122117

	Section 401.10.	DOT DEPARTMENT OF TRANSPORTATION				122118	
		Transportation Modes				122119	
		General Revenue Fund				122120	
GRF	775451	Public Transportation	\$	19,965,606	\$	20,049,147	122121
		- State					
GRF	776465	Ohio Rail Development	\$	3,071,771	\$	3,090,162	122122
		Commission					
GRF	776668	Transportation	\$	1,352,403	\$	1,243,338	122123
		Operating - Federal					
		Stimulus					
GRF	777471	Airport Improvements	\$	1,191,876	\$	1,199,009	122124
		- State					
TOTAL GRF		General Revenue Fund	\$	25,581,656	\$	25,581,656	122125
TOTAL ALL BUDGET FUND GROUPS			\$	25,581,656	\$	25,581,656	122126
	Section 403.10.	TOS TREASURER OF STATE				122128	
		General Revenue Fund				122129	
GRF	090321	Operating Expenses	\$	8,381,875	\$	8,381,875	122130
GRF	090401	Office of the Sinking	\$	537,223	\$	537,223	122131
		Fund				122132	
GRF	090402	Continuing Education	\$	403,959	\$	403,959	122133
GRF	090524	Police and Fire	\$	8,000	\$	7,500	122134
		Disability Pension				122135	
		Fund					
GRF	090534	Police and Fire Ad Hoc	\$	95,000	\$	90,000	122136
		Cost					
		of Living				122137	
GRF	090554	Police and Fire	\$	720,000	\$	680,000	122138
		Survivor					
		Benefits				122139	
GRF	090575	Police and Fire Death	\$	20,000,000	\$	20,000,000	122140

	Benefits				122141
TOTAL GRF	General Revenue Fund	\$	30,146,057	\$	30,100,557 122142
	General Services Fund Group				122143
4E90 090603	Securities Lending	\$	4,492,622	\$	4,492,622 122144
	Income				
5770 090605	Investment Pool	\$	550,000	\$	550,000 122145
	Reimbursement				122146
5C50 090602	County Treasurer	\$	150,000	\$	150,000 122147
	Education				
6050 090609	Treasurer of State	\$	185,000	\$	185,000 122148
	Administrative Fund				122149
TOTAL GSF	General Services				122150
Fund Group		\$	5,377,622	\$	5,377,622 122151
	Agency Fund Group				122152
4250 090635	Tax Refunds	\$	31,000,000	\$	31,000,000 122153
TOTAL Agency	Fund Group	\$	31,000,000	\$	31,000,000 122154
TOTAL ALL BUDGET FUND GROUPS		\$	66,523,679	\$	66,478,179 122155

Section 403.20. OFFICE OF THE SINKING FUND 122157

The foregoing appropriation item 090401, Office of the 122158
Sinking Fund, shall be used for costs incurred by or on behalf of 122159
the Commissioners of the Sinking Fund and the Ohio Public 122160
Facilities Commission with respect to State of Ohio general 122161
obligation bonds or notes, and the Treasurer of State with respect 122162
to State of Ohio general obligation and special obligation bonds 122163
or notes, including, but not limited to, printing, advertising, 122164
delivery, rating fees and the procurement of ratings, professional 122165
publications, membership in professional organizations, and other 122166
services referred to in division (D) of section 151.01 of the 122167
Revised Code. The General Revenue Fund shall be reimbursed for 122168
such costs relating to the issuance and administration of Highway 122169
Capital Improvement bonds or notes authorized under Ohio 122170

Constitution, Article VIII, Section 2m and Chapter 151. of the 122171
Revised Code. That reimbursement shall be made from appropriation 122172
item 155902, Highway Capital Improvement Bond Retirement Fund, by 122173
intrastate transfer voucher pursuant to a certification by the 122174
Office of the Sinking Fund of the actual amounts used. The amounts 122175
necessary to make such a reimbursement are hereby appropriated 122176
from the Highway Capital Improvement Bond Retirement Fund created 122177
in section 151.06 of the Revised Code. 122178

POLICE AND FIRE DEATH BENEFIT FUND 122179

The foregoing appropriation item 090575, Police and Fire 122180
Death Benefits, shall be disbursed quarterly by the Treasurer of 122181
State at the beginning of each quarter of each fiscal year to the 122182
Board of Trustees of the Ohio Police and Fire Pension Fund. The 122183
Treasurer of State shall certify such amounts quarterly to the 122184
Director of Budget and Management. By the twentieth day of June of 122185
each fiscal year, the Board of Trustees of the Ohio Police and 122186
Fire Pension Fund shall certify to the Treasurer of State the 122187
amount disbursed in the current fiscal year to make the payments 122188
required by section 742.63 of the Revised Code and shall return to 122189
the Treasurer of State moneys received from this appropriation 122190
item but not disbursed. 122191

TAX REFUNDS 122192

The foregoing appropriation item 090635, Tax Refunds, shall 122193
be used to pay refunds under section 5703.052 of the Revised Code. 122194
If the Director of Budget and Management determines that 122195
additional amounts are necessary for this purpose, such amounts 122196
are hereby appropriated. 122197

Section 405.10. TTA OHIO TUITION TRUST 122198

State Special Revenue Fund Group 122199
5P30 095602 Variable Savings \$ 6,175,707 \$ 6,156,515 122200

		Plans				
6450	095601	Guaranteed Savings	\$	842,959	\$	862,150 122201
		Plan				
		TOTAL SSR State Special Revenue				122202
		Fund Group	\$	7,018,666	\$	7,018,665 122203
		TOTAL ALL BUDGET FUND GROUPS	\$	7,018,666	\$	7,018,665 122204
		FUND ABOLITION				122205
		On July 1, 2009, or as soon as possible thereafter, the				122206
		Director of Budget and Management shall transfer the cash balance				122207
		in the Index Savings Plan Fund (Fund 5AM0) to the Variable Savings				122208
		Fund (Fund 5P30). The Director shall cancel any existing				122209
		encumbrances against appropriation item 095603, Index Savings				122210
		Plan, and re-establish them against appropriation item 095602,				122211
		Variable Savings Plans. The re-established encumbrance amounts are				122212
		hereby appropriated. Upon completion of these transfers, Fund 5AM0				122213
		is hereby abolished.				122214
		On July 1, 2009, or as soon as possible thereafter, the				122215
		Director of Budget and Management shall transfer the cash balance				122216
		in the Banking Products Fund (Fund 5DC0) to the Variable College				122217
		Savings Fund (Fund 5P30). The Director shall cancel any existing				122218
		encumbrances against appropriation item 095604, Banking Products,				122219
		and re-establish them against appropriation item 095602, Variable				122220
		Savings Plans. The re-established encumbrance amounts are hereby				122221
		appropriated. Upon completion of these transfers, Fund 5DC0 is				122222
		hereby abolished.				122223
		Section 407.10. VTO VETERANS' ORGANIZATIONS				122224
		General Revenue Fund				122225
		VAP AMERICAN EX-PRISONERS OF WAR				122226
GRF	743501	State Support	\$	27,533	\$	27,533 122227
		VAN ARMY AND NAVY UNION, USA, INC.				122228
GRF	746501	State Support	\$	60,513	\$	60,513 122229

		VKW KOREAN WAR VETERANS				122230
GRF	747501	State Support	\$	54,398	\$	54,398 122231
		VJW JEWISH WAR VETERANS				122232
GRF	748501	State Support	\$	32,687	\$	32,687 122233
		VCW CATHOLIC WAR VETERANS				122234
GRF	749501	State Support	\$	63,789	\$	63,789 122235
		VPH MILITARY ORDER OF THE PURPLE HEART				122236
GRF	750501	State Support	\$	62,015	\$	62,015 122237
		VVV VIETNAM VETERANS OF AMERICA				122238
GRF	751501	State Support	\$	204,549	\$	204,549 122239
		VAL AMERICAN LEGION OF OHIO				122240
GRF	752501	State Support	\$	332,561	\$	332,561 122241
		VII AMVETS				122242
GRF	753501	State Support	\$	316,711	\$	316,711 122243
		VAV DISABLED AMERICAN VETERANS				122244
GRF	754501	State Support	\$	237,939	\$	237,939 122245
		VMC MARINE CORPS LEAGUE				122246
GRF	756501	State Support	\$	127,569	\$	127,569 122247
		V37 37TH DIVISION AEF VETERANS' ASSOCIATION				122248
GRF	757501	State Support	\$	6,541	\$	6,541 122249
		VFW VETERANS OF FOREIGN WARS				122250
GRF	758501	State Support	\$	271,277	\$	271,277 122251
TOTAL GRF		General Revenue Fund	\$	1,798,082	\$	1,798,082 122252
TOTAL ALL BUDGET FUND GROUPS			\$	1,798,082	\$	1,798,082 122253
		RELEASE OF FUNDS				122254
		The Director of Budget and Management may release the				122255
		foregoing appropriation items 743501, 746501, 747501, 748501,				122256
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,				122257
		and 758501, State Support.				122258
		Section 409.10. DVS DEPARTMENT OF VETERANS SERVICES				122259
		General Revenue Fund				122260

GRF	900100	Personal Services	\$	25,219,282	\$	25,219,282	122261
GRF	900200	Maintenance	\$	4,427,264	\$	4,427,264	122262
GRF	900402	Hall of Fame	\$	118,750	\$	118,750	122263
GRF	900403	Veteran Record	\$	40,631	\$	40,631	122264
		Conversion					
GRF	900408	Department of	\$	2,283,100	\$	2,283,100	122265
		Veterans Services					
TOTAL GRF	General Revenue Fund		\$	32,089,027	\$	32,089,027	122266
	General Services Fund Group						122267
4840	900603	Veterans Home	\$	770,000	\$	850,000	122268
		Services					
TOTAL GSF	General Services Fund		\$	770,000	\$	850,000	122269
	Group						
	Federal Special Revenue Fund Group						122270
3680	900614	Veterans Training	\$	745,892	\$	745,892	122271
3740	900606	Troops to Teachers	\$	100,000	\$	100,000	122272
3BX0	900609	Medicare Services	\$	2,000,000	\$	2,200,000	122273
3L20	900601	Veterans Home	\$	16,979,245	\$	17,454,046	122274
		Operations - Federal					
TOTAL FED	Federal Special Revenue						122275
	Fund Group		\$	19,825,137	\$	20,499,938	122276
	State Special Revenue Fund Group						122277
4E20	900602	Veterans Home	\$	9,314,438	\$	9,780,751	122278
		Operating					
6040	900604	Veterans Home	\$	1,541,020	\$	1,700,000	122279
		Improvement					
TOTAL SSR	State Special Revenue						122280
	Fund Group		\$	10,855,458	\$	11,480,751	122281
TOTAL ALL BUDGET FUND GROUPS			\$	63,539,622	\$	64,919,716	122282
	Section 411.10. DVM STATE VETERINARY MEDICAL BOARD						122284
	General Services Fund Group						122285

4K90 888609	Operating Expenses	\$	327,312	\$	327,312	122286
TOTAL GSF General Services						122287
Fund Group		\$	327,312	\$	327,312	122288
TOTAL ALL BUDGET FUND GROUPS						122289
 Section 413.10. DYS DEPARTMENT OF YOUTH SERVICES						122291
General Revenue Fund						122292
GRF 470401	RECLAIM Ohio	\$	201,695,971	\$	192,963,840	122293
GRF 470412	Lease Rental Payments	\$	23,460,900	\$	26,043,900	122294
GRF 470510	Youth Services	\$	18,558,587	\$	18,558,587	122295
GRF 470640	RECLAIM - Federal	\$	3,767,869	\$	0	122296
Stimulus						
GRF 472321	Parole Operations	\$	13,400,020	\$	13,400,020	122297
GRF 477321	Administrative	\$	14,754,419	\$	14,754,419	122298
Operations						
TOTAL GRF General Revenue Fund						122299
General Services Fund Group						122300
1750 470613	Education	\$	11,000,000	\$	11,000,000	122301
Reimbursement						
4790 470609	Employee Food Service	\$	200,000	\$	150,000	122302
4A20 470602	Child Support	\$	450,000	\$	450,000	122303
4G60 470605	General Operational	\$	250,000	\$	250,000	122304
Funds						
5BN0 470629	E-Rate Program	\$	35,000	\$	35,000	122305
TOTAL GSF General Services						122306
Fund Group		\$	11,935,000	\$	11,885,000	122307
Federal Special Revenue Fund Group						122308
3210 470601	Education	\$	6,531,076	\$	5,455,413	122309
3210 470603	Juvenile Justice	\$	300,000	\$	300,000	122310
Prevention						
3210 470606	Nutrition	\$	2,750,000	\$	2,750,000	122311
3210 470610	Rehabilitation	\$	36,000	\$	36,000	122312

Of the foregoing appropriation item 470401, RECLAIM Ohio, 122332
\$2,500,000 in each fiscal year shall be used to support Behavioral 122333
Health/Juvenile Justice programs. 122334

OHIO BUILDING AUTHORITY LEASE PAYMENTS 122335

The foregoing appropriation item 470412, Lease Rental 122336
Payments, shall be used to meet all payments to the Ohio Building 122337
Authority for the period from July 1, 2009, to June 30, 2011, 122338
under the leases and agreements for facilities made under Chapter 122339
152. of the Revised Code. This appropriation is the source of 122340
funds pledged for bond service charges on related obligations 122341
issued pursuant to Chapter 152. of the Revised Code. 122342

EDUCATION REIMBURSEMENT 122343

The foregoing appropriation item 470613, Education 122344
Reimbursement, shall be used to fund the operating expenses of 122345
providing educational services to youth supervised by the 122346
Department of Youth Services. Operating expenses include, but are 122347
not limited to, teachers' salaries, maintenance costs, and 122348
educational equipment. This appropriation item may be used for 122349
capital expenses related to the education program. 122350

EMPLOYEE FOOD SERVICE AND EQUIPMENT 122351

Notwithstanding section 125.14 of the Revised Code, the 122352
foregoing appropriation item 470609, Employee Food Service, may be 122353
used to purchase any food operational items with funds received 122354
into the fund from reimbursements for state surplus property. 122355

Section 503.10. PERSONAL SERVICE EXPENSES 122356

Unless otherwise prohibited by law, any appropriation from 122357
which personal service expenses are paid shall bear the employer's 122358
share of public employees' retirement, workers' compensation, 122359
disabled workers' relief, and all group insurance programs; the 122360
costs of centralized accounting, centralized payroll processing, 122361

and related personnel reports and services; the cost of the Office 122362
of Collective Bargaining; the cost of the Employee Assistance 122363
Program; the cost of the affirmative action and equal employment 122364
opportunity programs administered by the Department of 122365
Administrative Services; the costs of interagency information 122366
management infrastructure; and the cost of administering the state 122367
employee merit system as required by section 124.07 of the Revised 122368
Code. These costs shall be determined in conformity with the 122369
appropriate sections of law and paid in accordance with procedures 122370
specified by the Office of Budget and Management. Expenditures 122371
from appropriation item 070601, Public Audit Expense - Local 122372
Government, may be exempted from the requirements of this section. 122373

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 122374
AGAINST THE STATE 122375

Except as otherwise provided in this section, an 122376
appropriation in this act or any other act may be used for the 122377
purpose of satisfying judgments, settlements, or administrative 122378
awards ordered or approved by the Court of Claims or by any other 122379
court of competent jurisdiction in connection with civil actions 122380
against the state. This authorization does not apply to 122381
appropriations to be applied to or used for payment of guarantees 122382
by or on behalf of the state, or for payments under lease 122383
agreements relating to, or debt service on, bonds, notes, or other 122384
obligations of the state. Notwithstanding any other statute to the 122385
contrary, this authorization includes appropriations from funds 122386
into which proceeds of direct obligations of the state are 122387
deposited only to the extent that the judgment, settlement, or 122388
administrative award is for, or represents, capital costs for 122389
which the appropriation may otherwise be used and is consistent 122390
with the purpose for which any related obligations were issued or 122391
entered into. Nothing contained in this section is intended to 122392
subject the state to suit in any forum in which it is not 122393

otherwise subject to suit, and is not intended to waive or 122394
compromise any defense or right available to the state in any suit 122395
against it. 122396

Section 503.30. CAPITAL PROJECT SETTLEMENTS 122397

This section specifies an additional and supplemental 122398
procedure to provide for payments of judgments and settlements if 122399
the Director of Budget and Management determines, pursuant to 122400
division (C)(4) of section 2743.19 of the Revised Code, that 122401
sufficient unencumbered moneys do not exist in the fund to support 122402
a particular appropriation to pay the amount of a final judgment 122403
rendered against the state or a state agency, including the 122404
settlement of a claim approved by a court, in an action upon and 122405
arising out of a contractual obligation for the construction or 122406
improvement of a capital facility if the costs under the contract 122407
were payable in whole or in part from a state capital projects 122408
appropriation. In such a case, the Director may either proceed 122409
pursuant to division (C)(4) of section 2743.19 of the Revised Code 122410
or apply to the Controlling Board to increase an appropriation or 122411
create an appropriation out of any unencumbered moneys in the 122412
state treasury to the credit of the capital projects fund from 122413
which the initial state appropriation was made. The amount of an 122414
increase in appropriation or new appropriation approved by the 122415
Controlling Board is hereby appropriated from the applicable 122416
capital projects fund and made available for the payment of the 122417
judgment or settlement. 122418

If the Director does not make the application authorized by 122419
this section or the Controlling Board disapproves the application, 122420
and the Director does not make application under division (C)(4) 122421
of section 2743.19 of the Revised Code, the Director shall for the 122422
purpose of making that payment make a request to the General 122423
Assembly as provided for in division (C)(5) of that section. 122424

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS	122425
In order to provide funds for the reissuance of voided	122426
warrants under section 117.47 of the Revised Code, there is hereby	122427
appropriated, out of moneys in the state treasury from the fund	122428
credited as provided in section 117.47 of the Revised Code, that	122429
amount sufficient to pay such warrants when approved by the Office	122430
of Budget and Management.	122431
Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED	122432
BALANCES OF OPERATING APPROPRIATIONS	122433
(A) An unexpended balance of an operating appropriation or	122434
reappropriation that a state agency lawfully encumbered prior to	122435
the close of a fiscal year is hereby reappropriated for the	122436
following fiscal year from the fund from which it was originally	122437
appropriated or reappropriated for the following period and shall	122438
remain available only for the purpose of discharging the	122439
encumbrance:	122440
(1) For an encumbrance for personal services, maintenance,	122441
equipment, or items for resale, other than an encumbrance for an	122442
item of special order manufacture not available on term contract	122443
or in the open market or for reclamation of land or oil and gas	122444
wells, for a period of not more than five months from the end of	122445
the fiscal year;	122446
(2) For an encumbrance for an item of special order	122447
manufacture not available on term contract or in the open market,	122448
for a period of not more than five months from the end of the	122449
fiscal year or, with the written approval of the Director of	122450
Budget and Management, for a period of not more than twelve months	122451
from the end of the fiscal year;	122452
(3) For an encumbrance for reclamation of land or oil and gas	122453
wells, for a period ending when the encumbered appropriation is	122454

expended or for a period of two years, whichever is less; 122455

(4) For an encumbrance for any other expense, for such period 122456
as the Director approves, provided such period does not exceed two 122457
years. 122458

(B) For an encumbrance described in division (A)(1) of this 122459
section to remain available for more than five months from the end 122460
of the fiscal year, an agency shall, not later than November 1 of 122461
each fiscal year, make a request in writing to the Director of 122462
Budget and Management to maintain the encumbrance. The Director 122463
may exempt the encumbrance from cancellation for a specified 122464
period deemed appropriate. The exempted encumbrance is hereby 122465
reappropriated. If the request is not received by November 1, or 122466
if the request is not approved, the Director shall cancel the 122467
encumbrance. 122468

(C) Any operating appropriations for which unexpended 122469
balances are reappropriated beyond a five-month period from the 122470
end of the fiscal year by division (A)(2) of this section shall be 122471
reported to the Controlling Board by the Director of Budget and 122472
Management by the thirty-first day of December of each year. The 122473
report on each such item shall include the item, the cost of the 122474
item, and the name of the vendor. The report shall be updated on a 122475
quarterly basis for encumbrances remaining open. 122476

(D) Except as provided in division (E) of this section, upon 122477
the expiration of the reappropriation period set out in division 122478
(A) or (B) of this section, a reappropriation made by this section 122479
lapses, and the Director of Budget and Management shall cancel the 122480
encumbrance of the unexpended reappropriation not later than the 122481
end of the weekend following the expiration of the reappropriation 122482
period. 122483

(E) With the approval of the Director of Budget and 122484
Management, an unexpended balance of an encumbrance that was 122485

reappropriated by this section for a period specified in division 122486
(A)(3) or (4) of this section and that remains encumbered at the 122487
close of the fiscal biennium is hereby reappropriated for the 122488
following fiscal biennium from the fund from which it was 122489
originally appropriated or reappropriated for the applicable 122490
period specified in division (A)(3) or (4) of this section and 122491
shall remain available only for the purpose of discharging the 122492
encumbrance. 122493

(F) The Director of Budget and Management may correct 122494
accounting errors committed by the staff of the Office of Budget 122495
and Management, such as re-establishing encumbrances or 122496
appropriations cancelled in error, during the cancellation of 122497
operating encumbrances in November and of nonoperating 122498
encumbrances in December. 122499

(G) If the Controlling Board approved a purchase, that 122500
approval remains in effect so long as the appropriation used to 122501
make that purchase remains encumbered. 122502

Section 503.60. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 122503
RE-ESTABLISHMENT OF ENCUMBRANCES 122504

Any cash transferred by the Director of Budget and Management 122505
under section 126.15 of the Revised Code is hereby appropriated. 122506
Any amounts necessary to re-establish appropriations or 122507
encumbrances under section 126.15 of the Revised Code are hereby 122508
appropriated. 122509

Section 503.70. INCOME TAX DISTRIBUTION TO COUNTIES 122510

There are hereby appropriated out of any moneys in the state 122511
treasury to the credit of the General Revenue Fund, which are not 122512
otherwise appropriated, funds sufficient to make any payment 122513
required by division (B)(2) of section 5747.03 of the Revised 122514
Code. 122515

Section 503.80. EXPENDITURES AND APPROPRIATION INCREASES	122516
APPROVED BY THE CONTROLLING BOARD	122517
Any money that the Controlling Board approves for expenditure	122518
or any increase in appropriation that the Controlling Board	122519
approves under sections 127.14, 131.35, and 131.39 of the Revised	122520
Code or any other provision of law is hereby appropriated for the	122521
period ending June 30, 2011.	122522
Section 503.90. FUNDS RECEIVED FOR USE OF GOVERNOR'S	122523
RESIDENCE	122524
If the Governor's Residence Fund (Fund 4H20) receives payment	122525
for use of the residence pursuant to section 107.40 of the Revised	122526
Code, the amounts so received are hereby appropriated to	122527
appropriation item 100604, Governor's Residence Gift.	122528
Section 503.95. SOUTHEASTERN OHIO PORT AUTHORITY	122529
CONTAINER-ON-BARGE STUDY	122530
Of appropriation item 771412, Planning and Research -	122531
Federal, appropriated in the transportation budget act, H.B. 2 of	122532
the 128th General Assembly, for fiscal years 2010 and 2011,	122533
\$100,000 in fiscal year 2010 shall be used for the Southeastern	122534
Ohio Port Authority to complete a study of and to implement	122535
container-on-barge service on the Ohio River. The study shall take	122536
into account cargo origin and destinations, cost comparisons,	122537
target cargoes, and required infrastructure to connect with	122538
surface transportation.	122539
Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS	122540
Unless the agency and nuclear electric utility mutually agree	122541
to a higher amount by contract, the maximum amounts that may be	122542
assessed against nuclear electric utilities under division (B)(2)	122543

of section 4937.05 of the Revised Code and deposited into the 122544
 specified funds are as follows: 122545

<u>Fund</u>	<u>User</u>	<u>FY 2010</u>	<u>FY 2011</u>	
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 134,631	\$ 134,631	122547
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 887,445	\$ 920,372	122548
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 286,114	\$ 286,114	122549
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,413,889	\$ 1,415,945	122550

Section 506.20. On July 1, 2009, and on the first day of the 122551
 month for each month thereafter, the Treasurer of State, before 122552
 making any of the distributions specified in sections 5735.23, 122553
 5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 122554
 the first 2 per cent of the amount of motor fuel tax received for 122555
 the preceding calendar month to the credit of the Highway 122556
 Operating Fund (Fund 7002). Upon the written request of the 122557
 Director of Public Safety, the Director of Budget and Management 122558
 may make periodic transfers of cash totaling \$16,220,000 in each 122559
 fiscal year from Fund 7002 to the State Highway Safety Fund (Fund 122560
 7036). 122561

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 122562
 INTEREST EARNED 122563

Notwithstanding any provision of law to the contrary, the 122564
 Director of Budget and Management, through June 30, 2011, may 122565
 transfer interest earned by any state fund to the General Revenue 122566
 Fund. This section does not apply to funds whose source of revenue 122567
 is restricted or protected by the Ohio Constitution, federal tax 122568

law, or the "Cash Management Improvement Act of 1990," 104 Stat. 122569
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 122570

Section 512.30. GRF TRANSFER TO THE OAKS PROJECT 122571
IMPLEMENTATION FUND 122572

On July 1 of each fiscal year, or as soon as possible 122573
thereafter, the Director of Budget and Management shall transfer 122574
an amount not to exceed \$2,100,000 cash from the General Revenue 122575
Fund to the OAKS Project Implementation Fund (Fund 5N40). 122576

Section 512.40. TRANSFERS FROM THE BUDGET STABILIZATION FUND 122577

Notwithstanding any provision of law to the contrary, the 122578
Director of Budget and Management, in either year of the biennium, 122579
may transfer cash from the Budget Stabilization Fund to the 122580
General Revenue Fund in order to balance General Revenue Fund 122581
revenues with General Revenue Fund expenditures. Within ten days 122582
of any such transfer, the Director shall notify the Governor, the 122583
Speaker of the House of Representatives, the President of the 122584
Senate, and the Minority Leaders of the House of Representatives 122585
and the Senate of the date and amount of the transfer and the cash 122586
balance remaining in the Budget Stabilization Fund. 122587

Section 512.50. TRANSFERS FROM EDUCATION FACILITIES TRUST AND 122588
PUBLIC SCHOOL BUILDING FUNDS TO GRF 122589

Notwithstanding any provision of law to the contrary, the 122590
Director of Budget and Management shall transfer a total of 122591
\$200,000,000 cash in either fiscal year 2010 or fiscal year 2011 122592
from the Education Facilities Trust Fund (Fund N087) and the 122593
Public School Building Fund (Fund 7021), which are used by the 122594
School Facilities Commission, to the General Revenue Fund. Not 122595
later than June 30, 2013, \$200,000,000 cash shall be deposited 122596
into a fund of the Commission, for the purpose of constructing or 122597

renovating school facilities pursuant to Chapter 3318. of the 122598
Revised Code. 122599

Section 512.60. CASH TRANSFERS TO THE GENERAL REVENUE FUND 122600
FROM NON-GRF FUNDS 122601

Notwithstanding any provision of law to the contrary, during 122602
fiscal years 2010 and 2011, the Director of Budget and Management 122603
may transfer cash from non-General Revenue Funds that are not 122604
constitutionally restricted to the General Revenue Fund in order 122605
to ensure that available General Revenue Fund receipts and 122606
balances are sufficient to support General Revenue Fund 122607
appropriations in each fiscal year. 122608

Before September 1 of each fiscal year, the Director of 122609
Budget and Management shall prepare quarterly estimates 122610
identifying funds in the state treasury from which cash transfers 122611
are to be made and the anticipated amount of these cash transfers. 122612
Beginning with the quarter ending September 30, 2009, and on a 122613
quarterly basis thereafter, the Director of Budget and Management 122614
shall prepare a summary comparing the estimated and actual amounts 122615
of these cash transfers by fund. This quarterly summary shall be 122616
included in the report required under section 126.05 of the 122617
Revised Code. 122618

Section 512.80. GRF TRANSFER TO THE PUBLIC AUDIT EXPENSE 122619
INTRA-STATE FUND 122620

On July 1, 2009, or as soon as possible thereafter, the 122621
Director of Budget and Management shall transfer \$400,900 cash 122622
from the General Revenue Fund to the Public Audit Expense 122623
Intra-State Fund (Fund 1090). The amounts transferred are hereby 122624
appropriated to help pay for expenses incurred in the Auditor of 122625
State's role relating to fiscal caution, fiscal watch, and fiscal 122626
emergency activities as defined in Chapter 3316. of the Revised 122627

Code and for performance audits for school districts in fiscal 122628
distress. 122629

Section 512.90. STATE AGENCY ADMINISTRATIVE COST SAVINGS AND 122630
EFFICIENCY 122631

Notwithstanding any provision of law to the contrary, a state 122632
agency may enter into one or more agreements with another state 122633
agency or agencies to achieve administrative cost savings and 122634
greater efficiency. Subject to sections 124.321 to 124.328 of the 122635
Revised Code, a state agency may identify employees who may be 122636
transferred to another agency for the purpose of consolidating 122637
finance, human resources, legal, or other administrative 122638
functions. In addition, state agencies may share office equipment, 122639
office space, or other agency assets to the extent such an 122640
arrangement would create savings in rental, lease, or other 122641
contractual expenses. The Director of Budget and Management, in 122642
accordance with section 126.21 of the Revised Code, may take any 122643
actions with regard to state agency budget changes, program 122644
transfers, the creation of new funds, or the consolidation of 122645
funds as necessary due to the administrative reorganization or 122646
consolidation for purposes of cost savings and greater efficiency 122647
pursuant to this section. 122648

Section 515.10. On and after the effective date of section 122649
3354.24 of the Revised Code as enacted by Sub. H.B. 1 of the 128th 122650
General Assembly: 122651

(A) The board of trustees of the Eastern Gateway Community 122652
College District (the District) shall have the powers and duties 122653
formerly prescribed as powers and duties of the board of trustees 122654
of the Jefferson County Community College District and any 122655
additional powers and duties granted or imposed by law. 122656

(B) The board of trustees of the District assumes the 122657

obligations of, and is the successor to and continuation of, the 122658
board of trustees of the Jefferson County Community College 122659
District. 122660

(C) Any business commenced but not completed by the board of 122661
trustees of the Jefferson County Community College District shall 122662
be completed by the board of trustees of the District in the same 122663
manner, and with the same effect, as if completed by the board of 122664
trustees of the Jefferson County Community College District. No 122665
validation, cure, right, privilege, remedy, obligation, or 122666
liability is lost or impaired by reason of the enactment by this 122667
act of this section and section 3354.24 of the Revised Code. 122668

(D) Rules of the board of trustees of the Jefferson County 122669
Community College District shall continue as rules for the board 122670
of trustees of the District until amended or rescinded by the 122671
board of trustees of the District. 122672

(E) Any reference in statute, rule, contract, grant, or other 122673
document to the board of trustees of the Jefferson County 122674
Community College District shall be construed to refer to the 122675
board of trustees of the District. 122676

(F) No judicial, administrative, or other proceeding to which 122677
the board of trustees of the Jefferson County Community College 122678
District is a party and that is pending on the effective date of 122679
this section shall be affected by the enactment by this act of 122680
this section and section 3354.24 of the Revised Code. Upon 122681
application to the court or other tribunal, the board of trustees 122682
of the District shall be substituted for the board of trustees of 122683
the Jefferson County Community College District as a party to the 122684
action or proceeding, and the action shall be prosecuted or 122685
defended in the name of the board of trustees of the District. 122686

(G) All books, records, documents, files, transcripts, 122687
equipment, furniture, supplies, and other materials assigned to or 122688

possessed by the board of trustees of the Jefferson County 122689
Community College District shall be transferred to the board of 122690
trustees of the District. 122691

(H) The employees of the board of trustees of the Jefferson 122692
County Community College District shall be employees of the board 122693
of trustees of the District. 122694

Section 515.20. On the effective date of this section, the 122695
duties, responsibilities, and functions of the Ohio Board of 122696
Regents under sections 4741.41, 4741.44, 4741.45, and 4741.46 of 122697
the Revised Code and its assets and liabilities under those 122698
sections are transferred to the State Veterinary Medical Licensing 122699
Board. The State Veterinary Medical Licensing Board assumes the 122700
obligations and authority of the Ohio Board of Regents with regard 122701
to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the Revised 122702
Code. No right, privilege, or remedy, and no duty, liability, or 122703
obligation, accrued by the Ohio Board of Regents under sections 122704
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code is 122705
impaired or lost by reason of the transfer and shall be 122706
recognized, administered, performed, or enforced by the State 122707
Veterinary Medical Licensing Board. 122708

Business commenced but not completed by the Ohio Board of 122709
Regents with regard to sections 4741.41, 4741.44, 4741.45, and 122710
4741.46 of the Revised Code shall be completed by the State 122711
Veterinary Medical Licensing Board in the same manner, and with 122712
the same effect, as if completed by the Ohio Board of Regents. 122713

All determinations of the Ohio Board of Regents that are made 122714
pursuant to sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122715
Revised Code continue in effect as determinations of the State 122716
Veterinary Medical Licensing Board until modified or rescinded by 122717
the State Veterinary Medical Licensing Board. 122718

Whenever the Ohio Board of Regents is referred to in statute, 122719

contract, or other instrument for the purposes of sections 122720
4741.41, 4741.44, 4741.45, and 4741.46 of the Revised Code, the 122721
reference is deemed to refer to the State Veterinary Medical 122722
Licensing Board. 122723

No pending action or proceeding being prosecuted or defended 122724
in court or before any agency by the Ohio Board of Regents for the 122725
purposes of sections 4741.41, 4741.44, 4741.45, and 4741.46 of the 122726
Revised Code is affected by the transfer and shall be prosecuted 122727
or defended in the name of the State Veterinary Medical Licensing 122728
Board. Upon application to the court or agency, the State 122729
Veterinary Medical Licensing Board shall be substituted as a 122730
party. 122731

Section 515.30. On the effective date of this section, the 122732
Division of Soil and Water Conservation in the Department of 122733
Natural Resources is renamed the Division of Soil and Water 122734
Resources. The Division of Soil and Water Conservation's 122735
functions, and its assets and liabilities, are transferred to the 122736
Division of Soil and Water Resources. The Division of Soil and 122737
Water Resources is successor to, assumes the obligations and 122738
authority of, and otherwise continues the Division of Soil and 122739
Water Conservation. No right, privilege, or remedy, and no duty, 122740
liability, or obligation, accrued under the Division of Soil and 122741
Water Conservation is impaired or lost by reason of the renaming 122742
and shall be recognized, administered, performed, or enforced by 122743
the Division of Soil and Water Resources. 122744

Business commenced but not completed by the Division of Soil 122745
and Water Conservation or by the Chief of the Division of Soil and 122746
Water Conservation shall be completed by the Division of Soil and 122747
Water Resources or the Chief of the Division of Soil and Water 122748
Resources in the same manner, and with the same effect, as if 122749
completed by the Division of Soil and Water Conservation or the 122750

Chief of the Division of Soil and Water Conservation. 122751

All of the Division of Soil and Water Conservation's rules, 122752
orders, and determinations continue in effect as rules, orders, 122753
and determinations of the Division of Soil and Water Resources 122754
until modified or rescinded by the Division of Soil and Water 122755
Resources. 122756

Subject to the layoff provisions of sections 124.321 to 122757
124.382 of the Revised Code, all employees of the Division of Soil 122758
and Water Conservation continue with the Division of Soil and 122759
Water Resources and retain their positions and all benefits 122760
accruing thereto. 122761

The Director of Budget and Management shall determine the 122762
amount of unexpended balances in the appropriation accounts that 122763
pertain to the Division of Soil and Water Conservation and shall 122764
recommend to the Controlling Board their transfer to the 122765
appropriation accounts that pertain to the Division of Soil and 122766
Water Resources. The Chief of the Division of Soil and Water 122767
Conservation shall provide full and timely information to the 122768
Controlling Board to facilitate the transfer. 122769

Whenever the Division of Soil and Water Conservation or the 122770
Chief of the Division of Soil and Water Conservation is referred 122771
to in a statute, contract, or other instrument, the reference is 122772
deemed to refer to the Division of Soil and Water Resources or to 122773
the Chief of the Division of Soil and Water Resources, whichever 122774
is appropriate in context. 122775

No pending action or proceeding being prosecuted or defended 122776
in court or before an agency by the Division of Soil and Water 122777
Conservation or the Chief of the Division of Soil and Water 122778
Conservation is affected by the renaming and shall be prosecuted 122779
or defended in the name of the Division of Soil and Water 122780
Resources or the Chief of the Division of Soil and Water 122781

Resources, whichever is appropriate. Upon application to the court 122782
or agency, the Division of Soil and Water Resources or the Chief 122783
of the Division of Soil and Water Resources shall be substituted. 122784

Section 515.40. On the effective date of this section, the 122785
Division of Water in the Department of Natural Resources is 122786
abolished and its functions, and its assets and liabilities, are 122787
transferred to the Division of Soil and Water Resources and the 122788
Division of Parks and Recreation, as applicable, in the Department 122789
of Natural Resources. The Division of Soil and Water Resources and 122790
the Division of Parks and Recreation, as applicable, are 122791
successors to, assume the obligations and authority of, and 122792
otherwise continue the Division of Water. No right, privilege, or 122793
remedy, and no duty, liability, or obligation, accrued under the 122794
Division of Water is impaired or lost by reason of the abolishment 122795
and shall be recognized, administered, performed, or enforced by 122796
the Division of Soil and Water Resources or the Division of Parks 122797
and Recreation, whichever is applicable. 122798

Business commenced but not completed by the Division of Water 122799
or by the Chief of the Division of Water shall be completed by the 122800
Division of Soil and Water Resources or the Chief of the Division 122801
of Soil and Water Resources or by the Division of Parks and 122802
Recreation or the Chief of the Division of Parks and Recreation, 122803
whichever is applicable, in the same manner, and with the same 122804
effect, as if completed by the Division of Water or the Chief of 122805
the Division of Water. 122806

All of the Division of Water's rules, orders, and 122807
determinations continue in effect as rules, orders, and 122808
determinations of the Division of Soil and Water Resources or the 122809
Division of Parks and Recreation, whichever is applicable, until 122810
modified or rescinded by the Division of Soil and Water Resources 122811
or the Division of Parks and Recreation, as applicable. If 122812

necessary to ensure the integrity of the numbering of the 122813
Administrative Code, the Director of the Legislative Service 122814
Commission shall renumber the Division of Water's rules to reflect 122815
their transfer to the Division of Soil and Water Resources or to 122816
the Division of Parks and Recreation, as applicable. 122817

Subject to the layoff provisions of sections 124.321 to 122818
124.382 of the Revised Code, all employees of the Division of 122819
Water are transferred to the Division of Soil and Water Resources 122820
or to the Division of Parks and Recreation, as applicable, and 122821
retain their positions and all benefits accruing thereto. 122822

The Director of Budget and Management shall determine the 122823
amount of unexpended balances in the appropriation accounts that 122824
pertain to the Division of Water and shall recommend to the 122825
Controlling Board their transfer to the appropriation accounts 122826
that pertain to the Division of Soil and Water Resources or the 122827
Division of Parks and Recreation, as applicable. The Chief of the 122828
Division of Water shall provide full and timely information to the 122829
Controlling Board to facilitate the transfer. 122830

Whenever the Division of Water or the Chief of the Division 122831
of Water is referred to in a statute, contract, or other 122832
instrument, the reference is deemed to refer to the Division of 122833
Soil and Water Resources or to the Chief of the Division of Soil 122834
and Water Resources or to the Division of Parks and Recreation or 122835
to the Chief of the Division of Parks and Recreation, whichever is 122836
appropriate in context. 122837

No pending action or proceeding being prosecuted or defended 122838
in court or before an agency by the Division of Water or the Chief 122839
of the Division of Water is affected by the abolishment and shall 122840
be prosecuted or defended in the name of the Division of Soil and 122841
Water Resources or the Chief of the Division of Soil and Water 122842
Resources or of the Division of Parks and Recreation or the Chief 122843
of the Division of Parks and Recreation, whichever is appropriate. 122844

Upon application to the court or agency, the Division of Soil and 122845
Water Resources or the Chief of the Division of Soil and Water 122846
Resources or the Division of Parks and Recreation or the Chief of 122847
the Division of Parks and Recreation, whichever is applicable, 122848
shall be substituted. 122849

Section 515.50. On the effective date of this section, the 122850
Division of Real Estate and Land Management in the Department of 122851
Natural Resources is abolished and its functions, and its assets 122852
and liabilities, are transferred to the Director of Natural 122853
Resources, to the Division of Engineering, and to the Division of 122854
Parks and Recreation, as applicable, in the Department of Natural 122855
Resources. The Director of Natural Resources, the Division of 122856
Engineering, and the Division of Parks and Recreation are 122857
successors to, assume the obligations and authority of, and 122858
otherwise continue the Division of Real Estate and Land 122859
Management. No right, privilege, or remedy, and no duty, 122860
liability, or obligation, accrued under the Division of Real 122861
Estate and Land Management is impaired or lost by reason of the 122862
abolishment and shall be recognized, administered, performed, or 122863
enforced by the Director of Natural Resources, the Division of 122864
Engineering, and the Division of Parks and Recreation, whichever 122865
is applicable. 122866

Business commenced but not completed by the Division of Real 122867
Estate and Land Management or by the Chief of the Division of Real 122868
Estate and Land Management shall be completed by the Director of 122869
Natural Resources, by the Division of Engineering or the Chief 122870
Engineer, or by the Division of Parks and Recreation or the Chief 122871
of the Division of Parks and Recreation, whichever is applicable, 122872
in the same manner, and with the same effect, as if completed by 122873
the Division of Real Estate and Land Management or the Chief of 122874
the Division of Real Estate and Land Management. 122875

All of the Division of Real Estate and Land Management's 122876
rules, orders, and determinations continue in effect as rules, 122877
orders, and determinations of the Director of Natural Resources, 122878
the Division of Engineering, or the Division of Parks and 122879
Recreation, whichever is applicable, until modified or rescinded 122880
by the Director of Natural Resources, the Division of Engineering, 122881
or the Division of Parks and Recreation, as applicable. If 122882
necessary to ensure the integrity of the numbering of the 122883
Administrative Code, the Director of the Legislative Service 122884
Commission shall renumber the Division of Real Estate and Land 122885
Management's rules to reflect their transfer to the Director of 122886
Natural Resources, to the Division of Engineering, or to the 122887
Division of Parks and Recreation, as applicable. 122888

Subject to the layoff provisions of sections 124.321 to 122889
124.382 of the Revised Code, all employees of the Division of Real 122890
Estate and Land Management are transferred to the office of the 122891
Director of Natural Resources, the Division of Engineering, or the 122892
Division of Parks and Recreation, as applicable, and retain their 122893
positions and all benefits accruing thereto. 122894

The Director of Budget and Management shall determine the 122895
amount of unexpended balances in the appropriation accounts that 122896
pertain to the Division of Real Estate and Land Management and 122897
shall recommend to the Controlling Board their transfer to the 122898
appropriation accounts that pertain to the Director of Natural 122899
Resources, the Division of Engineering, or the Division of Parks 122900
and Recreation, as applicable. The Chief of the Division of Real 122901
Estate and Land Management shall provide full and timely 122902
information to the Controlling Board to facilitate the transfer. 122903

Whenever the Division of Real Estate and Land Management or 122904
the Chief of the Division of Real Estate and Land Management is 122905
referred to in a statute, contract, or other instrument, the 122906
reference is deemed to refer to the Director of Natural Resources, 122907

to the Division of Engineering or the Chief Engineer, or to the 122908
Division of Parks and Recreation or the Chief of the Division of 122909
Parks and Recreation, whichever is appropriate in context. 122910

No pending action or proceeding being prosecuted or defended 122911
in court or before an agency by the Division of Real Estate and 122912
Land Management or the Chief of the Division of Real Estate and 122913
Land Management is affected by the abolishment and shall be 122914
prosecuted or defended in the name of the Department of Natural 122915
Resources or the Director of Natural Resources, of the Division of 122916
Engineering or the Chief Engineer, or of the Division of Parks and 122917
Recreation or the Chief of the Division of Parks and Recreation, 122918
whichever is appropriate. Upon application to the court or agency, 122919
the Department of Natural Resources or the Director of Natural 122920
Resources, the Division of Engineering or the Chief Engineer, or 122921
the Division of Parks and Recreation or the Chief of the Division 122922
of Parks and Recreation, whichever is applicable, shall be 122923
substituted. 122924

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 122925

Certain appropriations are in this act for the purpose of 122926
paying debt service and financing costs on general obligation 122927
bonds or notes of the state issued pursuant to the Ohio 122928
Constitution and acts of the General Assembly. If it is determined 122929
that additional appropriations are necessary for this purpose, 122930
such amounts are hereby appropriated. 122931

Section 518.20. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 122932
STATE 122933

Certain appropriations are in this act for the purpose of 122934
making lease rental payments pursuant to leases and agreements 122935
relating to bonds or notes issued by the Ohio Building Authority 122936
or the Treasurer of State or, previously, by the Ohio Public 122937

Facilities Commission, pursuant to the Ohio Constitution and acts 122938
of the General Assembly. If it is determined that additional 122939
appropriations are necessary for this purpose, such amounts are 122940
hereby appropriated. 122941

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 122942
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 122943

The Office of Budget and Management shall process payments 122944
from general obligation and lease rental payment appropriation 122945
items during the period from July 1, 2009, to June 30, 2011, 122946
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 122947
2n, 2o, 2p, 2q, and 15 of Article VIII, Ohio Constitution, and 122948
Chapters 151. and 154. of the Revised Code. Payments shall be made 122949
upon certification by the Treasurer of State, Office of the 122950
Sinking Fund, of the dates and the amounts due on those dates. 122951

Section 518.40. AUTHORIZATION FOR OHIO BUILDING AUTHORITY AND 122952
OBM TO EFFECTUATE CERTAIN LEASE RENTAL PAYMENTS 122953

The Office of Budget and Management shall process payments 122954
from lease rental payment appropriation items during the period 122955
from July 1, 2009, to June 30, 2011, pursuant to the lease 122956
agreements entered into relating to bonds or notes issued under 122957
Section 2i of Article VIII, Ohio Constitution, and Chapter 152. of 122958
the Revised Code. Payments shall be made upon certification by the 122959
Ohio Building Authority of the dates and the amounts due on those 122960
dates. 122961

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 122962

There is hereby appropriated, from those funds designated by 122963
or pursuant to the applicable proceedings authorizing the issuance 122964
of state obligations, amounts computed at the time to represent 122965
the portion of investment income to be rebated or amounts in lieu 122966

of or in addition to any rebate amount to be paid to the federal 122967
government in order to maintain the exclusion from gross income 122968
for federal income tax purposes of interest on those state 122969
obligations under section 148(f) of the Internal Revenue Code. 122970

Rebate payments shall be approved and vouchered by the Office 122971
of Budget and Management. 122972

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 122973

Whenever the Director of Budget and Management determines 122974
that an appropriation made to a state agency from a fund of the 122975
state is insufficient to provide for the recovery of statewide 122976
indirect costs under section 126.12 of the Revised Code, the 122977
amount required for such purpose is hereby appropriated from the 122978
available receipts of such fund. 122979

Section 521.30. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 122980
INDIRECT COST ALLOCATION PLAN 122981

The total transfers made from the General Revenue Fund by the 122982
Director of Budget and Management under this section shall not 122983
exceed the amounts transferred into the General Revenue Fund under 122984
section 126.12 of the Revised Code. 122985

The director of an agency may certify to the Director of 122986
Budget and Management the amount of expenses not allowed to be 122987
included in the Statewide Indirect Cost Allocation Plan under 122988
federal regulations, from any fund included in the Statewide 122989
Indirect Cost Allocation Plan, prepared as required by section 122990
126.12 of the Revised Code. 122991

Upon determining that no alternative source of funding is 122992
available to pay for such expenses, the Director of Budget and 122993
Management may transfer from the General Revenue Fund into the 122994
fund for which the certification is made, up to the amount of the 122995
certification. The director of the agency receiving such funds 122996

shall include, as part of the next budget submission prepared 122997
under section 126.02 of the Revised Code, a request for funding 122998
for such activities from an alternative source such that further 122999
federal disallowances would not be required. 123000

Section 521.40. FISCAL YEAR 2009 GENERAL REVENUE FUND ENDING 123001
BALANCE 123002

Notwithstanding divisions (B) and (C) of section 131.44 of 123003
the Revised Code, all fiscal year 2009 surplus revenue in excess 123004
of the amount required under division (A)(3) of section 131.44 of 123005
the Revised Code shall remain in the General Revenue Fund. 123006

Section 521.50. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 123007

Notwithstanding any provision of law to the contrary, on or 123008
before the first day of September of each fiscal year, the 123009
Director of Budget and Management, in order to reduce the payment 123010
of adjustments to the federal government, as determined by the 123011
plan prepared under division (A) of section 126.12 of the Revised 123012
Code, may designate such funds as the Director considers necessary 123013
to retain their own interest earnings. 123014

Section 521.60. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 123015

Pursuant to the plan for compliance with the Federal Cash 123016
Management Improvement Act required by section 131.36 of the 123017
Revised Code, the Director of Budget and Management may cancel and 123018
re-establish all or part of encumbrances in like amounts within 123019
the funds identified by the plan. The amounts necessary to 123020
re-establish all or part of encumbrances are hereby appropriated. 123021

Section 521.70. FISCAL STABILIZATION AND RECOVERY 123022

(A) To ensure the level of accountability and transparency 123023
required by federal law, the Director of Budget and Management may 123024

issue guidelines to any agency applying for federal money made 123025
available to this state for fiscal stabilization and recovery 123026
purposes, and may prescribe the process by which agencies are to 123027
comply with any reporting requirements established by the federal 123028
government. 123029

(B) Notwithstanding any provision of law to the contrary, 123030
federal money received by or on behalf of this state for fiscal 123031
stabilization in support of elementary, secondary, and higher 123032
education, public safety, and any other government service shall 123033
be deposited into the state treasury to the credit of the General 123034
Revenue Fund. If additional federal fiscal stabilization funds are 123035
available, the Director of Budget and Management may authorize 123036
expenditures from the General Revenue Fund in excess of the 123037
amounts appropriated to provide additional government services. 123038
Upon the authorization of the Director, the additional amounts are 123039
hereby appropriated. The federal money shall not be used as a 123040
match for the state's share of Medicaid. 123041

Section 523.10. ADVANCED ENERGY RESEARCH AND DEVELOPMENT 123042

(A) All items set forth in this division are hereby 123043
appropriated, for fiscal years 2011 and 2012, the biennium ending 123044
on June 30, 2012, out of any moneys in the state treasury to the 123045
credit of the Advanced Energy Research and Development Taxable 123046
Fund (Fund 7004) derived from the proceeds of obligations 123047
heretofore authorized under section 166.11 of the Revised Code: 123048

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123049

C89800 Advanced Energy Research and Development \$ 9,000,000 123050
Taxable

TOTAL Advanced Energy Research and Development \$ 9,000,000 123051
Taxable Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 9,000,000 123052

(B) All items set forth in this division are hereby 123053

appropriated, for fiscal years 2011 and 2012, the biennium ending 123054
on June 30, 2012, out of any moneys in the state treasury to the 123055
credit of the Advanced Energy Research and Development Fund (Fund 123056
7005) derived from the proceeds of obligations heretofore 123057
authorized under section 166.11 of the Revised Code: 123058

AIR AIR QUALITY DEVELOPMENT AUTHORITY 123059

C89801 Advanced Energy Research and Development \$ 19,000,000 123060

TOTAL Advanced Energy Research and Development \$ 19,000,000 123061

Fund

TOTAL AIR QUALITY DEVELOPMENT AUTHORITY \$ 19,000,000 123062

(C) The appropriation items C89800, Advanced Energy Research 123063
and Development Taxable, and C89801, Advanced Energy Research and 123064
Development, shall be used for advanced energy projects as 123065
provided in sections 3706.25 to 3706.30 of the Revised Code. The 123066
Executive Director of the Air Quality Development Authority may 123067
certify to the Director of Budget and Management that a need 123068
exists to fund additional advanced energy projects. If the 123069
Director of Budget and Management determines that investment 123070
earnings of the Advanced Energy Research and Development Taxable 123071
Fund (Fund 7004) and the Advanced Energy Research and Development 123072
Fund (Fund 7005) are available to fund additional projects, the 123073
Director may authorize additional expenditures from Fund 7004 or 123074
Fund 7005. Such amounts are hereby appropriated. 123075

(D) Notwithstanding any contrary provision of law, upon the 123076
request of the Executive Director of the Air Quality Development 123077
Authority, the Director of Budget and Management may transfer cash 123078
between Funds 7004 and 7005. Amounts transferred are hereby 123079
appropriated. 123080

(E) Expenditures from appropriations contained in this 123081
section may be accounted for as though made in the main capital 123082
appropriations act for the fiscal year 2011-2012 biennium enacted 123083
by the 128th General Assembly. The Air Quality Development 123084

Authority shall not expend any of the appropriations made in this section until after July 1, 2010.

123085
123086

Section 601.10. That Sections 205.10, 309.10, 317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows:

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123088
123089

Sec. 205.10. DPS DEPARTMENT OF PUBLIC SAFETY

123090

State Highway Safety Fund Group

123091

4W40 762321 Operating Expense - \$ 85,145,103 \$ 89,005,103
BMV

123092

4W40 762410 Registrations \$ 31,753,145 \$ 32,480,610
Supplement

123093

5V10 762682 License Plate \$ 2,100,000 \$ 2,100,000
Contributions

123094

7036 761321 Operating Expense - \$ 8,819,954 \$ 8,828,661
Information and
Education

123095

7036 761401 Lease Rental Payments \$ 13,337,000 \$ 11,836,200

123096

7036 764033 Minor Capital \$ 1,250,000 \$ 1,250,000
Projects

123097

7036 764321 Operating Expense - \$ 269,887,828 \$ 269,975,259
Highway Patrol

123098

7036 764605 Motor Carrier \$ 3,340,468 \$ 3,340,468
Enforcement Expenses

123099

8300 761603 Salvage and Exchange \$ 20,800 \$ 21,632
- Administration

123100

8310 761610 Information and \$ 468,982 \$ 468,982
Education - Federal

123101

8310 764610 Patrol - Federal \$ 2,455,484 \$ 2,455,484

123102

8310 764659 Transportation \$ 6,132,592 \$ 6,132,592
Enforcement - Federal

123103

8310	765610	EMS - Federal	\$	582,007	\$	582,007	123104
8310	767610	Liquor Enforcement - Federal	\$	514,184	\$	514,184	123105
8310	769610	Food Stamp Trafficking Enforcement - Federal	\$	1,032,135	\$	1,032,135	123106
8310	769631	Homeland Security - Federal	\$	2,100,000	\$	2,184,000	123107
8320	761612	Traffic Safety - Federal	\$	16,577,565	\$	16,577,565	123108
8350	762616	Financial Responsibility Compliance	\$	6,063,600	\$	6,063,600	123109
8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	123110
8380	764606	Patrol Reimbursement	\$	100,000	\$	100,000	123111
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	123112
83F0	764657	Law Enforcement Automated Data System	\$	10,984,978	\$	9,053,266	123113
83G0	764633	OMVI Enforcement/Education	\$	650,000	\$	650,000	123114
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	123115
83M0	765624	Operating Expense - Trauma and EMS	\$	2,915,113	\$	2,924,562	123116
83N0	761611	Elementary School Seat Belt Program	\$	390,000	\$	405,600	123117
83P0	765637	EMS Grants	\$	4,562,912	\$	4,562,912	123118
83R0	762639	Local Immobilization Reimbursement	\$	750,000	\$	750,000	123119
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	123120
8400	764607	State Fair Security	\$	1,396,283	\$	1,396,283	123121

8400	764617	Security and Investigations	\$	6,317,530	\$	6,432,686	123122
8400	764626	State Fairgrounds Police Force	\$	830,769	\$	849,883	123123
8400	769632	Homeland Security - Operating	\$	1,552,049	\$	1,614,131	123124
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	123125
8440	761613	Seat Belt Education Program	\$	400,000	\$	400,000	123126
8460	761625	Motorcycle Safety Education	\$	3,324,987	\$	3,538,903	123127
8490	762627	Automated Title Processing Board	\$	19,240,839	\$	19,240,839	123128
TOTAL HSF State Highway Safety Fund Group			\$	520,633,559	\$	522,404,799	123129
General Services Fund Group							123130
4P60	768601	Justice Program Services	\$	1,070,962	\$	1,109,004	123131
4S30	766661	Hilltop Utility Reimbursement	\$	520,000	\$	540,800	123132
5ET0	768625	Drug Law Enforcement	\$	4,200,000	\$	4,200,000	123133
5Y10	764695	Highway Patrol Continuing Professional Training	\$	280,820	\$	280,820	123134
5Y10	767696	Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	123135
TOTAL GSF General Services Fund Group			\$	6,086,782	\$	6,145,624	123136
Federal Special Revenue Fund Group							123137
3290	763645	Federal Mitigation	\$	10,801,636	\$	11,233,702	123138

		Program				
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636 123139
3390	763647	Emergency Management Assistance and Training	\$	84,031,935	\$	84,072,023 123140
3AY0	768606	Federal Justice Grants	\$	1,020,000	\$	745,000 123141
3CB0	768691	Federal Justice Grants - FFY06	\$	920,000	\$	795,000 123142
3CC0	768609	Justice Assistance Grants - FFY07	\$	1,450,000	\$	1,215,000 123143
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	36,146,492	\$	1,902,447 123144
<u>3DH0</u>	<u>768613</u>	<u>Federal Stimulus - Justice Programs</u>	\$	<u>4,404,597</u>	\$	<u>200,000</u> 123145
3L50	768604	Justice Program	\$	12,056,300	\$	12,056,300 123146
3N50	763644	U.S. Department of Energy Agreement	\$	31,358	\$	31,672 123147
TOTAL FED	Federal Special Revenue Fund Group		\$	174,165,357 <u>178,569,954</u>	\$	139,758,780 <u>139,958,780</u> 123148
State Special Revenue Fund Group						123149
4V30	763662	EMA Service and Reimbursement	\$	4,474,751	\$	4,653,743 123150
5390	762614	Motor Vehicle Dealers Board	\$	200,000	\$	200,000 123151
5B90	766632	Private Investigator and Security Guard Provider	\$	1,341,478	\$	1,395,137 123152
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000 123153
5BK0	768689	Family Violence	\$	750,000	\$	750,000 123154

		Shelter Programs					
5CM0	767691	Federal Investigative	\$	642,175	\$	642,175	123155
		Seizure					
5DS0	769630	Homeland Security	\$	517,350	\$	538,044	123156
5FF0	762621	Indigent Interlock	\$	1,600,000	\$	2,750,000	123157
		and Alcohol					
		Monitoring					
5FL0	769634	Investigations	\$	1,172,080	\$	1,195,522	123158
6220	767615	Investigative	\$	375,000	\$	375,000	123159
		Contraband and					
		Forfeiture					
6570	763652	Utility Radiological	\$	1,413,889	\$	1,415,945	123160
		Safety					
6810	763653	SARA Title III HAZMAT	\$	254,794	\$	262,438	123161
		Planning					
8500	767628	Investigative Unit	\$	100,000	\$	100,000	123162
		Salvage					
TOTAL SSR		State Special Revenue	\$	13,241,517	\$	14,678,004	123163
		Fund Group					
		Liquor Control Fund Group					123164
7043	767321	Liquor Enforcement -	\$	12,007,894	\$	11,897,178	123165
		Operating					
TOTAL LCF		Liquor Control Fund Group	\$	12,007,894	\$	11,897,178	123166
		Agency Fund Group					123167
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	123168
TOTAL AGY		Agency Fund Group	\$	1,500,000	\$	1,500,000	123169
		Holding Account Redistribution Fund Group					123170
R024	762619	Unidentified Motor	\$	1,885,000	\$	1,885,000	123171
		Vehicle Receipts					
R052	762623	Security Deposits	\$	350,000	\$	350,000	123172
TOTAL 090		Holding Account	\$	2,235,000	\$	2,235,000	123173
		Redistribution Fund Group					

TOTAL ALL BUDGET FUND GROUPS	\$	729,870,109	\$	698,619,383	123174
		<u>734,274,706</u>		<u>698,819,383</u>	

MOTOR VEHICLE REGISTRATION 123175

The Registrar of Motor Vehicles may deposit revenues to meet 123176
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 123177
4W40) established in section 4501.25 of the Revised Code, obtained 123178
under sections 4503.02 and 4504.02 of the Revised Code, less all 123179
other available cash. Revenue deposited pursuant to this paragraph 123180
shall support, in part, appropriations for operating expenses and 123181
defray the cost of manufacturing and distributing license plates 123182
and license plate stickers and enforcing the law relative to the 123183
operation and registration of motor vehicles. Notwithstanding 123184
section 4501.03 of the Revised Code, the revenues shall be paid 123185
into Fund 4W40 before any revenues obtained pursuant to sections 123186
4503.02 and 4504.02 of the Revised Code are paid into any other 123187
fund. The deposit of revenues to meet the aforementioned cash 123188
needs shall be in approximately equal amounts on a monthly basis 123189
or as otherwise determined by the Director of Budget and 123190
Management pursuant to a plan submitted by the Registrar of Motor 123191
Vehicles. 123192

CASH TRANSFERS FROM THE STATE BUREAU OF MOTOR VEHICLES FUND 123193

Notwithstanding any provision of law to the contrary, on July 123194
1, 2009, or as soon as possible thereafter, the Director of Budget 123195
and Management may transfer, from the Bureau of Motor Vehicles 123196
Fund (Fund 4W40), cash in the amounts of up to \$635,293 to the 123197
Justice Program Services Fund (Fund 4P60), up to \$3,284,464 to the 123198
EMA Service and Reimbursement Fund (Fund 4V30), and up to \$879,060 123199
to the Investigations Fund (Fund 5FL0). 123200

Notwithstanding any provision to the contrary, the Director 123201
of Budget and Management may make additional cash transfers in 123202
fiscal years 2010 and 2011 from the Bureau of Motor Vehicles Fund 123203
(Fund 4W40) to any of the following five funds if the Director of 123204

Public Safety determines that the cash balance is insufficient in 123205
those funds and requests the Director to make the transfer: the 123206
Justice Program Services Fund (Fund 4P60), the EMA Service and 123207
Reimbursement Fund (Fund 4V30), the Investigations Fund (Fund 123208
5FL0), the Homeland Security Fund (Fund 5DS0), and the Trauma and 123209
Emergency Medical Services Fund (Fund 83M0). 123210

CAPITAL PROJECTS 123211

The Registrar of Motor Vehicles may transfer cash from the 123212
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 123213
Highway Safety Fund (Fund 7036) to meet its obligations for 123214
capital projects CIR-047, Department of Public Safety Office 123215
Building and CIR-049, Warehouse Facility. 123216

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 123217

The foregoing appropriation item 761401, Lease Rental 123218
Payments, shall be used for payments to the Ohio Building 123219
Authority for the period July 1, 2009, to June 30, 2011, under the 123220
primary leases and agreements for public safety related buildings 123221
financed by obligations issued under Chapter 152. of the Revised 123222
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 123223
Building Authority may, with approval of the Director of Budget 123224
and Management, lease capital facilities to the Department of 123225
Public Safety. 123226

HILLTOP TRANSFER 123227

The Director of Public Safety shall determine, per an 123228
agreement with the Director of Transportation, the share of each 123229
debt service payment made out of appropriation item 761401, Lease 123230
Rental Payments, that relates to the Department of 123231
Transportation's portion of the Hilltop Building Project, and 123232
shall certify to the Director of Budget and Management the amounts 123233
of this share. The Director of Budget and Management shall 123234
transfer the amounts of such shares from the Highway Operating 123235

Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036).	123236
CASH TRANSFERS OF SEAT BELT FINE REVENUES	123237
Notwithstanding any provision of law to the contrary, the	123238
Controlling Board, upon request of the Director of Public Safety,	123239
may approve the transfer of cash between the following four funds	123240
that receive fine revenues from enforcement of the mandatory seat	123241
belt law: the Trauma and Emergency Medical Services Fund (Fund	123242
83M0), the Elementary School Program Fund (Fund 83N0), the Trauma	123243
and Emergency Medical Services Grants Fund (Fund 83P0), and the	123244
Seat Belt Education Fund (Fund 8440).	123245
STATE DISASTER RELIEF	123246
The State Disaster Relief Fund (Fund 5330) may accept	123247
transfers of cash and appropriations from Controlling Board	123248
appropriation items for Ohio Emergency Management Agency disaster	123249
response costs and disaster program management costs, and may also	123250
be used for the following purposes:	123251
(A) To accept transfers of cash and appropriations from	123252
Controlling Board appropriation items for Ohio Emergency	123253
Management Agency public assistance and mitigation program match	123254
costs to reimburse eligible local governments and private	123255
nonprofit organizations for costs related to disasters;	123256
(B) To accept and transfer cash to reimburse the costs	123257
associated with Emergency Management Assistance Compact (EMAC)	123258
deployments;	123259
(C) To accept disaster related reimbursement from federal,	123260
state, and local governments. The Director of Budget and	123261
Management may transfer cash from reimbursements received by this	123262
fund to other funds of the state from which transfers were	123263
originally approved by the Controlling Board.	123264
(D) To accept transfers of cash and appropriations from	123265

Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that have been declared by the Governor, and the State Individual Assistance Program for disasters that have been declared by the Governor and the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 123266
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JUSTICE ASSISTANCE GRANT FUND 123274

The federal payments made to the state for the Byrne Justice Assistance Grants Program under Title II of Division A of the American Recovery and Reinvestment Act of 2009 shall be deposited to the credit of the Justice Assistance Grant Fund (Fund 3DE0), which is hereby created in the state treasury. All investment earnings of the fund shall be credited to the fund. 123275
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JUSTICE ASSISTANCE GRANTS 123281

The foregoing appropriation ~~item~~ items 768612, Federal Stimulus - Justice Assistance Grants, and 768613, Federal Stimulus - Justice Programs, shall be used to support activities to prevent and control crime and to improve the criminal justice system. 123282
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FAMILY VIOLENCE PREVENTION FUND 123287

Notwithstanding any provision of law to the contrary, in each of fiscal years 2010 and 2011, the first \$750,000 received to the credit of the Family Violence Prevention Fund (Fund 5BK0) in each of those fiscal years shall be appropriated to appropriation item 768689, Family Violence Shelter Programs, and the next \$400,000 received to the credit of Fund 5BK0 in each of those fiscal years shall be appropriated to appropriation item 768687, Criminal Justice Services - Operating. Any moneys received to the credit of Fund 5BK0 in excess of the aforementioned appropriated amounts in 123288
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each fiscal year shall, upon the approval of the Controlling Board, be used to provide grants to family violence shelters in Ohio.	123297 123298 123299
SARA TITLE III HAZMAT PLANNING	123300
The SARA Title III HAZMAT Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.	123301 123302 123303 123304
COLLECTIVE BARGAINING INCREASES	123305
Notwithstanding division (D) of section 127.14 and division (B) of section 131.35 of the Revised Code, except for the General Revenue Fund, the Controlling Board may, upon the request of either the Director of Budget and Management, or the Department of Public Safety with the approval of the Director of Budget and Management, increase appropriations for any fund, as necessary for the Department of Public Safety, to assist in paying the costs of increases in employee compensation that have occurred pursuant to collective bargaining agreements under Chapter 4117. of the Revised Code and, for exempt employees, under section 124.152 of the Revised Code.	123306 123307 123308 123309 123310 123311 123312 123313 123314 123315 123316
CASH BALANCE FUND REVIEW	123317
Not later than the first day of April in each fiscal year of the biennium, the Director of Budget and Management shall review the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.	123318 123319 123320 123321 123322 123323 123324
Sec. 309.10. The federal payments made to the state for the Weatherization Assistance Program and the State Energy Grant	123325 123326

Program under Title IV of Division A of the American Recovery and 123327
Reinvestment Act of 2009, and for the Homelessness Prevention Fund 123328
under Title XII of Division A of the American Recovery and 123329
Reinvestment Act of 2009, shall be deposited to the credit of the 123330
Federal Special Revenue Fund (Fund 3080). 123331

The federal payments made to the state for the Energy Star 123332
Rebate Program under the American Recovery and Reinvestment Act of 123333
2009 shall be deposited to the credit of the Energy Star Rebate 123334
Program Fund (Fund 3DA0), which is hereby created in the state 123335
treasury. 123336

The federal payments made to the state for the Energy 123337
Efficiency and Conservation Block Grants Program under Title IV of 123338
Division A of the American Recovery and Reinvestment Act of 2009 123339
shall be deposited to the credit of the Energy Efficiency and 123340
Conservation Block Grants Fund (Fund 3DB0), which is hereby 123341
created in the state treasury. 123342

The federal payments made to the state for the Community 123343
Development Block Grant program under Title XII of Division A of 123344
the American Recovery and Reinvestment Act of 2009 shall be 123345
deposited to the credit of the Community Development Block Grant 123346
Fund (Fund 3K80). 123347

The federal payments made to the state for community services 123348
block grants under Title XII of Division A of the American 123349
Recovery and Reinvestment Act of 2009 shall be deposited to the 123350
credit of the Community Services Block Grant Fund (Fund 3L00). 123351
123352

The federal payments made to the state for the Home 123353
Investment Partnerships Program under Title XII of Division A of 123354
the American Recovery and Reinvestment Act of 2009 shall be 123355
deposited to the credit of the HOME Program Fund (Fund 3V10). 123356

The items in this division are appropriated as designated out 123357
of any moneys in the state treasury to the credit of their 123358
respective funds that are not otherwise appropriated. 123359

Appropriations

DEV DEPARTMENT OF DEVELOPMENT				123360
Federal Special Revenue Fund Group				123361
3080	195603	Housing and Urban Development	\$ 0 \$ 26,205,724	123362
3080	195605	Federal Projects	\$ 0 \$ 266,781,409	123363
3080	195618	Energy Federal Grants	\$ 0 \$ 96,083,000	123364
3DA0	195632	Federal Stimulus - Energy Star Rebate Program	\$ 0 \$ 11,000,000	123365
3DB0	195642	Federal Stimulus - Energy Efficiency and Conservation Block Grants	\$ 0 \$ 21,000,000	123366
3K80	195613	Community Development Block Grant	\$ 0 \$ 12,957,527	123367
3L00	195612	Community Services Block Grant	\$ 0 \$ 38,979,000	123368
3V10	195601	HOME Program	\$ 0 \$ 83,484,547	123369
TOTAL FED Federal Special Revenue Fund Group				\$ 0 \$ 556,491,207 123370
TOTAL ALL BUDGET FUND GROUPS				\$ 0 \$ 556,491,207 123371

The foregoing appropriation item 195605, Federal Projects, 123372
shall be used to carry out the Home Weatherization Assistance 123373
Program, subject to any requirements of the American Recovery and 123374
Reinvestment Act of 2009 that apply to the money appropriated. 123375

The foregoing appropriation items 195603, Housing and Urban 123376
Development, 195618, Energy Federal Grants, 195613, Community 123377
Development Block Grant, 195612, Community Services Block Grant, 123378

195601, HOME Program, 195632, Federal Stimulus - Energy Star 123379
 Rebate Program, and 195642, Federal Stimulus - Energy Efficiency 123380
 and Conservation Block Grants, shall be used in accordance with 123381
 the requirements of the American Recovery and Reinvestment Act of 123382
 2009 that apply to the money appropriated. 123383

~~Sec. 317.10. (A) The federal payments made to the state for 123384
 the Immunization Program under Title VIII of Division A of the 123385
 American Recovery and Reinvestment Act of 2009 shall be deposited 123386
 to the credit of the Preventive Health Block Grant Fund (Fund 123387
 3870).~~ 123388

~~(B)~~ The federal payments made to the state for the Special 123389
 Supplemental Nutrition Program under Title VIII of Division A of 123390
 the American Recovery and Reinvestment Act of 2009 shall be 123391
 deposited to the credit of the Women, Infants, and Children Fund 123392
 (Fund 3890). 123393

~~(C)~~(B) The federal payments made to the state for the IDEA - 123394
 Infants and Children Program under Title VIII of Division A of the 123395
 American Recovery and Reinvestment Act of 2009 shall be deposited 123396
 to the credit of the General Operations Fund (Fund 3920). 123397

~~(D)~~(C) The items in this section are appropriated as 123398
 designated out of any moneys in the state treasury to the credit 123399
 of their respective funds that are not otherwise appropriated. 123400

Appropriations

DOH DEPARTMENT OF HEALTH				123401
Federal Special Revenue Fund Group				123402
3890	440604	Women, Infants, and Children	\$ 0 \$ 2,000,000	123403
3920	440618	Federal Public Health Programs	\$ 0 \$ 14,410,000	123404
TOTAL FED Federal Special Revenue \$ 0 \$ 16,410,000				123405

Programs						
4680	<u>415618</u>	<u>Third Party Funding</u>	\$	0	\$ <u>245,816</u>	123430
TOTAL FED	Federal	Special Revenue	\$	0	\$ 23,491,958	123431
Fund Group					<u>23,737,944</u>	
TOTAL ALL BUDGET FUND GROUPS			\$	0	\$ 23,491,958	123432
					<u>23,737,944</u>	

The foregoing appropriation items 415616, Federal - 123433
Vocational Rehabilitation, 415612, Federal Independent Living 123434
Centers or Services, and 415617, Independent Living/Vocational 123435
Rehabilitation Programs, shall be used in accordance with the 123436
requirements of the American Recovery and Reinvestment Act of 2009 123437
that apply to the money appropriated. 123438

Sec. 325.20. Expenditures from appropriations made in 123439
~~Sections 325.05 and~~ Section 325.10 shall be accounted for as 123440
though made in Am. Sub. H.B. 67 of the 127th General Assembly. 123441
However, law contained in the relevant operating appropriations 123442
act that is generally applicable to the appropriations made in 123443
that act also is generally applicable to the appropriations made 123444
in ~~Sections 325.05 and~~ Section 325.10 of ~~this act~~ Am. Sub. H.B. 2 123445
of the 128th General Assembly. 123446

Sec. 327.10. The unexpended, unencumbered portions of the 123447
appropriation items made in Sections 303.10, 305.10, 307.10, 123448
309.10, 311.10, 313.10, 317.10, 318.10, 319.10, 321.10, ~~325.05,~~ 123449
and 325.10 of Am. Sub. H.B. 2 of the 128th General Assembly at the 123450
end of fiscal year 2009 are hereby reappropriated for the same 123451
purposes for fiscal year 2010. 123452

Section 601.11. That existing Sections 205.10, 309.10, 123453
317.10, 321.10, 325.20, and 327.10 of Am. Sub. H.B. 2 of the 128th 123454
General Assembly are hereby repealed. 123455

Section 610.10. That Sections 103.80.80, 103.80.90, and 123456
301.10.50 of H.B. 496 of the 127th General Assembly be amended to 123457
read as follows: 123458

Reappropriations

Sec. 103.80.80. OSB SCHOOL FOR THE BLIND 123459

C22606	Glass Windows/East Wall of Natatorium	\$	63,726	123460
C22607	Renovation of Science Laboratory	\$	58,850	123461
	Greenhouse			
C22608	Renovating Recreation Area	\$	213,900	123462
C22609	New Classrooms for Secondary MH Program	\$	996,164	123463
C22610	Renovation of Student Health Service	\$	144,375	123464
	Area			
C22611	Replacement of Cottage Windows	\$	208,725	123465
C22612	Residential Renovations	\$	7,043 <u>41,649</u>	123466
C22613	Food Preparation Area Air Conditioning	\$	67,250	123467
C22614	New School Lighting	\$	184,500	123468
C22616	Renovation and Repairs	\$	890,000	123469
C22617	Elevator Replacement	\$	110,000	123470
	Total Ohio School for the Blind	\$	2,944,533	123471
			<u>2,979,139</u>	

RESIDENTIAL RENOVATIONS 123472

The amount reappropriated for the foregoing appropriation 123473
item C22612, Residential Renovations, is the unencumbered and 123474
unallotted balance as of June 30, 2008, in appropriation item 123475
C22612, Residential Renovations, plus \$34,606. 123476

Reappropriations

Sec. 103.80.90. OSD SCHOOL FOR THE DEAF 123477

C22103	Dormitory Renovations	\$	2,833	123478
C22104	Boilers, Blowers, and Controls for the	\$	47,360	123479
	School Complex			

C22105	Central Warehouse	\$	676,624	123480
C22106	Storage Barn	\$	330,850	123481
			<u>384,279</u>	
C22107	Renovation and Repairs	\$	1,000,000	123482
Total Ohio School for the Deaf		\$	2,057,667	123483
			<u>2,111,096</u>	
TOTAL Administrative Building Fund		\$	101,617,431	123484
			<u>101,705,466</u>	

STORAGE BARN 123485

The amount reappropriated for the foregoing appropriation 123486
item C22106, Storage Barn, is the unencumbered and unallotted 123487
balance as of June 30, 2008, in appropriation item C22106, Storage 123488
Barn, plus \$53,429. 123489

Sec. 301.10.50. THIRD FRONTIER PROJECT 123490

The foregoing appropriation item C23506, Third Frontier 123491
Project, shall be used to acquire, renovate, or construct 123492
facilities and purchase equipment for research programs, 123493
technology development, product development, and commercialization 123494
programs at or involving state-supported and state-assisted 123495
institutions of higher education. The funds shall be used to make 123496
grants awarded on a competitive basis, and shall be administered 123497
by the Third Frontier Commission. Expenditure of these funds shall 123498
comply with Section 2n of Article VIII, Ohio Constitution, and 123499
sections 151.01 and 151.04 of the Revised Code for the period 123500
beginning July 1, 2008, and ending June 30, 2010. 123501

Of the foregoing appropriation item C23506, Third Frontier 123502
Project, an amount equal to the unexpended, unencumbered portion 123503
at the end of fiscal year 2008 that was allocated for the 123504
implementation of the NextGen Network, shall be used for the same 123505
purpose in fiscal year 2009 and fiscal year 2010. 123506

The Third Frontier Commission shall develop guidelines 123507

relative to the application for and selection of projects funded 123508
from appropriation item C23506, Third Frontier Project. The 123509
commission may develop these guidelines in consultation with other 123510
interested parties. The Board of Regents and all state-assisted 123511
and state-supported institutions of higher education shall take 123512
all actions necessary to implement grants awarded by the Third 123513
Frontier Commission. 123514

The foregoing appropriation item C23506, Third Frontier 123515
Project, for which an appropriation is made from the Higher 123516
Education Improvement Fund (Fund 7034), is determined to consist 123517
of capital improvements and capital facilities for state-supported 123518
and state-assisted institutions of higher education, and is 123519
designated for the capital facilities to which proceeds of 123520
obligations in the Higher Education Improvement Fund (Fund 7034) 123521
are to be applied. 123522

Section 610.11. That existing Sections 103.80.80, 103.80.90, 123523
and 301.10.50 of H.B. 496 of the 127th General Assembly are hereby 123524
repealed. 123525

Section 610.20. That Section 11 of Am. Sub. H.B. 554 of the 123526
127th General Assembly be amended to read as follows: 123527

Sec. 11. (A) All items set forth in this division are hereby 123528
appropriated out of any moneys in the state treasury, for the 123529
biennium ending on June 30, 2010, to the credit of the Advanced 123530
Energy Research and Development Taxable Fund (Fund 7004) that are 123531
not otherwise appropriated: 123532

	AIR AIR QUALITY DEVELOPMENT AUTHORITY		123533
C89800	Advanced Energy R&D <u>Research and</u>	\$	9,000,000 123534
	<u>Development</u> Taxable		<u>18,000,000</u>
Total Air Quality Development Authority		\$	9,000,000 123535
			<u>18,000,000</u>

TOTAL Advanced Energy Research and Development	\$	9,000,000	123536
Taxable Fund		<u>18,000,000</u>	123537

(B) All items set forth in this division are hereby
 appropriated out of any moneys in the state treasury, for the
 biennium ending on June 30, 2010, to the credit of the Advanced
 Energy Research and Development Fund (Fund 7005) that are not
 otherwise appropriated:

AIR AIR QUALITY DEVELOPMENT AUTHORITY			123543	
C89801	Advanced Energy R&D <u>Research and</u>	\$	19,000,000	123544
	<u>Development</u>		<u>38,000,000</u>	
Total Air Quality Development Authority		\$	19,000,000	123545
			<u>38,000,000</u>	

TOTAL Advanced Energy Research and Development	\$	19,000,000	123546
Fund		<u>38,000,000</u>	123547

(C) The foregoing appropriation items C89800, Advanced Energy
~~R&D~~ Research and Development Taxable, and C89801, Advanced Energy
~~R&D~~ Research and Development, shall be used for advanced energy
 projects in the manner provided in sections 3706.25 to 3706.30 of
 the Revised Code. The Executive Director of the Air Quality
 Development Authority may certify to the Director of Budget and
 Management that a need exists to appropriate investment earnings
 of funds 7004 and 7005 to be so used. If the Director of Budget
 and Management, pursuant to sections 3706.25 to 3706.30 of the
 Revised Code, determines that investment earnings are available to
 support additional appropriations, such amounts are hereby
 appropriated.

(D) Upon the request of the Executive Director of the Air
 Quality Development Authority, the Director of Budget and
 Management may transfer cash between funds 7004 and 7005. Amounts
 transferred are hereby appropriated.

(E) Expenditures from appropriations contained in this section may be accounted as though made in the main capital appropriations act of the FY 2009-FY 2010 biennium of the 127th General Assembly. The appropriations made in this section are subject to all provisions of the FY 2009-FY 2010 biennial capital appropriations act of the 127th General Assembly that are generally applicable to such appropriations.

Section 610.21. That existing Section 11 of Am. Sub. H.B. 554 of the 127th General Assembly is hereby repealed.

Section 610.30. That Sections 233.40.30, 233.50.80, and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly be amended to read as follows:

Appropriations

Sec. 233.40.30.			CTI COLUMBUS STATE COMMUNITY COLLEGE	123576
C38400	Basic Renovations	\$	1,691,834	123577
C38411	Columbus Hall Renovation	\$	5,470,913	123578
C38412	Painters Apprenticeship Council	\$	500,000	123579
C38413	Jewish Community Center NE Initiative	\$	575,000	123580
C38414	Somali Community Center	\$	100,000	123581
<u>C38415</u>	<u>Building E</u>	<u>\$</u>	<u>1,200,000</u>	123582
Total Columbus State Community College			\$	8,337,747
				<u>9,537,747</u>

Appropriations

Sec. 233.50.80.			STC STARK TECHNICAL COLLEGE	123585
C38900	Basic Renovations	\$	786,333	123586
C38913	Business Technologies Building	\$	2,034,537	123587
C38914	Corporate and Community Services Facility	\$	500,000	123588
Total Stark Technical College			\$	3,320,870

Total Board of Regents and		123590
Institutions of Higher Education	\$ 598,559,802	123591
	<u>599,759,802</u>	
TOTAL Higher Education Improvement Fund	\$ 609,109,802	123592
	<u>610,309,802</u>	

Sec. 701.20. (A) The Ohio Commission on Local Government 123594
Reform and Collaboration shall develop recommendations on ways to 123595
increase the efficiency and effectiveness of local government 123596
operations, to achieve cost savings for taxpayers, and to 123597
facilitate economic development in this state. In developing the 123598
recommendations, the commission shall consider, but is not limited 123599
to, the following: 123600

(1) Restructuring and streamlining local government offices 123601
to achieve efficiencies and cost savings for taxpayers and to 123602
facilitate local economic development; 123603

(2) Restructuring and streamlining special taxing districts 123604
and local government authorities authorized by the constitution or 123605
the laws of this state to levy a tax of any kind or to have a tax 123606
of any kind levied on its behalf, and of local government units, 123607
including schools and libraries, to reduce overhead and 123608
administrative expenses; 123609

(3) Restructuring, streamlining, and finding ways to 123610
collaborate on the delivery of services, functions, or authorities 123611
of local government to achieve cost savings for taxpayers; 123612
123613

(4) Examining the relationship of services provided by the 123614
state to services provided by local government and the possible 123615
realignment of state and local services to increase efficiency and 123616
improve accountability; ~~and~~ 123617

(5) Ways of reforming or restructuring constitutional, 123618
statutory, and administrative laws to facilitate collaboration for 123619

local economic development, to increase the efficiency and 123620
effectiveness of local government operations, to identify 123621
duplication of services, and to achieve costs savings for 123622
taxpayers; 123623

(6) Making annual financial reporting across local 123624
governments consistent for ease of comparison; and 123625

(7) Aligning regional planning units across state agencies. 123626

(B)(1) There is hereby created the Ohio Commission on Local 123627
Government Reform and Collaboration, consisting of fifteen voting 123628
members. The President of the Senate shall appoint three members, 123629
one of whom may be a person who is recommended by the Minority 123630
Leader of the Senate. The Speaker of the House of Representatives 123631
shall appoint three members, one of whom may be a person who is 123632
recommended by the Minority Leader of the House of 123633
Representatives. The Governor shall appoint three members. One 123634
member shall be appointed by, and shall represent, each of the 123635
following organizations: the Ohio Municipal League, the Ohio 123636
Township Association, the Ohio School Boards Association, the 123637
County Commissioners' Association of Ohio, the Ohio Library 123638
Council, and the Ohio Association of Regional Councils. The 123639
initial appointments shall be made not later than ninety days 123640
after the effective date of this section. Vacancies shall be 123641
filled in the manner provided for original appointments. Members 123642
are not entitled to compensation for their services. 123643

(2) The initial meeting of the commission shall be called by 123644
the Governor within forty-five days after the initial appointments 123645
to the commission are complete. The commission shall elect two of 123646
its members to serve as co-chairpersons of the commission. 123647

(C) The commission may create an advisory council consisting 123648
of interested parties representing taxing authorities and 123649
political subdivisions that are not taxing authorities. The 123650

appointment of members to the advisory council is a matter of the 123651
commission's discretion. The commission may direct the advisory 123652
council to provide relevant information to the commission. 123653
Advisory council members are not members of the commission, and 123654
may not vote on commission business. 123655

(D) The commission may consult with and obtain assistance 123656
from state institutions of higher education (as defined in section 123657
3345.011 of the Revised Code) and from business organizations for 123658
research and data gathering related to its mission. State 123659
institutions of higher education and business organizations shall 123660
cooperate with the commission. 123661

(E) The commission shall issue a report of its findings and 123662
recommendations to the President of the Senate, the Speaker of the 123663
House of Representatives, and the Governor not later than July 1, 123664
2010. The commission ceases to exist upon submitting its report. 123665

Section 610.31. That existing Sections 233.40.30, 233.50.80, 123666
and 701.20 of Am. Sub. H.B. 562 of the 127th General Assembly are 123667
hereby repealed. 123668

Section 620.10. That Section 831.06 of Am. Sub. H.B. 530 of 123669
the 126th General Assembly be amended to read as follows: 123670

Sec. 831.06. The amendments by this act of the first 123671
paragraph of division (F) of section 5751.01, of division 123672
(F)(2)(w) of section 5751.01, of the first paragraph of section 123673
~~5751.032~~ 5751.53, and of divisions (A)(7) and (A)(8)(c) of section 123674
5751.032 of the Revised Code are nonsubstantive corrections of 123675
errors in Chapter 5751. of the Revised Code. 123676

Section 620.11. That existing Section 831.06 of Am. Sub. H.B. 123677
530 of the 126th General Assembly is hereby repealed. 123678

Section 630.10. That Section 4 of Am. Sub. H.B. 516 of the 123679
 125th General Assembly, as most recently amended by Am. Sub. H.B. 123680
 100 of the 127th General Assembly, be amended to read as follows: 123681

Sec. 4. The following agencies shall be retained pursuant to 123682
 division (D) of section 101.83 of the Revised Code and shall 123683
 expire on December 31, 2010: 123684

REVISED CODE 123685

OR

UNCODIFIED 123686

AGENCY NAME SECTION 123687

Administrator, Interstate Compact on Mental Health 5119.50 123688

Administrator, Interstate Compact on 5103.20 123689

Placement of Children 123690

Advisory Board of Governor's Office of Faith-Based 107.12 123691
 and Community Initiatives

Advisory Boards to the EPA for Air Pollution 121.13 123692

Advisory Boards to the EPA for Water Pollution 121.13 123693

Advisory Committee of the State Veterinary Medical 4741.03(D)(3) 123694
 Licensing Board

Advisory Committee on Livestock Exhibitions 901.71 123695

Advisory Council on Amusement Ride Safety 1711.51 123696

Advisory Board of Directors for Prison Labor 5145.162 123697

Advisory Council for Each Wild, Scenic, or 1517.18 123698
 Recreational River Area

Advisory Councils or Boards for State Departments 107.18 or 123699
 121.13

Advisory Group to the Ohio Water Resources Council 1521.19(C) 123700

Alzheimer's Disease Task Force 173.04(F) 123701

AMBER Alert Advisory Committee 5502.521 123702

Apprenticeship Council 4139.02 123703

Armory Board of Control 5911.09 123704

Automated Title Processing Board	4505.09(C)(1)	123705
Banking Commission	1123.01	123706
Board of Directors of the Ohio Health Reinsurance Program	3924.08	123707
Board of Voting Machine Examiners	3506.05(B)	123708
Brain Injury Advisory Committee	3304.231	123709
Capitol Square Review and Advisory Board	105.41	123710
Child Support Guideline Advisory Council	3119.024	123711
Children's Trust Fund Board	3109.15	123712
Citizens Advisory Committee (BMV)	4501.025	123713
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	123714
Clean Ohio Trail Advisory Board	1519.06	123715
Coastal Resources Advisory Council	1506.12	123716
Commission on African-American Males	4112.12	123717
Commission on Hispanic-Latino Affairs	121.31	123718
Commission on Minority Health	3701.78	123719
Committee on Prescriptive Governance	4723.49	123720
Commodity Advisory Commission	926.32	123721
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	123722
Community Oversight Council	3311.77	123723
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	123724
Continuing Education Committee (for Sheriffs)	109.80	123725
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	123726
Council on Alcohol and Drug Addiction Services	3793.09	123727
Council on Unreclaimed Strip Mined Lands	1513.29	123728
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	123729

County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	123730
Credit Union Council	1733.329	123731
Criminal Sentencing Advisory Committee	181.22	123732
Day-Care Advisory Council	5104.08	123733
Dentist Loan Repayment Advisory Board	3702.92	123734
Development Financing Advisory Council	122.40	123735
Education Commission of the States (Interstate Compact for Education)	3301.48	123736
Electrical Safety Inspector Advisory Committee	3783.08	123737
Emergency Response Commission	3750.02	123738
Engineering Experiment Station Advisory Committee	3335.27	123739
Environmental Education Council	3745.21	123740
EPA Advisory Boards or Councils	121.13	123741
Farmland Preservation Advisory Board	901.23	123742
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	123743
Financial Planning & Supervision Commission for School District	3316.05	123744
Forestry Advisory Council	1503.40	123745
Governance Authority for a State University or College	3345.75	123746
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	123747
Governor's Council on People with Disabilities	3303.41	123748
Governor's Residence Advisory Commission	107.40	123749
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	123750
Gubernatorial Transition Committee	107.29	123751
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	123752
Hemophilia Advisory Subcommittee	3701.0210	123753
Housing Trust Fund Advisory Committee	175.25 <u>174.06</u>	123754

Sub. H. B. No. 1
As Reported by the House Finance and Appropriations Committee

Page 4036

Industrial Commission Nominating Council	4121.04	123755
Industrial Technology and Enterprise Advisory Council	122.29	123756
Infant Hearing Screening Subcommittee	3701.507	123757
Insurance Agent Education Advisory Council	3905.483	123758
Interagency Council on Hispanic/Latino Affairs	121.32(J)	123759
Interstate Mining Commission (Interstate Mining Compact)	1514.30	123760
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	123761
Joint Council on MR/DD	101.37	123762
Joint Select Committee on Volume Cap	133.021	123763
Labor-Management Government Advisory Council	4121.70	123764
Legal Rights Service Commission	5123.60	123765
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	123766
Maternal and Child Health Council	3701.025	123767
Medically Handicapped Children's Medical Advisory Council	3701.025	123768
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	123769
Military Activation Task Force	5902.15	123770
Milk Sanitation Board	917.03	123771
Mine Subsidence Insurance Governing Board	3929.51	123772
Minority Development Financing Board	122.72	123773
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	123774
Multidisciplinary Council	3746.03	123775
Muskingum River Advisory Council	1501.25	123776
National Museum of Afro-American History and Culture Planning Committee	149.303	123777
Ohio Advisory Council for the Aging	173.03	123778

Ohio Aerospace & Defense Advisory Council	122.98	123779
Ohio Arts Council	3379.02	123780
Ohio Business Gateway Steering Committee	5703.57	123781
Ohio Cemetery Dispute Resolution Commission	4767.05	123782
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	123783
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	123784
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	123785
Ohio Commission on Dispute Resolution and Conflict Management	179.02	123786
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	123787
Ohio Community Service Council	121.40	123788
Ohio Council for Interstate Adult Offender Supervision	5149.22	123789
Ohio Cultural Facilities Commission	3383.02	123790
Ohio Developmental Disabilities Council	5123.35	123791
Ohio Expositions Commission	991.02	123792
Ohio Family and Children First Cabinet Council	121.37	123793
Ohio Geology Advisory Council	1505.11	123794
Ohio Grape Industries Committee	924.51	123795
Ohio Hepatitis C Advisory Commission	3701.92	123796
Ohio Historic Site Preservation Advisory Board	149.301	123797
Ohio Historical Society Board of Trustees	149.30	123798
Ohio Judicial Conference	105.91	123799
Ohio Lake Erie Commission	1506.21	123800
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3,	123801

	S.B. 86, 125th GA	
Ohio Medical Quality Foundation	3701.89	123802
Ohio Parks and Recreation Council	1541.40	123803
Ohio Peace Officer Training Commission	109.71	123804
Ohio Public Defender Commission	120.01	123805
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	123806
Ohio Quarter Horse Development Commission	3769.086	123807
Ohio Small Government Capital Improvements Commission	164.02	123808
Ohio Soil and Water Conservation Commission	1515.02	123809
Ohio Standardbred Development Commission	3769.085	123810
Ohio Steel Industry Advisory Council	122.97	123811
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	123812
Ohio Thoroughbred Racing Advisory Committee	3769.084	123813
Ohio Tuition Trust Authority	3334.03	123814
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	123815
Ohio Vendors Representative Committee	3304.34	123816
Ohio War Orphans Scholarship Board	5910.02	123817
Ohio Water Advisory Council	1521.031	123818
Ohio Water Resources Council	1521.19	123819
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	123820
Oil and Gas Commission	1509.35	123821
Operating Committee, Agricultural Commodity Marketing Programs	924.07	123822
Organized Crime Investigations Commission	177.01	123823

Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81 <u>5111.084</u>	123824
Physician Loan Repayment Advisory Board	3702.81	123825
Power Siting Board	4906.02	123826
Prequalification Review Board	5525.07	123827
Private Water Systems Advisory Council	3701.346	123828
Public Employment Risk Reduction Advisory Commission	4167.02	123829
Public Health Council	3701.33	123830
Public Utilities Commission Nominating Council	4901.021	123831
Public Utility Property Tax Study Committee	5727.85	123832
Radiation Advisory Council	3748.20	123833
Reclamation Commission	1513.05	123834
Recreation and Resources Commission	1501.04	123835
Recycling and Litter Prevention Advisory Council	1502.04	123836
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	123837
Savings & Loans Associations & Savings Banks Board	1181.16	123838
Schools and Ministerial Lands Divestiture Committee	501.041	123839
Second Chance Trust Fund Advisory Committee	2108.17	123840
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	123841
Solid Waste Management Advisory Council	3734.51	123842
State Agency Coordinating Group	1521.19	123843
State Board of Emergency Medical Services	4765.04	123844
Subcommittees		
State Council of Uniform State Laws	105.21	123845
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	123846
State Criminal Sentencing Commission	181.21	123847
State Fire Commission	3737.81	123848

State Racing Commission	3769.02	123849
State Victims Assistance Advisory Committee	109.91	123850
Student Tuition Recovery Authority	3332.081	123851
Tax Credit Authority	122.17	123852
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	123853
Technical Advisory Council on Oil and Gas	1509.38	123854
Transportation Review Advisory Council	5512.07	123855
Unemployment Compensation Review Commission	4141.06	123856
Unemployment Compensation Advisory Council	4141.08	123857
Utility Radiological Safety Board	4937.02	123858
Vehicle Management Commission	125.833	123859
Veterans Advisory Committee	5902.02(K)	123860
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	123861
Water and Sewer Commission	1525.11(C)	123862
Waterways Safety Council	1547.73	123863
Wildlife Council	1531.03	123864
Workers' Compensation Board of Directors	4121.123	123865
Nominating Committee		
Section 630.11. That existing Section 4 of Am. Sub. H.B. 516		123866
of the 125th General Assembly, as most recently amended by Am.		123867
Sub. H.B. 100 of the 127th General Assembly, is hereby repealed.		123868
Section 640.10. That Section 153 of Am. Sub. H.B. 117 of the		123869
121st General Assembly, as most recently amended by Am. Sub. H.B.		123870
119 of the 127th General Assembly, be amended to read as follows:		123871
Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05,		123872
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18,		123873
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby		123874
repealed, effective October 16, 2009 <u>2011</u> .		123875

(B) Any money remaining in the Legislative Budget Services Fund on October 16, ~~2009~~ 2011, the date that section 5112.19 of the Revised Code is repealed by division (A) of this section, shall be used solely for the purposes stated in then former section 5112.19 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5112.19 of the Revised Code is repealed under division (A) of this section, the fund shall cease to exist.

Section 640.11. That existing Section 153 of Am. Sub. H.B. 117 of the 121st General Assembly, as most recently amended by Am. Sub. H.B. 119 of the 127th General Assembly, is hereby repealed.

Section 690.10. That Section 325.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed.

Section 701.10. EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES

(A) As used in this section, "appointing authority" has the same meaning as in section 124.01 of the Revised Code, and "exempt employee" has the same meaning as in section 124.152 of the Revised Code.

(B) Notwithstanding section 124.181 of the Revised Code, both of the following apply:

(1) In cases where no vacancy exists, an appointing authority may, with the written consent of an exempt employee, assign duties of a higher classification to that exempt employee for a period of time not to exceed two years, and that exempt employee shall receive compensation at a rate commensurate with the duties of the higher classification.

(2) If necessary, exempt employees who are assigned to duties within their agency to maintain operations during the Ohio

Administrative Knowledge System (OAKS) implementation may agree to 123905
a temporary assignment that exceeds the two-year limit. 123906

Section 701.20. FINANCIAL PLANNING AND SUPERVISION 123907
COMMISSIONS 123908

For any Financial Planning and Supervision Commission 123909
established prior to the effective date of the amendment of 123910
section 118.05 of the Revised Code by the Main Operating 123911
Appropriations Act of the 128th General Assembly, four members 123912
constitute a quorum and the affirmative vote of four members is 123913
necessary for any action taken by vote of the commission. 123914

Section 701.30. SCIENCE AND TECHNOLOGY COLLABORATION 123915

The Department of Development, the Board of Regents, the Air 123916
Quality Development Authority, the Department of Agriculture, and 123917
the Third Frontier Commission shall collaborate in relation to 123918
appropriation items and programs referred to as Technology-based 123919
Economic Development Programs in this section, and other 123920
technology-related appropriations and programs in the Department 123921
of Development, Air Quality Development Authority, Department of 123922
Agriculture, and the Board of Regents as these agencies may 123923
designate, to ensure implementation of a coherent state science 123924
and technology strategy. 123925

To the extent permitted by law, the Air Quality Development 123926
Authority shall assure that coal research and development 123927
programs, proposals, and projects consider or incorporate 123928
collaborations with Third Frontier Project programs and grantees 123929
and with Technology-based Economic Development Programs and 123930
grantees. 123931

"Technology-based Economic Development Programs" means 123932
appropriation items 195401, Thomas Edison Program; 898402, Coal 123933
Development Office; 195422, Technology Action; 898604, Coal 123934

Research and Development Fund; 235433, Economic Growth Challenge; 123935
235508, Air Force Institute of Technology; 235510, Ohio 123936
Supercomputer Center; 235535, Ohio Agricultural Research and 123937
Development Center; 235556, Ohio Academic Resources Network; 123938
195435, Biomedical Research and Technology Transfer; 195687, Third 123939
Frontier Research & Development Projects; C23506, Third Frontier 123940
Project; 195692, Research & Development Taxable Bond Projects; 123941
195694, Jobs Fund Bioproducts; 195695, Jobs Fund Biomedical; and 123942
tax credits supporting the Ohio Venture Capital Authority and 123943
Technology Investment Tax Credit programs. 123944

Technology-based Economic Development Programs shall be 123945
managed and administered in accordance with the following 123946
objectives: (1) to build on existing competitive research 123947
strengths; (2) to encourage new and emerging discoveries and 123948
commercialization of products and ideas that will benefit the Ohio 123949
economy; and (3) to assure improved collaboration among programs 123950
administered by the Third Frontier Commission and with other state 123951
programs that are intended to improve economic growth and job 123952
creation. As directed by the Third Frontier Commission, 123953
Technology-based Economic Development Program managers shall 123954
report to the Commission or the Third Frontier Advisory Board 123955
regarding the contributions of their programs to achieving these 123956
objectives. 123957

Each Technology-based Economic Development Program shall be 123958
reviewed annually by the Third Frontier Commission with respect to 123959
its development of complementary relationships within a combined 123960
state science and technology investment portfolio, and with 123961
respect to its overall contribution to the state's science and 123962
technology strategy, including the adoption of appropriately 123963
consistent criteria for: (1) the scientific and technical merit 123964
and relationship to Ohio's research strengths of activities 123965
supported by the program; (2) the relevance of the program's 123966

activities to commercial opportunities in the private sector; (3) 123967
the private sector's involvement in a process that continually 123968
evaluates commercial opportunities to use the work supported by 123969
the program; and (4) the ability of the program and recipients of 123970
grant funding from the program to engage in activities that are 123971
collaborative, complementary, and efficient in the expenditure of 123972
state funds. Each Technology-based Economic Development Program 123973
shall provide an annual report to the Third Frontier Commission 123974
that discusses existing, planned, or possible collaborations 123975
between programs and between recipients of grant funding related 123976
to technology, development, commercialization, and the support of 123977
Ohio's economic development. The annual review conducted by the 123978
Third Frontier Commission shall be a comprehensive review of the 123979
entire state science and technology program portfolio rather than 123980
a review of individual programs. 123981

Applicants for Third Frontier and Technology-based Economic 123982
Development Programs funding shall identify their requirements for 123983
high-performance computing facilities and services, including both 123984
hardware and software, in all proposals. If an applicant's 123985
requirements exceed approximately \$100,000 for a proposal, the 123986
Ohio Supercomputer Center shall convene a panel of experts. The 123987
panel shall review the proposal to determine whether the 123988
proposal's requirements can be met through Ohio Supercomputer 123989
Center facilities or through other means and report such 123990
information to the Third Frontier Commission. 123991

To ensure that the state receives the maximum benefit from 123992
its investment in the Third Frontier Project and the NextGen 123993
Network, organizations receiving Third Frontier awards and 123994
Technology-based Economic Development Programs awards shall, as 123995
appropriate, be expected to have a connection to the NextGen 123996
Network that enables them and their collaborators to achieve award 123997
objectives through the NextGen Network. 123998

Section 701.40. The General Assembly intends that all funds 123999
appropriated or otherwise made available by the state for fiscal 124000
stabilization or recovery purposes, or by the American Recovery 124001
and Reinvestment Act of 2009, shall be used, to the extent 124002
possible, in accordance with the preferences established in 124003
section 125.09 of the Revised Code to purchase products made and 124004
services performed in the United States and in this state. The 124005
General Assembly further recognizes that a preference for buying 124006
goods and materials that are produced, and services that are 124007
performed, in the United States for projects is important for 124008
maximizing the creation of American jobs and restoring economic 124009
growth and opportunity. 124010

If any person requests or obtains a waiver of the preferences 124011
referred to in the first paragraph of this section, the Director 124012
of Administrative Services shall publish information identifying 124013
the person and the product or service with regard to which the 124014
waiver was requested or obtained. The purpose of publishing this 124015
identifying information is to enhance opportunities for producers, 124016
service providers, and workers to identify and provide products 124017
made and services performed in the United States and this state, 124018
and thereby to maximize the success of the fiscal stabilization 124019
and economic recovery program. The director shall publish the 124020
identifying information on an internet web site maintained by the 124021
Department of Administrative Services. 124022

Section 701.50. If a state agency, including a state 124023
university as defined in section 3345.011 of the Revised Code and 124024
the Ohio Housing Finance Agency, the Third Frontier Commission, 124025
the Clean Ohio Council, and the Ohio School Facilities Commission, 124026
has failed to comply with the set-aside requirement in division 124027
(B) of section 125.081 of the Revised Code, or to comply with the 124028
procurement goals specified under division (B)(2) or (14) of 124029

section 123.152 of the Revised Code, the state agency shall 124030
establish, not later than December 31, 2009, a long-term plan for 124031
complying with those provisions. 124032

Section 701.60. As soon as possible after this section takes 124033
effect, the Speaker of the House of Representatives and the 124034
President of the Senate shall make or remake appointments of ex 124035
officio members to the Commission on Hispanic-Latino Affairs as 124036
may be necessary to bring the ex officio membership of the 124037
commission into conformity with the amendments by this act to 124038
section 121.31 of the Revised Code. 124039

Section 701.70. It is the intent of the General Assembly that 124040
the Superintendent of Financial Institutions take any action 124041
necessary to provide for an orderly transition for those persons 124042
who, on the effective date of this section, hold mortgage lender 124043
certificates of registration under sections 1321.51 to 1321.60 of 124044
the Revised Code, mortgage broker certificates of registration 124045
under sections 1322.01 to 1322.12 of the Revised Code, or loan 124046
officer licenses under sections 1322.01 to 1322.12 of the Revised 124047
Code, and for those persons who, on the effective date of this 124048
section, perform the functions or duties of loan originators, as 124049
specified in this act. 124050

Section 709.10. (A) There is hereby created in the Department 124051
of Agriculture the Ohio Beekeepers Task Force consisting of the 124052
following members: 124053

(1) Two members of the standing committee of the House of 124054
Representatives that is primarily responsible for considering 124055
agricultural matters appointed by the Governor, each from a 124056
different political party; 124057

(2) Two members of the standing committee of the Senate that 124058
is primarily responsible for considering agricultural matters 124059

appointed by the Governor, each from a different political party;	124060
(3) The Chief of the Division of Plant Industry in the	124061
Department of Agriculture or the Chief's designee;	124062
(4) The Director of Natural Resources or the Director's	124063
designee;	124064
(5) Two representatives of the Ohio State Beekeepers	124065
Association appointed by the Association;	124066
(6) The Director of The Ohio State University Extension or	124067
the Director's designee;	124068
(7) An apiculture specialist of The Ohio State University	124069
Extension appointed by the Director of The Ohio State University	124070
Extension;	124071
(8) The Chair of The Ohio State University Department of	124072
Entomology or the Chair's designee;	124073
(9) A representative of the Ohio Produce Growers and	124074
Marketing Association appointed by the Association;	124075
(10) A representative of the Ohio Farm Bureau Federation Bee	124076
and Honey Committee appointed by the Federation;	124077
(11) A representative of the Ohio Farmers Union appointed by	124078
the Union;	124079
(12) A representative of the County Commissioners Association	124080
of Ohio appointed by the Association.	124081
(B) The members shall be appointed not later than sixty days	124082
after the effective date of this section. The Task Force shall	124083
hold its first meeting not later than ninety days after the	124084
effective date of this section.	124085
(C) The Governor shall select a chairperson and	124086
vice-chairperson from among the members of the Task Force. The	124087
chairperson may appoint a secretary.	124088

(D) The members of the Task Force shall receive no 124089
compensation for their services. 124090

(E) Not later than ten months after the effective date of 124091
this section, the Ohio Beekeepers Task Force shall submit a report 124092
to the Governor, the President of the Senate, the Speaker of the 124093
House of Representatives, and the Ohio State Beekeepers 124094
Association. The report shall do all of the following: 124095

(1) Provide an overview of the characteristics of the 124096
honeybee crisis in Ohio; 124097

(2) Examine and provide an overview of and conclusions 124098
regarding whether pollinator shortages are affecting crop 124099
pollination in Ohio; 124100

(3) Review and provide an overview of the Ohio Honeybee 124101
Emergency Action Plan; 124102

(4) Review and provide a summary of the federal initiatives 124103
regarding Ohio's bee population and of all of the Department of 124104
Agriculture's and the Ohio State Beekeepers Association's programs 124105
concerning Ohio's bee population; 124106

(5) Provide an overview of the five-year goals of the 124107
Department of Agriculture concerning honeybees, including 124108
recommendations for the restoration of Ohio's bee population; 124109

(6) Examine and describe the funding that is available for 124110
honeybee programs and issues affecting honeybees; 124111

(7) Any other issues that the Task Force considers 124112
appropriate. 124113

(F) Not later than ninety days following the submission of 124114
the report, the Task Force shall meet and respond to any question 124115
from a person who received the report. The Task Force shall cease 124116
to exist upon submitting its response to all questions from 124117
persons who received the report. 124118

Section 713.10. In accordance with section 1332.24 of the Revised Code, as amended by this act, the Director of Commerce may impose upon and collect an annual assessment on video service providers for fiscal year 2010. Notwithstanding the dates otherwise specified in that section, video service providers shall submit subscriber counts for the preceding calendar year not later than October 9, 2009; the Director shall send to each provider to be assessed written notice of its proportional amount of the total assessment by October 16, 2009; and the provider shall pay that amount not later than October 30, 2009.

Section 721.10. (A) In Lorain County, all proceedings that are within the jurisdiction of the Probate Court under Chapter 2101. and other provisions of the Revised Code that are pending before a judge of the Domestic Relations Division of the Lorain County Court of Common Pleas on the effective date of this act shall remain with that judge of the Domestic Relations Division of the Lorain County Court of Common Pleas. All proceedings that are within the jurisdiction of the Domestic Relations Division of the Lorain County Court of Common Pleas under Chapter 2301. and other provisions of the Revised Code that are pending before the probate judge of the Lorain County Probate Court on September 29, 2009, shall remain with that probate judge of the Lorain County Probate Court.

(B) The successors to the judge of the Lorain County Court of Common Pleas who was elected pursuant to section 2301.02 of the Revised Code in 2008 for a term that began on February 9, 2009, shall be elected in 2014 and thereafter pursuant to section 2101.02 of the Revised Code as judges of the probate division of the Lorain County Court of Common Pleas.

Section 737.10. The Director of Budget and Management shall

study the economic viability of tracks where permit holders 124149
conduct live horse racing. Not later than thirty days after the 124150
effective date of this section, the director shall prepare a 124151
report that includes the findings resulting from the study and 124152
that makes recommendations regarding ways to ensure the economic 124153
viability of tracks. The director shall transmit a copy of the 124154
report to the Governor, the Speaker of the House of 124155
Representatives, and the President of the Senate. 124156

Section 741.10. PAYROLL REDUCTION STRATEGIES 124157

Notwithstanding any other provision of law to the contrary, 124158
the Office of Collective Bargaining of the Department of 124159
Administrative Services is authorized to negotiate with the 124160
respective state collective bargaining units various payroll 124161
reduction strategies through the collective bargaining process 124162
prior to July 1, 2009, including, but not limited to, reductions 124163
in pay for fiscal years 2010 and 2011 and an increase in each 124164
state employee's share of dental, vision, and life insurance 124165
benefits for those fiscal years. If the Office successfully 124166
negotiates or reaches alternative payroll reduction strategies 124167
through the collective bargaining process, those payroll reduction 124168
strategies shall be implemented. The total amount of state 124169
employee payroll reduction strategy savings to be negotiated or 124170
implemented for each of those fiscal years shall be between 124171
\$170,000,000 and \$200,000,000, unless otherwise agreed to by the 124172
Office of Collective Bargaining and the Director of Budget and 124173
Management. The Director of Budget and Management is authorized to 124174
transfer cash from non-General Revenue Fund funds to the General 124175
Revenue Fund to carry out this section. 124176

Section 743.10. If a petition seeks the holding of an 124177
election on Sunday liquor sales on or after the effective date of 124178

this section under question (B)(1), (2), or (3) of section 124179
4301.351 or 4301.354 of the Revised Code, under question (B)(2) of 124180
section 4301.355 of the Revised Code, or under section 4301.356 of 124181
the Revised Code and the petition contains signatures that were 124182
placed on it before the effective date of this section, the 124183
petition is not invalid merely because the question or questions 124184
sought to be submitted to the electors and contained in the 124185
petition state that Sunday liquor sales may commence beginning at 124186
1 p.m. rather than 11 a.m. 124187

Section 743.11. (A) Notwithstanding division (A)(3) of 124188
section 4303.182 of the Revised Code, as amended by this act, the 124189
electors in a precinct in which the first hour of sale on Sunday 124190
was changed from one p.m. to eleven a.m. by operation of that 124191
division may petition to hold an election to revert that first 124192
hour of sale to one p.m. That election shall be held under the 124193
following conditions: 124194

(1) At the first general election that occurs after the 124195
effective date of this section unless that general election will 124196
be held less than one hundred thirty-five days after that date, in 124197
which case the election shall be held at the immediately following 124198
general election; 124199

(2) Under division (B)(1), (2), or (3) of section 4301.351 or 124200
4301.354 of the Revised Code, under division (B)(2) of section 124201
4301.355 of the Revised Code, or under section 4301.356 of the 124202
Revised Code, as applicable, except that the starting time for 124203
sales under the question shall be one p.m. rather than eleven 124204
a.m.; 124205

(3) In accordance with the applicable requirements and 124206
provisions governing elections that are held under those divisions 124207
or that section and that are established under Chapter 4301. of 124208
the Revised Code. 124209

(B) Not later than forty-five days after the effective date 124210
of this section, the Superintendent of Liquor Control shall 124211
publish notice of the provisions of division (A) of this section 124212
in a newspaper of general circulation in each county of the state. 124213
124214

Section 745.10. For the time period beginning on the 124215
effective date of this section and ending June 30, 2010: 124216

(A) Notwithstanding division (N) of section 4517.01 of the 124217
Revised Code, "salesperson" shall include any person employed by a 124218
manufactured home broker to sell, display, and offer for sale, or 124219
deal in manufactured homes or mobile homes for a commission, 124220
compensation, or other valuable consideration, but does not 124221
include any public officer performing official duties. 124222

(B)(1) For purposes of section 4517.03 of the Revised Code, 124223
if a licensed new or used motor vehicle dealer also is a licensed 124224
manufactured home park operator, all of the following apply: 124225

(a) An established place of business that is located in the 124226
operator's manufactured home park and that is used for selling, 124227
leasing, and renting manufactured homes and mobile homes in that 124228
manufactured home park shall be considered as used exclusively for 124229
that purpose even though rent and other activities related to the 124230
operation of the manufactured home park take place at the same 124231
location or office. 124232

(b) The dealer's established place of business in the 124233
manufactured home park shall be staffed by someone licensed and 124234
regulated under Chapter 4517. of the Revised Code who could 124235
reasonably assist any retail customer with or without an 124236
appointment, but such established place of business shall not be 124237
required to satisfy office size, display lot size, and physical 124238
barrier requirements applicable to other used motor vehicle 124239
dealers. 124240

(c) The manufactured and mobile homes being offered for sale, 124241
lease, or rental by the dealer may be located on individual rental 124242
lots inside the operator's manufactured home park. 124243

(2) For purposes of section 4517.03 of the Revised Code, a 124244
place of business used for the brokering or sale of manufactured 124245
homes or mobile homes shall be considered as used exclusively for 124246
brokering, selling, displaying, offering for sale, or dealing in 124247
motor vehicles even though industrialized units, as defined by 124248
section 3781.06 of the Revised Code, are brokered, sold, 124249
displayed, offered for sale, or dealt at the same place of 124250
business. 124251

(C) Notwithstanding division (B) of section 4517.22 of the 124252
Revised Code, contracts may be signed, deposits taken, and sales 124253
consummated at a motor vehicle show at which the motor vehicles 124254
being displayed are new manufactured homes, as defined in division 124255
(C)(4) of section 3781.06 of the Revised Code. 124256

Section 745.20. Notwithstanding section 4781.16 of the 124257
Revised Code, any person licensed as a new motor vehicle dealer, 124258
used motor vehicle dealer, manufactured homes broker, or 124259
salesperson under Chapter 4517. of the Revised Code on June 30, 124260
2010, may continue to engage in the business of displaying, 124261
selling at retail, or brokering manufactured homes or mobile homes 124262
under the authority of such license until the license expires or 124263
until the manufactured homes commission issues or denies the 124264
person a manufactured housing dealer's license, manufactured 124265
housing broker's license, or manufactured housing salesperson's 124266
license under Chapter 4781. of the Revised Code, whichever occurs 124267
earlier. 124268

Section 745.30. Effective July 1, 2010, the manufactured 124269
homes commission may suspend or revoke any existing new motor 124270

vehicle dealer, used motor vehicle dealer, manufactured homes 124271
broker, or salesperson license issued to a person engaged in the 124272
business of displaying, selling at retail, or brokering 124273
manufactured homes or mobile homes, and such action may be 124274
appealed under section 4781.25 of the Revised Code. 124275

Section 745.40. Effective July 1, 2010, nothing in sections 124276
4517.01 to 4517.99 of the Revised Code shall be construed to apply 124277
to any of the following: 124278

(A) Manufactured homes as defined in division (C)(4) of 124279
section 3781.06 of the Revised Code; 124280

(B) Mobile homes as defined in division (O) of section 124281
4501.01 of the Revised Code; or 124282

(C) Dealers, brokers or salespersons of manufactured homes or 124283
mobile homes. 124284

Section 749.10. (A) The Ohio General Assembly finds that the 124285
funding for infrastructure and personnel of 9-1-1 systems in Ohio 124286
is disparate in meeting state and local needs. In response to 124287
these findings, there is hereby created the 9-1-1 Funding and 124288
Modernization Task Force to review current funding models and to 124289
research, analyze, and recommend to the General Assembly and the 124290
Governor appropriate future funding models and modernization 124291
policies to improve the effectiveness of infrastructure and 124292
personnel of 9-1-1 systems in Ohio. 124293

(B) The Task Force shall consist of the following members, 124294
appointed not later than sixty days after the effective date of 124295
this section: 124296

(1) Three members of the Ohio House of Representatives, with 124297
two appointed by the Speaker of the House of Representatives from 124298
the majority party and one appointed by the Minority Leader of the 124299

House from the minority party;	124300
(2) Three members of the Ohio Senate, with two appointed by the President of the Senate from the majority party and one appointed by the Minority Leader of the Senate from the minority party;	124301 124302 124303 124304
(3) The Chairperson of the Public Utilities Commission, or another commissioner appointed by the chairperson;	124305 124306
(4) The Director of Public Safety;	124307
(5) One representative selected by the County Commissioners' Association of Ohio and appointed by the Governor;	124308 124309
(6) One representative selected by the Ohio Municipal League and appointed by the Governor;	124310 124311
(7) One representative selected by the Ohio Township Association and appointed by the Governor;	124312 124313
(8) Two members of the public appointed by the Governor.	124314
(C) The Governor shall select a Task Force Chairperson and Vice-Chairperson from among its members. The Chairperson may appoint a Secretary. Task Force members shall serve without compensation. Vacancies shall be filled in the same manner as appointments. A majority of the members shall constitute a quorum.	124315 124316 124317 124318 124319
(D) The Task Force shall hold its inaugural meeting not later than ninety days after the effective date of this section. The Task Force shall meet at least once a month, either in person or utilizing telecommunication conferencing technology, until it completes the report required by this section.	124320 124321 124322 124323 124324
(E) Not later than ten months after the effective date of this section, the Task Force shall deliver a report to the Speaker of the House of Representatives, the President of the Senate, and the Governor. The Task Force shall coordinate with the Ohio 9-1-1 Council and the Wireless 9-1-1 Advisory Board in preparing the	124325 124326 124327 124328 124329

report. The report shall consist of the following:	124330
(1) An overview of the current state and local funding for 9-1-1 systems in Ohio and any existing modernization programs;	124331
(2) Information regarding differences in funding for the access of 9-1-1 systems in Ohio by persons using traditional wireline service as defined in section 4931.40 of the Revised Code, wireless telephone service, Voice over Internet Protocol technology, and any other major emerging telephone technology in common use, and an assessment of the parity of such funding;	124332
(3) A summary of reviewed federal initiatives related to 9-1-1 system funding and modernization;	124333
(4) A detailed analysis of the use of the funds disbursed by the state from the wireless 9-1-1 charge imposed pursuant to Am. Sub. H.B. 361 of the 125th General Assembly;	124334
(5) A detailed technical analysis of the current 9-1-1 services available in each county in Ohio, including the viability of consolidating adjacent 9-1-1 systems;	124335
(6) An analysis of the best practices of other states in 9-1-1 system funding and modernization;	124336
(7) Detailed recommendations for future state and local funding to achieve parity among technologies used to access 9-1-1 services and to provide, throughout Ohio, adequate infrastructure and personnel for the full implementation and operation of Phase II enhanced 9-1-1 service in accordance with 47 C.F.R. 20.18.	124337
(F) The Task Force shall cease to exist after delivering the report as required by this section.	124338
Section 751.10. MEDICAID COMMUNITY BEHAVIORAL HEALTH ELEVATION AND ADMINISTRATION ADVISORY GROUP	124339
(A) As used in this section:	124340

(1) "ADAMHS board" means all of the following:	124359
(a) Boards of alcohol, drug addiction, and mental health services;	124360 124361
(b) Alcohol and drug addiction services boards;	124362
(c) Community mental health boards.	124363
(2) "Community behavioral health services" means both of the following:	124364 124365
(a) Community mental health services certified by the Director of Mental Health under section 5119.611 of the Revised Code;	124366 124367 124368
(b) Services provided by an alcohol and drug addiction program certified by the Department of Alcohol and Drug Addiction Services under section 3793.06 of the Revised Code.	124369 124370 124371
(B) There is hereby created the Medicaid Community Behavioral Health Elevation and Administration Advisory Group. The Group shall consist of all of the following:	124372 124373 124374
(1) The Director of Mental Health or the Director's designee;	124375
(2) The Director of Alcohol and Drug Addiction Services or the Director's designee;	124376 124377
(3) The Director of Job and Family Services or the Director's designee;	124378 124379
(4) Subject to division (C) of this section, representatives of ADAMHS boards appointed by the co-chairpersons of the Group;	124380 124381
(5) Subject to division (C) of this section, representatives of providers of community behavioral health services appointed by the co-chairpersons of the Group;	124382 124383 124384
(6) Subject to division (C) of this section, consumers of community behavioral health services and advocates of such consumers appointed by the co-chairpersons of the Group;	124385 124386 124387

(7) The following state policy makers:	124388
(a) At the option of the Speaker of the House of Representatives, up to two members of the House of Representatives from different political parties appointed by the Speaker;	124389 124390 124391
(b) At the option of the Senate President, up to two members of the Senate from different political parties appointed by the Senate President;	124392 124393 124394
(c) Other state policy makers deemed necessary and appointed by the co-chairpersons of the Group.	124395 124396
(C) The Directors of Mental Health and Alcohol and Drug Addiction Services, or their designees, shall serve as co-chairpersons of the Medicaid Community Behavioral Health Elevation and Administration Advisory Group. The co-chairpersons shall determine the number of persons to be appointed under divisions (B)(4), (5), (6), and (7)(c) of this section. The co-chairpersons shall appoint the same number of persons under divisions (B)(4), (5), and (6) of this section so as to ensure balanced representation by the ADAMHS boards, providers, and consumers and consumer advocates. In making appointments under divisions (B)(4), (5), and (6) of this section, the co-chairpersons shall accept nominations from all of the following:	124397 124398 124399 124400 124401 124402 124403 124404 124405 124406 124407 124408 124409
(1) The Ohio Association of County Behavioral Health Authorities;	124410 124411
(2) The National Alliance on Mental Illness Ohio;	124412
(3) The Ohio Council of Behavioral Health and Family Services Providers;	124413 124414
(4) The Ohio Association of Child Caring Agencies;	124415
(5) The Ohio Citizens Advocates for Chemical Dependency Prevention and Treatment;	124416 124417

(6) The Ohio Alliance for Recovery Providers;	124418
(7) The Ohio Federation for Children's Mental Health;	124419
(8) Other organizations that represent the interests of ADAMHS boards, providers, and consumers and consumer advocates.	124420 124421
(D) Members of the Medicaid Community Behavioral Health Elevation and Administration Advisory Group shall serve without compensation, except to the extent that serving on the Group is considered part of their regular employment duties. The Departments of Mental Health and Alcohol and Drug Addiction Services jointly may reimburse members of the Group for their reasonable travel expenses.	124422 124423 124424 124425 124426 124427 124428
(E) The Medicaid Community Behavioral Health Elevation and Administration Advisory Group shall study the statewide administration and management of Medicaid-covered community behavioral health services. Not later than June 30, 2010, the Group shall submit a report regarding its study to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include all of the following:	124429 124430 124431 124432 124433 124434 124435
(1) A plan for the uniform and statewide administration and management of Medicaid-covered community behavioral health services in accordance with federal requirements, including the applicable federal requirements of 42 C.F.R. Parts 431 and 433;	124436 124437 124438 124439
(2) A fiscal analysis of the impact that any changes to the system of paying providers of Medicaid-covered community behavioral health services and related management functions would have on the Departments of Mental Health and Alcohol and Drug Addiction Services and ADAMHS boards. The fiscal analysis shall include an examination of funding options for any such changes and focus on creating the most efficient and effective payment system possible.	124440 124441 124442 124443 124444 124445 124446 124447
(3) Recommendations for increasing efficiencies related to	124448

all of the following: 124449

(a) Submission of Medicaid claims for community behavioral health services; 124450
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(b) The processing and payment of Medicaid claims for community behavioral health services; 124452
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(c) Exchange of information regarding Medicaid-covered community behavioral health services and non-Medicaid-covered community behavioral health services. 124454
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(4) Recommendations for system changes needed to implement the statewide administration and management of the Medicaid-covered community behavioral health services. Such recommendations shall focus on increasing efficiencies, transparency, and accountability in order to improve the delivery of community behavioral health services. 124457
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(F) The Medicaid Community Behavioral Health Elevation and Administration Advisory Group shall cease to exist on submission of its report. 124463
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(G)(1) Subject to division (G)(2) of this section and not later than July 1, 2011, the Departments of Mental Health and Alcohol and Drug Addiction Services shall implement changes to the administration and management of Medicaid-covered community behavioral health services in a manner that is uniform, statewide, and consistent with federal requirements. The changes shall include changes to the system of paying providers of Medicaid-covered community behavioral health services. In implementing the changes, the Departments may adopt, in whole or in part, the recommendations included in the Medicaid Community Behavioral Health Elevation and Administration Advisory Group's report. The Departments shall implement the changes under the supervision of the Department of Job and Family Services. 124466
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(2) The Departments' implementation of changes to the 124479

administration of Medicaid-covered community behavioral health 124480
services under division (G)(1) of this section is subject to 124481
enactment or adoption of changes in state law, including state law 124482
regarding funding, that otherwise would conflict with the 124483
Departments' implementation of the changes. The Departments may 124484
take actions as part of the implementation of the changes as are 124485
consistent with state law. 124486

Section 751.13. STUDY REGARDING AMOUNT, DURATION, AND SCOPE 124487
OF COMMUNITY BEHAVIORAL HEALTH SERVICES 124488

(A) The Directors of Alcohol and Drug Addiction Services, 124489
Mental Health, and Job and Family Services shall convene a group 124490
consisting of representatives of all of the following: 124491

(1) Their departments; 124492

(2) Boards of alcohol, drug addiction, and mental health 124493
services; community mental health boards; and alcohol and drug 124494
addiction services boards; 124495

(3) Providers of community behavioral health services; 124496

(4) Consumers of community behavioral health services and 124497
advocates of such consumers. 124498

(B) Members of the group convened under this section shall 124499
serve without compensation, except to the extent that serving on 124500
the group is considered part of their regular employment duties. 124501

The group shall develop recommendations regarding the amount, 124502
duration, and scope of publicly funded community behavioral health 124503
services that should be available through Ohio's community 124504
behavioral health system, including recommendations regarding the 124505
conditions under which the services should be available. The group 124506
shall prepare a report with its recommendations. The group shall 124507
submit the report to the Governor and, in accordance with section 124508
101.68 of the Revised Code, the General Assembly not later than 124509

June 30, 2011. The group shall cease to exist on submission of the 124510
report. 124511

Section 751.20. SERVICE COORDINATION WORKGROUP 124512

(A) There is hereby created the Service Coordination 124513
Workgroup. The Workgroup shall consist of a representative of each 124514
of the following: 124515

(1) The Office of the Governor, appointed by the Governor; 124516

(2) The Department of Alcohol and Drug Addiction Services, 124517
appointed by the Director of Alcohol and Drug Addiction Services; 124518

(3) The Department of Education, appointed by the 124519
Superintendent of Public Instruction; 124520

(4) The Department of Health, appointed by the Director of 124521
Health; 124522

(5) The Department of Job and Family Services, appointed by 124523
the Director of Job and Family Services; 124524

(6) The Department of Mental Health, appointed by the 124525
Director of Mental Health; 124526

(7) The Department of Mental Retardation and Developmental 124527
Disabilities, appointed by the Director of Mental Retardation and 124528
Developmental Disabilities; 124529

(8) The Department of Youth Services, appointed by the 124530
Director of Youth Services; 124531

(9) The Office of Budget and Management, appointed by the 124532
Director of Budget and Management; 124533

(10) The Family and Children First Cabinet Council, appointed 124534
by the chairperson of the Council. 124535

(B) The representative of the Office of the Governor shall 124536
serve as chairperson of the Workgroup. 124537

(C) Members of the Workgroup shall serve without 124538
compensation, except to the extent that serving on the Workgroup 124539
is considered part of their regular employment duties. 124540

(D) The Workgroup shall develop procedures for coordinating 124541
services that the entities represented on the Workgroup provide to 124542
individuals under age twenty-one and the families of those 124543
individuals. In developing the procedures, the Workgroup shall 124544
focus on maximizing resources, reducing unnecessary costs, 124545
removing barriers to effective and efficient service coordination, 124546
eliminating duplicate services, prioritizing high risk 124547
populations, and any other matters the Workgroup considers 124548
relevant to service coordination. Not later than July 31, 2009, 124549
the Workgroup shall submit a report to the Governor with 124550
recommendations for implementing the procedures. 124551

(E) On receipt of the Governor's approval of the Workgroup's 124552
report, the Director of Budget and Management may seek Controlling 124553
Board approval to transfer cash between funds and appropriations 124554
between appropriation items as necessary to implement the 124555
Workgroup's recommendations. The transferred cash is hereby 124556
appropriated. 124557

(F) The Workgroup shall cease to exist June 30, 2011. 124558

Section 751.30. PROMPT PAYMENT POLICY WORKGROUP 124559

(A) There is hereby created the Prompt Payment Policy 124560
Workgroup. The Workgroup shall consist of the following members: 124561

(1) One representative of the Office of Budget and 124562
Management, appointed by the Director of Budget and Management; 124563

(2) Three representatives of the Department of Insurance, 124564
appointed by the Superintendent of Insurance; 124565

(3) Four representatives of the Office of Ohio Health Plans 124566
in the Department of Job and Family Services, appointed by the 124567

Director of Job and Family Services;	124568
(4) Two representatives of Ohio's Medicaid managed care plans, appointed by the Executive Director of Ohio's Care Coordination Plans;	124569 124570 124571
(5) Two representatives from the community of provider associations, one appointed by the Speaker of the House of Representatives and one appointed by the President of the Senate;	124572 124573 124574
(6) Two members of the Ohio House of Representatives, one appointed by the Speaker of the House of Representatives and one appointed by the Minority Leader;	124575 124576 124577
(7) Two members of the Ohio Senate, one appointed by the President of the Senate and one appointed by the Minority Leader.	124578 124579
(B) The Director of the Department of Job and Family Services, or the Director's designee, shall serve as chairperson of the Workgroup.	124580 124581 124582
(C) Members of the Workgroup shall serve without compensation, except to the extent that serving on the Workgroup is considered part of the members' regular employment duties.	124583 124584 124585
(D) The Workgroup shall do all of the following:	124586
(1) Recommend one set of regulations to govern prompt payment policies for Medicaid managed care plans;	124587 124588
(2) Research and analyze prompt payment policies related to aged medical claims within the health insurance industry and the Medicaid program;	124589 124590 124591
(3) Review general payment rules, payment policies related to electronic and paper claims, definitions of clean and unclean claims, late payment penalties, auditing requirements, and any other issues related to Medicaid prompt payment policy identified by the Workgroup;	124592 124593 124594 124595 124596
(4) Review statistical data on the compliance rates of	124597

current policies.	124598
(E) Not later than February 1, 2010, the Workgroup shall	124599
submit a report to the Governor and the majority and minority	124600
leadership in both Houses of the Ohio General Assembly. The report	124601
shall contain prompt payment policy recommendations for Ohio's	124602
Medicaid program.	124603
(F) The Workgroup shall cease to exist February 28, 2010.	124604
Section 751.40. The Director of Natural Resources shall enter	124605
into a memorandum of understanding with Farmers and Hunters	124606
Feeding the Hungry. The memorandum shall prescribe a method by	124607
which, during the period from July 1, 2009, through June 30, 2011,	124608
Farmers and Hunters Feeding the Hungry may donate venison to	124609
Ohio's food banks. The memorandum also shall prescribe methods	124610
that encourage private persons to make matching donations in money	124611
or food to Ohio's food banks that are equal or greater in value to	124612
the venison that is donated by the Farmers and Hunters Feeding the	124613
Hungry.	124614
Section 753.10. (A) The Director of Natural Resources shall	124615
enter into a memorandum of understanding with the Southeastern	124616
Ohio Port Authority to develop the future use of the property that	124617
formerly comprised the Marietta State Nursery. The memorandum	124618
shall provide for all of the following:	124619
(1) Sale of the property for highest and best use;	124620
(2) Sale and usage of the property that is compatible with	124621
neighboring properties;	124622
(3) Maximum financial return for the Department of Natural	124623
Resources;	124624
(4) Expeditious sale of parcels of the property.	124625
(B) The memorandum shall require contracted professional	124626

engineering services to provide both of the following:	124627
(1) A phase 1 environmental site assessment;	124628
(2) A master plan for property development, including all of the following:	124629 124630
(a) An inventory of site features and assets;	124631
(b) Collection of public input through a meeting and comment period;	124632 124633
(c) Identification of site usage areas such as commercial, light industrial, residential, recreational use, or green space use;	124634 124635 124636
(d) Lot lines and parcel sizes in concept;	124637
(e) Means of ingress and egress from State Route 7 and interior site access that are delineated in concept, including possible eastern access to the site with a rough calculation of cut and fill required for the construction of roads;	124638 124639 124640 124641
(f) Identification of utility services, locations, and capacities;	124642 124643
(g) Plans for compliance with subdivision regulations;	124644
(h) Recommendations for possible deed restrictions;	124645
(i) An evaluation of permits that must be obtained and other regulatory requirements that must be satisfied for purposes of the development of the property;	124646 124647 124648
(j) Any necessary maps.	124649
(C) The memorandum shall require the Southeastern Ohio Port Authority to do all of the following:	124650 124651
(1) Manage the formulation of the master plan;	124652
(2) Create a master plan brochure and sales brochures;	124653
(3) Market the property by mail, signage, and the web sites	124654

<i>www.pioneerspirit.us</i> and <i>www.Ohiosites.com</i> ;	124655
(4) Respond to sales leads;	124656
(5) Screen inquiries regarding the property;	124657
(6) Negotiate sales based on pricing guidelines established by the Department of Natural Resources;	124658 124659
(7) Present qualified purchase offers to the Department.	124660
(D) The memorandum shall specify that the Department of Natural Resources owns the property, that it may sell the property in lots to the Port Authority, and that the Port Authority then may sell the lots to individual private buyers.	124661 124662 124663 124664
(E) The memorandum shall specify that the Department of Natural Resources is responsible for paying for the environmental, engineering, graphic design, signage, and printing costs as invoices for those costs are received. The Department and the Port Authority shall agree to a cap for each of those invoices. In addition, the memorandum shall specify that as parcels of the property are transferred to private buyers, the Port Authority retains five per cent of the sale price of each parcel as a fee for services provided by the Port Authority.	124665 124666 124667 124668 124669 124670 124671 124672 124673
Section 753.20. (A) The Governor is authorized to execute a Governor's Deed in the name of the state conveying to the Dayton Public School District/Dayton Board of Education, ("grantee"), and its successors and assigns, all of the state's right, title, and interest in the following described real estate:	124674 124675 124676 124677 124678
STATE OF OHIO TO BOARD OF EDUCATION 45.3599 Acres	124679
Situated in Section 26, Township 2, Range 7 of the Miami River Survey, the City of Dayton, the County of Montgomery, the State of Ohio, being a 2.2361 acre portion of a 15 acres 30 rods tract conveyed to the State of Ohio as recorded in Deed Book U-2, Page 40, and being a 22.5673 acre portion of a 24.36 acre tract of	124680 124681 124682 124683 124684

land conveyed to the Trustees of the Southern Ohio Lunatic Asylum 124685
as recorded in Deed Book N-3, Page 233, being an 4.6813 acre 124686
portion of a 21.25 acre tract of land conveyed to the State of 124687
Ohio as recorded in Deed Book 169, Page 583, and being an 8.6742 124688
acre portion of a 33.5 acre tract as conveyed to the State of Ohio 124689
as recorded in Deed Book 169, Page 585, being an 7.2010 acre 124690
portion of a 10.544 acre tract of land as conveyed to the State of 124691
Ohio as recorded in Deed Book 138, Page 125 and being a portion of 124692
City of Dayton Lot Number 61376 and all of Lot Number 61377 of the 124693
revised and consecutive numbers of lots on the plat of the City of 124694
Dayton and more particularly bounded and described as follows: 124695

Beginning at a capped 5/8" Iron Pin found stamped "Woolpert" 124696
at the Southeast corner of a 2.881 acre tract being Parcel 2 of 124697
the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A, 124698
said point also being the northeast corner of an 8.338 acre tract 124699
of land conveyed to the Barry K. Humphries as recorded in 124700
Microfiche 01-0590A04 and the TRUE POINT OF BEGINNING; 124701

Thence with the east line of said 2.881 acre tract being 124702
Parcel 2 and the West line of a 24.36 acre tract of land conveyed 124703
to the Trustees of the Southern Ohio Lunatic Asylum as recorded in 124704
Deed Book N-3, Page 233, North 00°32' 15" East a distance of 124705
459.39 feet to a RR Spike set in the centerline of Wayne Avenue, 124706
passing a 5/8 inch iron pin set at the northeast corner of said 124707
2.881 acre tract and the south right of way of Wayne Avenue at 124708
429.39 feet; 124709

Thence with the centerline of Wayne Ave and the north lines 124710
of said 24.36 acre tract and said 21.25 acre tract, South 124711
89°18'28" East a distance of 790.80 feet to a RR spike set at the 124712
northwest comer of a 1.056 acre tract of land conveyed to the City 124713
of Dayton as recorded in M.F. No. 90-424 E09; 124714

Thence with the west line of said 1.056 acre tract and the 124715
east line of said 21.25 acre tract, South 01°17'05" West a 124716

distance of 230.89 feet to a 5/8 inch iron pin stamped "Riancho", 124717
passing a 5/8 inch iron set at the south right of way of Wayne 124718
Avenue at 30.00 feet; 124719

Thence with the south line of said 1.056 acre tract and the 124720
south line of a 1.056 acre tract of land conveyed to the City of 124721
Dayton as recorded in M.F. No. 78-725 B08, South 89°27' 55" East a 124722
distance of 400.00 feet to a found 5/8" iron pin and passing a 5/8 124723
inch iron pin found stamped "Riancho" at 200.00 feet; 124724

Thence with the east line of said 1.056 acre tract and the 124725
west line of said 33.5 acre tract as conveyed to the State of Ohio 124726
as recorded in Deed Book 169 Page 585, North 1°17'05" East a 124727
distance of 229.79 feet to a RR spike set, passing a 5/8 inch iron 124728
pin set at the south right of way of Wayne Avenue at 199.79 feet; 124729

Thence with the centerline of Wayne Avenue and the north line 124730
of said 33.5 acre tract, South 89°18'28" East a distance of 270.78 124731
feet to a RR spike set at the Intersection of the centerlines of 124732
Watervliet Avenue and Wayne Avenue; 124733

Thence with the centerline of Watervliet Avenue and with the 124734
northerly line of said 33.5 acre tract, South 55°21'16" East a 124735
distance of 231.10 feet to a RR spike set; 124736

Thence with the east line of said 33.5 acre tract and the 124737
west line of a 13.00 acre tract conveyed to the Board of Education 124738
of the Dayton City School District as recorded in Deed Book 1522, 124739
Page 341, South 00°48' 28" West a distance of 709.51 feet to a 5/8 124740
inch iron pin set; 124741

Thence with a new division line, North 89°11'12" West, a 124742
distance of 468.08 feet to a 5/8 inch iron pin set, in the west 124743
line of said 33.5 acre tract and the east line of said 21.25 acre 124744
tract, to a 5/8 inch iron pin set; 124745

Thence with the west line of said 33.5 acre tract and the 124746
east line of said 21.25 acre tract, North 01°07'55" East a 124747

distance of 141.74 feet to a 5/8 inch iron pin set; 124748

Thence with a new division line, North 89°15'53" West, 124749
passing the west line of said 21.25 acre tract and the east line 124750
of said 24.36 acre tract conveyed to The Trustees of the Southern 124751
Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 233 at a 124752
distance of 425.35 feet, for a total distance of 507.35 feet to a 124753
5/8 inch iron pin set; 124754

Thence with a new division line South 01°07'00" West passing 124755
the south line of 24.36 acre tract conveyed to The Trustees of the 124756
Southern Ohio Lunatic Asylum as recorded in Deed Book N-3, Page 124757
233 and the north line of said 10.544 acre tract at a distance of 124758
627.92 feet, for a total distance of 1,013.05 feet to a 5/8 inch 124759
iron pin set in the south line of said 10.544 acre tract; 124760

Thence with the south line of said 10.544 acre tract and the 124761
north line a 20.3 acre tract conveyed to the State of Ohio 124762
Department of Public Works for the use of the Department of Public 124763
Welfare, Dayton State Hospital as recorded in Deed Book 1326, Page 124764
247, North 88°52'07" West a distance of 808.89 feet to a 5/8 inch 124765
iron pin set in the east line of a 11.579 acre tract of land 124766
conveyed to the Hospice of Dayton as recorded in Microfiche 124767
94-0448C08; 124768

Thence with the east line of said 11.579 acre tract of land, 124769
the east line of said 8.338 acre tract as conveyed to Barry K. 124770
Humphries as recorded in M.F. number 01-0590 A04, the west line of 124771
said 10.544 acre tract, and the west line of said 2.36 acre tract, 124772
North 03°24 '08" West a distance of 956.68 feet to a 5/8 inch iron 124773
pin set; 124774

Thence with an easterly line of said 8.338 acre tract, the 124775
westerly line of said 24.36 acre tract, and the north line of said 124776
2.36 acre tract, North 49°49'38" East a distance of 275.99 feet to 124777
a capped 5/8 inch Iron Pin found stamped "LJB"; 124778

Thence with the east line of said 8.338 acre tract and the west line of a 24.36 acre tract, North 00°32'15" East a distance of 108.09 feet to a capped 5/8" Iron Pin stamped "Woolpert" and the TRUE POINT OF BEGINNING, containing 45.3599 acres more or less. Subject to all easements, agreements and right of ways of record.

The basis of bearings for this description is the easterly line of Parcel 2, South 00°32'15 West, as recorded in the Wilmington Woods Plat as recorded in Plat Book 134, Page 3A;

All iron pins set in the above boundary description are 5/8" (O.D.) 30" long with a plastic cap stamped "LJB"

(B)(1) Consideration for conveyance of the real estate described in division (A) of this section is the transfer to the state at no cost of 8.9874 acres adjacent to the remaining Twin Valley Behavioral Healthcare/Dayton Campus, subject to the following conditions:

(a) Within one hundred eighty days after conveyance of the real estate described in division (A) of this section, grantee at its own cost shall complete construction of a new western extension off of Mapleview Avenue to provide a new entrance roadway to the remaining Twin Valley Behavioral Healthcare/Dayton Campus and provide an easement to the state for full utilization of the roadway for the benefit of the remaining Twin Valley Behavioral Healthcare/Dayton Campus until the property described in division (B)(1) of this section is transferred to the state.

(b) Within three hundred forty days after the occupancy of the New Belmont High School, grantee shall demolish and environmentally restore the 8.9874 acres being transferred to the state.

(2) In lieu of the transfer of the 8.9874 acres, if the Director of Mental Health determines that the grantee has

insufficiently performed its construction, demolition, and 124810
environmental restoration obligations specified in division (B)(1) 124811
of this section, the grantee, as consideration, shall pay a 124812
purchase price of \$1,175,000.00 to the state, which is the 124813
appraised value of the 45.3599 acres described in division (A) of 124814
the section less the cost of demolition, site, and utility work. 124815

(C) The real estate described in division (A) of this section 124816
shall be conveyed as an entire tract and not in parcels. 124817

(D) Upon transfer of the 8.9874 acres to the state or payment 124818
of the purchase price, the Auditor of State, with the assistance 124819
of the Attorney General, shall prepare a deed to the real estate 124820
described in division (A) of this section. The deed shall state 124821
the consideration and shall be executed by the Governor in the 124822
name of the state, countersigned by the Secretary of State, sealed 124823
with the Great Seal of the State, presented in the Office of the 124824
Auditor of State for recording, and delivered to the grantee. The 124825
grantee shall present the deed for recording in the Office of the 124826
Montgomery County Recorder. 124827

(E) The grantee shall pay all costs associated with 124828
conveyance of the real estate described in division (A) of this 124829
section, including recordation costs of the deed. 124830

(F) If the payment of \$1,175,000.00 is made in lieu of the 124831
transfer of the 8.9874 acres to the state, the proceeds of the 124832
conveyance of the real estate described in division (A) of this 124833
section shall be deposited into the state treasury to the credit 124834
of the Department of Mental Health Trust Fund created by section 124835
5119.18 of the Revised Code and the easement described in division 124836
(B)(1)(a) of this section shall become a permanent easement. 124837

(G) The grantee shall not, during any period that any bonds 124838
issued by the state to finance or refinance all or a portion of 124839
the real estate described in division (A) of this section are 124840

outstanding, use any portion of the real estate for a private 124841
business use without the prior written consent of the state. 124842

As used in this division: 124843

"Private business use" means use, directly or indirectly, in 124844
a trade or business carried on by any private person other than 124845
use as a member of, and on the same basis as, the general public. 124846
Any activity carried on by a private person who is not a natural 124847
person shall be presumed to be a trade or business. 124848

"Private person" means any natural person or any artificial 124849
person, including a corporation, partnership, limited liability 124850
company, trust, or other entity and including the United States or 124851
any agency or instrumentality of the United States, but excluding 124852
any state, territory, or possession of the United States, the 124853
District of Columbia, or any political subdivision thereof that is 124854
referred to as a "State or local governmental unit" in Treasury 124855
Regulation § 1.103-1(a) and any person that is acting solely and 124856
directly as an officer or employee of or on behalf of any such 124857
governmental unit. 124858

(H) This section expires two years after its effective date. 124859

Section 757.10. (A) This section is intended as remedial 124860
legislation authorizing the exemption of airport property for 124861
which a port authority applied for tax exemption, but was denied 124862
because the applicant was a lessee and not the owner of the 124863
property, as required under section 5715.27 of the Revised Code as 124864
that section existed before its amendment by Sub. H.B. 160 of the 124865
127th General Assembly. 124866

(B) As used in this section: 124867

(1) "Eligible year" means any year for which taxes, 124868
penalties, and interest could have been remitted or abated, and 124869
the property placed on the exempt tax list, under a previous 124870

application for exemption if the application had not been 124871
dismissed as provided under division (A) of this section. 124872

(2) "Qualified property" means real property owned by a 124873
subdivision of this state, leased to a port authority created 124874
under Chapter 4582. of the Revised Code, and used as an airport, 124875
and that currently qualifies for exemption from taxation under any 124876
section of the Revised Code, but for which the application for 124877
exemption for an eligible year was dismissed by the Tax 124878
Commissioner as provided in division (A) of this section. 124879

(3) "Subdivision," "taxing authority," and "taxing unit" have 124880
the same meanings as in section 5705.01 of the Revised Code. 124881

(C) Notwithstanding section 5713.081 of the Revised Code, if 124882
an application for exemption from and abatement or remission of 124883
property taxes for qualified property was dismissed because of 124884
failure to comply with Chapter 5713., or section 5715.27 of the 124885
Revised Code as that section existed before its amendment by Sub. 124886
H.B. 160 of the 127th General Assembly, the current owner of 124887
qualified property, on or before January 1, 2010, may file with 124888
the Tax Commissioner an application requesting that the property 124889
be placed on the exempt tax list and that all paid or unpaid 124890
taxes, penalties, and interest on the property be abated or 124891
remitted, as appropriate, for each eligible year. The application 124892
shall be filed on the form prescribed by the Commissioner under 124893
section 5715.27 of the Revised Code. The owner shall include with 124894
the application a copy of the Commissioner's final determination 124895
dismissing the previous application and the certificate issued by 124896
the county treasurer under division (F) of this section. Failure 124897
to include the Commissioner's final determination that dismissed 124898
the previous application for exemption or the treasurer's 124899
certificate shall result in dismissal of the application filed 124900
under this section. 124901

(D) Upon receiving an application under this section, the Tax 124902

Commissioner shall determine if the applicant and the applicant's 124903
property satisfy the requirements for exemption, abatement, and 124904
remission under this section. If the requirements are satisfied, 124905
the Commissioner shall issue an order directing the auditor to 124906
place the property on the exempt tax list of the county and 124907
ordering that all paid or unpaid taxes, penalties, and interest be 124908
abated or remitted for every eligible year the property was 124909
qualified property. If the Commissioner determines that the 124910
property does not satisfy the requirements for exemption for one 124911
or more years, the Commissioner shall deny the application for 124912
those years and certify the finding to the county treasurer of the 124913
county in which the property is located for collection of all 124914
taxes, penalties, and interest and distribution thereof to the 124915
appropriate subdivisions. Tax payments for eligible years shall 124916
not be considered unpaid taxes for purposes of establishing 124917
jurisdiction to consider an application under this section. 124918

(E) The county auditor shall notify the county treasurer that 124919
any tax payments for eligible years that have not been distributed 124920
shall be held in a special fund pending a decision by the Tax 124921
Commissioner on an application filed under this section. No 124922
subdivision or other taxing unit is entitled to advance payment of 124923
such amounts under section 321.34 of the Revised Code. After the 124924
Commissioner issues a decision, the county auditor shall either 124925
remit the taxes, penalties, and interest to the applicant if the 124926
application is approved or distribute the taxes, penalties, and 124927
interest to the proper taxing authorities if the application for 124928
exemption is denied. 124929

(F) Upon request by the applicant, the county treasurer shall 124930
determine whether all taxes, penalties, and interest that were 124931
levied for all tax years that are not eligible years and whether 124932
all special assessments charged against the property have been 124933
paid in full. If so, the treasurer shall issue a certificate to 124934

the applicant stating that all such amounts have been paid, or, if 124935
not, the certificate shall list the tax years for which such 124936
taxes, penalties, interest, and special assessments remain unpaid. 124937

Section 759.10. Notwithstanding division (B)(1) of section 124938
5919.34 of the Revised Code, the number of participants in the 124939
Ohio National Guard Scholarship Program for the summer term 124940
occurring in the year 2009 shall be limited to the equivalent of 124941
one thousand full-time participants. 124942

Section 761.10. A wild, scenic, or recreational river area 124943
that was declared as such by the Director of Natural Resources 124944
under Chapter 1517. of the Revised Code prior to the effective 124945
date of this section shall retain its declaration as a wild, 124946
scenic, or recreational river area for purposes of sections 124947
1547.81 to 1547.84 of the Revised Code, as amended by this act. In 124948
addition, an advisory council for a wild, scenic, or recreational 124949
river area that was appointed by the Director under Chapter 1517. 124950
of the Revised Code prior to the effective date of this section 124951
shall continue to be the advisory council for the applicable wild, 124952
scenic, or recreational river area for purposes of sections 124953
1547.81 to 1547.84 of the Revised Code, as amended by this act. 124954
124955

Section 803.10. Section 1751.14 of the Revised Code, as 124956
amended by this act, shall apply only to policies, contracts, and 124957
agreements that are delivered, issued for delivery, or renewed in 124958
this state on or after July 1, 2010; section 3923.24 of the 124959
Revised Code, as amended by this act, shall apply only to policies 124960
of sickness and accident insurance and plans of health coverage 124961
that are established or modified in this state on or after July 1, 124962
2010; and section 3923.241, as enacted by this act, shall apply 124963
only to public employee health plans established or modified in 124964

this state on or after July 1, 2010. 124965

Section 803.12. Sections 1739.05, 1751.68, and 3923.84 of the 124966
Revised Code as amended or enacted by this act shall apply only to 124967
policies, contracts, agreements, or plans that are delivered, 124968
issued for delivery, or renewed in this state on or after six 124969
months after the effective date of this section. 124970

Section 803.20. Sections 718.04 and 5747.01 of the Revised 124971
Code, as amended by this act, first apply to taxable years 124972
beginning on or after January 1, 2010. 124973

Section 5747.113 of the Revised Code, as amended by this act, 124974
first applies to taxable years beginning on or after January 1, 124975
2009. 124976

Section 803.30. In anticipation of the amendments to section 124977
124.134 of the Revised Code taking effect on August 30, 2009, the 124978
Director of Administrative Services shall determine an additional, 124979
prorated amount of vacation leave for employees who are in their 124980
fourth, ninth, fourteenth, nineteenth, or twenty-fourth year of 124981
service to receive as a result of the transition occurring on that 124982
date. The additional, prorated amount shall be such that the 124983
affected employees are not harmed as a result of the transition, 124984
and shall be added to the vacation leave balances of the affected 124985
employees on August 30, 2009. 124986

Section 806.10. The items of law contained in this act, and 124987
their applications, are severable. If any item of law contained in 124988
this act, or if any application of any item of law contained in 124989
this act, is held invalid, the invalidity does not affect other 124990
items of law contained in this act and their applications that can 124991
be given effect without the invalid item of law or application. 124992
124993

Section 809.10. An item of law, other than an amending, 124994
enacting, or repealing clause, that composes the whole or part of 124995
an uncodified section contained in this act has no effect after 124996
June 30, 2011, unless its context clearly indicates otherwise. 124997

Section 812.10. Except as otherwise provided in this act, the 124998
amendment, enactment, or repeal by this act of a section is 124999
subject to the referendum under Ohio Constitution, Article II, 125000
Section 1c and therefore takes effect on the ninety-first day 125001
after this act is filed with the Secretary of State or, if a later 125002
effective date is specified below, on that date. 125003

The amendments by this act to sections 3733.02 and 4781.06 of 125004
the Revised Code take effect January 1, 2010. 125005

The amendment, enactment, or repeal by this act of sections 125006
4505.20, 4517.01, 4517.02, 4517.03, 4517.052, 4517.27, 4517.30, 125007
4517.33, 4517.43, 4781.02, 4781.04, 4781.05, 4781.16, 4781.17, 125008
4781.18, 4781.19, 4781.20, 4781.21, 4781.22, 4781.23, 4781.24, 125009
4781.25, and 4781.99 of the Revised Code takes effect July 1, 125010
2010. 125011

The enactment of sections 122.12 and 122.121 of the Revised 125012
Code takes effect July 1, 2011. 125013

The amendment or enactment of sections 1739.05, 1751.14, 125014
3923.24, 3923.241, 5743.15, 5743.61, and 5747.01 of the Revised 125015
Code takes effect January 1, 2010. 125016

The enactment of section 3903.77 of the Revised Code takes 125017
effect one year after the effective date specified in the first 125018
paragraph of this section. 125019

The enactment of section 4113.11 of the Revised Code takes 125020
effect January 1, 2011. 125021

Sections 803.10 and 803.20 of this act take effect January 1, 125022

2010. 125023

Section 812.20. The amendment, enactment, or repeal by this 125024
act of the sections listed below is exempt from the referendum 125025
because it is or relates to an appropriation for current expenses 125026
within the meaning of Ohio Constitution, Article II, Section 1d 125027
and section 1.471 of the Revised Code, or defines a tax levy 125028
within the meaning of Ohio Constitution, Article II, Section 1d, 125029
and therefore takes effect immediately when this act becomes law 125030
or, if a later effective date is specified below, on that date. 125031

Sections 117.54, 121.40, 121.401, 121.402, 124.03, 124.15, 125032
124.152, 124.18, 124.183, 124.34, 124.381, 124.382, 124.385, 125033
124.386, 124.392, 124.821, 124.822, 124.86, 126.05, 131.33, 125034
145.298, 307.79, 319.301, 319.302, 319.54, 321.24, 323.156, 125035
504.21, 901.20, 901.91, 903.082, 903.11, 903.25, 905.32, 905.33, 125036
905.331, 905.36, 905.38, 905.381, 905.50, 905.51, 905.52, 905.56, 125037
905.66, 907.13, 907.14, 907.16, 907.30, 907.31, 921.02, 921.06, 125038
921.09, 921.11, 921.13, 921.16, 921.22, 921.27, 921.29, 923.44, 125039
923.46, 927.51, 927.52, 927.53, 927.54, 927.56, 927.69, 927.70, 125040
927.701, 927.71, 927.74, 943.16, 1501.01, 1501.05, 1501.07, 125041
1501.30, 1504.01, 1504.02, 1504.03, 1504.04, 1506.01, 1507.01, 125042
1511.01, 1511.02, 1511.021, 1511.022, 1511.03, 1511.04, 1511.05, 125043
1511.06, 1511.07, 1511.071, 1511.08, 1514.08, 1514.13, 1515.08, 125044
1515.14, 1515.183, 1519.03, 1520.02, 1520.03, 1521.02, 1521.03, 125045
1521.031, 1521.04, 1521.061, 1521.062, 1521.064, 1521.07, 1521.10, 125046
1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 1521.18, 125047
1521.19, 1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 125048
1523.07, 1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 125049
1523.14, 1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 125050
1541.03, 1707.37, 3301.073, 3301.0718, 3301.122, 3301.68, 3301.82, 125051
3302.031, 3302.05, 3302.07, 3306.01, 3306.011, 3306.012, 3306.02, 125052
3306.03, 3306.031, 3306.04, 3306.05, 3306.051, 3306.052, 3306.06, 125053
3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3306.11, 3306.12, 125054

3306.13, 3306.14, 3306.15, 3306.16, 3306.17, 3306.18, 3306.19, 125055
3306.191, 3306.192, 3306.21, 3306.22, 3306.25, 3306.29, 3306.291, 125056
3306.292, 3306.30, 3306.31, 3306.32, 3306.321, 3306.33, 3306.34, 125057
3306.35, 3306.40, 3306.50, 3306.51, 3306.52, 3306.53, 3306.54, 125058
3306.55, 3306.56, 3306.57, 3307.31, 3307.64, 3309.41, 3309.48, 125059
3309.51, 3310.08, 3310.09, 3310.41, 3311.0510, 3311.06, 3311.19, 125060
3311.21, 3311.29, 3311.52, 3311.76, 3313.483, 3313.55, 3313.64, 125061
3313.642, 3313.843, 3313.98, 3313.981, 3314.028, 3314.075, 125062
3314.083, 3314.084, 3314.085, 3314.087, 3314.091, 3314.10, 125063
3314.13, 3314.35, 3316.041, 3316.06, 3316.20, 3317.011, 3317.018, 125064
3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 125065
3317.0210, 3317.0211, 3317.03, 3317.031, 3317.04, 3317.05, 125066
3317.051, 3317.053, 3317.061, 3317.063, 3317.081, 3317.082, 125067
3317.10, 3317.12, 3317.16, 3317.18, 3317.20, 3317.201, 3318.011, 125068
3318.051, 3319.221, 3319.57, 3319.70, 3319.71, 3323.091, 3323.14, 125069
3323.142, 3324.05, 3326.21, 3326.31, 3326.32, 3326.33, 3326.34, 125070
3326.38, 3326.51, 3327.02, 3327.04, 3327.05, 3329.16, 3333.04, 125071
3333.122, 3333.27, 3333.28, 3333.61, 3333.62, 3333.66, 3333.73, 125072
3333.83, 3333.91, 3349.242, 3353.20, 3365.01, 3704.14, 3704.143, 125073
3705.24, 3706.04, 3706.35, 3712.03, 3714.073, 3718.03, 3733.43, 125074
3745.015, 3748.01, 3748.04, 3748.07, 3748.12, 3748.13, 3901.3812, 125075
3923.90, 3923.91, 4117.02, 4117.12, 4117.24, 4501.29, 4503.068, 125076
4503.10, 4505.06, 5101.073, 5107.58, 5111.65, 5111.651, 5111.688, 125077
5111.689, 5111.874, 5111.875, 5112.40, 5112.41, 5112.42, 5112.43, 125078
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, 5112.48, 5123.0412, 125079
5126.05, 5126.24, 5703.80, 5715.26, 5725.18, 5727.84, 5729.03, 125080
5739.01, 5739.03, 5739.033, 5739.051, and 6111.044 of the Revised 125081
Code. 125082

The amendment by this act to section 124.134 of the Revised 125083
Code takes effect on August 30, 2009. 125084

The amendment, enactment, or repeal of sections 173.70, 125085
173.71, 173.72, 173.721, 173.722, 173.723, 173.724, 173.73, 125086

173.731, 173.732, 173.74, 173.741, 173.742, 173.75, 173.751, 125087
173.752, 173.753, 173.76, 173.77, 173.771, 173.772, 173.773, 125088
173.78, 173.79, 173.791, 173.80, 173.801, 173.802, 173.803, 125089
173.81, 173.811, 173.812, 173.813, 173.814, 173.815, 173.82, 125090
173.83, 173.831, 173.832, 173.833, 173.84, 173.85, 173.86, 125091
173.861, 173.87, 173.871, 173.872, 173.873, 173.874, 173.875, 125092
173.876, 173.88, 173.89, 173.891, 173.892, 173.90, 173.91, 173.99, 125093
3721.02, 3721.50, 3721.51, 3721.511, 3721.512, 3721.513, 3721.53, 125094
3721.55, 3721.56, 4301.43, 5111.222, 5111.231, 5111.24, 5111.25, 125095
5112.30, 5112.31, 5112.37, 5112.371, and 5112.372 of the Revised 125096
Code takes effect July 1, 2009. 125097

The repeal of sections 5112.40, 5112.41, 5112.42, 5112.43, 125098
5112.44, 5112.45, 5112.451, 5112.46, 5112.47, and 5112.48 of the 125099
Revised Code takes effect October 1, 2011. 125100

Sections of this act prefixed with section numbers in the 125101
200's, 300's, 400's, 500's, 700's, and 800's, except for Sections 125102
207.10.90, 241.20, 265.60.60, 265.70.20, 309.40.20, 309.50.30, 125103
313.20, 371.60.20, 371.70.20, 385.30, 399.20, 512.40, 523.10, 125104
701,20, 701.70, and 751.10 of this act. 125105

The amendment of Section 301.10.50 of H.B. 496 of the 127th 125106
General Assembly. 125107

The amendment of Section 153 of Am. Sub. H.B. 117 of the 125108
121st General Assembly. 125109

Sections 309.30.20, 309.30.30, 309.30.40, 309.30.50, 125110
309.30.60, and 309.30.70 of this act take effect July 1, 2009. 125111

Section 812.30. The sections that are listed in the left-hand 125112
column of the following table combine amendments by this act that 125113
are and that are not exempt from the referendum under Ohio 125114
Constitution, Article II, Sections 1c and 1d and section 1.471 of 125115
the Revised Code. 125116

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code, or define a tax levy within the meaning of Ohio Constitution, Article II, Section 1d, and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
			125117
			125118
			125119
			125120
			125121
			125122
			125123
			125124
			125125
			125126
			125127
			125128
			125129
			125130
121.04	All amendments except those described in the right-hand column	The amendment striking "Water;" the amendment replacing "conservation" with " <u>resources</u> "; and the amendment striking "Real estate and land management;"	125131
1521.05	All amendments except those described in the right-hand column	The amendments to division (B)	125132
1521.06	All amendments except those described in the right-hand column	The amendments to division (A)	125133
1521.063	All amendments except those described in the right-hand column	The amendments to divisions (A) and (A)(1) replacing "division of water" with "division of	125134

		soil and water resources"	
3301.07	The amendment that strikes through original division (N)	All amendments except the amendment described in the middle column	125135
3313.6410	Division (A)	Division (B)	125136
3314.03	All amendments except the amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	Amendments to divisions (A)(8), (A)(11)(g), (A)(15), and (A)(23)	125137
3314.08	The amendments to division (L) <u>(J)</u> (3); the amendments to division (M) <u>(K)</u> that follow "Revised Code"; and the amendments to division (Q) <u>(N)</u> (3)	All amendments except those described in the middle column	125138
3315.37	All amendments except the amendment described in the right-hand column	The amendment to the fourth paragraph that strikes through "3333.27,"	125139
3317.01	Division (B)	All amendments except those in division (B)	125140
3333.38	All amendments except the amendment described in the right-hand column	The amendment to division (A)(2) that strikes through "3333.27,"	125141
3345.32	All amendments except the amendment described in the right-hand column	The amendment to division (D) that strikes through "3333.27,"	125142
3734.57	The amendment to division (A) authorizing electronic payment of solid waste	All other amendments to division (A)	125143

	disposal fees		
4117.01	All amendments except those described in the right-hand column	The amendment to division (C)(5), the amendment striking the language from division (C)(15), and the amendments adjusting the division numbering in divisions (C)(16) and (17)	125144
5751.20	All amendments except those described in the right-hand column	The amendments to divisions (A)(2), (A)(3), and (B), effective July 1, 2009	125145

Section 812.40. The amendments by this act to sections 127.16 and 2921.13 of the Revised Code are subject to the referendum and take effect as follows:

(A) In the case of section 127.16 of the Revised Code, the amendment to division (D)(34) of the section takes effect on the ninety-first day after this act is filed with the Secretary of State, and the amendment to divisions (D)(35) and (36) of the section takes effect on July 1, 2009.

(B) In the case of section 2921.13 of the Revised Code, the amendments take effect July 1, 2009.

Section 812.50. The amendment by this act of section 4511.81 of the Revised Code takes effect at the earliest time permitted by law that is on or after the date on which the section, as it results from Am. Sub. H.B. 320 of the 127th General Assembly, takes effect.

Section 815.10. The General Assembly, applying the principle

stated in division (B) of section 1.52 of the Revised Code that 125162
amendments are to be harmonized if reasonably capable of 125163
simultaneous operation, finds that the following sections, 125164
presented in this act as composites of the sections as amended by 125165
the acts indicated, are the resulting versions of the sections in 125166
effect prior to the effective date of the sections as presented in 125167
this act: 125168

Section 9.314 of the Revised Code as amended by Am. Sub. H.B. 125169
106 and Sub. H.B. 204, both of the 125th General Assembly. 125170

Section 109.572 of the Revised Code as amended by Sub. H.B. 125171
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General 125172
Assembly. 125173

Section 109.77 of the Revised Code as amended by Am. Sub. 125174
H.B. 490, Sub. H.B. 545, and H.B. 675, all of the 124th General 125175
Assembly. 125176

Section 121.37 of the Revised Code as amended by both Sub. 125177
H.B. 289 and Am. Sub. H.B. 530 of the 126th General Assembly. 125178

Section 122.075 of the Revised Code as amended by Sub. H.B. 125179
245 and Sub. H.B. 251, both of the 126th General Assembly. 125180

Section 149.43 of the Revised Code as amended by Am. Sub. 125181
H.B. 214 and Am. Sub. S.B. 248, both of the 127th General 125182
Assembly. 125183

Section 1511.01 of the Revised Code as amended by Am. Sub. 125184
S.B. 73 and Am. Sub. S.B. 182, both of the 120th General Assembly. 125185

Section 1520.02 of the Revised Code as amended by Sub. H.B. 125186
443 and Am. Sub. H.B. 699, both of the 126th General Assembly. 125187

Section 1547.99 of the Revised Code as amended by Am. Sub. 125188
S.B. 17 and Am. Sub. S.B. 271, both of the 127th General Assembly. 125189
125190

Section 2913.46 of the Revised Code as amended by Am. Sub. S.B. 107, Am. Sub. S.B. 269, and Am. Sub. S.B. 293, all of the 121st General Assembly.	125191 125192 125193
Section 3313.614 of the Revised Code as amended by Am. Sub. H.B. 276 and Am. Sub. S.B. 311, both of the 126th General Assembly.	125194 125195 125196
Section 3313.64 of the Revised Code as amended by Am. Sub. H.B. 119 and Am. Sub. H.B. 214, both of the 127th General Assembly.	125197 125198 125199
Section 3319.291 of the Revised Code as amended by Sub. H.B. 428 and Am. Sub. H.B. 562, both of the 127th General Assembly.	125200 125201
Section 3733.02 of the Revised Code as amended by Am. Sub. H.B. 368 and Sub. S.B. 102, both of the 125th General Assembly.	125202 125203
Section 4169.02 of the Revised Code as amended by Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125204 125205
Section 4169.04 of the Revised Code as amended by Am. Sub. H.B. 535 and Am. Sub. S.B. 293, both of the 121st General Assembly.	125206 125207 125208
Section 4301.355 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125209 125210
Section 4303.182 of the Revised Code as amended by Am. Sub. H.B. 562 and Sub. S.B. 150, both of the 127th General Assembly.	125211 125212
Section 4507.03 of the Revised Code as amended by Sub. S.B. 96 of the 120th General Assembly and Sub. H.B. 9 of the 127th General Assembly.	125213 125214 125215
Section 4763.05 of the Revised Code as amended by Am. Sub. H.B. 699 and Am. Sub. S.B. 223, both of the 126th General Assembly.	125216 125217 125218
Section 4767.08 of the Revised Code as amended by Am. Sub. H.B. 138 and Sub. H.B. 531, both of the 123rd General Assembly.	125219 125220